



Islands Trust Council

Quarterly Meeting

Date: Tuesday, September 24, 2024 to Thursday, September 26, 2024
Time: See agenda for details
Location: Vancouver Island Conference Centre - Dodd Narrows Rooms A/B
101 Gordon Street, Nanaimo BC, enter off 80 Commercial Street

Pages

TUESDAY, SEPTEMBER 24, 2024

| | | | |
|---------|---|---------------------|---------|
| 1. | CALL TO ORDER / LAND ACKNOWLEDGEMENT | 12:30 PM - 12:45 PM | |
| 2. | APPROVAL OF AGENDA | | |
| 2.1 | <u>Review of the Agenda</u> | | |
| | Late items, new items, and re-ordering of the agenda | | |
| 2.2 | <u>Approval of the Agenda</u> | | |
| 3. | GENERAL BUSINESS ARISING | 12:45 PM - 1:30 PM | |
| 3.1 | <u>Consent Agenda Items</u> | | |
| | By general consent Islands Trust Council adopt the recommendation as presented in items 3.1.1 - 3.1.5.6. | | |
| 3.1.1 | Draft May 30, 2024 Trust Council Special Meeting Minutes | | 12 - 13 |
| | That Islands Trust Council adopt the minutes as presented. | | |
| 3.1.2 | Draft June 2024 Trust Council Quarterly Meeting Minutes | | 14 - 28 |
| | That Islands Trust Council adopt the minutes as presented. | | |
| 3.1.3 | Trust Council Follow-Up Action List | | 29 - 34 |
| | Receive for information. | | |
| 3.1.4 | Resolution without Meeting Report | | 35 - 36 |
| | Receive for information. | | |
| 3.1.5 | Islands Trust Active Priorities Chart | | 37 - 39 |
| 3.1.5.1 | Executive Committee Work Program Report | | 40 - 42 |
| | Chair Peter Luckham - verbal report | | |
| | That Trust Council approve the Executive Committee Work Program Report as presented. | | |

| | | |
|---------|--|-------------------|
| 3.1.5.2 | Governance Committee Work Program Report Chair Judi Gedye - verbal report That Trust Council approve the Governance Committee Work Program Report as presented. | 43 - 46 |
| 3.1.5.3 | Financial Planning Committee Work Program Report Chair Joe Bernardo - verbal report That Trust Council approve the Financial Planning Committee Work Program Report as presented. | 47 - 47 |
| 3.1.5.4 | Regional Planning Committee Work Program Report Chair Laura Patrick - verbal report That Trust Council approve the Regional Planning Committee Work Program Report as presented. | 48 - 53 |
| 3.1.5.5 | Trust Programs Committee Work Program Report Chair Kristina Evans - verbal report That Trust Council approve the Trust Programs Committee Work Program Report as presented. | 54 - 55 |
| 3.1.5.6 | Islands Trust Conservancy Report Chair Risa Smith - verbal report | 56 - 59 |
| 3.2 | <u>Discussion / Decision Items</u> | |
| | 3.2.1 Trustee Roundtable | 1:30 PM - 3:00 PM |
| 4. | CORRESPONDENCE | 3:00 PM - 3:15 PM |
| 4.1 | <u>2024-07-09 S Brands - Section 3 Wording</u> | 60 - 60 |
| 4.2 | <u>2024-07-20 Trustee Boland - Web Page for the Request to the Province Project</u> | 61 - 61 |
| | <u>BREAK 3:15 PM - 3:30 PM</u> | |
| 5. | ENGAGEMENT / COLLABORATION | 3:30 PM - 5:00 PM |
| 5.1 | <u>Delegations</u> | |
| | 5.1.1 Elsie Born, Salt Spring Island Poultry Club - Protecting Agricultural Land and Supporting Local Farmers | 62 - 65 |
| 5.2 | <u>Public Comments</u> | |
| 6. | EXECUTIVE | 5:00 PM - 5:05 PM |

6.1 Consent Agenda Items

By general consent Islands Trust Council adopt the recommendation as presented in items 6.1.1 and 6.1.2.

6.1.1 **Interim Chief Administrative Officer's Report** 66 - 69

Receive for information.

6.1.2 **Strategic Plan Quarterly Report** 70 - 83

Receive for information.

6.2 Discussion / Decision Items

6.2.1 **Provincial Review of Islands Trust - Request For Decision** 5:05 PM - 5:05 PM 84 - 104

1. That Trust Council request the Lieutenant Governor in Council for the Province of British Columbia to conduct a review of the Islands Trust's mandate, governance and structure.
2. That Trust Council make the request by submitting the letter attached as Appendix 1 to the Lieutenant Governor under Section 8(2)(e) of the *Islands Trust Act* outlining the potential scope of a review, including, but not limited to:
 - a. An assessment of the optimum governance model to preserve and protect the Trust area pursuant to the Province's vision for the future of the Trust area.
 - b. The object of the Islands Trust Act and clarification of the mandate of the organization.
 - c. The governance structure of the organization.
 - d. The alignment of decision-making processes and structures with the Declaration on the Rights of Indigenous Peoples Act.
 - e. The geographic scope of the organization and in particular authority over marine areas.
 - f. The funding mechanisms provided to the organization in light of a clarified mandate.
1. That the Executive Committee of Trust Council in conjunction with the Staff develop a communications strategy that informs the public of Trust Council's request for a comprehensive review of the *Islands Trust Act* and the reasons for it in advance of the next Provincial election.

6.2.2 Chief Administrative Officer Performance Evaluation Policy - Request for Decision 5:30 PM - 5:30 PM 105 - 115

1. That Trust Council establish a Chief Administrative Officer Performance Evaluation Policy Select Committee consisting of the members of the Executive Committee and the chairs of all four standing committees.

2. That Trust Council establish the terms of reference for the Chief Administrative Officer Performance Evaluation Policy Select Committee as follows:
 1. Review material provided by Trustee Falck and Trustee Patrick to Trust Council on December 7, 2023 regarding evaluation of Chief Administrative Officers;
 2. Engage a consultant to work with the Chief Administrative Officer Performance Evaluation Policy Select Committee, to develop a policy for the performance evaluation of the Islands Trust Chief Administrative Officer; and
 3. Make recommendations to Trust Council on adoption of a Chief Administrative Officer Performance Evaluation Policy.

1. That Trust Council approve spending of up to \$15,000 from the unspent funds approved for recruiting a new Chief Administrative Officer, to engage a consultant to develop a Chief Administrative Officer performance evaluation policy.

RECESS FOR THE DAY AT 5:30 PM

WEDNESDAY, SEPTEMBER 25, 2024

6.2.3 Interpretation of Islands Trust Act Section 3: Islands Trust Object - Briefing 8:30 AM - 10:00 AM 116 - 118

6.2.3.1 6.2.3 Supporting Materials

See Addendum

BREAK 10:00 AM to 10:15 AM

6.2.4 Approval of the Draft Islands Trust 2025-2028 Strategic Plan Elements - Request For Decision 10:15 AM - 11:30 AM 119 - 129

That Islands Trust Council:

1. Approve the Goals & Desired Outcomes, Strategic Directions, and Key Initiatives identified in the document entitled "*Draft Islands Trust Strategic Plan 2025-2028*";
1. Endorse prioritization of the key initiatives identified for the 2025/26 fiscal year in the document entitled "*Draft Islands Trust Council Strategic Plan 2025-2028*"; and
1. Request the Financial Planning Committee and staff to use the proposed activities for the 2025/26 fiscal year in the "*Draft Islands Trust Council Strategic Plan 2025-2028*" as a basis for developing a draft budget for the 2025/26 fiscal year.

7. TRUST AREA SERVICES 11:30 AM - 12:00 PM

7.1 Consent Agenda Items

By general consent Islands Trust Council adopt the recommendation as presented in items 7.1.1 and 7.1.2.

7.1.1 Director of Trust Area Services Report 130 - 134

Receive for information.

7.1.2 Legislative Monitoring Report - Briefing 135 - 171

Receive for information.

7.2 Discussion / Decision Items

7.2.1 Policy Statement Amendment Project (PSAP) - Draft Revisions to Address Jurisdiction, Clarity, Accuracy and Islets - Request For Decision 172 - 230

That Trust Council approve the proposed revisions to the draft Islands Trust Policy Statement in Appendix 1.

7.2.2 Policy Statement Amendment Project (PSAP) - Project Charter and Project Charter Implementation Plan - Request for Decision 231 - 255

1. That Islands Trust Council endorse Policy Statement Amendment Project Charter V9.
2. That Islands Trust Council approve additional spending of up \$40,000 in the 2024/25 budget to support the work of Trust Area Services and advancement of the Policy Statement project.

BREAK FOR LUNCH

12:00 PM to 1:00 PM

8. COMMITTEE OF THE WHOLE MEETING 1:00 PM - 3:30 PM

Trust Council will consider approving proposed revisions to the draft Policy Statement on the morning of September 25 (see agenda item 7.2.1). The updated draft Policy Statement that results from that session will be provided on screen for Committee of the Whole to support discussions about potential additional revisions.

See separate Committee of the Whole meeting agenda; to be circulated Friday, September 20th.

BREAK 3:30 PM - 3:45 PM

9. PLANNING SERVICES 3:45 PM - 5:00 PM

9.1 Consent Agenda Items

By general consent Islands Trust Council adopt the recommendation as presented in items 9.1.1 and 9.1.2.

9.1.1 Director of Planning Services Report 256 - 258

Receive for information.

9.1.2 Bylaw Enforcement Statistical Reports - Briefing 259 - 264

Receive for information.

9.2 Discussion / Decision Items

9.2.1 Bylaw Compliance and Enforcement Policy Review Updates - Request for Decision 265 - 310

1. That Trust Council approves the amended Bylaw Compliance and Enforcement Policy Review Updates Project Charter to include a Local Trust Committee Bylaw Compliance and Enforcement Policy Template.
2. That Trust Council endorse the draft amendments to Trust Council Bylaw Compliance and Enforcement Policy (Policy 5.5.1) and the Bylaw Compliance and Enforcement Best Practices manual.

9.2.2 Planning Staff Time Tracking - Development Application Processing and Cost Recovery - Briefing 311 - 327

9.2.3 Referrals to First Nations - Request For Decision 328 - 333

That Trust Council direct staff to:

1. Solicit First Nations to get their feedback about the referral processes, concerns and new initiatives;
2. Develop a work plan that captures planned actions advancing from this Request for Decision; and
3. Include this initiative in the Draft 2025-2028 Strategic Plan and the amended Reconciliation Action Plan

10. LEGISLATIVE & INFORMATION SERVICES 5:00 PM - 5:30 PM

10.1 Consent Agenda Items

By general consent Islands Trust Council adopt the recommendation as presented in item 10.1.1.

10.1.1 **Director of Legislative & Information Services Report** 334 - 335

Receive for information.

10.2 Discussion / Decision Items

10.2.1 **Trust Council Meeting Procedure Bylaw - Scheduling Amendment - Request For Decision** 336 - 338

That Trust Council give Bylaw 198, cited as "Islands Trust Council Meeting Procedures Bylaw, 2004, Amendment Bylaw No. 2, 2024" First Reading.

That Trust Council give Bylaw 198, cited as "Islands Trust Council Meeting Procedures Bylaw, 2004, Amendment Bylaw No. 2, 2024", Second Reading.

That Trust Council give Bylaw 198, cited as "Islands Trust Council Meeting Procedures Bylaw, 2004, Amendment Bylaw No. 2, 2024", Third Reading.

10.2.2 **Trust Council Bylaw 197 - Local Trust Committee Meeting Procedures Bylaw - Request For Decision** 339 - 348

That Trust Council give Bylaw 197, cited as "Local Trust Committees Meeting Procedures Bylaw, 2024", First Reading.

That Trust Council give Bylaw 197, cited as "Local Trust Committees Meeting Procedures Bylaw, 2024", Second Reading.

That Trust Council give Bylaw 197, cited as "Local Trust Committees Meeting Procedures Bylaw, 2024", Third Reading.

10.2.3 Amendment to Policy and Procedures Regarding Delegations to Trust Council - Request For Decision

349 - 355

*This item will be addressed if time permits

That Trust Council request Executive Committee to return to Trust Council with a draft bylaw to amend Trust Council's Meeting Procedure Bylaw 101 that:

1. Requires delegations to specify the action they are asking of Trust Council;
2. Establishes that any Trust Council direction in relation to disposition of delegations will allow time for staff to provide advice;
3. If time is of the essence, Trust Council's direction in relation to disposition of delegations will delegate a response to the Executive Committee or the Trust Council Chair;
4. Establishes approval authority for receipt of delegation and establishes a different deadline for receipt of delegations for matters on the agenda, and such a deadline would need to be after the release of the agenda outline to the public and before the start of the Trust Council meeting;
5. Establishes a maximum number of delegations per meeting and/or time limit for all delegations to maintain the integrity of the published agenda; and
6. Provides clear criteria for rejection of delegations, with a clear appeal process to Trust Council and 2/3 majority vote required of Trust Council to approve a rejected delegation.

10.2.4 Code of Conduct Review - Next Steps - Request For Decision

356 - 374

*This item will be addressed if time permits

That Trust Council schedule a Committee of the Whole meeting to discuss the draft Code of Conduct.

RECESS FOR THE DAY AT 5:30 PM

THURSDAY, SEPTEMBER 26, 2024

11. CLOSED MEETING

8:30 AM - 9:30 AM

That the Islands Trust Council close this meeting to the public subject to Section 90(1)(a),(c),(g), and (i) of the Community Charter in order to consider matters related to personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; labour relations or other employee relations; litigation or potential litigation affecting the municipality; the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and that the Interim Chief Administrative Officer and staff be invited to attend the closed session.

12. RISE AND REPORT

BREAK 9:30 AM - 9:45 AM

13. ADMINISTRATIVE SERVICES / FINANCE

9:45 AM - 10:45 AM

13.1 **Consent Agenda Items**

By general consent Islands Trust Council adopt the recommendation as presented in items 13.1.1, 13.1.2, and 13.1.3.

13.1.1 **Director of Administrative Services Report** 375 - 379

Receive for information.

13.1.2 **June 30, 2024 Financial Report - Request For Decision** 380 - 387

That Trust Council approve the June 30, 2024 Financial Report.

13.1.3 **2023/24 Statement of Financial Information (SOFI) - Request For Decision** 388 - 398

That Trust Council approve the 2023/24 Statement of Financial Information.

13.2 **Discussion / Decision Items**

13.2.1 **Draft 2025/26 Budget Assumptions, Principles, and Guidelines - Request For Decision** 399 - 408

That Trust Council approve Financial Planning Committee's recommended draft 2025/26 Budget Assumptions, Principles, and Guidelines as presented.

13.2.2 **Amendments to Policy 6.3.2 Special Property Tax Requisition - Request For Decision** 409 - 418

*This item will be addressed if time permits

That Trust Council approve the amendments to Policy 6.3.2 Special Property Tax Requisition as presented.

14. NEW BUSINESS

10:45 AM - 12:00 PM

14.1 **Dark Sky Principles Adoption Advocacy - Request For Decision** 419 - 421

Trustee Morrison

1. That Trust Council encourages Trustees to work with their communities to develop and build awareness of the principles of Dark Sky International and encourage voluntary adoption of the principles of Dark Sky International.
2. The Trust Council clarify its jurisdiction to control nighttime illumination in all contexts within the Trust Area for Official Community Plan and Bylaw adoption and enforcement across the Trust Area.
3. The Trust Council adopt and promote the principles of Dark Sky International.

14.2 Update on Work to Date on Action 26 (Advocate to Province for changes at the Provincial and regional level to support tiny homes on wheels) of the Islands Trust Housing Strategic Action Plan - Request for Decision

Trustee Boland, Campbell and Elliott

1. That implementation of the Islands Trust Housing Action Plan be included in the 2025-2028 Strategic Plan, and that Trust Council prioritize implementation of Objectives 23, 24 and 26, with a focus on enabling Tiny Homes On Wheels in the Trust Area. (RPC resolution 2024-020)
2. That Trust Council allocate \$20,000 (of the \$30,000 budgeted in fiscal 2024-2025 to advance the Housing Strategy and Housing Options Toolkit) to support coordination of roundtables and technical workshops with a focus on enabling Tiny Homes in the Trust Area. (RPC Resolution 2024-021)

QUICK LUNCH 12:00 PM - 12:30 PM

15. DISPOSITION OF DELEGATIONS/PUBLIC COMMENT & CORRESPONDENCE 12:30 PM - 12:45 PM

16. TRUSTEE UPDATES - Community Committee Participation

Written updates received for information only.

16.1 Atl'ka7tsem/Howe Sound Biosphere Region

None provided

16.2 Baynes Sound/Lambert Channel Ecosystem Forum

None provided

16.3 BC Ferries Advisory Committees

None provided

16.4 First Nations Relations

None provided

16.5 Freighter Anchorages/Oceans Protection Plan (OPP)

None provided

16.6 Shellfish Aquaculture Management Advisory Committee (SF AMAC)

428 - 430

Trustee Lironi

16.7 Southern Gulf Islands Forum

None provided

17. NEXT MEETING

The next Islands Trust Council Quarterly meeting is scheduled to be held in-person in Victoria December 3 - 5, 2024.

17.1 Proposed December Trust Council 3-day Program

431 - 431

For information.

18. ADJOURNMENT

1:00 PM - 1:00 PM



Trust Council

Minutes of a Special Meeting

Date of Meeting: Thursday, May 30, 2024

Location: Electronic Meeting

Executive Present:

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

Trustees Present:

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

Staff Present: Alexandra Trifonidis, Acting Executive Coordinator/Recorder

Members of the public present: No members of the public were present.

1. CALL TO ORDER

At 1:10 p.m., Chair Luckham called the meeting to order.

2. APPROVAL OF AGENDA

DRAFT

2.1 Introduction of New Items

No new items were introduced.

2.2 Approval of Agenda

By general consent the agenda was approved as presented.

3. CLOSED SESSION

TC-2024-050

It was MOVED by Trustee Fast, and SECONDED by Trustee Yates, that the Islands Trust Council close this meeting to the public subject to Section 90(1)(a) of the Community Charter in order to consider matters related to personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the Islands Trust or another position appointed by the Islands Trust; and that staff not attend the meeting.

CARRIED

The meeting was closed to the public at 1:16 p.m. and staff left the meeting.

4. ADJOURNMENT

By general consent the meeting adjourned at 2:07 p.m.

Peter Luckham, Chair

Certified Correct:

Alexandra Trifonidis, Recorder

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



Trust Council

Minutes of a Regular Meeting

- Date:** June 18 - 20, 2024
- Location:** Harbour House Hotel
121 Upper Ganges Road, Salt Spring Island, BC
- Executive Members Present:**
1. Peter Luckham, Chair Thetis Island
 2. Tobi Elliott, Vice-Chair, Gabriola Trustee
 3. David Maude, Vice-Chair, Mayne Trustee
 4. Timothy Peterson, Vice-Chair, Lasqueti Trustee
- Members Present:**
5. Sue Ellen Fast, Bowen Island Municipal Trustee
 6. Judith Gedye, Bowen Island Municipal Trustee
 7. Sam Borthwick, Denman Trustee
 8. David Graham, Denman Trustee
 9. Susan Yates, Gabriola Trustee
 10. Lisa Gauvreau, Galiano Trustee
 11. Ben Maberley, Galiano Trustee
 12. Joe Bernardo, Gambier Trustee
 13. Kate-Louise Stamford, Gambier Trustee
 14. Alex Allen, Hornby Trustee
 15. Grant Scott, Hornby Trustee (electronic attendance)
 16. Mikaila Lironi, Lasqueti Trustee
 17. Jeanine Dodds, Mayne Trustee (electronic attendance Thursday only)
 18. Aaron Campbell, North Pender Trustee
 19. Deb Morrison, North Pender Trustee
 20. Jamie Harris, Salt Spring Trustee
 21. Laura Patrick, Salt Spring Trustee
 22. Mairead Boland, Saturna Trustee (electronic attendance)
 23. Lee Middleton, Saturna Trustee (electronic attendance Thursday only)
 24. Kristina Evans, South Pender Trustee
 25. Dag Falck, South Pender Trustee (electronic attendance)
 26. Ken Hunter, Thetis Trustee
- Staff Present:**
- Russ Hotsenpiller, Chief Administrative Officer
David Marlor, Director, Legislative Services
Clare Frater, Director, Trust Area Services
Julia Mobbs, Director, Administrative Services
Stefan Cermak, Director, Planning Services
Joe Elliott, Islands Trust Senior Indigenous Relations Advisor
Alexandra Trifonidis, Executive Coordinator
Daphne Shaed, Computer Application Support Technician
Carolyn Stewart, Manager, Islands Trust Conservancy (Tuesday only)
Jason Youmans, Senior Policy Advisor (Wednesday only)
Lisa Millard, Recorder (electronic attendance)
- Members of the public present:** There were 50 members of the public in attendance.

Tuesday, June 18, 2024

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

1. TERRITORIAL WELCOME

Joe Elliott, Islands Trust Senior Indigenous Relations Advisor, introduced himself using his traditional name Tuwuxwul't-hw and acknowledged that the meeting is being held in the territory of the Coast Salish People including the Snuneymuxw, Stz'uminus, Penelakut, Lyackson, Halalt, Tsawout, Tsartlip, Tseycum, Pauquachin, T'sou-ke, Scia'new, Masset, and the Cowichan Nations. He spoke to fostering partnerships in environmental protection for the benefit of future generations and working in collaboration in building relationship with First Nations People who once managed the land.

Trustee Gedye joined the meeting at 12:45 p.m.

2. CALL TO ORDER / LAND ACKNOWLEDGEMENT

Chair Luckham called the meeting to order at 12:40 p.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

Chair Luckham introduced Cowichan Elder Dan O'Donnell who stated that there had never been a time that his family has not lived on Salt Spring Island. He spoke to his family's traditions of hunting and living from the land. He asked Trust Council work toward protecting the land from further environmental damage and ensuring access to the lands are not blocked.

Chair Luckham acknowledged that Friday June 21, 2024 is National Indigenous Peoples Day.

3. APPROVAL OF AGENDA

3.1 Review of the Agenda

The following additions to the agenda were presented for consideration:

- Item 20.1 Set date of the next Committee of the Whole meeting and elect Chair

3.2 Approval of Agenda

By general consent the agenda was approved as amended.

4. GENERAL BUSINESS ARISING

4.1 Consent Agenda Items

By general consent Islands Trust Council adopted the recommendations in items 4.1.1 and 4.1.2 as presented.

4.1.1 March 2024 Trust Council Quarterly draft meeting minutes

That Islands Trust Council adopt the minutes as presented.

4.1.2 Resolution without Meeting Report

Receive for information.

4.2 Discussion / Decision Items

4.2.1 Trustee Roundtable

The Trustees provided updates on the work of their Local Trust Committees and common topics included housing, First Nations reconciliation, and work on Official Community Plans.

Trustee Boland requested that her comments be included in the minutes. She stated that Islands Trust is a structurally unsound organization and urged the Minister of Municipal Affairs review and update the governance of the Islands Trust.

Trustee Scott joined the meeting at 1:55 p.m.

Chair Luckham introduced Kurt Irwin from Penelakut Tribes who stated he is a third generation Penelakut who continues to live off the land. He spoke to shared concerns about the viability of clams, oysters, and salmon within traditional harvesting areas due to contaminants entering Ganges Harbour and subdivisions being built on lands that were once hunted and harvested for medicines. He noted that Salt Spring Island is part of his traditional territory and as a Council Member with Penelakut he wants to build relationship and trust.

5. **ENGAGEMENT / COLLABORATION**

5.1 **Delegations**

5.1.1 Ted Olynk - BC Hydro Operations Update

The speaker provided an operations update which highlighted the following:

- The power loop that feeds Salt Spring, Galiano, Mayne, Saturna, North Pender, and South Pender Islands is being upgraded;
- Two submarine cable projects between Salt Spring, North Pender, and Maple Bay are being undertaken; and
- The projects will help lessen the impact of outages, some of which are due to increased weather events caused by climate change.

5.1.2 Peter Pare - The Gulf Islands Sue Big Oil Group

The speaker made the following comments:

- Sue Big Oil Group supports the idea of bringing a class action lawsuit to recover the costs of climate change;
- The argument to be made is that communities pay 100% of the costs associated with mitigation due to climate change while fossil fuel companies gain revenue;
- Requests local governments pledge \$1.00 (one dollar) per resident and Regional Districts and Islands Trust each pledge .50¢ (fifty cents) per resident to fund the lawsuit.

5.1.3 Glenn Stevens - Clean and Safe Harbours Initiative

The speaker noted the following:

- Boats used as live on boards need to be registered, have containment equipment, and not impede navigation, and mooring buoys need to be regulated;
- Islands Trust has power via bylaw authority to regulate and address the situation and must prioritize the cleanliness and safety of the marine environment, and
- Trustees have the duty to preserve and protect the environment.

5.1.4 Ronald Wright - Keep Salt Spring Sustainable

The speaker made the following comments:

- The Islands Trust Act was written with carefully chosen words including the mandate to preserve and protect the unique amenities and environment of the Gulf Islands for the benefit all of the people of BC; and
- They disagree with the content and the process that Islands Trust has undertaken to change the Trust Policy Statement.

5.1.5 Jennifer Margison - Friends of the Gulf Islands

The speaker spoke to the Draft Policy Statement and noted the following:

- Makes no reference that Trust Council is responsible for ensuring the Trust Area is to be protected for the benefit of all British Columbians;
- Contains ambiguous words which make policies suggestions while lacking coherent direction; and
- The intention of the Policy Statement is to enable Trustees to make decisions within the confines of the policy and any ambiguity undermines the ability of the Trust to fulfill its mandate.

The meeting was recessed for a break a 3:05 p.m. and reconvened at 3:25 p.m.

5.2 **Public Comments**

Members of the public made the following comments:

- Reconciliation is moving forward, more work needs to be done regarding climate change, and they hope that the ongoing housing crisis can be resolved without impacting the mandate of the Trust;
- Islands Trust is a special purpose government mandated to preserve and protect the islands and surrounding waters yet Ganges Harbour has the second largest collection of derelict vessels in Canada and they ask Islands Trust to assert authority and prioritize the clean up of the harbour;
- A guiding principal of Islands Trust is open consultative public participation and they are concerned about the lack of commitment to communicate with the public about the Policy Statement;
- Tourism is an economic driver for the island generating accommodation taxes that are put toward affordable housing and short term vacation rentals need to be treated the same as a bed and breakfast by regulation through bylaws and local licensing mechanisms;
- Environmental damage is occurring on the foreshore and marine environment due to people living on vessels without holding tanks, dumping of raw sewage

- overboard, and pumping contaminated bilge water into the harbour creating an environmental disaster and Islands Trust need prioritize this issue;
- Elected representatives are exemplars of what it means to be a community and while there are many different values and perspectives there is much consensus with exception to the dilution of statements in the Trust Policy Statement;
 - The carefully crafted mandate has served the Trust Area well, they have concerns that proposed changes will result in policies being compromised and ask that Islands Trust allow climate change to drive decisions and put environmental concerns above all other issues including housing;
 - An owner of an eco construction company specializing in low imprint housing said there is a need to unify people in conversation, address the live on board boat issue, and ensure that mechanisms are put into place to make alternative housing safe;
 - Section 4 of the Islands Trust Act can not be bypassed, the accountability for Trustees is explicit, Trust Council and Local Trust Committees exist to carry out the object of the Act, staff should also be required to do so, and Trust Council should require an annual audit of the CAO detailing compliance with the objective;
 - The mandate of Islands Trust is to preserve and protect the environment and unique amenities of the Trust Area, the Draft Trust Policy Statement does not establish meaningful protections, and priorities, objectives, directives, and enforcement of such are necessary;
 - It is the job of Islands Trust to ensure housing and a clean environment and Trustees need to solve the problem of ensuring adequate housing for everyone and help people succeed rather than criminalizing housing options; and
 - A song was performed about caring and understanding one another.

Trustee Dodds joined the meeting at 4:08 p.m.

6. EXECUTIVE

6.1 Consent Agenda Items

6.1.1 Executive Committee Work Program Report

Received for information.

6.2 Discussion / Decision Items

6.2.1 Chief Administrative Officer's Report

The written report was received and Chief Administrative Officer (CAO) Hotsenpiller indicated that he has confidence in the corporate planning process and encourages participation in the upcoming strategic planning session.

6.2.2 Overview of Strategic Plan Initiatives 2018-2024 – BRF

CAO Hotsenpiller noted that the briefing was included as a reference for Trustees in consideration of strategic planning.

Discussion ensued and concerns about time being spent on strategic planning instead of the Policy Statement were voiced. It was clarified that strategic planning needed to be finalized so focus could then move on to other work.

6.2.3 Review of Follow Up Action List – RFD

CAO Hotsenpiller indicated that the Follow Up Action List had been revised and the rationale for doing so was provided in the report.

TC-2024-051

It was MOVED by Trustee Yates, and SECONDED by Trustee Evans that Trust Council amend its Follow Up Action List by removing the following:

- a) Trust Council requested Executive Committee follow up with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) around forest management.
- b) In cooperation with Executive Committee, provide a list of needed resources in priority order to advance the Trust's reconciliation activity with First Nations in British Columbia that Council may debate and endorse for advocacy to British Columbia.

CARRIED

6.2.4 Trustee Access to Documents, Calendar and HTML Agendas – BRF

Director of Legislative Services David Marlor summarized the briefing.

Trustees indicated that a lot of time is spent trying to locate key documents and reiterated their preference for links embedded within an agenda that will take them to corresponding documents.

7. GOVERNANCE COMMITTEE

7.1 Governance Committee Chair's Report

Chair Gedye summarized the work program matrix and noted that a code of conduct review has been added as a priority.

The primary points of discussion included the need for the code of conduct review and providing information to the public regarding Islands Trust Act Section 3.

8. TRUST AREA SERVICES

Item 8 was moved to follow the Strategic Planning Session on June 19, 2024.

9. INCLUSIVE GOVERNANCE SESSION

MLA for Saanich North and the Southern Gulf Islands Adam Olsen introduced himself with his traditional name STHENEP and stated that he has lived on the Tsartlip First Nation (WJOLELP) his entire life. His talk identified the need for inclusive governance and change and he spoke to recognition of aboriginal rights, the need to work in a more integrated way with First Nations, and encouraged Trust Council to reaffirm a commitment to asking the Province to conduct a review of the Islands Trust mandate.

Wednesday, June 19, 2024

The meeting was reconvened at 9:00 a.m. Trustee Middleton was not in attendance.

10. STRATEGIC PLANNING SESSION

Trustees undertook a strategic planning session facilitated by Diana Mulvey, WCS Engagement & Planning to develop a strategic plan for 2025-2028.

The meeting was recessed for a break at 3:30 p.m. and reconvened at 3:45 p.m.

Trustee Boland left the meeting at 3:30 p.m.

Item 8: Trust Area Services was moved to be discussed following the break.

8. TRUST AREA SERVICES

8.1 Consent Agenda Items

By general consent Islands Trust Council adopted the recommendations in items 8.1.1, 8.1.2, and 8.1.3 as presented.

8.1.1 Director of Trust Area Services Report

That Trust Council approve the Director of Trust Area Services Report as presented.

8.1.2 Trust Programs Committee Work Program Report

That Trust Council approve the Trust Programs Committee Work Program Report as presented.

8.1.3 Legislative Monitoring Report, May 2024 - BRF

Received for information.

8.2 Discussion / Decision Items

8.2.1 2023/24 Draft Annual Report – RFD

It was **MOVED** by Trustee Evans, and **SECONDED** by Trustee Yates that the Islands Trust Council approve the 2023/24 Draft Annual Report for submission to the Minister of Municipal Affairs.

Trustees noted that further edits were required.

TC-2024-052

It was **MOVED** by Trustee Patrick, and **SECONDED** by Trustee Bernardo, that the motion be tabled until the report is edited.

CARRIED

TC-2024-053

It was **MOVED** by Trustee Peterson, and **SECONDED** by Trustee Graham,

that the Islands Trust Council approve the 2023/24 Draft Annual Report as amended for submission to the Minister of Municipal Affairs.

CARRIED

8.2.2 Appointment to Transport Canada's General Vessels Technical Working Group – RFD

Trustee Lironi and Trustee Boland responded with expressions of interest.

TC-2024-054

It was MOVED by Trustee Fast, and SECONDED by Trustee Peterson, that Trust Council appoint Trustee Lironi to Transport Canada's General Vessels Technical Working Group and appoint Trustee Boland as the alternate representative.

CARRIED

8.2.3 Islands Trust Conservancy

8.2.3.1 Islands Trust Conservancy Report

Islands Trust Conservancy Chair Smith provided a presentation on the work of the Conservancy and noted that future focus will include Indigenous leadership in conservation and climate change adaptation and mitigation through fire and drought risk reduction.

8.2.3.2 March 31, 2024 Audited Financial Statements of the Islands Trust Conservancy – BRF

Received for information.

8.2.3.3 Ministerial Response to Submission of 2023-2025 Islands Trust Conservancy

Received for information.

11. ADMINISTRATIVE SERVICES / FINANCE

11.1 Consent Agenda Items

By general consent Islands Trust Council adopted the recommendations in items 11.1.1, 11.1.2, 11.1.3, and 11.1.4 as presented.

11.1.1 Director of Administrative Services Report

That Trust Council approve the Director of Administrative Services Report as presented.

11.1.2 Financial Planning Committee Work Program Report

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

11.1.3 March 31, 2024 Financial Results - BRF

Receive for information, as a companion report to the March 31, 2024 Audited Financial Statements.

11.1.4 March 31, 2024 Allocated Financial Statements - BRF

Received for information.

11.2 Discussion / Decision Items

11.2.1 March 31, 2024 Islands Trust Audited Financial Statements and Audit Report – RFD

Director Mobbs indicated that a clean audit report had been received, the financial position had improved year over year, and that more revenue was realized in the last fiscal year.

TC-2024-055

It was MOVED by Trustee Evans, and SECONDED by Trustee Gedye, that Trust Council approve the Islands Trust audited financial statements for the year ended March 31, 2024 and forward them to the Minister of Municipal Affairs.

CARRIED

11.2.2 Recovering Meeting Costs from Absent Trustees – RFD

It was noted that administrative staff reviewed historical data that showed that there were an average of 0-2 controllable cancellations per meeting.

Discussion ensued and it was determined that this was a circumstance of low occurrence and cost, and therefore not necessary to pursue.

11.2.3 2025/26 Budget Guidelines – BRF

Director Mobbs indicated that the Briefing was provided to remind Trustees that a session on budget guidelines is scheduled for the September, 2024 Trust Council meeting and the brief includes examples of said guidelines.

12. PLANNING SERVICES

12.1 Consent Agenda Items

By general consent Islands Trust Council adopted the recommendations in item 12.1.1 and 12.1.2 as presented.

12.1.1 Director of Planning Services Report

That Trust Council approve the Director of Planning Services Report as presented.

12.1.2 Regional Planning Committee Work Program Report

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

Chair Luckham stated that since Trust Council has gone to consent agenda items they are not hearing reports from Directors and he suggested that committee reports be placed outside of consent agenda items.

The meeting was recessed at 5:15 p.m.

Thursday, June 20, 2024

The meeting reconvened at 9:00 a.m.

13. CLOSED MEETING

TC-2024-056

It was **MOVED** by Trustee Morrison, and **SECONDED** by Trustee Bernardo, that the meeting be closed to the public in accordance with the *Community Charter*, part 4, division 3, s. 90(1):

- (c) labour relations or other employee relations;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

and that CAO Russ Hotsenpiller and Staff be invited to attend the closed session.

CARRIED

The regular meeting was closed to the public at 9:01 a.m. and reconvened at 10:38 a.m.

14. RISE AND REPORT

Chair Luckham reported that Trust Council considered a legal opinion, adopted in-camera minutes, and heard matters related to staff.

Trustee Middleton joined the meeting at 10:54 a.m.

15. NEW BUSINESS

15.1 Governance Structure of the Islands Trust Working Group or Subcommittee - RFD

Trustees Morrison, Gauvreau and Borthwick presented the request for decision.

TC-2024-057

It was **MOVED** by Trustee Morrison, and **SECONDED** by Trustee Borthwick, that Trust Council reaffirm the role of the Governance Committee to advise Trust Council on the framework of the Islands Trust Act.

CARRIED

Discussion ensued about establishing a subcommittee of the Governance Committee.

TC-2024-058

It was **MOVED** by Trustee Morrison, and **SECONDED** by Trustee Gauvreau, that Trust Council establish a voluntary subcommittee on the framework of the Islands Trust Act, reporting to the Governance Committee, to provide options for a response to the Province and possible strategies for advocacy of this effort.

DEFEATED

Trustee Hunter joined the meeting at 11:15 a.m.

15.2 Recommendations for Trust Council's Strategic Plan - Integrated Spatial Planning Approach - RFD

Trustees Elliott, Fast, Patrick and Smith submitted the request for decision.

Trustee Fast noted that integrated spatial planning brings partners together, establishes goals, collects and analyzes data, develops a plan, and then monitors, evaluates, and revisits said plan.

TC-2024-059

It was MOVED by Trustee Fast, and SECONDED by Trustee Gauvreau, that Trust Council request staff to explore options for including an Integrated Spatial Planning approach within the strategic planning process, and report back with recommendations by August, 2024.

Discussion ensued about staffing resources.

TC-2023-060

It was MOVED by Trustee Fast, and SECONDED by Trustee Yates, to amend the motion to change the recommended date of August, 2024 to January, 2025.

CARRIED

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

that Trust Council request staff to explore options for including an Integrated Spatial Planning approach within the strategic planning process, and report back with recommendations by January, 2025.

CARRIED

15.3 Ex-Officio members of Council Committees to be Non-voting

It was noted that this circumstance is currently only affecting the Governance Committee but the action will provide clarity for all of the committee voting systems.

Trustee Middleton made the following clarification points:

- The original intent was that the Islands Trust Conservancy member was to be non-voting;
- Trustees drafted the terms of reference and the two bullet points stating that the Islands Trust Conservancy representative does not constitute a quorum and does not have voting rights were left out in the drafting of the policy; and
- This motion corrects that situation.

TC-2024-061

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

that Trust Council request Staff to amend Trust Council Policy 2.3.1 [Council Committee Systems], by replacing section B.8.4 it in its entirety with “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”.

CARRIED

15.4 Dark Sky Principles Adoption Advocacy - RFD

Trustee Morrison summarized the request for decision and overall support was expressed.

TC-2024-062

It was MOVED by Trustee Morrison, and SECONDED by Trustee Stamford, that Trust Council communicate to all Local Trust Committees to notify Trustee Morrison of interest to collectively engage in conversations around Dark Sky Principles Adoption with relevant Regional Districts.

CARRIED

Trustee Morrison asked that staff forward the request for decision to the other local trust committees and the Bowen Island Municipality for their information.

The meeting was recessed at 12:12 p.m. and reconvened at 12:20 p.m.

Trustee Hunter left the meeting at 12:12 p.m.

16. DISPOSITION OF DELEGATIONS/PUBLIC COMMENT

Chair Luckham stated that thank you letters are written to the delegations and asked if there were additional comments to be included. The following comments were made:

- The response to speakers concerned about Ganges Harbour include information on the governing body that has jurisdiction for the harbour;
- The response to those that spoke about Draft Trust Policy Statement Section 3 Mandate include that further discussion will be forthcoming; and
- The Sue Big Oil delegation should be informed that Trust Council has noted the development and is considering options.

TC-2024-063

It was MOVED by Trustee Evans, and SECONDED by Trustee Morrison, that Trust Council add to the September, 2024 Trust Council meeting a discussion on the Section 3 Mandate.

CARRIED

17. CORRESPONDENCE

17.1 2024-05-02 K Langereis - Former Trustees Concerns About Section 3

Received for information.

17.2 2024-05-30 R & J Laing - Draft Trust Policy Statement

Received for information.

By general consent any items of correspondence regarding Section 3 are be included in September agenda package.

17.3 2024-06-05 Minister Cullen, Water, Land and Resource Stewardship - Response letter regarding dock tenures in the Southern Gulf Islands

Received for information.

17.4 2024-06-05 Honourable Anne Kang - Minister of Municipal Affairs - Message regarding Islands Trust's 50th Anniversary

Received for information.

Trustee Yates left the meeting at 12:38 p.m.

18. TRANSPORT CANADA PRESENTATION

Ryan Greville, Manager, Navigable Waters Protections for Transport Canada, provided a presentation on the national strategy to address abandoned and wrecked vessels, including an overview of the national strategy and the provisions of the Wrecked, Abandoned or Hazardous Vessels Act (WAHVA).

Trustees Fast and Stamford left the meeting at 1:08 p.m.

19. SUMMARY / UPDATES

19.1 Trustee Updates - Community Committee Participation

19.1.1 Association of Vancouver Island Coastal Communities (AVICC)

Received for information.

19.1.2 Atl'ka7tsem/Howe Sound Biosphere Region

None provided.

19.1.3 Baynes Sound/Lambert Channel Ecosystem Forum

None provided.

19.1.4 BC Ferries Advisory Committees

19.1.4.1 Gabriola Ferries Advisory Committees Report

Received for Information.

19.1.5 First Nations Relations

None provided.

19.1.6 Freighter Anchorages/Oceans Protection Plan (OPP)

None provided.

19.1.7 Shellfish Aquaculture Management Advisory Committee (SF AMAC)

None provided.

19.1.8 Southern Gulf Islands Forum

None provided.

19.2 TRUST COUNCIL TOP PRIORITIES ACTIVE PROJECTS CHART

Received for information.

19.3 SEPTEMBER TRUST COUNCIL MEETING LOGISTICS

19.3.1 Proposed September Trust Council 3-day Program

Received for information.

By general consent a placeholder for discussion about the request to the Province regarding Section 3 being advanced to the Executive Committee be included in the program.

19.3.2 September's Trust Council meeting location - RFD

TC-2024-064

It was MOVED by Trustee Peterson, and SECONDED by Trustee Evans, that Trust Council change the September 24-26, 2024, quarterly meeting location from Gabriola Island to Nanaimo.

CARRIED

20. NEXT MEETING

The next Trust Council Quarterly meeting is scheduled to be held in-person in Nanaimo September 24 - 26, 2024.

20.1 Set date of the next Committee of the Whole meeting and elect Chair

TC-2024-065

It was MOVED by Trustee Peterson, and SECONDED by Trustee Gauvreau, that Trust Council hold a Committee of the Whole meeting on Monday, July 8, 2024, at 9:00 a.m., electronically.

CARRIED

In response to an email request sent to all trustees prior to Trust Council meeting, Trustees Bernardo, Elliott, Maude and Peterson made expressions of interest to chair Committee of the Whole meetings. For the July 8, 2024 meeting, selection of the Chair will be by election by Trust Council.

Director Marlor asked for nominations from the floor a first time.

Trustee Maude was nominated (moved by Trustee Borthwick, seconded by Trustee Evans). Trust Maude indicated he would stand for election.

Director Marlor asked for nominations from the floor a second time.

Trustee Bernardo was nominated (moved by Trustee Campbell seconded by Trustee Harris).

Trustee Bernardo withdrew his name.

Director Marlor asked for nominations from the floor a third and fourth time, there were none.

Director Marlor declared that, by acclamation, Trust Maude was the elected Chair of the July 8, 2024 Committee of the Whole meeting.

21. ADJOURNMENT

By general consent the meeting was adjourned at 1:30 p.m.

Peter Luckham, Chair

Certified Correct:

Lisa Millard, Recorder

Minutes are not official until adopted at a subsequent meeting.

Follow Up Action Report

Trust Council

Director Legislative Services

| Progress | Activity | Responsibility | Dates | Status |
|----------|--|----------------|---|-------------|
| 49% | 1 That Trust Council request staff to recommend amendments to Trust Council Policy 6.3.2 to address the use of unspent special property tax requisition funds on new programs or initiatives when the original program or initiative remains ongoing. | David Marlor | Meeting: 15-Sep-2020 Target: 24-Sep-2024 | Completed |
| 50% | 2 Trust Council ask the Governance Committee to review the current method of appointment and the make-up of membership for Trust Council standing committees. (added to GC FUAL) | David Marlor | Meeting: 07-Mar-2023 Target: 27-Jun-2023 | In Progress |
| 0% | 3 Staff to research the possibility of self-insurance. | David Marlor | Meeting: 27-Jun-2023 Target: 10-Dec-2025 | In Progress |
| 0% | 4 5.2.2 Review of Trust Council Policies - Undertake review and and recommend updates and consolidation of policies. Bring one or more policies back to each Trust Council. Work with relevant director. | David Marlor | Meeting: 26-Sep-2023 Target: 12-Dec-2025 | In Progress |
| 100% | 5 Trust Council request Staff to report back on options to join the class action suit to sue big oil with other municipalities at the rate of \$0.50/resident of the Trust Area Review ability of TC to fund such a lawsuit - legal advice as necessary. Report back to Trust Council. | David Marlor | Meeting: 26-Sep-2023 Target: 12-Dec-2023 | Completed |

Follow Up Action Report

Trust Council

Director Legislative Services

| Progress | Activity | Responsibility | Dates | Status |
|----------|--|-----------------------------|---|-------------|
| 52% | <p>6 That Trust Council request Staff to prepare a draft amendment to the Trust Council Meeting Procedures Bylaw under Section 11 of the Islands Trust Act so that it also applies to all 13 local trust committees, and add amendments to require release of local trust committees' agenda outlines a minimum of two days before release date of full agenda.</p> <p>THAT Trust Council request staff to prepare a draft Local Trust Committee Development Procedures Bylaw under Section 11 of the Islands Trust Act that will establish standard procedures applicable to all local trust committees.</p> <p>THAT Trust Council request Staff to prepare a Public Notice Policy with a model Local Trust Committee Public Notice Bylaw, and a draft Trust Council Public Notice Bylaw.</p> | David Marlor | Meeting: 07-Dec-2023 Target: 24-Sep-2024 | In Progress |
| 10% | <p>7 THAT Trust Council hire a qualified independent consultancy firm to work with the elected officials of Trust Council in the drafting of a Chief Administrative Officer Performance Evaluation Policy using current policies and materials provided by Trustee Patrick and Trustee Falck to Trust Council Dec 7, 2023.</p> | David Marlor Julia Mobbs | Meeting: 07-Dec-2023 Target: 31-Dec-2024 | In Progress |
| 78% | <p>8 Staff to amend Trust Council Policy 2.3.1 [Council Committee Systems], by replacing section B.8.4 it in its entirety with "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".</p> | David Marlor | Meeting: 20-Jun-2024 Target: 24-Sep-2024 | In Progress |

Follow Up Action Report

Trust Council

Director of Planning Services

| Progress | Activity | Responsibility | Dates | Status |
|----------|---|----------------|---|-------------|
| 49% | 1 Staff to: a) evaluate the implications of a longer referral response window, and; b) consider how Trust Council and local trust committees (LTC's) might consult with First Nations to better understand what changes to the current referral process should be made to both improve communication and to further reconciliation, and report back to Trust Council. | Stefan Cermak | Meeting: 29-Jun-2023 Target: 30-Sep-2024 | In Progress |
| 0% | 2 Staff to report in the September (2024) and March (2025) Trust Council meetings about the tracking of planning staff time and application revenue with regards to cost recovery. | Stefan Cermak | Meeting: 14-Mar-2024 Target: 31-Mar-2025 | In Progress |
| 0% | 3 Staff to explore options for including an Integrated Spatial Planning approach within the strategic planning process, and report back with recommendations by January, 2025. | Stefan Cermak | Meeting: 20-Jun-2024 Target: 01-Jan-2025 | In Progress |

Follow Up Action Report

Trust Council

Director, Administrative Services

| Progress | Activity | Responsibility | Dates | Status |
|----------|---|-----------------------------|---|-------------|
| 0% | 1 That Trust Council direct Executive Committee to work with staff on a coordinated strategy and prepare a request that the Province revisit the provincial grant funding formula to the Islands Trust and further that Trust Council respond to Minister Kang to the effect that TC will revisit the request for a review of the Islands Trust mandate, governance, and structure and provide the Minister with an update. | Clare Frater Julia Mobbs | Meeting: 07-Mar-2023 Target: 01-Jun-2025 | In Progress |
| 100% | 2 6.2 Governance Committee Work Program. That Trust Council approved the attached Draft Corporate Planning Framework, and requested that Governance Committee continue work on Corporate Plan development. Advise the Governance Committee of Trust Council decision. | Julia Mobbs | Meeting: 26-Sep-2023 Target: 12-Dec-2023 | Completed |
| 10% | 3 THAT Trust Council hire a qualified independent consultancy firm to work with the elected officials of Trust Council in the drafting of a Chief Administrative Officer Performance Evaluation Policy using current policies and materials provided by Trustee Patrick and Trustee Falck to Trust Council Dec 7, 2023. | David Marlor Julia Mobbs | Meeting: 07-Dec-2023 Target: 31-Dec-2024 | In Progress |
| 100% | 4 Staff to forward the approved Islands Trust audited financial statements for the year ended March 31, 2024, to the Minister of Municipal Affairs. | Julia Mobbs | Meeting: 30-Sep-2024 Target: 30-Sep-2024 | Completed |
| 100% | 5 Add to the September 2024 Trust Council meeting a discussion on the Section 3 mandate including any items of correspondence regarding the Section 3. In addition, a placeholder for discussion about the request to the Province regarding Section 3 being advanced to the Executive Committee be included in the program. | Julia Mobbs | Meeting: 20-Jun-2024 Target: 24-Sep-2024 | Completed |

Follow Up Action Report

Trust Council

Director, Trust Area Services

| Progress | Activity | Responsibility | Dates | Status |
|----------|---|-----------------------------|---|-------------|
| 0% | 1 That Trust Council request staff to provide a report outlining potential options for how the Trust and local trust committees can engage and assist with the Coast Guard Oil Spill response planning process. | Clare Frater | Meeting: 22-Sep-2021 Target: 16-Oct-2026 | In Progress |
| 0% | 2 Policy Statement Amendment Project - Amend draft Bylaw No. 183 as directed by adopted resolutions. (ONGOING) | Clare Frater | Meeting: 21-Sep-2022 Target: 07-Sep-2026 | In Progress |
| 5% | 3 Coordinate the provision of expert advice and training to the incoming Trust Council, early in the new term, on the theme of public engagement and consultation, building on lessons learned from the first three phases of Islands 2050 public engagement from 2019 - 2022. | Clare Frater | Meeting: 21-Sep-2022 Target: 20-Nov-2024 | In Progress |
| 0% | 4 That Trust Council direct Executive Committee to work with staff on a coordinated strategy and prepare a request that the Province revisit the provincial grant funding formula to the Islands Trust and further that Trust Council respond to Minister Kang to the effect that TC will revisit the request for a review of the Islands Trust mandate, governance, and structure and provide the Minister with an update. | Clare Frater Julia Mobbs | Meeting: 07-Mar-2023 Target: 01-Jun-2025 | In Progress |
| 0% | 5 Staff to create a detailed workplan in addition to the existing project Charter to clarify, and specify, the work involved within each step of the Policy Statement. | Clare Frater | Meeting: 14-Mar-2024 Target: 11-Sep-2024 | Completed |
| 0% | 6 Staff to submit the approved 2023/24 Annual Report to the Minister of Municipal Affairs. | Clare Frater | Meeting: 19-Jun-2024 Target: 30-Aug-2024 | Completed |

Follow Up Action Report

Trust Council

Director, Trust Area Services

| Progress | Activity | Responsibility | Dates | Status |
|----------|--|----------------|---|-----------|
| 100% | 7 Staff to inform Transport Canada's General Vessels Technical Working Group that Trustee Lironi will be Islands Trust's representative on the committee and Trustee Boland will be the alternate. | Clare Frater | Meeting: 19-Jun-2024 Target: 15-Jul-2024 | Completed |
| 100% | 8 Trust Council to communicate to all local trust committees to notify Trustee Morrison of interest to collectively engage in conversations around Dark Sky Principles Adoption with relevant Regional Districts. In addition that Staff forward the request for decision to the other local trust committees and the Bowen Island Municipality for their information. | Clare Frater | Meeting: 20-Jun-2024 Target: 15-Jul-2024 | Completed |

Executive Coordinator

| Progress | Activity | Responsibility | Dates | Status |
|----------|---|----------------|---|-----------|
| 100% | 1 Staff to make arrangements for September Trust Council meeting to be held in Nanaimo, BC. | Lori Foster | Meeting: 14-Mar-2024 Target: 18-Jun-2024 | Completed |



Resolutions Without Meetings Log

Trust Council

| Resolution Number | Action | Date |
|---|---------|-------------|
| <p>2024-006</p> <p>For Trust Council to schedule a special electronic meeting to hold a restricted in-camera session in order for the CAC</p> <p>That Trust Council schedule a special electronic meeting to be held May 30, 2024, at 1:00 p.m. to hold a restricted in-camera session in order for the Chief Administrative Officer Hiring Committee to present matters for discussion and decision regarding the chief administrative officer's position.</p> <p><u>Trustee Morrison OPPOSED</u></p> | Carried | 28-May-2024 |
| <p>2024-005</p> <p>The following matter is considered urgent and necessary in order to adopt Islands Trust Council Bylaw No. 194, citec</p> <p>That Trust Council adopt Islands Trust Council Bylaw No. 194, cited as "Islands Trust Council Revenue Anticipation Borrowing Bylaw 2024-2025."</p> | Carried | 23-May-2024 |
| <p>2024-004</p> <p>Schedule a Special Electronic COTW meeting.</p> <p>that Trust Council schedule a Committee of the Whole Special Electronic Meeting to be held May 30, 2024, from 9:30 a.m. to 12:30 p.m. for the purpose of discussing the new draft of the Policy Statement and the process by which it will be considered.</p> | Carried | 02-May-2024 |
| <p>2024-003</p> <p>To adopt Islands Trust Council Bylaw No. 193, cited as "Islands Trust Council Financial Plan Bylaw 2024-25".</p> <p>that Trust Council adopt Islands Trust Council Bylaw No. 193, cited as "Islands Trust Council Financial Plan Bylaw 2024-25".</p> | Carried | 07-May-2024 |



Resolutions Without Meetings Log

Trust Council

| Resolution Number | Action | Date |
|---|----------------|--------------------|
| 2024-002 Adopt Islands Trust Council Bylaw No. 196, cited as the "Islands Trust Council Meeting Procedures Bylaw, 2004, Amc that Trust Council adopt Islands Trust Council Bylaw 196, cited as the "Islands Trust Council Meeting Procedures Bylaw, 2004, Amendment Bylaw No. 1, 2024". | Carried | 03-Apr-2024 |
| 2024-001 Adopt Islands Trust Council Bylaw 195, cited as the "Islands Trust Council Records Management System Bylaw, 2024 that Trust Council adopt Islands Trust Council Bylaw 195, cited as the "Islands Trust Council Records Management System Bylaw, 2024". | Carried | 22-Mar-2024 |

Islands Trust Council Goals

- Preserve, protect and advocate for forest and terrestrial ecosystems.
- Protect quality and quantity of fresh water resources of the Trust Area.
- Mitigate and adapt to climate change impacts.
- Improve community engagement and participation in Islands Trust work.
- Strengthen housing affordability throughout the Islands Trust Area.
- Strengthen relations with First Nations
- To improve and modernize the ability of the Islands Trust to regulate land use activity and work with others.
- To amend the Policy Statement
- To preserve and protect marine ecosystems

| Executive Committee | Governance Committee | Financial Planning Committee |
|--|--|---|
| <ol style="list-style-type: none"> 1. Update Islands Trust Policy Statement 2. First Nations Reconciliation 3. Request for Provincial Review 4. Strategic Planning 5. Provincial Funding Strategy | <ol style="list-style-type: none"> 1. Provincial Review Request 2. Strategic/Corporate Planning/Visioning process 3. Meeting process (Bylaw 101 and policies) 4. Secretariat/hiring in-house legal counsel 5. Policy 7.2.1 Trustee Remuneration – review and update | <ol style="list-style-type: none"> 1. Budget 2025/26: Draft 1 Preparation and Review 2. 2024/25 Q2 Financial Forecast 3. Financial Policy Review |

| Trust Programs Committee | Regional Planning Committee | Islands Trust Conservancy |
|---|--|---|
| <ol style="list-style-type: none"> 1. Stewardship Education Program 2. Secretariat Role to Forums within the Trust Area | <ol style="list-style-type: none"> 1. Bylaw Compliance and Enforcement Review 2. Implement the Housing Strategic Action Plan 3. Implement the Fresh Water Sustainability Strategy | <ol style="list-style-type: none"> 1. Strategic Planning/Administration 2. Covenant and Property Acquisitions 3. Property and Covenant Management 4. Communications 5. Fundraising and Conservancy Support |

Local Trust Committees

| Northern Islands Ballenas-Winchelsea, Denman, Gabriola, Gambier, Hornby, Lasqueti, Thetis |
|--|
| <p>Denman Island</p> <ul style="list-style-type: none"> . Major Project - Denman Housing (OCP and LUB) Review Project - Stage 2, Phase 2 . Minor Project - Housing Related TUP Review <p>Gabriola Island</p> <ul style="list-style-type: none"> . Major Project - Gabriola Island Comprehensive OCP and LUB Review – Phase 2 . Minor Project - Ecological Protection Zone – LUB Amendments <p>Gambier Island</p> <ul style="list-style-type: none"> . Major Project - Gambier OCP & LUB Targeted Review – Phase 2 . Minor Project - Keats Island Shoreline Protection Project - Phase 3 (Continued) |

| Southern Islands Galiano, Mayne, North Pender, South Pender, Saturna |
|--|
| <p>Galiano Island</p> <ul style="list-style-type: none"> . Groundwater Sustainability <p>Mayne Island</p> <ul style="list-style-type: none"> . Housing Options Project - Phase 2 . Minor LUB Review <p>North Pender Island</p> <ul style="list-style-type: none"> . Major project - Housing Access and Affordability Project . Minor project - Update of Raptors Nest DPAs <p>Saturna Island</p> <ul style="list-style-type: none"> . Minor housing amendments review project <p>South Pender Island</p> <ul style="list-style-type: none"> . Minor LUB Review Project |

| Northern Islands Ballenas-Winchelsea, Denman, Gabriola, Gambier, Hornby, Lasqueti, Thetis |
|---|
| <p>Hornby Island</p> <ul style="list-style-type: none"> . Major Project - Hornby Island Official Community Plan and Land Use Bylaw Review . Minor Project – Community Heritage Register <p>Lasqueti Island</p> <ul style="list-style-type: none"> . Minor Project - Official Community Plan Review – Phases 2 & 3 <p>Thetis Island</p> <ul style="list-style-type: none"> . Minor Project - Un-zoned Marine Areas – OCP & LUB Update |

| Salt Spring Island |
|---|
| <p>Salt Spring Island</p> <ul style="list-style-type: none"> . OCP-LUB Update . Ganges (Shiya'hwt/Syowt) Village Planning . Water Sustainability - coordinate multiple jurisdictions in planning for water sustainability and watershed protection. |

Active Projects Report

Executive Committee

1. Request to Minister for Review of Islands Trust

Responsible

Dates

Activity:

To follow up on the request by Trust Council for a review of the Islands Trust by the Minister of Municipal Affairs.

Julia Mobbs

Rec'd: 01-Nov-2023
Target: 31-Mar-2025

2. Update Islands Trust Policy Statement

Responsible

Dates

Activity:

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

Clare Frater

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

3. First Nations Reconciliation

Responsible

Dates

Activity:

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

Clare Frater

Rec'd: 02-Sep-2020
Target: 31-Mar-2025

Active Projects Report

Executive Committee

| 4. <i>Strategic Planning</i> | Responsible | Dates |
|---|--------------------|---|
| <p>Activity: Guide the development and implementation of the Islands Trust Strategic Plan.</p> | <p>Julia Mobbs</p> | <p>Rec'd: 03-May-2023 Target: 31-Dec-2024</p> |

Future Projects Report

Executive Committee

1. *Marine Ecosystems*

Advance the preservation and protection of marine ecosystems.

Responsible

Clare Frater

Date Received

03-May-2023

2. *MOTI MOU's*

To engage with the Ministry of Transportation on a updated Memorandum of Understanding.

Responsible

Stefan Cermak

Date Received

03-May-2023

3. *Climate Change Emergency*

Programming associated with the Climate Change declaration of the Islands Trust.

Responsible

Clare Frater

Date Received

03-May-2023

4. *Provincial Funding Strategy*

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

Responsible

Julia Mobbs

Date Received

07-Mar-2023

Active Projects Report

Governance Committee

1. Provincial Review Request

Responsible

Dates

Activity:

Prepare a recommendation and request for decision for Trust Council's consideration to request a Provincial review of Islands Trust.

Julia Mobbs

Rec'd: 17-Apr-2023
Target: 03-Dec-2024

2. Corporate Planning

Responsible

Dates

Activity:

Continue implementation of enhanced corporate planning processes:
Visioning - complete; Values - skipped; SWOT - complete; Strategic Plan - in progress;
Departmental work plans - upcoming; incorporating work plans into the financial plan - upcoming.

Julia Mobbs

Rec'd: 17-Apr-2023
Target: 03-Dec-2024

3. Meeting process (Bylaw 101 and policies)

Responsible

Dates

Activity:

Review and recommend amendments to the Trust Council Meeting Procedure Bylaws 101 and related policies to address the concerns raised by Great Northern Management Consultants in the 2022 Governance Review Report of the Islands Trust.

David Marlor

Rec'd: 17-Apr-2023
Target: 04-Dec-2024

Active Projects Report

Governance Committee

| 4. <i>Secretariat and/or in-house legal counsel</i> | Responsible | Dates |
|--|---------------------|---|
| <p>Activity:</p> <p>Consider opportunities to hire a Trust Council secretariat or in-house legal counsel, and any associated implications to the Islands Trust.</p> <hr/> | <p>David Marlor</p> | <p>Rec'd: 11-Apr-2023 Target: 03-Dec-2024</p> |
| 5. <i>Policy 7.2.1 Trustee Remuneration - Review and Update</i> | Responsible | Dates |
| <p>Activity:</p> <p>Review and update Trust Council's Policy 7.2.1 Trustee Remuneration in line with the UBCM Council and Board Remuneration Guide.</p> <hr/> | <p>Julia Mobbs</p> | <p>Rec'd: 12-Jan-2024 Target: 19-Mar-2025</p> |

**Islands Trust
Governance Committee
Work Program Matrix**

Updated September 9, 2024

LEGEND:

- Not Started
- In-progress
- ✓ Complete

| Not Urgent, Important | Urgent, High Priority |
|--|--|
| <ul style="list-style-type: none"> • Election of Executive Committee • Committees Structure: Clear mandates, review of size, champion proposals to Trust Council • Make Mandate of Conservancy More Prominent | <ul style="list-style-type: none"> ➤ Strategic/Corporate Planning/Visioning process and related operational review ✓ Response to the Province Requesting A Review of Islands Trust ➤ Meeting Process (Bylaw 101 & related policies) • Secretariat/hiring in-house legal counsel - needs research ➤ Review of Trustee Compensation Policy • Prepare Trust Council Session for review of Governance Report |
| Not Urgent, Lower Priority | Urgent, Lower Priority |
| <ul style="list-style-type: none"> • Information to Trustee Candidates Before Election • Recording of Negative Votes (forward to Executive Committee) | <p><i>These items require preparation of other policies before they can be effectively addressed.</i></p> <ul style="list-style-type: none"> • Communications • Advocacy |

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

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

Matters Outside Our Jurisdictions

Urgent and Important

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

Not Urgent, Not Priority

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

Active Projects Report

Financial Planning Committee

1. Budget 2025/26: Draft 1 Preparation and Review

Responsible

Dates

Activity:

Review Draft 1, version 1 of the 2025/26 budget in October 2024.
Review Draft 1, version 2 of the 2025/26 budget in November 2024.

Julia Mobbs

Rec'd: 25-Sep-2024
Target: 16-Oct-2024

2. 2024/25 Q2 Financial Forecast

Responsible

Dates

Activity:

The 2024/25 Financial Forecast informs spending decisions for the remainder of the fiscal year, and supports development of the draft 2025/26 budget.

Julia Mobbs

Rec'd: 28-Aug-2024
Target: 20-Nov-2024

3. Financial Policy Review

Responsible

Dates

Activity:

Continued review of select Trust Council financial policies based on feedback from initial reviews performed by the outgoing FPC:

- 6.5.2 Budget Control and Adjustment Authority (EC directed)

David Marlor

Julia Mobbs

Rec'd: 12-Mar-2024
Target: 15-Jun-2025

Active Projects Report

Regional Planning Committee

1. *Bylaw Compliance and Enforcement Review*

| | Responsible | Dates |
|---|--|---|
| <p>Activity:</p> <p>RPC endorsed project charter and work plan Trust Council agenda.</p> | <p>Anthony Fotino Robert Kojima Stefan Cermak Warren Dingman</p> | <p>Rec'd: 13-Mar-2024 Target: 31-Mar-2025</p> |

2. *Implement the Housing Strategic Action Plan*

| | Responsible | Dates |
|---|---|---|
| <p>Activity:</p> <p>Strategic Plan Goal: Strengthen housing affordability throughout the Islands Trust Area</p> <p>Trust Council Adopted Housing Strategic Action Plan on December 2023. Includes Implementation Plan.</p> | <p>Anthony Fotino Robert Kojima Stefan Cermak</p> | <p>Rec'd: 12-Feb-2020 Target: 31-Mar-2025</p> |

Regional Planning Committee

3. Implement the Fresh Water Sustainability Strategy

Responsible

Dates

Activity:

Strategic Plan Goal: Protect quality and quantity of fresh water resources of the Trust Area

Feb. 16, 2024: RPC has requested staff to draft an Implementation Plan that defines the roles and responsibilities of the RPC, Trust Programs Committee, Trust Council and key staff that is operationalized through multi-year work plans, budget requests, and program-specific implementation plans.

Strategic Plan item #2.4: FWSS-completed and presented to Trust Council in December 2021. A webpage devoted to implementation of the Freshwater Sustainability Strategy is being developed.

Strategic Plan item #2.5 - Map and develop water budgets for groundwater aquifers in the Trust Area. Grant funding to develop water budgets are still required for Hornby, Denman and Gabriola, Salt Spring, Thetis, Keats, Gambier and updates for southern gulf islands.

Anthony Fotino
Stefan Cermak
William Shulba

Rec'd: 12-Feb-2020
Target: 31-Mar-2025

Regional Planning Committee

| 1. <i>Shoreline Marine Planning</i> | Responsible | Date Received |
|--|-------------|---------------|
| <p>Trust Council - 2015-2018 Strategic Plan Item</p> <p>Conduct a working group session to brainstorm possible directions.</p> <p>Updated: Feb. 21, 2024: Strategic Plan item #2.2 - Map the extent of eelgrass and kelp beds throughout the Trust Area. Phase 1 of mapping received March 2023. Phase 2 mapping business case not supported by RPC due to funding concerns. RPC requested staff to develop a terms of reference if and when grant funding becomes available.</p> | | 09-Nov-2017 |
| 2. <i>Preserve, protect and advocate for forest and terrestrial ecosystems</i> | Responsible | Date Received |
| <p>1. Map contiguous tracts of the Coastal Douglas-fir zone (CDF) and associated ecosystems to aid in protection of that zone and its associated ecosystems (Completed March 31, 2020) (2018-2022 Strategic Plan item 1.1).</p> <p>2. Create a model development permit area for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas-fir zones throughout the Trust Area (2018-2022 Strategic Plan item 1.2).</p> <p>Updated Feb. 21, 2024: Strategic Plan item #1.1: Model CDF Protection DPA. SS LTC developed communications materials but changed to Wildfire DP (which could protect some CDF). At present, no future work planned.</p> | | 12-Feb-2020 |

Regional Planning Committee

| 3. <i>Preserve and protect marine ecosystems</i> | Responsible | Date Received |
|---|-------------|---------------|
| <p>1. Map the extent of eelgrass and kelp beds throughout the Trust Area (2018-2022 Strategic Plan item 2.2). Phase 1 (GIS and aerial data review) done. Phase 2 - groundtruthing - feasible next step.</p> <p>2. Undertake a review of Local Trust Committee- Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore (2018-2022 Strategic Plan item 2.3). Received Consultants Report.</p> | | 12-Feb-2020 |
| 4. <i>Protect quality and quantity of fresh water resources of the Trust Area</i> | Responsible | Date Received |
| <p>1. Map and develop water budgets for groundwater aquifers in the Trust Area (2018-2022 Strategic Plan item 2.5)</p> <p>2. Develop a model land use regulation regarding freshwater sustainability including groundwater, rainwater catchment and greywater recycling (2018-2022 Strategic Plan item 2.6).</p> <p>3. -Develop an Islands Trust Freshwater Sustainability Strategy policy document and recommendations for implementation of the Freshwater Sustainability Strategy</p> | | 12-Feb-2020 |
| 5. <i>Strengthen housing affordability throughout the Islands Trust Area</i> | Responsible | Date Received |

Regional Planning Committee

Implement the high priority actions outlined in the Affordable Housing in the Trust Area: Strategic Actions for Islands Trust previously referred by Trust Council:

12-Feb-2020

1. Develop model bylaws that use floor area ratio as a density metric for consideration of implementation in local trust area land use bylaws (2018-2022 Strategic Plan item 4.4 iii).
Received Consultants Report.
2. Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws (2018-2022 Strategic Plan item 4.4 iv).
3. Develop model bylaws to address the use of building stratas as a tool for affordable housing (2018-2022 Strategic Plan item 4.4 v).

6. *Mitigate and adapt to climate change impacts*

Responsible

Date Received

1. Amend Official Community Plans and land use bylaws to foster climate change resilience, including measures to protect Coastal Douglas fir, foreshore and nearshore environments and groundwater. (2018-2022 Strategic Plan item 3.2).

12-Feb-2020

7. *Update the model strategy for antennae systems*

Responsible

Date Received

09-Feb-2022

8. *Develop healthy, resilient island communities*

Responsible

Date Received

Work on a suite of projects that will employ two lenses: mitigating and adapting to the effects of climate change; and managing growth by cultivating equitable, inclusive, and resilient communities and the natural environment.

27-Apr-2023

Regional Planning Committee

9. *Strengthen Relations with First Nations*

Responsible

Date Received

Strategic Plan item #4.8: Heritage Conservation Overlay Mapping. Phase 1 complete.
Phase 2 not started due to loss of key staff, loss of key consultants, and feedback from various First Nations. At present, no future work planned.

21-Feb-2024

Active Projects Report

Trust Programs Committee

1. Stewardship Education Program

Responsible

Dates

Activity:

Develop and implement a stewardship education program directed towards the public, industry and stakeholders in the Trust Area. (Strategic Plan strategy #4.3).

This includes the Living in the Trust Area project and four webinars - Saltwater Intrusion and Groundwater Conservation, Living With Fire, Invasive Species Plant Removal (TPC to approve in Nov.), and Native Plant Gardening (TPC to approve in Nov.).

Clare Frater

Rec'd: 22-May-2024

Target: 31-Mar-2025

2. Secretariat Role to Forums within the Trust Area

Responsible

Dates

Activity:

Administer Secretariat Services program.

Clare Frater

Rec'd: 22-May-2024

Target: 31-Mar-2025

Future Projects Report

Trust Programs Committee

| 1. <i>Update Crown Land Agreements</i> | Responsible | Date Received |
|--|-------------|---------------|
| <p>Implement Crown Land Protocol project charter V2 and engage Bowen Island Municipality and the Province of B.C. in updating and consolidating existing agreements about Crown land into one agreement.</p> | | 19-Jun-2014 |
| 2. <i>Community Benefit Land Trust Concept</i> | Responsible | Date Received |
| <p>Further consideration of the Community Benefit Land Trust Concept briefing presented to TPC on February 5, 2021.</p> | | 05-Feb-2021 |
| 3. <i>Community Stewardship Awards Program</i> | Responsible | Date Received |
| <p>Trust Council Policy 2.1.11 Administration of Community Stewardship Awards Program states: Islands Trust Programs Committee of Trust Council is responsible for initiating Islands Trust Community Stewardship Awards Program in February in the final year of each term.</p> | | 02-Dec-2021 |



**ISLANDS TRUST CONSERVANCY
REPORT TO TRUST COUNCIL
2nd Quarter 2024-2025**

| COMPLETED SINCE LAST REPORT (Late June 2024 – Early September 2024) | PLANNED FOR NEXT QUARTER (September 2024 – Early December 2024) |
|--|---|
| 1. STRATEGIC PLANNING/ADMINISTRATION | |
| <p>Staffing: Onboard A/Manager and provided key systems training.</p> <p>Finalized Job Description for Property Management Team Lead and sent for classification.</p> <p>Summer Co-op Conservation Technician position completed and required reporting completed.</p> <p>Five Year Plan Development: Prepare outline for First Nations engagement</p> <p>ITC Board: Completed 2024 Work Plan for ITC Board review.</p> <p>Held July 2024 ITC Board meeting.</p> <p>Provided orientation for new Islands Trust Conservancy Board member, Tanner Timothy (appointment term August 21, 2024-Aug 21, 2025).</p> <p>Other: Staff training for CityView application</p> <p>Completed conservation application form revisions to align with revised policies</p> | <p>Staffing: Begin competition process for A/Manager position (post 7 mos. appointment/for remaining 8 mos.)</p> <p>Recruitment process for Property Management Team Lead</p> <p>Five Year Plan Development: Ensure First Nations mailing list is up to date, finalize initial letters, and begin First Nations engagement for 2026-2030 ITC Plan development</p> <p>ITC Board: Hold October 1 and November 19 ITC Board meetings</p> <p>Other: Develop ITC procedures for CityView use; Quality Assurance/Quality Control of imported data</p> <p>Update conservation application information on website</p> <p>Initiate evaluation of species and ecosystems at risk and property/covenant management data infrastructure needs</p> <p>Continued participation in Coastal Douglas-fir Conservation Partnership</p> <p>Support Islands Trust research project regarding potential increase to tax exemption under NAPTEP</p> |

As of June 2024 the Islands Trust Conservancy protects 113 conservation properties, 34 nature reserves and 79 covenants (of which 27 have NAPTEP certificates)



**ISLANDS TRUST CONSERVANCY
REPORT TO TRUST COUNCIL
2nd Quarter 2024-2025**

| 2. COVENANT AND PROPERTY ACQUISITIONS | |
|--|--|
| <p>Enquiries: Responded to enquiries (Lasqueti, Denman, Galiano, Gabriola, Salt Spring, and Saturna Island Local Trust Areas)</p> <p>Current Projects: Completed land survey and baseline inventory work for ongoing NAPTEP negotiations (Gabriola and Salt Spring Island LTAs)</p> <p>Completed First Nations referrals for NAPTEP project on North Pender Island</p> | <p>Current Projects: Continue negotiations on ~31 ha of land</p> <p>Complete and register NAPTEP covenants on ~2.45 ha on Salt Spring Island and ~ 2.5 ha on Gabriola Island</p> |
| 3. COVENANT AND PROPERTY MANAGEMENT | |
| <p>Nature Reserve and Covenant Monitoring: Annual monitoring site visits completed on 33 nature reserves</p> <p>Completed compliance monitoring surveys for 77 conservation covenants</p> <p>Continued preparing 2024/25 service contracts for management activities on ITC protected areas</p> <p>Field Technology Improvements: Worked with GIS staff and contractor to configure Field Maps application for improved functionality</p> <p>Implemented field technology updates and annual monitoring process improvements</p> <p>Species at Risk & Invasive Species Projects: Continued Western Screech-Owl surveys, monitoring, habitat management and wildlife tree inventory (Link, Lasqueti and Thetis Islands)</p> <p>Continued Sharp-tailed Snake surveys, monitoring and habitat management (Salt Spring, North Pender, Thetis, Lasqueti and Galiano Islands)</p> <p>Continued multi-Species at Risk surveys, monitoring, and habitat management (Lasqueti)</p> <p>Continued monitoring of Coastal Scouler’s-catchfly</p> | <p>Nature Reserve and Covenant Monitoring: Prepare monitoring reports for the ITC Board, follow up on any compliance concerns, and provide updates on monitoring outcomes to covenant landholders, covenant co-holders, and nature reserve management groups</p> <p>Conduct monitoring and maintenance activities in Garry oak meadow restoration areas in conservation covenants on Salt Spring and Sidney islands</p> <p>Field Technology Improvements: Complete work with GIS staff and contractor to configure Field Maps application for improved functionality</p> <p>Resume research on remote monitoring approaches and technologies</p> <p>Species at Risk and Invasive Species Projects: Initiate species at risk surveys at the Larmour Lands (Salt Spring)</p> <p>Initiate propagation of Coastal Scouler’s-catchfly plants to augment the population on Mount Tuam (Salt Spring)</p> |

As of June 2024 the Islands Trust Conservancy protects 113 conservation properties, 34 nature reserves and 79 covenants (of which 27 have NAPTEP certificates)



**ISLANDS TRUST CONSERVANCY
REPORT TO TRUST COUNCIL
2nd Quarter 2024-2025**

| | |
|--|---|
| <p>augmentation project on Mount Tuam (Salt Spring)</p> <p>Collaborated with the Habitat Acquisition Trust’s Restoration Crew on invasive species removal in several conservation covenants in the North Pender LTA</p> <p>Participated in the Sidney Island Ecological Restoration Project (SIERP) and the Capital Region Invasive Species Partnership (CRISP)</p> | <p>Coordinate invasive species management contracts for conservation covenants and nature reserves</p> <p>Continue participation in Sidney Island Ecological Restoration Project (SIERP) and Capital Region Invasive Species Partnership (CRISP)</p> <p>Develop species and ecosystems data-sharing agreement for conservation covenant lands</p> <p>Other: Complete species and ecosystems at risk data updates for internal use by planning and ITC staff</p> <p>Investigate transportation options for small islands and other remote protected areas</p> |
| <p>4. COMMUNICATIONS AND OUTREACH</p> | |
| <p>Prepared 2023/2024 Annual Report</p> <p>Published the summer 2024 issues of the Heron Newsletter and ITC eNews</p> <p>Prepared Nature Reserve Volunteer Warden Engagement Survey</p> <p>Weekly social media management & engagement (ongoing)</p> <p>Delivered an online presentation to trustees about the Species at Risk Act in the Trust Area, in partnership with federal, provincial and Islands Trust experts.</p> | <p>Publish 2023/2024 Annual Report</p> <p>Publish the fall 2024 issues of the Heron Newsletter and ITC eNews</p> <p>Publish newsletter for covenant landholders</p> <p>Deliver Nature Reserve Volunteer Warden Engagement Survey</p> <p>Publish new Islands Trust Conservancy brochure</p> <p>Support strategic fundraising with ongoing Will Power campaign</p> <p>Social media management & engagement (ongoing)</p> <p>Prepare and deliver a survey to local Conservancies about their capacity to document Species at Risk occurrences, and support any training needs.</p> |
| <p>5. FUNDRAISING AND CONSERVANCY SUPPORT</p> | |
| <p>Donors: Completed estate administration for a major donor</p> <p>Stewardship of donors and advisors (ongoing)</p> | <p>Donors: Stewardship of donors and advisors (ongoing)</p> <p>Outreach to repeat donors</p> <p>Strategic Giving:</p> |

As of June 2024 the Islands Trust Conservancy protects 113 conservation properties, 34 nature reserves and 79 covenants (of which 27 have NAPTEP certificates)



ISLANDS TRUST CONSERVANCY

**ISLANDS TRUST CONSERVANCY
REPORT TO TRUST COUNCIL
2nd Quarter 2024-2025**

| | |
|--|---|
| <p>Strategic Giving: Met with two financial advisors and further outreach to multiple financial advisors, lawyers and accountants regarding Islands Trust Conservancy</p> <p>Will Power (strategic giving organization) membership, event attendance, and prepare for campaign</p> <p>Fund Management: Initiated update of Opportunity Fund Guidelines Administration of Opportunity Fund grant intake</p> | <p>Panel Presentation with/to Pender Island Conservation Association on Strategic Giving</p> <p>Attend Victoria Vital Signs launch</p> <p>Prepare Strategic Fund Development advertising and marketing strategy</p> <p>Fund Management: Complete update of Opportunity Fund Guidelines</p> |
|--|---|

As of June 2024 the Islands Trust Conservancy protects 113 conservation properties, 34 nature reserves and 79 covenants (of which 27 have NAPTEP certificates)

From: stewart stewartbrands.com <[REDACTED]>
Sent: Tuesday, July 9, 2024 1:11 PM
To: Executive Admin
Subject: Section 3 wording

Attention/Dear, Islands' Trust Council,

The Section 3 of the Islands' Trust Act(Object Clause) is being reviewed.

In the "CONSENSUS:" part of your review on the Trust site there is an "object of the Islands' Trust is to preserve and protect...." a, b and c.

I suggest the words preserve and protect be written within the sentence as Preserve and Protect, with capitals for clearly defined emphasis.

Furthermore, I suggest the word environment is a word with so many meanings that it has no place in a Statute document. It is a vague platitude that has meanings that have nothing to do with the biosphere.

The word (unique) added does nothing to clarify this platitude.

What is required in c. is a clear and unambiguous reference to the natural, intrinsic , ancient and local biosphere.

The section c. should read "its ancient, intrinsic and natural biome ."

This leaves no doubt whatsoever that the intrinsic biological life of the Trust area in all of its forms is to be Protected and Preserved.

General platitudes should be avoided. Those who support their use are those who perhaps wish to leave open a possibility to curry favour with those who would do harm by using other meanings of the word "environment" for their isolated purposes.

Words with specific meanings exist and need to be used instead of vague platitudes in important documents.

It is not only better but a legal requirement.

I am available for talk about these things.

Respectfully, Stewart Brands

From: Mairead Boland
Sent: Saturday, July 20, 2024 8:15 PM
To: EC
Cc: Governance Committee; Saturna Island Local Trust Committee
Subject: WEb page for the Request to the Province "project"

To: EC
cc'd: GC, Saturna LTC

Hello EC,

At the Saturna LTC we had a very good wide ranging discussion on a variety of Trust significant activities.

The recent discussions on "the meaning of Section 3" and the draft Trust Policy Statement were all under the microscope.

There was a strongly supported request from an attendee, that the so-called "Request to the Province" be given a web page - similar to other Trust efforts.

As you know there has been a significant amount of information created over the past 2 years and its difficult to find.

I think that it would benefit residents and trustees and I urge you to request this if staff.

Thank you and regards,
Mairead



APPLICATION FORM FOR DELEGATIONS TO ADDRESS ISLANDS TRUST COUNCIL OR A COUNCIL COMMITTEE

Overview

You may address Council (or a Council Committee) formally by: (a) presenting a petition or making a presentation as a delegation; or informally, by participating in (b) public comment sessions or (c) by correspondence. All correspondence, formal delegation presentations and petitions are treated as a public record.

Submissions

- Each delegation is required to complete this form and submit it to Islands Trust, along with any PowerPoint or video presentation that accompanies a delegation’s written presentation by 4:30 pm at least 3 weeks prior to the meeting.
- If you miss this deadline, you may still submit this form; however, such requests will require approval by Executive Committee before the meeting or, 2/3 majority approval of Trust Council at the meeting.
- Each address shall be limited to 10 minutes unless a longer period is agreed to by approval of Executive Committee before the meeting or, of Trust Council at the meeting.
- *Application deadlines and approval requirements to address a Trust Council Committee may vary from the above. Contact ExecAdmin@islandstrust.bc.ca for guidance.*
- Rules governing delegations are outlined in the Islands [Trust Council Meeting Procedures Bylaw 101](#).

All meetings are open to the public, are live streamed and recorded. Physical locations of the meeting are posted on the Islands Trust website.

Submit this form to ExecAdmin@islandstrust.bc.ca or mail to Islands Trust #200 – 1627 Fort St. Victoria B.C. V8R 1H8

I wish to address Islands Trust Council or Trust council quarterly meeting Council Committee

at the meeting of Trust council quarterly meeting

I REPRESENT Salt Spring Island Poultry Club
(Name of Organization if applicable)

AS President
(Capacity/Office)

NAME OF PRESENTER or Alternate Elsie Born

ADDRESS [REDACTED]

TELEPHONE NO.(s) [REDACTED] E-MAIL [REDACTED]


My reason(s) for appearing is (are) and the substance of my presentation is as follows:

Please see attached

(If more space is required, please attach an additional page to this form.)

- I will have a PowerPoint or video presentation and will submit it at least three weeks in advance of the meeting.
- I am aware that the meeting and my presentation will be live streamed via the Islands Trust website and recorded.

*Please note 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 contact purposes only. Enquiries about the use of information in this form can be directed to the Legislative Services Manager at information@islandstrust.bc.ca

Date: September 2nd 2024 Signed: 
(Signature of Applicant)

From: Elsie B <[REDACTED]>
Sent: Tuesday, September 3, 2024 4:57 PM
To: Executive Admin
Subject: Delegation application
Attachments: delegation-application-form.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please find attached my application for a delegation for the trust councils quarterly meeting
Thank you
Elsie Born

Elsie Born
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

September 2nd 2024

To:
Chair and Trustees
Islands Trust

****Subject:**** Protecting Agricultural Land and Supporting Local Farmers

Dear Trustees,

I am here today to urge you to protect all land that you have zoned for agriculture. This is land that you have already identified as suitable for farming, reflecting thoughtful consideration of its potential and the needs of our community. It's time to stand behind your zoning choices and ensure these areas are safeguarded against conflicts of purpose, redefinition, and overreach.

****Importance of Agricultural Land****

Agricultural land is vital to our community's food security, economy, tourism, and cultural heritage. Your decisions to zone specific areas for agricultural use were made with careful attention to these factors. By zoning these areas for farming, you have acknowledged their importance and suitability for agricultural activities. Therefore, the land you have zoned for agricultural purposes deserves the same level of protection as land within the Agricultural Land Reserve (ALR), which has built-in safeguards for farming and food production.

****The 'Right to Farm' and Protection for Farmers****

The 'right to farm' legislation within ALR boundaries plays a critical role in supporting farming activities and protecting farmers' rights. On Salt Spring Island, supporting small-scale farming and agricultural production would require developing similar standards and guidelines for non-ALR land. Establishing these guidelines would create a clearer understanding of farming practices on smaller acreages, supporting local farmers, fostering sustainable food production, and preserving the rural character of our islands.

****Challenges from Recent Redefinitions****

Recent actions by the Capital Regional District (CRD) to redefine agricultural areas solely to include ALR land threaten the integrity of your previous zoning decisions. This redefinition would exclude many farms currently zoned "Rural" by the Islands Trust, yet these farms are essential to our community. They contribute significantly to our agricultural activities and are critical to our local food supply.

****Role of Rural-Zoned Farms****

The majority of farms on Salt Spring Island and across the Gulf Islands are not on ALR land but are instead zoned "Rural." These farms play a pivotal role in our food system and local economy. Redefining agricultural production to exclude non-ALR land contradicts your original zoning intentions and risks undermining the livelihoods of many farmers.

****Economic and Cultural Impact****

Agriculture is a major tourist attraction on Salt Spring Island. Visitors come here to experience local farms, enjoy fresh produce, and participate in agritourism activities. Protecting agricultural land supports this unique aspect of our tourism industry, generating economic benefits and fostering a deeper appreciation for sustainable farming practices.

****Call to Action****

We must ensure that all agricultural land, as defined by your zoning, is protected from restrictive redefinitions. This protection is crucial not only for the economic well-being of our farmers but also for maintaining the resilience and sustainability of our local food systems. In times of crisis, having diverse and accessible food sources within our community is invaluable.

I propose the following actions:

1. ****Initiate a Consultation Process:**** Engage with local farmers, landowners, and stakeholders to gather input on the current challenges faced by the agricultural community.
2. ****Develop Guidelines for Non-ALR Land:**** Establish standards similar to those in the ALR to support sustainable farming practices on rural-zoned land.
3. ****Form an Agricultural Advisory Committee:**** Create a committee to advise on policies and initiatives that support sustainable agriculture and food security.

4. **Review and Revise Policies:** Examine current regulations to ensure they align with the goal of protecting and promoting farming on all agricultural land.

Conclusion

I implore you to uphold and defend your zoning decisions. Protect the land designated for agriculture and support the farmers who rely on it. By doing so, you will affirm the values and priorities that guided your initial zoning decisions and ensure the continued vitality of our agricultural community.

It is time for decisive action to protect small farmers on Salt Spring Island before it's too late.

Thank you for your time and consideration.

Yours sincerely,
Elsie Born

1. INTERIM TENURE

I kicked off my time as Interim Chief Administrative Officer with a visit from my arch-nemesis, COVID-19. What luck! Thankfully, the senior leadership team rallied to step in for the weeks that I was down, making sure an office presence was maintained and the Executive Committee was well supported at their scheduled meeting. The senior leadership team, along with staff across the whole organisation, have been incredibly supportive as I've stepped into this interim role, for which I am grateful. My leadership style is different to that of the former CAO, and the team has handled the transition with grace and flexibility which is to be commended.

Unfortunately, we have not had success backfilling my Director position so I have been maintaining the key responsibilities and workload of both the CAO and the Director, Administrative Services roles since July 1. It has been a challenge; ruthless prioritization has kept things afloat and despite the vacancy, some excellent work has advanced this quarter.

2. TRUST COUNCIL/EXECUTIVE COMMITTEE

Trust Council's 3-day Meeting Schedule

September's Trust Council meeting agenda is not for the faint of heart. A series of significant conversations are advancing to this meeting: The request for a Provincial review of Islands Trust; Trust Council's discussion on its interpretation of the Object; strategic planning; review of the new draft Policy Statement; an update on Bylaw Enforcement policy work; just to name a few. Executive Committee has acknowledged it may be difficult to get through all the planned items, so items of lesser importance or urgency are flagged in the agenda and will be addressed only if time permits. While advancing this amount of work in the quarter feels like a success on many levels, it does pose challenges with meeting timing.

Trust Council's Agenda Format

With the principles of corporate planning in mind, a few changes have been made to the Trust Council agenda format. Principally, Council Committee work programs have been grouped together at the start of the meeting with the Trust Council priorities chart. This allows trustees to more easily see the flow of work from Trust Council (the organisation's direction setter) to its 'working groups', which are the various Trust Council Committees. Committee Chairs will have the opportunity to speak to the work of their respective committees as usual.

With the separation of legislative services from the Office of the CAO (see later in this report for more detail), a new section has been added to the meeting agenda for Legislative and Information Services. In the same way the Directors of the other departments have a distinct section on the agenda, the Director of Legislative and Information Services now does as well. This will highlight the work that is being advanced in this arena, and keeps the agenda nicely organised by business unit. The agenda will now contain a Director's report from the Director of Legislative and Information Services, aligning with the other Directors for their respective departments.

Former agendas included a distinct section for the Governance Committee, inconsistent with how other Committee work is handled. This distinct section has been removed and the work of this committee will be contained with the Executive section of the agenda.

Correspondence and Delegations have moved to the first day of the meeting, in anticipation there may be many members of the public who wish to speak to Trust Council on the important topics that are being advanced at this particular meeting.

Staff and Executive Committee welcome any feedback on the changes that have been made, desiring only to find a format that best serves the purpose of these get-togethers. Where a change proves unhelpful, revision is always possible.

Committee of the Whole

The new Committee of the Whole format appears to be serving trustees well. There have been some logistical challenges advancing the recommendations of the COtW from meeting through to action, due to the limitations placed on the COtW's ability to give direction, as well as our current meeting structures. Staff will trial a new approach of conducting RWMs to Trust Council or Executive Committee after each COtW, to formalise the COtW's recommendations into directions. This will be a much more efficient approach than waiting for scheduled public meetings of EC to formalise the action.

Strategic Plan

After Trust Council's meeting in June, a draft strategic plan was submitted to staff based on Trust Council's facilitated sessions. I met (as did the former CAO before me) with the consultants several times to refine the document. Since then I've taken on the task of adding missing pieces based on Trust Council's other approved plans, to get a fuller document ready for presentation to Trust Council. Fill your coffee cups for this discussion – it quite literally will set the direction for the rest of term.

Union of British Columbia Municipalities (UBCM)

Islands Trust has six representatives attending the UBCM convention this year. All members of EC on behalf of Islands Trust, Trustee Patrick on behalf of the Salt Spring Island LTC, Trustees Fast and Gedye on behalf of BIM, and Trustee Stamford on behalf of the Sunshine Coast Regional District. I will be attending, along with Director Frater, to support trustees. This will be my first experience of the convention and I look forward the opportunity to represent Islands Trust at this important event. Three meetings with Ministry staff have been secured, where trustees will discuss the request to the Province for a review, wildfire prevention, and housing-related matters. This event is an excellent opportunity to network with local and provincial colleagues to advance the Trust's interests.

3. GOVERNANCE COMMITTEE

Since the June Trust Council meeting, the Governance Committee has focused its attention on two primary pieces of work:

- Code of Conduct: In late June, the Committee reviewed the draft revised code of conduct and trustees provided comments for discussion. This work is advancing to Trust Council for consideration of next steps.
- Request of the Province for Review of Islands Trust: The Committee delegated the drafting of this RFD and associated letter to a working group consisting of Trustees Patrick, Harris, and Bernardo. The working group advanced their letter to the Governance Committee who received CAO comments to supplement the RFD. This work has been advanced to Trust Council's September meeting.

As I have stepped into a supporting role for this committee, I have noticed a need for a more structured approach to review, analysis, and tracking of work completed in association with the Governance Report of 2022. Recent conversation indicates committee members have the same sense. Next quarter, I will turn attention to organising documentation to support this improvement.

4. CORPORATE ACTIVITIES

Since taking up the reins in July, I have taken the opportunity to advance some corporate initiatives that I hope will serve the organisation well.

- Legislative & Information Services: Earlier this term, the Manager of Legislative Services role was elevated to a Director level position with the intention of building the team underneath the role. Initial consideration of moving the legislative clerks from their respective homes within Planning Services to the Legislative Services proved unfeasible as the day-to-day work of these staff members is too closely linked to the daily operations of Planning Services. However, the Information Services team has been in need of a new home, and the services provided by that team jive nicely with the records management and privacy functions of Legislative Services. To take advantage of this synergy, the Information Services team now reports to Director Marlor under the umbrella of Legislative and Information Services. The change coincided nicely with the start of the new Information Services Manager, Jeffrey Lloyd, and the transition thus far has been a smooth one. This change is also creating a more equitable division of duties amongst the senior leadership team.
- Administrative Services: In an effort to help people understand what this team is all about, consideration underway to rename the Administrative Services department to Financial and Employee Services. This highlights that the team is responsible primarily for financial and human resource functions, and not the entire administrative or clerical functions of the organisation.
- Staff Survey: I made commitment to staff at the start of my tenure as interim CAO, to conduct a long over-due staff survey. Historically, these surveys have been conducted every two years; however, the most recent survey for Islands Trust was conducted in 2019. This was before the pandemic, and much has changed in the way we do work since that time. It is important to understand how those changes have impacted staff so we can maintain a positive and productive work environment. New topic areas to be surveyed this time around will include: feedback on the Islands Trust teleworking program, cultural safety, and mental health in the workplace.
- Project Status Template: In the next couple of months, I will be looking towards the roll out of a corporate-wide template for a Project Status Report. This will be a 1-page template intended to provide summary information on key projects and their status. The report will be trialed with council committees before corporate-wide roll out, and if useful, may prove to be a useful communication tool with the public as these could be easily placed on our website.
- Meetings: In addition to Islands Trust meetings, I've had the pleasure of participating in meetings with Islands Trust legal counsel to discuss policy statement amendments and with Provincial staff to build relationships and advance key conversations of mutual interest. Meetings planned in coming weeks include an introduction with the new Chief Administrative Officer from Bowen Island Municipality and the Merritt Commissioner.
- Ombudsperson Early Resolution: A single complaint from the Ombudsperson was advanced to the Chief Administrative Officer for early resolution, preventing the need for a full investigation.

- Staff Training: At Islands Trust, staff training efforts fall into four categories: Orientation (essential information provided to new employees); Onboarding (training staff on their specific roles in the organisation); Professional Development (ongoing process focused on continuous growth and improvement of staff skillsets relevant to their role or career); and organisation-wide training programs (structured initiatives designed to address specific skills or competencies across the entire organisation or large segments of it). Efforts to re-examine how organisation-wide training in particular is delivered will begin in coming months.

- Salt Spring Office Relocation:
The Salt Spring Island office current lease expires October 31, 2024. A new multi-year lease has been secured and Islands Trust has obtained occupancy to begin retrofitting the space to meet the organisation's operational requirements. A request for proposals to design and renovate the space as per the approved Trust Council business case has been drafted and will be posted soon. Salt Spring Island staff will be required to work from home or other Trust offices during the space transition, but we anticipate service to the public will not be negatively impacted during this time given the many alternative means of communication and connection available with current day technology.

Policy Statement Goal A: 'To Foster preservation and protection of the Trust Area's ecosystems'

1. LAND STEWARDSHIP

Preserve, protect and advocate for forest and terrestrial ecosystems

| Strategy | Responsibility | Funding | Comment | Implementation |
|---|-----------------------------|-----------------------|---|----------------------------|
| 1.1. Map contiguous tracks of the Coastal Douglas fir zone (CDF) and associated ecosystems to aid in protection of that zone and its associated ecosystems. | Regional Planning Committee | | Completed. | 100% Complete |
| 1.2. Create a model development permit for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas fir zones throughout the Trust Area. | Regional Planning Committee | | Last term, RPC decided to wait for work underway on SSI on CDF protection. SSI shifted protecting the CDF zone to considering wildfire resilience in CDF zones. Communication materials were created. Research in community is ongoing. At present, no work related to creating a model DP is planned. | 0% complete |
| 1.3. Amend legislation to increase the percentage of the Natural Area Protection Tax Exemption Program (NAPTEP) to act as an incentive for the protection of forest cover for climate change mitigation and adaptation in the Islands Trust Area. | Executive Committee | \$8200 - grant funded | Ministry officials have referred the Islands Trust to the Ministry of Finance for further information. A tax shift analysis is required for a business case to the Province of BC regarding Trust Council's desire that legislation be amended to increase the NAPTEP exemption. Staff have secured an \$8200 grant for this analysis work and Executive Committee has approved a project charter . | 10% complete Ongoing |
| 1.4. Create forestry initiatives including establishment of development permit areas, tree cutting authority advocacy, enforcement of development permits related to forestry and advocacy associated with the <i>Private Managed Forest Land Act</i> . | Executive Committee | None. | As per Trust Council direction in March 2023, pursuit of tree cutting authority is not proceeding. Advocacy occurred with regard PMFL Act changes in 20/21. Enforcement of development permits remains a province wide issue. | On hold, per TC direction. |

Policy Statement Goal A: 'To Foster preservation and protection of the Trust Area's ecosystems'

2. MARINE AND FRESHWATER STEWARDSHIP

To preserve and protect marine ecosystems

| Strategy | Responsibility | Funding | Comment | Implementation |
|--|-----------------------------|--------------------|---|----------------|
| 2.1. Advocate to minimize the impact of commercial activities on the marine environment and participate in Canada's Southern Resident Killer Whale (SRKW) recovery plan. | Trust Area Services | | Some related Facebook posts. | 75% complete |
| 2.2. Map the extent of eelgrass and kelp beds throughout the Trust Area. | Regional Planning Committee | | Phase 1 Work was completed in March 2022. Phase 2 business case not supported by RPC nor Trust Council. | 50% Complete |
| 2.3. Undertake a review of Local Trust Committee-Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore. | Regional Planning Committee | 2020/21 - \$10,000 | Inventory complete, components for a model bylaw were drafted. Model bylaws not adopted. | 75% Complete. |

Protect quality and quantity of fresh water resources of the Trust Area

| Strategy | Responsibility | Funding | Comment | Implementation |
|--|-----------------------------|---------|--|----------------|
| 2.4. Develop a regional freshwater management strategy that a. addresses responsibilities under the Water Sustainability Act, b. identifies water resources throughout the Trust Area, c. integrates water resource management into land use decision-making, and d. accounts for the impacts of climate change on island water resources. | Regional Planning Committee | | Final Strategy presented to Trust Council in December 2021. Implementation Plan being developed. | 75% Complete. |
| | | | | |

Policy Statement Goal A: 'To Foster preservation and protection of the Trust Area's ecosystems'

2. MARINE AND FRESHWATER STEWARDSHIP

Protect quality and quantity of fresh water resources of the Trust Area

| Strategy | Responsibility | Funding | Comment | Implementation |
|--|-----------------------------|---------|---|--|
| 2.5. Map and develop water budgets for groundwater aquifers in the Trust Area. | Regional Planning Committee | | <p>Water budgets complete for southern gulf islands. Recharge mapping complete for Hornby, Denman and Gabriola, and southern Gulf Islands. Recharge mapping project continues in 22-23 to include Salt Spring Thetis, Bowen, Keats, Gambier, and select associated islands. Recharge mapping informs water budgets (groundwater availability assessments).</p> <p>Water budgets are still required for Hornby, Denman and Gabriola, Salt Spring, Thetis, Keats, Gambier and updates for southern gulf islands. Water budgets are an important component of suitable land analysis which will be used to inform housing projects by identifying, on each island, the more suitable land for increased density and intensity of land.</p> | 50% complete |
| 2.6. Develop a model land use regulation regarding freshwater sustainability including groundwater, rainwater catchment and greywater recycling. | Regional Planning Committee | | <p>Model regulations have been developed through the freshwater implementation projects for North Pender and Galiano. In addition to cistern regulations there are revised subdivision regulations for proof of water. A model groundwater protection DPA has also been drafted through these processes.</p> | 100% complete (Excludes greywater recycling) |

Policy Statement Goal B: 'To ensure that human activity and the scale, rate and type of development in the Trust Area are compatible with maintenance of the integrity of trust area ecosystems'

3. CLIMATE CHANGE

Mitigate and adapt to climate change impacts

| Strategy | Responsibility | Funding | Comment | Implementation |
|---|---|---------------------|--|------------------------|
| 3.1. Amend the Islands Trust Policy Statement to add climate change mitigation, adaptation and resiliency policies. | TC/Executive Committee/Trust Programs Committee | \$81,000 in 2024/25 | In June and September 2022, after reviewing recent engagement and referral feedback, Trust Council passed a series of resolutions requesting staff to undertake further work. In March 2023, Trust Council approved a project charter to guide next steps and received a communications strategy. In September 2023, Trust Council amended the project charter to extend timelines. Early engagement with First Nations continues. In May 2024, the Committee of the Whole received a revised draft, and monthly meetings are scheduled through to December 2024. Public engagement will begin after Trust Council provides approval in principle. | 75% complete (project) |
| 3.2. Amend Official Community Plans and land use bylaws to foster climate change resilience, including measures to protect Coastal Douglas fir, foreshore and nearshore environments and groundwater. | Local Trust Committees | | No regional approach. LTCs considering independently. For example: Gambier, Galiano, North Pender, Gabriola, Salt Spring considering various aspects of strategy. | 25% Complete. |
| | | | | |

Policy Statement Goal B: 'To ensure that human activity and the scale, rate and type of development in the Trust Area are compatible with maintenance of the integrity of trust area ecosystems'

3. CLIMATE CHANGE

Mitigate and adapt to climate change impacts

| Strategy | Responsibility | Funding | Comment | Implementation |
|--|--------------------------|---|--|-------------------------|
| 3.3 Develop i) a set of climate change, demographic and environmental data and ii) performance criteria in order to identify the effects of climate change in the Trust Area and to measure mitigation and adaption efforts. | Trust Programs Committee | 2020/21 - \$5,000; 2021/22 - \$25,000 (not spent as re-allocated to Policy Statement Amendment) | Trust Programs Committee received a contracted report about climate indicators at the August 2020 meeting which it forwarded to Trust Council. | 25% complete Delayed |

Policy Statement Goal C: 'To sustain island character and healthy communities'

4. COMMUNITY AND COMMUNICATION

Improve community engagement and participation in Islands Trust work

| Strategy | Responsibility | Funding | Comment | Implementation |
|---|---------------------|--|---|---|
| 4.1. Develop the capacity to broadcast public meetings of Local Trust Committees, Council Committees and Trust Council. | Executive Admin-IT | Incorporated into annual operating budgets | Complete. | Live-streaming capabilities have been incorporated into all Islands Trust public meetings. Funding for required software and service subscriptions is now an annual inclusion in the information services operating budget. |
| 4.2. Develop a new website and initiate a social media program. | Executive Committee | | Complete as a strategic item, now an operational undertaking. | Complete. |
| | | | | |

Policy Statement Goal C: 'To sustain island character and healthy communities'

4. COMMUNITY AND COMMUNICATION

Improve community engagement and participation in Islands Trust work

| Strategy | Responsibility | Funding | Comment | Implementation |
|--|--------------------------|---------------------|--|---|
| 4.3. Develop and implement a stewardship education program directed towards the public, industry and stakeholders in the Trust Area. | Trust Programs Committee | \$15,000 2024/25 | In 2020, TPC delivered a water conservation webinar, an eelgrass webinar and an ecosystem adaptation webinar. In February 2021, TPC delivered a groundwater licencing webinar. In 2021/22, TPC developed a "Living in the Islands Trust Area" mailing for for people new to the region. Since March 2022 the package is mailed to new homeowners. In May 2023, TPC requested that staff poll the public for webinar topic suggestions, endorsed a Living in the Trust Area Mailing Program Project Charter and requested three webinars. Two webinars on freshwater were delivered in January/February 2024 and a webinar on wildfire was delivered for March 2024. TPC will be delivering four webinars in 2024/5 and the Living in the Trust Area program continues. | Development complete Implementation -ongoing |

Strengthen housing affordability throughout the Islands Trust Area

| Strategy | Responsibility | Funding | Comment | Implementation |
|---|---|---------|---|----------------|
| 4.4 Implement the following high priority actions outlined in the Affordable Housing in the Trust Area: Strategic Actions for Islands Trust previously referred by Trust Council. | Trust Area Services/Regional Planning Committee | | Trust Council adopted Housing Strategic Action Plan in December 2023. Ongoing implementation. | 75% Complete |
| | | | | |

Policy Statement Goal C: 'To sustain island character and healthy communities'

4. COMMUNITY AND COMMUNICATION

Strengthen housing affordability throughout the Islands Trust Area

| Strategy | Responsibility | Funding | Comment | Implementation |
|---|---|---------|--|------------------------|
| 4.4. i. Review the Islands Trust Policy Statement and give consideration to: a) giving affordable housing a greater profile for its role in sustainable communities b) including a reference to affordable housing in its policy direction to LTCs and municipalities. | TC/Executive Committee/Trust Programs Committee | | As described above the Policy Statement Amendment Project is underway. | 75% complete (project) |
| 4.4. ii. Review the Islands Trust Policy Statement to ensure that it: a) includes clear and well-thought out definition of affordability b) includes clearly articulated vision, goal and objectives for affordable housing c) gives affordable housing a greater profile for its role in sustainable communities d) includes a reference to affordable housing in its policy direction to LTCs and municipalities. | TC/Executive Committee/Trust Programs Committee | | As described above the Policy Statement Amendment Project is underway. Last term's TPC affordable housing working group discussions informed the development of the Policy Directions report, the discussion paper for Trust Councils March 2021 meeting and Draft 1 policies. | 75% complete Ongoing |
| 4.4. iii. Develop model bylaws that use floor area ratio as a density metric for consideration of implementation in local trust area land use bylaws. | Regional Planning Committee | | Consultant Report received by Trust Council September 2021. Draft Housing Toolkit reviewed by RPC July 27, 2023 with all feasible regulatory options included. No further work recommended due to low value of using FAR in rural areas and poor uptake of model bylaws. | 75% Complete. |
| 4.4. iv. Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws. | Regional Planning Committee | | Example: Flexible housing bylaw created for Mayne Island . Recommend no further action. | 75% Complete |
| 4.4. v. Develop model bylaws to address the use of building stratas as a tool for affordable housing. | Regional Planning Committee | | Model bylaws are to be developed within the context of LTC housing projects. | 0% Complete |

Policy Statement Goal C: 'To sustain island character and healthy communities'

4. COMMUNITY AND COMMUNICATION

Strengthen relations with First Nations

| Strategy | Responsibility | Funding | Comment | Implementation |
|--|--|---------|--|--|
| 4.5 Adopt a Reconciliation Declaration. | Trust Council | | Adopted March 2019. | Completed |
| 4.6. Adopt and implement a Reconciliation Action Plan. | Executive Committee/Trust Area Services/Planning S | | Trust Council received a 2019-2021 Reconciliation progress report in March 2021 and reconciliation actions are summarized in annual reports. Progress was made in the areas of training/organizational change and relationship development through the Policy Statement process. The plan requires review and update so Staff have begun preliminary work. | 50% complete. In progress. Further work is required to formalize and document agreements and protocols with Nations. |
| 4.7. Develop a Trust Area-wide archaeological impact strategy and establish a Cultural Working Group. | Trust Area Services/ | | Staff developed a draft chance find protocol. In March 2023, Trust Council struck a Reconciliation Learning Group which has begun learning activities with support from a contractor. | 50% complete. |
| 4.8 Develop heritage preservation overlay mapping for the Trust Area and model heritage regulatory bylaws for protection of potential heritage and cultural sites. | Regional Planning Committee | | Phase 1 completed in 2021/22. At this point it is recommended that any further work be deferred until appropriate relationship-building with First Nations and the successful implementation of protocol agreements. | 25% Complete |

Policy Statement Goal D: 'Effective, efficient and collaborative governance'

5. GOVERNANCE

To improve and modernize the ability of the Islands Trust to regulate land use activity and work with others

| Strategy | Responsibility | Funding | Comment | Implementation |
|----------|----------------|---------|---------|----------------|
| | | | | |

Policy Statement Goal D: 'Effective, efficient and collaborative governance'

5. GOVERNANCE

To improve and modernize the ability of the Islands Trust to regulate land use activity and work with others

| Strategy | Responsibility | Funding | Comment | Implementation |
|--|---|---------|----------|---|
| 5.1. Amend the Islands Trust Act or other legislation to: i. Allow for entry warrants ii. Grant authority to use municipal ticketing for development permit enforcement iii. Enable adoption of development approval information bylaws by local trust committee iv. Add First Nations to the list of bodies with whom the Trust works in cooperation v. Enable delegation to staff the issuance of development permits vi. Clarify foreshore zoning authority | Executive Committee/Regional Planning Committee | | Complete | i. Allow for entry warrants - need to be reconsidered and an alternative strategy developed ii. Grant authority to use municipal ticketing for development permit enforcement - need to be reconsidered and an alternative strategy developed iii. Enable adoption of development approval information bylaws by local trust committee - done. iv. Add First Nations to the list of bodies with whom the Trust works in cooperation - done. v. Enable delegation to staff the issuance of development permits - need to be reconsidered and an alternative strategy |

Policy Statement Goal D: 'Effective, efficient and collaborative governance'

5. GOVERNANCE

To improve and modernize the ability of the Islands Trust to regulate land use activity and work with others

| Strategy | Responsibility | Funding | Comment | Implementation |
|--|--------------------------|---------|---|---|
| | | | | developed vi. Clarify foreshore zoning authority - need to be reconsidered and an alternative strategy developed |
| 5.10 Development of a Corporate Plan for the Islands Trust | Executive Committee | | Currently at Phase 2, Part 4: Development of long range goals and objectives | |
| 5.2. Provide a secretariat role to forums within the Trust Area. | Trust Programs Committee | | Trust Council adopted the Secretariat Services policy in 2020. Trust Programs Committee co-hosted the Baynes Sound Lambert Channel Forum on May 30, 2020 and delivered support to coordination groups. In 2020/1 and 2021/22, 2022/23 and in 2023/24 and 2024/25 TPC allocated support to : - Southern Gulf Islands Forum, - Baynes Sound Lambert Channel Ecosystem Forum, - Coastal Douglas-fir Conservation Partnership (not allocated in 2023/24 to date), - Howe Sound Atl'ka7tsem Community Forum, and - Rural Island Economic Forum -Vancouver Island and Coastal Communities Climate Leadership Plan Steering Committee (23/24 and 24/25 only) | Development 100% complete Implementation ongoing |
| 5.3. Undertake a Governance and Management Review | Select Committee | | Final report presented to Trust Council in March 2022. Governance Committee formed June 2022. | Recieved March 2022 |
| | | | | |

Policy Statement Goal D: 'Effective, efficient and collaborative governance'

5. GOVERNANCE

To improve and modernize the ability of the Islands Trust to regulate land use activity and work with others

| Strategy | Responsibility | Funding | Comment | Implementation |
|--|---------------------|---------|---|---|
| 5.4 Implement a Trust Council Policy analysis, review, and amendment of deemed top priorities for consideration and approval by Trust Council. | Executive Committee | | Added March 2021 by amendment of Trust Council. 2024-05-29 Trust Council has reviewed and deleted 9 out of date or redundant policies. Council Committee Systems and Terms of Reference policies combined and updated. Special Tax Levy policy under review and recommendations via FPC planned for September 2024 Trust Council. | In progress |
| 5.5. Request additional funding from the Province | Executive Committee | | The draft letter to the Province requested Provincial review of Islands Trust includes a request for a review of the Islands Trust funding model. No work on this project has advanced with Executive Committee. | Hold |
| 5.8 Prioritize elements of the strategic projects that support land use decision making 5.9 Update the strategic initiatives related to housing to focus on projects that will develop healthy, resilient island communities by employing two lenses: mitigating and adapting to the effects of climate change, and managing growth by cultivating equitable, inclusive and resilient communities and the natural environment | Trust Council | | | The new strategic plan for 2025-2028 will prioritize work to be undertaken in relation to housing and land use decisions. |

Policy Statement Goal D: 'Effective, efficient and collaborative governance'

5. GOVERNANCE

To amend the Policy Statement

| Strategy | Responsibility | Funding | Comment | Implementation |
|--|---|---------|---|-----------------------------------|
| 5.6. Amend the Policy Statement introductory and definitions sections. | TC/Executive Committee/Trust Programs Committee | See 3.1 | See above. Project scope has increased considerably since initiation. | 75% complete (project) Ongoing |
| 5.7. Determine if additional changes to the Policy Statement are desired by Trust Council. | TC/Executive Committee/Trust Programs Committee | See 3.1 | Pending Trust Council direction on next steps. | 75% complete (project) Ongoing |

The comments provided in this briefing reflect advice already shared with GC, and are shared now with the Trust Council as the decision-making body on this initiative. Staff comments are informed by a high-level review of historical successful requests of the province for action or change, a high-level review of historical responses from the Province to Islands Trust's requests for action to understand the types of questions that are generally asked of us, and by conversations with provincial staff on this initiative.

There are several factors staff recommend Trust Council consider and discuss when determining a strategy to approach the Province for a provincial review:

1. Timing

The draft RFD seeks Trust Council's approval of a draft letter to the Province at its September 2024 meeting and very shortly thereafter, the sending of the approved letter to the Minister. Staff understand this timing represents a strategy to make a Provincial review of the Islands Trust an election issue for candidates running in the upcoming October provincial election. Trust Council did not provide direction to the Governance Committee or staff on desired timing for this initiative and the Governance Committee did not explicitly discuss alternative timing options to the one presented.

Good governance processes would seek for decision-making bodies consider all alternatives available to them to making a decision. Timing alternatives in this situation may include: sending the letter in advance of the election; sending the letter shortly after the election; sending the letter after the election when the elected government is fully established.

Staff recommend Trust Council consider the proposed timing in light of the provincial interregnum period that takes place from September 21 – November 2, 2024. During this period no decisions can be made by the provincial government. As such, any letter from Islands Trust will remain untouched until after the election. Given this, Trust Council may wish to make use of the extra available time to more deeply analyse the issues identified in its letter, and its approach in making this request of the Province, to ensure its greatest chance of success. It is unknown at this juncture which political party's(ies') will form government, and Trust Council may wish to tailor its messaging to align with the stated values and priorities of the new government, an approach that is generally recommended to achieve success when asking other bodies of government to take action on any given issue. A request made post-election would ensure Trust Council can address its letter to the correct Minister, who may change post-election. While this may seem like a minor point to many, it is something that Ministry staff flag as a consideration.

The draft letter advanced from GC to Trust Council is open to Trust Council amendment. With this in mind, Trust Council will need to consider protocol agreements and memorandums of understanding with other bodies that may affect timing of this provincial request, which include the following:

- The [Islands Trust Council/Bowen Island Municipality Protocol Agreement](#) section 5.1 states the following: *"After consultation with the other party, either Party will provide written notice respecting requests for the federal, First Nation and Provincial governments to enact legislation that may affect the activities of the other party relative to the Bowen Island Municipality."* Trust Council needs to consider if its approved request to the Province represents a 'request' 'to enact legislation'. Staff are not aware that any consultation on this project has taken place with Bowen Island Municipality to date.
- The [Islands Trust Council Bylaw No.86](#) section 4.1 states the following: *"Where the Executive Committee of the Council considers that a legislative proposal that is to be submitted to the Council may have an impact on the responsibility of the Board, the Executive Committee will refer that draft legislative proposal to the Board for comment. The Executive Committee will consider Board comments on the*

legislative proposal before the legislative proposal is submitted to the Council". Trust Council needs to consider if its approved request to the Province resembles a 'legislative proposal'. Staff are not aware of any assessments that may have been made to determine the impact this request on the responsibility of the Islands Trust Conservancy Board, nor of any comments received from the Board for consideration.

The third resolution proposed in the draft RFD seeks that Trust Council give direction to Executive Committee and staff to develop a communications strategy 'in advance of the elections' related to the Provincial request. If Trust Council passes such a resolution at its September 24-26, 2024 meeting, and the election is taking place on October 19, 2024, this leaves three weeks to develop said strategy, a limiting factor associated with this particular proposed resolution.

2. General Approach

Staff understand that some trustees are hopeful that the draft RFD and draft letter will result in a unanimous vote of Trust Council on the same resolution passed by Trust Council in 2022, without major amendment. Staff understand there is hope this approach will add weight to the request to the Province, clearly demonstrating that this term's Trust Council shares exactly the same concerns as last term's Trust Council. Staff do not share concern that a reworded resolution may take away from the gravity of the message conveyed to the Minister if such a rewording is necessary to provide clarity on the request of Trust Council.

Staff recommend that, even if proposed resolutions remain unchanged from 2022, further clarity on issues raised in the letter are provided to inform the draft letter and/or future conversation with the Province, as well as the desired communications efforts surrounding this initiative. Analysis on the letters topic might include things such as:

- ~ Identifying and providing evidence of specific examples of the Islands Trust Act preventing Trust Council or other Trust bodies from achieving an objective or advancing the Islands Trust Object,
- ~ Identifying and providing evidence of specific examples of how the Islands Trust Act is creating gaps in the Islands Trust's ability to address the current-day issues of greatest importance to the Trust Area,
- ~ Identifying non-legislative options at Trust Council's disposal to address the noted 'challenges of our time' and communicating to the Province why these options are not viable or are ineffective.
- ~ A review of prior legal opinions or provincial correspondence of relevance to the topics noted in the request may provide supporting evidence of insufficient authorities resulting from the Islands Trust Act.

From a review of previous provincial responses to legislative change requests and conversations with provincial staff, staff understand that Islands Trust requests to the Province for legislative change are generally most successful when they include specific requests supported by a well-argued rationale and evidence. Generally, where feasible and appropriate, concrete suggestions for amendments have expedited provincial dialogue and action. The Governance Committee has recommended against providing solutions, preferring instead to have the Province provide these options themselves.

Staff acknowledge the advice to do conduct further research to inform the request of the Province is at opposition with advancing a letter as quickly as possible. Trust Council needs to determine which of these is of greater importance to this issue.

3. Selection of Letter Topics and their Development

Staff have not weighed into the selection of topics that are included in the attached draft letter, respecting trustee desire to retain political control over this arena. Staff supports Trust Council in decision-making on this matter by providing advice on how these politically selected topics might be most strongly presented to

the Province, in an effort to support Trust Council achieving success with its request. Trust Council may consider:

Alignment with DRIPA:

This section of the draft letter speaks to both collaborative decision-making with Indigenous Governing Bodies, as well as reconciliation activities within the Trust Area.

Regarding reconciliation activities in the Trust Area, the draft letter indicates that “advancing meaningful reconciliation in the Trust Area” is “unattainable to Trust Council under its current funding model”. With regard to advancing meaningful reconciliation within the current legislative framework, staff note that Council-approved Reconciliation Action Plan budgets have historically not been fully spent, which may weaken this argument as currently presented. The Province will be aware of this given they approve Islands Trust financial plans and annual reports. Currently, Islands Trust is making some progress advancing relationships and agreements with several First Nations who have opened dialogue with us, and recently secured \$150,000 in provincial funding to support First Nations engagement. Due to factors such as these, it may not be clear to the Province what exactly is at issue in this particular topic as it is presented. As such, Trust Council may wish to more clearly state how the requested provincial review might improve or expedite its work in this topic area. Staff believe a funding request to the Province associated with enhancing the Trust’s work in the area of reconciliation has a good probability of success if properly presented, as this is a topic of shared interest with the Province.

Regarding a desire for collaborative decision-making arrangements with Indigenous Governing Bodies (IGBs), Trust Council may wish to consider how agreements with Indigenous Governing Bodies created under section 7, could achieve its desired outcome related to this topic. Legislative Services staff are best placed to advise Trust Council on this subject if exploring this idea is of interest. Understandably, there are alternative approaches to advancing collaborative decision-making with IGBs, including those that may be achieved through legislative change, that Trust Council may wish for the Province to examine and comment on directly.

Governance Structure:

In 2007, Trust Council requested that the Minister amend the Islands Trust Act to provide for four locally elected trustees in the Salt Spring Island Local Trust Area, with each sitting as a full voting member of Trust Council. The Minister agreed to a referendum to increase the local trustees on Salt Spring Island from two to four, but declined to offer the two new trustees a seat at Trust Council. The Minister conducted a referendum on increasing the number of locally elected trustees, which was defeated. As such, the Islands Trust Act was not amended to accommodate any part of this request. Reminding the Minister that there have been historical requests to increase elected voices in more densely populated areas may highlight that this has been a long-standing, still unaddressed, consideration of Trust Council. Trust Council may wish to review the response from the previous Minister in relation to this historical request to inform the approach it wishes to take in raising this particular issue.

Funding Model:

Currently, a separate project lives on the Executive Committee projects list to “develop a strategy to request additional funding from the Province, including revisiting the provincial grant funding formula to the Islands Trust”. It is unclear to staff if this project remains a priority of Trust Council given this topic is touched on in the draft letter to the Province. If this project is to remain a priority that will ultimately result in a separate request to the Province, staff suggest acknowledging this in the letter to the Province. Trust Council’s allocation of its own resources towards examining a topic of concern demonstrates the issue is of

paramount importance to Islands Trust and will lend weight to the argument that the Province should dedicate resources to assisting us.

Optimum Model & Geographic Scope, particularly related to Marine Areas:

The draft letter is structured in such a way that each bullet in the proposed resolution receives a high-level descriptive paragraph further in the body of the letter, with the exception of the bullets on “an assessment of the optimum governance model” and on “the geographic scope of the organization and in particular authority over marine areas”. Staff recommend including paragraphs describing these topics to align with the structure of the rest the letter.

4. Draft RFD Implications:

Staff comment on the implications of the draft RFD recommendations, as required under Trust Council’s policy (see background section of this report):

ORGANIZATIONAL:

If Trust Council approves the recommendations, and indeed this project becomes an election issue with a thoughtful communications strategy, staff time will need to be redirected to advance this work, deal with media inquiries, prepare speaking notes and materials for publication, etc. Should the Province respond to the Islands Trust seeking more detail or additional information, further time will be required to keep the dialogue moving forward efficiently. Prioritization against other strategic plan projects will need to be determined, as with any other work directed by Trust Council.

It is unknown at this time if and how this request of the Province might influence the Minister’s review and approval of a revised Policy Statement bylaw and the Islands Trust Conservancy Five-year Plan.

FINANCIAL:

There is no costs associated with sending a letter. Financial costs may be incurred to support a communications strategy that would accompany the letter, depending on the scope of that strategy.

POLICY:

No implications to current policy as a result of the recommendations. If the Province enacts changes to the Islands Trust Act, Trust Council policies would require review and potential update to ensure compliance with any new legislative regime.

It is unknown at this time if and how this request of the Province might influence the Minister’s review and approval of a revised Policy Statement bylaw and the Islands Trust Conservancy Five-year Plan.

IMPLEMENTATION/COMMUNICATIONS:

Implementation of the recommendations in the draft RFD would involve the following steps: sending of a Trust Council approved letter would be coordinated by staff and the Chair of Trust Council; a communications strategy would be developed by Executive Committee with staff; Trust Council spokesperson would be prepped to respond to media inquiries if any are received.

FIRST NATIONS:

The implications of this request to Islands Trust’s relationship with First Nations is unknown as no engagement with First Nations has been undertaken in regards to this request.

OTHER: Trust Council should consider potential existing commitments to cooperate with other bodies on development of legislative change requests within protocol agreements and memorandums of understanding with other bodies such as those mentioned above related to the Bowen Island Municipality and the Islands Trust Conservancy Board.

ATTACHMENT(S): None.

FOLLOW-UP: As directed by Trust Council.

Prepared By: Interim Chief Administrative Officer
Reviewed by: Governance Committee/August 14, 2024
Executive Committee/September 11, 2024

It has been 50 years since the *Islands Trust Act* came into force and 37 years since it was last reviewed by the Province.

The Trust's unique statutory mandate is to preserve and protect the islands of the Salish Sea. Fulfilling that mandate has become increasingly difficult over the past 50 years as the challenges facing the Trust have become ever more complex. Paramount among these challenges is the need for Trust decision-making to take into appropriate account the rights and interests of the Coast Salish Peoples for whom the Trust Area has been home since time immemorial. The current legislative scheme, however, does not equip the Trust to address this, and other, vital aspects of its mandate.

The previous Trust Council recognized the problem and that there is an urgent need for a review of the Act to ensure the Trust is fit for purpose in the 21st century.

- On June 21, 2022, Trust Council passed two resolutions that were essentially the same as Resolutions 1 and 2 above.
- On July 8, 2022, the Chair wrote to the then Minister of Municipal Affairs to convey Trust Council's request that the Province conduct a review of the Islands Trust's mandate, governance and structure. The Chair's letter emphasized that the Trust required Provincial leadership, direction, and resources to address the new realities and challenges facing the Trust.
- On September 23, 2022, the Minister replied with a letter that encouraged the Trust Council to address its concerns by utilizing its existing authorities. Moreover, the Minister stated that since elections were imminent, the ministry wished to "understand the perspectives and opinions that the newly elected Trust Council has on the requested review."

This Trust Council has been in office for almost two years. After facing the same structural limitations, it has reached the identical conclusion as last term's Trust Council: without structural change the Trust cannot meet the challenges of our time.

The Governance Committee has prepared the draft letter attached as Appendix 1 with a view towards urging a Provincial review similar in scope to the work undertaken by the select committee that recommended the creation of the Trust in the first instance over 50 years ago. This time, however, it is essential that the many Indigenous Governing Bodies with historical relationships with the lands and waters of the Trust Area be fully involved not only as participants, but also as partners in the development of the review process itself. The Governance Committee anticipates that concerted advocacy for this level of Indigenous engagement will be a major component of the communications strategy proposed by Resolution 3.

The Governance Committee asks that Trustees bear the following two points in mind when deliberating on the merits of this Request for Decision.

1. The governance review submitted by Great Northern Management Consultants in February 2022 was not concerned with the structural issues this Request for Decision is intended to address. That review was strictly limited to examining "the policies and processes by which the work of the organization is directed and managed, not the framework of the legislation which enables the authority and limitations on authority of the organization." This Request For Decision does not supersede the findings of that internal review. The Governance Committee

expects the Trust Council will continue the important work of implementing solutions to the operational impediments identified by the consultants.

2. The Trust is not alone in recognizing that the evolving and expanding nature of its responsibilities requires the modernization of its underlying legislation. The Regional District of Nanaimo has reached much the same conclusion regarding the need to modernize the *Local Government Act* to help regional districts and municipalities meet their new challenges. Attached as Appendix 2 is a letter from the Nanaimo Chair to other local governments that provides context for the Legislative Reform Initiative that is being spearheaded by the Regional District of Nanaimo.

2. IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: None.

FINANCIAL: None

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: To be coordinated with the Province.

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

OTHER:

3. RELEVANT POLICY(S):

4. ATTACHMENT(S):

1. Appendix 1. Letter "RE: Request for Provincial Review of Islands Trust"
2. Appendix 2. [Re: Legislative Reform Initiative Update, Chair Regional District of Nanaimo](#)

RESPONSE OPTIONS

Recommendation:

Alternative:

Prepared By: Trustee Bernardo, Trustee Gauvreau, Trustee Harris, Trustee Patrick

Reviewed By/Date: Governance Committee, August 15, 2024

The Honourable Anne Kang
Ministry of Municipal Affairs
PO Box 9056
STN PROV GOVT
Victoria BC V8W 9E2

Dear Minister Kang,

RE: Request for Provincial Review of Islands Trust

We write further to the previous Minister's letter of September 23, 2022, responding to our request for a provincial review of the Islands Trust mandate, governance and structure.

In his letter, the Minister noted that local government elections were imminent and asked that the incoming Trust Council provide its perspective on the requested review. After nearly two years in office in which we have faced the same structural limitations as the previous Trust Council, we can advise that we have reached the same conclusion: without systemic change the Islands Trust cannot meet the challenges of our time. Accordingly, at its September 24-26, 2024 meeting, Trust Council affirmed its support for the original request made under section 8(2)(e) of the *Islands Trust Act* by [unanimously] resolving:

1. *That Trust Council request the Lieutenant Governor in Council for the Province of British Columbia to conduct a review of the Islands Trust's mandate, governance and structure.*
2. *That Trust Council make the request by submitting the letter attached as Appendix 1 to the Lieutenant Governor under Section 8(2)(e) of the Islands Trust Act outlining the potential scope of a review, including, but not limited to:*
 - a. *An assessment of the optimum governance model to preserve and protect the Trust Area pursuant to the Province's vision for the future of the Trust area.*
 - b. *The object of the Islands Trust Act and clarification of the mandate of the organization.*
 - c. *The governance structure of the organization.*
 - d. *The alignment of decision-making processes and structures with the Declaration on the Rights of Indigenous Peoples Act.*
 - e. *The geographic scope of the organization and in particular authority over marine areas.*
 - f. *The funding mechanisms provided to the organization in light of a clarified mandate.*
3. *That the Executive Committee of the Trust Council, in conjunction with staff, develop a communications strategy that informs the public of Trust Council's request for a comprehensive review of the Islands Trust Act and the reasons for it in advance of the next Provincial election.*

Trust Council asks that as the Minister responsible for the Islands Trust you advance our recommendation to the attention of the Lieutenant Governor in Council for decision.

Trust Council identified challenges

The Islands Trust’s unique statutory mandate to “preserve and protect the trust area and its unique amenities and environment” has become increasingly difficult to fulfill as the challenges it faces have become ever more complex. The *Islands Trust Act* is 50 years old and has not been systemically reviewed by the Province in 37 years, creating gaps in the Islands Trust’s ability to address the current-day issues of greatest importance to the Trust Area. If the Islands Trust is to deliver effective solutions to these challenges its enabling legislation requires reexamination and, where necessary, amendment.

Alignment with the Declaration on the Rights of Indigenous Peoples Act

It is of paramount importance that Islands Trust decision-making processes appropriately acknowledge the rights and interests of the Coast Salish Peoples for whom the Trust Area has been home since time immemorial.

Advancing meaningful reconciliation in the Trust Area demands that 13 Local Trust Committees, the Islands Trust Conservancy Board, and Trust Council engage with the 27 Indigenous Governing Bodies that have interests in the Trust Area. This is an undertaking of enormous scope that requires significant financial and staff resources that are unattainable under the Island Trust’s current funding model. It also represents a significant opportunity to advance reconciliation in the Province. Additionally, while Trust Council has authority to engage in coordination agreements under section 9 of the *Islands Trust Act*, the statute does not provide a framework for Trust Council to develop collaborative decision-making arrangements with Indigenous Governing Bodies.

Governance

The *Islands Trust Act* establishes a governance structure under which Trust Council is given responsibility for allocating resources and approving all Local Trust Committee legislative decisions. This generates an inherent tension between the Island Trust’s federal model and the principle of representation by population that is fundamental to democratic accountability. We fully understand that in creating a body with equal representation from all areas, the Province wished to emphasize the importance of having Trust Council focus on the Trust Area as a whole. However, the assignment of equal voting power to each Trustee ignores the extreme discrepancies in voting populations by Local Trust Area, with the result that greater voting power per capita is allocated to the least populated Local Trust Areas than to the more densely populated ones that provide the greatest financial contribution to Islands Trust operations.

In making this observation, Trust Council is not critiquing the Province’s 1974 decision that established the Islands Trust’s current governance arrangement. We are asking that the Province reassess whether the arrangement remains appropriate in light of the Trust Area’s modern day challenges.

The Object of the Trust

Section 3 of the *Islands Trust Act* mandates preservation and protection of the Trust Area and its “unique amenities” and environment. The undefined term “unique amenities” has led to competing interpretations of the meaning and scope of the Islands Trust’s jurisdiction and has generated division among trustees and the public in this and previous terms. As a consequence, Trust Council deliberations are persistently troubled by inconclusive debates about the relative importance and prioritization of environmental protection versus the facilitation of flourishing of human communities. In order to function effectively, Trust Council needs the Province to provide a clearer definition of the Islands Trust object.

Funding model

The Islands Trust exists to preserve and protect the Trust Area not only for the benefit of its residents, but for all British Columbians. The Islands Trust's funding model, which sees property taxes generated only from Trust Area property owners as the primary source of revenue for its operations, does not reflect this statutory acknowledgement. Moreover, provincial funding to the Islands Trust under the Regional District Basic Grant program is based heavily on area population, which fails to recognize the true extent of the Islands Trust's beneficiary base.

Islands Trust Governance Review

The previous Minister's September 23, 2022 letter referenced implementation of the recommendations that emerged from the Islands Trust's most recent governance review as a means to address some of the emerging concerns and pressures identified by Trust Council.

That review, however, was limited to assessing "the policies and processes by which the work of the organization is directed and managed, not the framework of the legislation which enables the authority and limitations on authority of the organization". As such, Trust Council does not regard the proposed actions discussed in the governance review as germane to our recommendation that the Province undertake a comprehensive review of Islands Trust's legislative scheme.

To be clear, Trust Council remains committed to weighing and, where appropriate, implementing the recommendations that emerged from the governance review. We have established a Governance Committee as a standing committee responsible for advising Trust Council on governance related matters. Trust Council has also made progress advancing more robust corporate planning practices, and is taking steps to improve meeting procedures and facilitate structured decision-making. A program of extensive internal reform, however, is a necessary complement to, but not a substitute for, the systemic reassessment of the *Islands Trust Act* that only the Province can undertake and the organization urgently needs.

Moving Forward

Although the Ministry has introduced legislative amendments from time to time over the years, the challenges that now confront the island communities of the Trust Area require more than incremental change. The Islands Trust operates in a dynamic context in which continually evolving environmental, social, and economic concerns cannot be separated from each other, and it is an open question whether a federal model remains appropriate for advancing the Islands Trust's preserve and protect mandate. If so, it is far from clear that a governance structure that centralizes authority in an undemocratic Trust Council can be justified given modern expectations of accountability.

Addressing the need to establish meaningful collaboration with Indigenous Governing Bodies in Trust Area governance and other current challenges requires changes to the Islands Trust's enabling legislation. It is beyond the capacity of the Islands Trust to develop amendments of that magnitude. More fundamentally, it falls to the Province, not the Islands Trust, to define the policy direction of any systemic changes. In that regard, only the Province can lead: first by confirming its vision for the Trust Area in consultation with the Islands Trust, Indigenous Governing Bodies, the communities of the Trust Areas and other stakeholders; and, then, by working with Trust Council to develop the amendments to the *Islands Trust Act* that will give the Islands Trust the structure and authorities necessary to fulfill that vision.

It is Trust Council's strong recommendation that the Province conduct a comprehensive legislative review similar in scope to the work of the select committee that led to the creation of the Islands Trust 50 years ago. This time, however, it is essential that the many Indigenous peoples with interests in the lands and waters of the Trust Area be involved through their governing bodies not only as participants in the review, but also as partners in the development of its terms of reference. We look forward to your response.

Respectfully and on behalf of the Trust Council of the Islands Trust,

Peter Luckham, Chair
Islands Trust Council

cc:
[Lieutenant Governor]
[Premier]
[Relevant Indigenous Governing Bodies]
[Relevant Regional Districts]

DRAFT

January 19, 2024

Re: Legislative Reform Initiative Update

Dear Local Government Colleagues:

On September 21, 2023, the Regional District of Nanaimo (RDN), Alberni-Clayoquot Regional District, Fraser Valley Regional District (City of Chilliwack), and Don Lidstone, K.C., hosted an interactive, discussion-based panel session (Legislative Reform Initiative) focused on reform of the *Local Government Act (LGA)* at the UBCM Annual Convention in Vancouver. While the lack of powers for regional districts in the *Act* was a major spark for this initiative, the session was intended for both municipal and regional district officials because many aspects of municipal operations are contained in the *LGA* and municipal issues with the *Act* have been the subject of numerous UBCM resolutions over the years. Similar workshops have been held previously at the Association of Vancouver Island and Coastal Communities' Annual Conventions in 2022 and 2023. Approximately 80-85 people attended the September 2023 UBCM session, indicating a broad interest in this evolving topic.

Concerns about the dated *Local Government Act* have been widespread for some time among local governments. Although the Ministry of Municipal Affairs has made significant incremental changes in the legislation over time, without a comprehensive modernization of the *LGA* regional districts are left without sufficient tools or authority to meet expanding responsibilities or to legislate in key areas in comparison with municipalities. Moreover, the evolving social, political, and economic environments that both municipalities and regional districts operate within, such as climate change, environmental stewardship, and a recognition of the importance of First Nations' participation in regional governance, should be reflected in updated and modernized legislation. A key component of our discussions is that any additional powers or tools granted to local government are opt-in so that local governments can choose to implement tools based on what is best for their area.

The goals of the September 2023 UBCM interactive panel session were:

- to provide context and background about the Legislative Reform Initiative
- to discuss whether to proceed with the Legislative Reform Initiative
- to discuss options for the best path forward to steer the process

Prior to the session, the Ministry of Municipal Affairs provided some background information and several questions to consider during the group's discussion. This material was useful and very much appreciated.

The RDN committed to sending UBCM members a "What We Heard" document summarizing discussion at the session and next steps. We are attaching that document to this letter for your information, as well as the material provided by the Ministry of Municipal Affairs that was considered as part of the September 2023 panel discussion at UBCM. In addition, we are attaching the slide deck presented at the UBCM session.

We encourage other local governments to participate in this important initiative. As indicated in the “What We Heard” document, the RDN is currently following up with UBCM on the possibility of requesting that the UBCM Executive form a working group on this topic. Having letters of support from local governments across the province would be helpful in demonstrating interest. Should you wish to send a letter of support, have any questions, or wish to share examples of legislative challenges stemming from the *Local Government Act*, please contact RDN Chief Administrative Officer Douglas Holmes at dholmes@rdn.bc.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "Vanessa Craig". The signature is fluid and cursive, with the first name "Vanessa" written in a larger, more prominent script than the last name "Craig".

Vanessa Craig
Chair, Regional District of Nanaimo

Encl.

LEGISLATIVE REFORM INITIATIVE: NEXT STEPS
UBCM ANNUAL CONVENTION, September 21, 2023
Summary of Session and What We Heard

SUMMARY OF SESSION

On September 21, 2023, the Regional District of Nanaimo, Fraser Valley Regional District (City of Chilliwack), Alberni-Clayoquot Regional District, and Don Lidstone, K.C., hosted an interactive, discussion-based session on legislative reform. The session was intended for both municipal officials as well as regional district officials because many aspects of municipal operations are contained in the *Local Government Act*.

The goals of the session were:

- to provide context and background about the Legislative Reform Initiative
- to discuss whether to proceed with the Legislative Reform Initiative
- to discuss options for the best path forward to steer the process

The Ministry of Municipal Affairs provided background and several questions to consider during the group's discussion (Attachment 1).

Approximately 80-85 people attended the session, indicating a broad interest in this evolving topic.

Concerns with the dated *Local Government Act* include restrictions on taxation and revenue sources, complexities in establishing services, and the lack of provisions in comparison with Section 8 of the *Community Charter* which gives municipalities powers to regulate, prohibit, and impose requirements by bylaw without provincial approval or establishing bylaws. Regional districts are limited in their legislative authority in comparison with municipalities in several key areas such as business licensing authority (which the province is now addressing as part of its efforts around short-term rental housing), subdivision approval, regulation of fireworks discharge, parking enforcement, tree management, and taxation and funding models. Further, social, political, and economic environments that local governments operate within continue to evolve in areas such as climate change, environmental stewardship, and a recognition of the importance of First Nations' participation in regional governance. These realities should be reflected in a modernized legislative framework.

During the session, Slido polls were used to conduct two "straw polls" of the participants, on these questions: 1) whether or not to proceed with the Legislative Reform Initiative, and 2) whether a UBCM working group or a joint local government project is the best path forward to steer the process.

The majority of participants indicated support for the Legislative Reform Initiative, and indicated their preference would be for a UBCM working group to steer the initiative. These polls were conducted to gain a sense of the sentiments of the session participants only, and are not assumed to represent the views of the UBCM membership as a whole.

WHAT WE HEARD

WHY A COMPREHENSIVE MODERNIZATION EFFORT IS NEEDED

- The Ministry of Municipal Affairs has made important incremental changes in the legislation over time, but a more comprehensive modernization project is needed.
- Extensive downloading of responsibilities from the Province to local governments has exacerbated the problems local governments face; outdated legislation prevents local governments from addressing these issues effectively.
- Over 90% of the province is rural and is not under the *Community Charter*; these areas should not be governed by legislation that was drafted in 1966.
- Regional districts and municipalities have restricted powers where they have delegated authority only, are not constitutionally protected, and have few tools or resources to address local problems.
- Particular challenges with the *Local Government Act* (LGA) raised by participants at this session:
 - responding effectively to emergencies and natural disasters
 - taking measures to mitigate the effects of climate change
 - dealing with old infrastructure and the ability to fund these projects solely through property taxes
 - population growth and migration from cities during the pandemic is rapidly changing the character of rural areas; incoming residents have higher expectations for services
 - incorporation should not be the only other governance option for rural areas; there should be an intermediate step available
 - Electoral Areas lack power and resources
 - business licensing authority¹ and subdivision approval are difficult for regional districts
 - small municipalities and regional districts are unable to fund necessary projects costing millions, such as recycling, dikes, etc., to continue to provide the quality of life that residents cherish in these communities.

CONSIDERATIONS FOR PURSUING LEGISLATIVE REFORM RAISED AT THIS SESSION

- The background and questions provided by the Ministry of Municipal Affairs were very helpful in this discussion.
- Need to identify and list specific, concrete, local community issues and distill them from a 10,000-foot level to provide the Ministry of Municipal Affairs with evidence for the need to modernize the *Local Government Act*.
- Legislative reform should be viewed as supporting the Province, not in conflict with the Province.
- The Ministry of Municipal Affairs should be involved from day one.
- The Ministry should provide funding for this initiative's research and policy work, as they have done for the Northwest Benefits Alliance.

¹ The Province is addressing this as part of its efforts around short term rental housing. Amendments to the *Local Government Act* allow Regional Districts to regulate and licence short-term rentals and other businesses in similar ways to municipalities [see link](#)

- What is working well in the legislation should be left as is.
- If legislative reform is successful in providing new powers and tools for local governments, that does not mean all local governments must use them.
- Islands Trust has an even smaller toolbox than municipalities and regional districts.
- Metro Vancouver has excellent models and best practices, especially in the area of climate change; we can borrow good ideas.
- Local governments need a legislative framework that recognizes the importance of, and facilitates working together with, First Nations in a respectful, effective, and inclusive manner.
- When First Nations participate at the Board level, it changes the conversation and the votes. Local governments often are not well informed regarding Indigenous rights and title.
- The inclusive governance goals in UNDRIP legislation and provincial action plans can be reinforced and worked on concurrently with the Legislative Reform Initiative.
- Need to consider 7 generations into future when modernizing the LGA.
- Planning and land use issues should not be included in this initiative.
- Several participants stressed the need to draft a new charter rather than revise portions of the LGA in a continuation of the “band aid” approach.
- Area associations of UBCM should be included in the conversation.
- A retired CAO or Chair could be a primary resource person for this project, conducting research and policy work and keeping the project on track.

DECIDING WHETHER TO PROCEED WITH THE LEGISLATIVE REFORM INITIATIVE

- **Slido poll #1:** Is there an interest in proceeding with the Legislative Reform Initiative? (96% yes, 4% no)

OPTIONS FOR STEERING AND MANAGING THE LEGISLATIVE REFORM INITIATIVE

Option 1: UBCM Executive could form a working group on legislative reform, comprised of representatives from municipalities, regional districts, First Nations, UBCM, and ministerial staff

Option 2: This could be structured as a joint local government project, with local governments contributing funding to form a working group on legislative reform, comprised of representatives from municipalities, regional districts, First Nations, UBCM, and ministerial staff

Considerations for Option 1:

Pros:

- UBCM has an efficient network, broad reach, consistency, research capacity, and impact with the province.
- UBCM can be representative.
- UBCM has already been doing some work on legislative reform, and has experience.
- UBCM can allocate resources if legislative reform is identified as a priority.
- Reporting back will happen at UBCM.

Cons:

- Last UBCM working group report in 2010 did not meet expectations.
- Some uncertainty on the part of some participants as to how a UBCM working group functions.
- A UBCM working group may be more distant from local governments than is ideal.

Considerations for Option 2:

Pros:

- May insulate the project from getting sidetracked, if the Province does not assist with resources for UBCM.
- With a group of passionate people committed to working together on the project, the Legislative Reform Initiative may not need UBCM.

Cons:

- Challenges with resources and capacity: initiative will require significant buy-in and continued long-term commitment from local governments in terms of funding and staff time.
- Difficult to achieve forward momentum “off the side of the desk”.
- The complex coordination required for the project will be a challenge.

➤ Slido poll #2:

- **Option 1:** UBCM Executive forming a working group (85% in favour)
- **Option 2:** Joint local government project (15% in favour)

NEXT STEPS

- A “What We Heard” document summarizing the session will be distributed to UBCM members.
- It is noted that although there was significant enthusiasm for the initiative, including from areas outside the AVICC region, some representatives indicated they would like additional information on the initiative.

UPDATE: December 2023

Following the UBCM Annual Convention, Douglas Holmes, CAO of the Regional District of Nanaimo had the opportunity to discuss the Legislative Reform Initiative and the September 21, 2023, interactive panel session with Gary Maclsaac, Executive Director, UBCM. Mr. Maclsaac is in the process of seeking direction on this matter from the President’s Committee.

Attachment 1: Ministry of Municipal Affairs background and discussion questions

Background and Discussion Questions

The Ministry of Municipal Affairs (MUNI) is committed to listening to local governments about their evolving needs and how the existing legislated framework accommodates new responsibilities and challenges. Much of the legislative agenda sponsored by MUNI in recent years has responded to critical local government needs uncovered as a result of the pandemic and in response to UBCM resolutions. The development of legislative change is a lengthy, complex, and resource intensive process. Therefore, it must be rooted in and supported by a clear gap in existing tools and authorities to fix an identified problem that the current legislation or other tools don't resolve. The mere desire for regional district (RD) legislation alone needs to be tested against a real need, with a clear path on policy development for the province to consider.

Government Priorities

The province has been clear in its priorities and focus on pressing issues of affordability and housing supply – allocating significant resources from both the Ministry of Housing and MUNI to initiatives in this space. That scarce allocation is determined by elected decision makers. The priority on affordability and housing supply also presents an opportunity and recognizes that issues of housing availability and affordability are not just urban issues – and that there is a role for regional approaches to support this work that may require new thinking of how RDs are better able to participate in solutions that will have direct implications for RD regulatory authorities.

In addition, MUNI along with other agencies and ministries, are working on other initiatives that have a direct impact on RD authorities, these include:

- The local government financial review working group, made up of staff from the province and UBCM, where work has been underway to review the local government finance system in B.C., analyzing the recommendations in the 2021 UBCM report, and discussing matters of mutual interest;
- Inclusive regional governance to explore First Nations' interests on RD boards (explore issues such as geographic implications/boundaries of the current RD system and alignment with First Nation territories, election mechanics, and service provision);
- Consideration of business licensing and enforcement authorities for RDs, as previously requested by RDs.

Discussion questions – Are there specific RD challenges and legislative concerns that align with the current provincial priorities? What are the clearly defined problem statements/lack of authority for RDs not already accommodated for?

Other Approaches and Tools

In the past, RD officials have expressed a range of concerns such as lack of regulatory authority – in some cases the authorities in question may exist or it may be facilitated through regulation (recent examples include fireworks and source separation regulations). Other identified concerns relate to some of the fundamental foundations of RD structures and principles – such as the principle that cost-recovery for services being matched with the beneficiaries of the service, or the unique ability of RDs to balance rural and urban interests. Any changes contemplated need to be evidence-based and targeted

and not be change for “a nice to have” versus a particular business or governance need for which a policy rationale exists and no other tools exist.

Discussion questions – given the inherent flexibility in the RD system, are there other tools or approaches that may address challenges that could support RDs in the absence of legislative changes?

Process for further engagement

Given the key and pressing priorities that the province is currently engaged on (e.g., housing and homelessness, climate change and emergency planning, health, and the opioid crisis) there are practical considerations about how the local government system (including municipalities and RDs) will partner and collaborate with the province to address these issues. MUNI remains committed to understanding the broad views and perspectives of local government officials (both regional and municipal) across BC on the issues facing their regions and communities including the need for legislative change. We will take under consideration the results of this session.

Discussion questions – Have inclusive, broad meaningful conversations about RD outcomes and authorities occurred across all RDs? And have those been shared with MUNI? How will RDs organize themselves to ensure that all voices will be heard?

1 PURPOSE:

To review and update the Chief Administrative Officer evaluation policies.

2 BACKGROUND:

At its regular business meeting in December 2023, Trust Council passed the following resolution:

THAT Trust Council hire a qualified independent consultancy firm to work with the elected officials of Trust Council in the drafting of a Chief Administrative Officer Performance Evaluation Policy using current policies and materials provided by Trustee Patrick and Trustee Falck to Trust Council Dec 7, 2023

The hiring process for the new Chief Administrative Officer is underway. As per Trust Council [Policy 2.4.2 \(Executive Committee Terms of Reference\)](#) a select committee made up of the Executive Committee members and the chairs of all four standing committees for the Chief Administrative Officer Hiring Committee. Trust Council allocated \$75,000 in the Fiscal 2024-25 budget to hire a consultant to assist the committee in the hiring process. The actual contract was issued for \$45,000 to Leaders International Executive Search, leaving a surplus of \$30,000 in the budget.

The terms of reference for the CAOHC is limited to the hiring of the CAO and first six month (probation) performance criteria and evaluation. However, as the members of the CAOHC have experience with the process, Trust Council may want to ask the members to continue the work and review and recommend a CAO performance evaluation policy. As hiring of a new CAO is ending, time is of the essence as it would be ideal to have the new evaluation policy in place before the new CAO starts, or as soon as possible after that, to provide certainty and clarity for the new CAO.

A consultant would need to be retained to assist the select committee in undertaking this work. Funding for the consultant can come from the surplus \$30,000 left over from the CAO hiring process.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Administrative staff resources would be required to assist the committee in setting up and running meetings, and in establishing a contract with a suitable consultant.

FINANCIAL:

As this proposal is to use surplus funds already dedicated for CAO hiring process, there is no impact on the budget.

POLICY:

No policy implications, other than development of a new and updated Chief Administrative officer evaluation policy.

IMPLEMENTATION/COMMUNICATIONS:

Staff will follow Trust Council procurement policy in hiring of a consultant to assist the select committee.

FIRST NATIONS RELATIONS:

There are no First Nations Relations implications

OTHER:

There are no other implications.

4 RELEVANT POLICY(S):

[Policy 2.4.2 \(Executive Committee Terms of Reference\)](#)

5 ATTACHMENT(S):

December 7, 2023 Trust Council Addendum

RESPONSE OPTIONS

Recommendation:

- 4. THAT Trust Council establish a Chief Administrative Officer Performance Evaluation Policy Select Committee consisting of the members of the Executive Committee and the chairs of all four standing committees.**
- 5. THAT Trust Council establishes the terms of reference for the Chief Administrative Officer Performance Evaluation Policy Select Committee as follows:**
 - 4. Review material provided by Trustee Falck and Trustee Patrick to Trust Council on December 7, 2024 regarding evaluation of Chief Administrative Officers;**
 - 5. Engage a consultant to work with the Chief Administrative Officer Performance Evaluation Policy Select Committee, to review and develop recommended policy for the performance evaluation of a Chief Administrative Officer; and**
 - 6. Make recommendations to Trust Council on adoption of a Chief Administrative Officer Performance Evaluation Policy.**
- 6. THAT Trust Council approve spending of up to \$12,000 from the unspent funds approved for recruiting a new Chief Administrative Officer, to engage a consultant to develop a Chief Administrative Officer performance evaluation policy.**

Alternatives:

1. That Trust Council may direct this work to the Executive Committee. Given its terms of reference, the Executive Committee would be the appropriate committee to take this on.
 2. That Trust Council direct staff to engage a consultant to work directly with Trust Council on the development of a CAO performance evaluation policy.
-

Prepared By: David Marlor, Director, Legislative and Information Services
Reviewed By/Date: Interim Chief Administrative officer/September 5, 2024



Islands Trust Council Quarterly Meeting

Date: Tuesday, December 5, 2023
Time: 1:00 pm - 12:00 pm
Location: Coast Victoria Hotel, Ballroom
146 Kingston Street
Victoria BC, V8V 1V4

| | | | Pages |
|-----|---|-------------------|-------|
| 10. | NEW BUSINESS | 4:30 PM - 5:30 PM | |
| | 10.3 <u>Chief Administrative Officer Liaison Duties - Review and Discussion</u> | | 2 - 8 |

Subject: Review and Discussion of the Chief Administrative Officer Liaison duties described in Section 9 of Policy 2.4.1 - Executive Committee Terms of Reference.

RECOMMENDATION:

WHEREAS:

- A. Annual performance reviews of the Chief Administrative Officer (CAO) are crucial for the proper management of the Islands Trust.
- B. Among local governments in British Columbia, annual CAO performance reviews are conducted in accordance with standard practices that require the appraisal to follow rigorously structured procedures that:
- are documented in detail and include prescribed timelines;
 - have been designed to provide the CAO with an accurate and comprehensive performance assessment to better enable the achievement of strategic priorities through improved organizational performance;
 - ensure fairness by relying on the guidance of a neutral third party at each stage of the evaluation process; and
 - are supervised by the municipal council or regional district board that, as the case may be, employs the CAO.
- C. Under section 17(3) of the *Islands Trust Act*, the Trust Council is deemed to be the CAO's employer.
- D. Section 9 of Policy 2.4.1 "Executive Committee Terms of Reference" identifies the procedures for the employment, appraisal, and termination of a CAO. These do not meet the minimum accepted standards and practices followed by other local governments in the province and, with respect to CAO performance reviews in particular, Section 9 does not:
- recognize Trust Council as the decision-making authority in the review process;
 - describe the steps to be followed in conducting the review; or
 - prescribe timelines for the review.
- E. In practice, CAO performance reviews at the Islands Trust:
- have not been consistently undertaken on an annual basis;
 - have involved minimal or no input from Trust Council and those trustees who are not members of the Executive Committee; and
 - have not involved the participation of the CAO's direct reports.
- F. Section 9 of Policy 2.4.1 has not been updated since 2014.

TRUST COUNCIL THEREFORE RESOLVES:

1. Section 9 of Policy 2.4.1 and Attachment 1 thereto are repealed;
2. A new policy entitled "Annual Performance Review and Employment — Chief Administrative Officer", the provisions of which are set out in the Appendix A to this resolution and based on the best practices described in the 2023 Canadian Association of Municipal Administrators "CAO

Performance Evaluation Toolkit – Guide for the Mayor & Council”, is adopted to take immediate effect (Policy);

3. A Special Committee of Trust Council (Special Committee) comprised of the chairs of Trust Council’s four standing committees is established to coordinate the implementation of the Policy in accordance with the duties assigned to such committee in the Policy;
4. The Special Committee initiate and coordinate the Chief Administrative Officer performance review for 2023 in accordance with the Policy; and
5. The engagement of the independent consultant prescribed by the Policy be funded:
 - (a) for the 2023 performance review, by drawing from the general revenue surplus fund; and
 - (b) for each subsequent year by its inclusion as a permanent budget item.

FINANCIAL: Annual budget for independent consultant

ATTACHMENT(S): Appendix A: Annual Performance Review and Employment — Chief Administrative Officer. Attachment 1: Terms of Reference Chief Administrative Officer Hiring Committee

Appendix A

DRAFT FOR DISCUSSION

Annual Performance Review and Employment — Chief Administrative Officer

1. In the event the position of Chief Administrative Officer (CAO) becomes vacant for any reason and in accordance with Attachment 1 to this Policy:
 - (a) The Special Committee of Trust Council (Special Committee) shall coordinate the formation and operation of a Chief Administrative Officer Hiring Committee (CAOHC) comprised of the members of the Executive and Special Committees.
 - (b) The CAOHC shall be responsible for recruiting a suitable candidate and recommending the selection to Trust Council.
 - (c) Upon Trust Council's appointment of a new CAO, the CAOHC shall be responsible for the CAO's orientation and evaluation during their initial six-month period of probationary employment.
2. Following the CAO's six-month period of probationary employment, the Special Committee in consultation with Trust Council shall in each calendar year coordinate a performance review of the CAO and, if necessary, be responsible for implementing any disciplinary actions directed by Trust Council.
3. The annual review shall assess the CAO's performance during the preceding year against the following criteria:
 - (a) The timeliness of the land planning services delivered by Islands Trust staff (Staff) to Local Trust Committees, which in all cases should meet the highest professional standards.
 - (b) The effectiveness and efficiency by which Trust Council's other strategic objectives and priorities have been implemented, which in all cases should be done in a fiscally prudent manner.
 - (c) The degree to which Islands Trust operations have been effective in supporting Local Trust Committees and Trust Council committees. Among other things, it is expected that Staff will be fully collaborative in their dealings with trustees.
 - (d) The soundness and sufficiency of the advice the CAO has provided to Trust Council in the CAO's capacity as its principal adviser.
 - (e) The extent to which specific performance objectives agreed upon between Trust Council and the CAO for the period under review have been met.
4. The purpose of the CAO performance review shall be to provide:
 - (a) A formal framework for Trust Council and the CAO to jointly examine and discuss their professional working relationship.
 - (b) The CAO with Trust Council's assessment of the extent to which the CAO has satisfactorily fulfilled the responsibilities of the position as set out in the relevant legislation and Islands Trust policies, and has met the leadership standards required of the role.
 - (c) Clear direction to the CAO in the form of specific performance objectives that identify Trust Council's performance expectations for the next calendar year.
 - (d) A basis for salary adjustments.

5. The review process shall be comprised of the following elements and guided by the following timelines:

| Sequence | What | Who | When | Notes |
|----------|--|---|----------------|--|
| 1 | Performance review process initiated. | By Trust Council resolution. | By December 31 | |
| 2 | Independent Consultant appointed. | By Trust Council resolution after receiving Special Committee recommendation. | By December 31 | |
| 3 | Trustees are interviewed. | Independent Consultant & Trustees. | January | Kept confidential. |
| 4 | CAO interviewed & provides self-evaluation. | Independent Consultant & CAO. | January | Kept confidential. |
| 5 | CAO's direct reports are interviewed. | Independent Consultant & CAO's direct reports. | January | Kept confidential. |
| 6 | Initial report. | Independent Consultant. | February | To CAO & Special Committee. |
| 7 | Comprehensive report. | Independent Consultant. | February/March | Presented to Trust Council <i>in camera</i> . |
| 8 | Discuss findings with CAO. | Special Committee & Independent Consultant. | February/March | Special Committee to receive prior direction from Trust Council <i>in camera</i> . |
| 9 | Develop mutually agreed upon performance objectives for the coming year. | Special Committee, CAO & Independent Consultant. | February/March | Special Committee to receive prior direction from Trust Council <i>in camera</i> . |

| Sequence | What | Who | When | Notes |
|----------|---|------------------------------|--------------|---------------------------|
| 10 | Completion of performance review and report on lessons learned. | Independent Consultant. | By March 31. | To Trust Council and CAO. |
| 11 | Salary review. | By Trust Council resolution. | By March 31. | |

6. In consultation with Trust Council, the Special Committee shall be responsible for the scheduling of the dates and times for each stage of the CAO's performance review.
7. To facilitate each CAO annual performance review, the Director, Administrative Services shall at the Special Committee's direction instruct Staff to provide to the Special Committee such support as it may require.
8. After the CAO's completion of their initial six-month period of probationary employment and in the event either the Executive Committee or the Special Committee deem it necessary:
 - (a) The Special Committee shall coordinate the formation and operation of a Chief Administrative Officer Employment Evaluation Committee (CAOEEC) comprised of the members of the Executive and Special Committees.
 - (b) The chair of Trust Council will preside over meetings of the CAOEEC, which will follow the procedures for committee meetings as established by the current Meeting Procedures Bylaw.
 - (c) The CAOEEC shall be responsible for consulting with the Public Service Agency regarding the CAO's potential termination.
 - (d) The CAOEEC shall make a recommendation to Trust Council that includes a comprehensive review and assessment of the CAO's competencies.
 - (e) In the event Trust Council authorizes the CAO's termination, the CAOEEC shall ensure it is implemented in accordance with the requirements of the *Employment Standards Act*.

Attachment 1

DRAFT FOR DISCUSSION

Terms of Reference

Chief Administrative Officer Hiring Committee

1. Purpose
 - 1.1. The purpose of these Terms of Reference is to guide a Chief Administrative Officer Hiring Committee (CAOHC) that has been established under Section 1 of the Annual Performance Review and Employment — Chief Administrative Officer Policy.
2. References
 - 2.1. The following references are relevant to these Terms of Reference:
 - 2.1.1. Annual Performance Review and Employment — Chief Administrative Officer Policy.
 - 2.1.2. The job description for the Chief Administrative Officer (CAO) position current at the time the CAOHC is formed.
 - 2.1.3. The Public Service Agency Policies and Procedures regarding hiring processes and probationary periods for Exempt Staff current at the time the CAOHC is formed.
 - 2.1.4. *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, and are subject to audit by the BC Merit Commissioner to ensure this condition has been observed.
 - 3.3. The criteria used to select a CAO must include the qualifications relating to the education, experience, knowledge, skills, abilities and competencies prescribed by Trust Council in the job description for the position current at the time of the CAOHC's formation.
 - 3.4. The first six months of a new CAO's employment are a probationary period, the management of which must follow the policies and procedures of the BC Public Service Agency.

4. Process

- 4.1. Upon Trust Council's determination that it is necessary to begin the process for hiring a CAO, the Special Committee on Management (Special Committee) will as soon as is practicable form a Chief Administrative Officer Hiring Committee (CAOHC).
- 4.2. The chair of Trust Council will preside over meetings of the CAOHC, which will follow the procedures for committee meetings as established by the current Meeting Procedures Bylaw.
- 4.3. The CAOHC will be responsible for:
 - 4.3.1. Seeking advice from the Public Service Agency regarding the CAO hiring process to ensure it is based upon a fair and appropriate methodology that meets the requirements of the BC Merit Commissioner. This consultation will include seeking advice concerning the appropriate methods for: advertising the position; reviewing and rating candidate resumes; and screening candidates through the use of interview questions, written tests, work simulation exercises, the evaluation of work samples, and other human resource assessment methods approved by the Public Service Agency.
 - 4.3.2. Obtaining direction from Trust Council regarding the criteria that are to be given priority in the recruitment of a suitable candidate.
 - 4.3.3. Recruiting a suitable candidate.
 - 4.3.4. Recommending a suitable candidate to Trust Council for appointment, and providing Trust Council with a comprehensive review and assessment of the candidate's qualifications.
 - 4.3.5. Orienting the new CAO during their initial six-month period of probationary employment.
 - 4.3.6. In consultation with Trust Council and the BC Public Service Agency, evaluating the new CAO during their probationary period of employment.
 - 4.3.7. Prior to the conclusion of the probationary employment period, recommending to Trust Council whether or not the new CAO's appointment should be confirmed as permanent.

- Upon re-entry into the public meeting, in a rise and report, Chair Luckham announced to the public that Trust Council had come to conclusions on how [the Object clause] would be interpreted, and a news release was planned.
- Trust Council subsequently released its [Statement on the scope and meaning of section 3 of the Islands Trust Act \(Object Clause\)](#).

Since release of this Statement there has been considerable public response. The primary areas of concern for the public appear to be:

1. Discontentment with the fact that Trust Council’s conversations related to its interpretation of the Object were not held in an open meeting;
2. Given item 1, a lack of understanding of how Trust Council reached its interpretation of the Object; and
3. Disagreement with, or concern about the implications of, Trust Council’s expressed view that *“unique amenities are broad-ranging and may include issues such as, but not limited to, housing, livelihoods, infrastructure and tourism.”*

In response to public correspondence on the matter, Trust Council passed the following resolution at its June 2024 meeting:

That Trust Council add to the September 2024 Trust Council meeting a discussion on the Section 3 Mandate.

Trust Council also requested that all correspondence on the matter be brought back for the discussion.

Trust Council did not specifically identify the nature of the discussion to be held at its September 2024 session. Staff provide the following for Trust Council consideration:

- Does Trust Council wish to affirm its Statement on the Scope and Meaning of Section 3 of the Islands Trust Act (Object Clause)?
- Does Trust Council wish to amend its Statement on the Scope and Meaning of Section 3 of the Islands Trust Act (Object Clause)?
- If Trust Council wishes to amend its Statement on the Scope and Meaning of Section 3 of the Islands Trust Act (Object Clause), how so?

History

As noted in the Governance Review report, discussions about interpretation of the Section 3 Object have taken place with Trust Council previously:

- In March 2021, as part of the Policy Statement Amendment Project, the 2018-2022 term of Trust Council had deliberative discussions on the meaning of the Section 3 Object. This conversation was prompted by the project as the Islands Trust Act states that Trust Council’s Policy Statement *‘must be a general statement of the policies of Trust Council to carry out the Islands Trust Object’*. Trust Council’s discussion was informed by:
 - A [legal opinion](#)¹ received by Trust Council in December 2020;
 - A [discussion paper: The Islands Trust Object: Past, Present, and Future](#); and
 - [Trustees’ written submissions of their views](#) summarising their own definitions of “unique amenities”.

¹ October 27, 2020 legal opinion was released to the public in 2020 by the Executive Committee and is available via the Islands 2050 webpage.

Following the March 2021 discussion last term's Trust Council passed the following resolutions:

That Trust Council define the words "unique amenities" to be inclusive of the natural character of the environment and the cultural heritage of Indigenous Peoples within the Islands Trust Area, and that these aspects are prioritized.

That Trust Council affirm its understanding that the object (and thus the mandate) of the Trust contained in s. 3 of the Islands Trust Act includes the concept of and protection of healthy and inclusive communities including (but not limited to) housing and transportation.

That Trust Council affirms its understanding that preservation and protection of the natural, terrestrial and marine environment is central to the mandate of the Islands Trust and that this responsibility must be given special and profound consideration in all our decisions and in all we do. (September 2021)

- From 1992 – 1994, during the process of considering development of the first Islands Trust Policy Statement, Trust Council discussed the Object and its interpretation, for inclusion in the new Islands Trust policy Statement.
- In 1986, Islands Trust Council undertook a review of the interpretation of the Object and subsequently endorsed a position paper [The Object of the Islands Trust: Renewing the Consensus](#) which laid out Trust Council's then interpretation. This position paper was highlighted in recent public correspondence received by Trust Council, which some trustees have noted they were unaware of. This paper is noted in the public correspondence returning to Trust Council, and is included in the agenda addendum that contains reference material for Trust Council.

ATTACHMENT(S):

1. Agenda package addendum containing:
 - Public correspondence from Trust Council's June 2024 meeting on the Object interpretation
 - Previously released legal opinions on the Object interpretation
 - Islands Trust Position Paper No 1, 1986

FOLLOW-UP: As directed.

Prepared By: Interim Chief Administrative Officer
Reviewed By/Date: Director, Legislative and Information Services/September 5, 2024

2 BACKGROUND:

Extension of the 2018-2022 Strategic Plan

At its June 2023 meeting, Trust Council approved continuation of the approved 2018-2022 Strategic Plan through the end of the current fiscal year, with some revisions:

TC-2023-047

That Trust Council direct staff to amend the [2018-2022] Strategic Plan to extend the Strategic Plan through 2024/25 as an interim strategic plan with the following changes:

- 1. Corporate Planning is adopted as a priority for Trust Council*
- 2. Prioritizing elements of the strategic projects that support land use decision-making*
- 3. Update the strategic initiatives related to housing to focus on projects that will develop healthy, resilient island communities by employing two lenses: mitigating and adapting to the effects of climate change, and managing growth by cultivating equitable, inclusive and resilient communities and the natural environment.*

Extending the 2018-2022 Strategic Plan allowed Trust Council time to begin development a new strategic plan for the term while still advancing work that was agreed to by the current term's elected body. Trust Council's extension of the 2018-2022 plan through 2024/25 requires a new strategic plan be adopted by April 1, 2025. Advancing key elements of the draft 2026-28 strategic plan in September 2024 means Trust Council and staff can have confidence that the draft plan accurately reflects Trust Council's collective will and can be appropriately leaned on to inform upcoming work plans and 2025/26 budget submissions with Trust Council's agreed to focus areas and priorities.

Draft 2025-2028 Strategic Plan Development:

Trust Council's adoption of more thoughtful corporate planning processes has sought to enhance the process by which Trust Council develops its strategic initiatives, and move the organization to a more intentional, planned and documented, detailed and transparent implementation of the strategies and actions approved in the Plan. The following has taken place over the last 15 months to support Trust Council's work in this area:

- At its June 2023 meeting, Trust Council completed a Strengths/Weaknesses/Opportunities/ Threats (SWOT) exercise to help trustees, staff, and the public understand the current context in which the organization is operating; understanding this context is important to ensure that elements in the strategic plan are sound, applicable, and achievable.
- At its September 2023 and December 2023 meetings, Trust Council engaged in Visioning exercises, helping to understand the collective long-term vision of Trust Council for the Trust Area, which helps guide goal setting in the strategic plan.
- At its March 2024 meeting, Trust Council began its draft strategic plan development facilitated by WCS Engagement and Planning, via a 3 ½ hour interactive workshop, focusing on identifying focus areas and drafting strategic directions.
- At its June 2024 meeting, Trust Council furthered its draft strategic plan via a 6 hour interactive workshop facilitated by WCS Engagement and Planning (WCS). This session focused on shaping goals and desired outcomes for each focus area, refining strategic directions, and outlining potential key initiatives in each of the identified topic areas.

Since the June 2024 Trust Council meeting, WCS submitted a draft strategic plan with an outline of Focus Areas, Goals & Objectives, and Key Initiatives informed by the two strategic planning sessions they facilitated with Trust Council. Staff have received this document, and completed the following actions to further develop it:

- Ensured strategies and initiatives are within the jurisdiction of Islands Trust to action. Where they were not, staff amended wording to reflect jurisdiction;
- Ensured strategies and initiatives are not at odds with the existing, or the new draft revised, Policy Statement (they are not);
- Reviewed Trust Council resolutions related to strategic planning to identify if direction previously given by Trust Council has been appropriately reflected in the draft strategic plan. The following was identified: Trust Council’s resolution #2024-059 reads “*That Trust Council request staff to explore options for including an Integrated Spatial Planning approach within the strategic planning process, and report back with recommendations by January 2025*”. Reporting associated with this resolution has not yet been advanced. As such, results of the work cannot yet be incorporated into the strategic plan. Trust Council may update the strategic plan as required upon receipt and review of staff reporting on this topic at future a Trust Council meeting.
- Reviewed the 2018-2022 amended strategic plan to identify initiatives that are still in progress or not yet actioned. Where initiatives have been identified as in progress and requiring further work, staff have ensured these items are appropriately reflected in the draft 2026-28 Strategic Plan. These additions to the consultant’s original draft plan are reflected in blue font so Trust Council may easily understand where staff have supplemented the results of their conversations at the March and June Trust Council sessions.
- Reviewed current and future work programs of council committees, to identify key initiatives being worked on that are not reflected in the draft 2026-28 plan. Where initiatives have been identified as in progress and requiring further work, staff have ensured these items are appropriately reflected in the draft 2026-28 Strategic Plan. These additions to the consultant’s original draft plan are reflected in blue font so Trust Council may easily understand where staff have supplemented the results of Trust Council’s conversations at the March and June meetings.
- Identified the responsible party for each proposed key initiative in the strategic plan, to support future conversations related to resourcing the draft strategic plan, to support the upcoming development of departmental work plans, and to support the development of the 2025/26 budget.
- Suggested key initiatives for prioritization in the 2025/26 fiscal year. Staff’s suggestions in this space are based solely on continuation of existing work flows.

The attached draft Islands Trust draft 2025-28 Strategic Plan reflects a summarized view of Trust Council’s desired actions based on conversation (March and June Trust Council meetings), previously given Trust Council direction via resolutions, and previously approved Trust Council work programs for committees. Staff have not added any new initiatives or actions of its own determination.

Next Steps:

- Communications staff will begin transitioning the strategic plan into a public-facing package.
- Key initiatives in the strategic plan will be prioritized over time to inform organizational work plans.
- Financial plans will be aligned with the approved strategic plan.

- Performance indicators for each initiative may be discussed at a later date, so Trust Council, the public, and staff can understand how we will measure success of any initiative actioned from the strategic plan.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Approval of the strategic plan will assist Trust Council and Islands Trust staff in focusing resources and efforts to achieve priority goals and objectives. Trust Council's approval of the elements in the draft strategic plan will advance the organization to the next step in the corporate planning process: initiative prioritization and the development of departmental work plans that will outline how and when strategic plan and corporate initiatives will be advanced. These plans are intended to map Strategic Plan initiatives across time with inclusion of resource allocations as required.

FINANCIAL: Staff do not anticipate that changes to the approved 2024/25 budget (current year) will be required as a result of Trust Council adopting the goals & outcomes, strategies, and key initiatives of the strategic plan. Some of the proposed activities identified for future fiscal years may require additional funds which will be identified as Directors develop their respective departmental work plans. As the Financial Planning Committee develops an initial draft of Trust Council's 2025/26 budget (for Trust Council review in December 2024), staff will provide estimates of the funds required to implement the proposed initiatives for next fiscal year, with options in some cases. In December 2024, Trust Council will give further direction regarding the draft budget and its strategic plan. In March 2025, Trust Council will adopt a budget for 2025/26. At that time, Council may consider whether its 2025/26 budget necessitates any amendments to its strategic plan.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: [Islands Trust Council's Policy 2.4.1](#) s.5.2 indicates that the Executive Committee is to '*coordinate the development, preparation and implementation of an organizational strategic plan*'. With an approved plan, Executive Committee will assume responsibility for the plan's implementation. The adopted strategic plan will be placed on the Islands Trust website. Council committees will be asked to ensure that their work programs are aligned with the strategic plan. Where applicable, staff work programs will be aligned with the strategic plan. The strategic plan will also form a basis for the annual budget process. Actual implementation of the plan in future fiscal years will be dependent upon Trust Council's budget decisions. Trust Council will continue to receive quarterly reports on progress related to the goals and objectives identified in the strategic plan.

FIRST NATIONS RELATIONS: The draft strategic plan includes initiatives that, if actioned appropriately, may strengthen relationships with interested First Nations in the Trust Area.

OTHER: An adopted strategic plan can be used as a tool for communicating with the public and other levels of government regarding Trust Council's priorities during the current term. While local trust committees and the Islands Trust Conservancy Board may decide to undertake work programs that are not aligned with the strategic plan, the plan reflects areas where several local trust committees have common objectives, and as Trust Council approves annual budgets for the organisation as a whole, local trust committee initiatives aligned with the Strategic Plan are most likely to receive funding.

4 RELEVANT POLICY(S): [Policy 2.4.1 Executive Committee Terms of Reference](#)

5 ATTACHMENT(S):

- Draft Strategic Plan 2025-2028

RESPONSE OPTIONS

Recommendation:

That Islands Trust Council:

- 1. Approve the Goals & Desired Outcomes, Strategic Directions, and Key Initiatives identified in the document entitled "*Draft Islands Trust Strategic Plan 2025-2028*";**
- 2. Endorse prioritization of the key initiatives identified for the 2025/26 fiscal year in the document entitled "*Draft Islands Trust Council Strategic Plan 2025-2028*"; and**
- 3. Request the Financial Planning Committee and staff to use the proposed activities for the 2025/26 fiscal year in the "*Draft Islands Trust Council Strategic Plan 2025-2028*" as a basis for developing a draft budget for the 2025/26 fiscal year.**

Alternative:

Trust Council may choose to amend the strategic plan prior to approving its elements.





Prepared By: Interim Chief Administrative Officer

Reviewed By/Date: Executive Committee/September 11, 2024

Draft Islands Trust Strategic Plan 2025 - 2028

* Represents initiatives already in progress

Initiatives flagged for LTCs/ITCB are subject to decisions of those bodies

|  FOCUS AREA |  GOALS & DESIRED OUTCOMES |  STRATEGIC DIRECTIONS |  KEY INITIATIVES | ASSIGNED TO | NOTES ON FUNDING |
|---|---|--|---|-------------------|--|
| Governance & Organizational Excellence | Clear and transparent policies, administrative processes and structures enable better decision making, advance service delivery and improve employee satisfaction | 1.1 Update and adopt a new Policy Statement | 1.1.1 Finish and adopt Islands Trust Policy Statement in accordance with project work plans* | EC/TPC | Subject to funding in 2025/26 budget. |
| | | | 1.2.1 Develop a corporate planning process to enable decision-making, workflow efficiency, resource tracking and policy consolidation * | GC | Funded by the base budget. |
| | | | 1.2.2 Explore new engagement models (virtual and in person forums) to reach more community members | EC | Subject to funding in 2025/26 budget. |
| | | | 1.2.3 Increase transparency on bylaw enforcement practices and decisions | RPC/EC | Funded by the base budget. |
| | | 1.2 Strengthen governance, decision-making and workflow processes. | 1.2.4 <i>Bylaw Compliance and Enforcement Review*</i> | RPC | Funded by the base budget. |
| | | | 1.2.5 Review Executive Committee election and appointment process | GC | Funded by the base budget. |
| | | | 1.2.6 Prioritise, analyse, and where appropriate, implement the 15 recommendations of the 2022 Governance Report.* | GC | Subject to funding in the annual budget. |
| | | | 1.2.7 Review all Trust Council policies, and where appropriate, amend, combine or rescind. | GC/All Committees | Subject to funding in 2025/26 budget. |

| | | | | | |
|---|--|--|---|---------|--|
| | | | 1.2.8 Review all Trust Council and local trust committee agreements and where appropriate, amend, combine or rescind. | EC/LTCs | Funded by the base budget. |
| | | | 1.2.9 Update the Trust Council Standards of Conduct policy to align with the updated Provincial guidelines* | TBD | Funded by the base budget. |
| | | | 1.2.10 Develop an Accessibility Plan that identifies barriers to accessibility at the Islands Trust, and identifies measures to address them (legislative requirement). | AC | Funded by the base budget. |
| | | 1.3 Advocate to the Province for legislative changes to Islands Trust Act | 1.3.1 Develop advocacy and education strategy for Provincial review request | EC | Funded by the base budget. |
| | | | 1.3.2 Request increased funding from the Province | EC | Funded by the base budget. |
| | | | 1.3.3 Request a Provincial review of governance structure to enable reconciliation and better support Islands Trust mandate* | GC | Funded by the base budget. |
| Growth Management & Community Resiliency | Defined capacity constraints and indicators inform decision making | 2.1 Support proactive land use planning and establish limits to growth using evidence-based data | 2.1.1 Work with other agencies to facilitate data gathering / share in the development of environmental indicators | TPC | Subject to funding in the annual budget. |
| | | | 2.1.2 Develop growth management planning framework that includes a Suitable Land Analysis and data on growth trends and projections, geological and hydrological capacities, infrastructure, and development rates* | RPC | Subject to funding in the annual budget. |
| | | | 2.1.3 Update and implement Freshwater Sustainability Strategy (2022-2032)* | RPC | Subject to funding in 2025/26 budget. |
| | Planning processes and Trust Area wide programs enable diverse housing options | 2.2 Establish policy guidance for housing in OCP updates | 2.2.1 Improve processes for prioritizing funding for ongoing OCP reviews | TC | Subject to funding in the annual budget. |
| | | | 2.2.2 Update OCPs + LUBs to incorporate new Policy Statement policies | LTCs | Subject to funding in the annual budget. |

| | | | | | |
|--|---|---|--|--|--|
| | | 2.3 Explore innovative approaches to supporting diverse housing options and tenures | 2.3.1 Consider Community Benefit Land Trust concept for Islands Trust | TPC | Subject to funding in the annual budget. |
| | | | 2.3.2 Design a plan to advocate to enhance community access to funding for housing in the Trust Area | EC | Funded by base budget |
| Ecosystem Health & Integrity | Advocacy and policy changes improve control of invasive species to protect and restore sensitive ecosystems | 3.1 Improve control of invasive species | 3.1.1 Advocate for the development and implementation of a fallow deer strategy, including advocacy for deer harvesting | EC | Funded by base budget. |
| | Diverse community members/groups are invested in revitalizing ecosystems and expanding protected areas | 3.2 Improve understanding and monitoring of ecosystem health | 3.2.1 Identify indicators of ecosystem health and integrity | TPC | Subject to funding in the annual budget. |
| | | | 3.2.2 Revise the State of the Islands Report | TPC | Subject to funding in the annual budget. |
| | | | 3.2.3 Develop a shared inter-agency ecosystem health indicator toolkit for citizen groups, conservancies, and other agencies | TPC | Subject to funding in the annual budget. |
| | | | 3.2.4 Monitor progress of protection of ecosystem health in all land use planning decisions.* | RPC/LTCs | Grant funded |
| | Marine and foreshore ecosystems are healthy | 3.3 Strengthen marine and foreshore protection practices | 3.3.1 Develop recommended LTC policies and bylaws for marine and foreshore protection in cooperation with First Nations | RPC | Funded by base budget. |
| | | | 3.3.2 Develop a marine and foreshore protection toolkit | RPC | Subject to funding in the annual budget. |
| | | | 3.3.3 Map eelgrass and kelp forests* | RPC | Subject to funding in the annual budget. |
| | Climate Change | Land use decisions are informed by data and ongoing monitoring to manage and adapt to climate risks | 4.1 Identify the Trust's mandate and role related to climate change | 4.1.1 Develop a climate action strategy, set baseline data and targets | TPC |
| 4.1.2 Partner with agencies and others to share climate data | | | | TPC | Funded by base budget. |

| | | | | | |
|---|---|---|---|------------------|--|
| | Communities understand effects of climate change on the Trust Area | 4.2 Improve community understanding about climate change mitigation and adaptation | 4.2.1 Design and implement a climate action education plan | TPC | Subject to funding in the annual budget |
| | | | 4.2.2 Create a grant program to increase public understanding of the impact of climate change to the unique amenities and environment of the Islands Trust Area. | EC | Funded by base budget. |
| | | | 4.3.3 Update OCPs and LUBs to foster climate change resilience (considering topics such as Coastal Douglas-fir protection, foreshore and nearshore environments, and groundwater). | LTCs | Subject to funding in 2025/26 budget. |
| | | | 4.3.4 Amend legislation to increase the percentage of the Natural Area Protection Tax Exemption Program (NAPTEP) to act as an incentive for the protection of forest cover for climate change mitigation and adaptation.* | EC | Grant funded |
| First Nations Relations & Reconciliation | Policies, plans, and resources provide opportunities for collaborative First Nations engagement aligned with UNDRIP | 5.1 Enhance proactive planning and intentionality of reconciliation initiatives | 5.1.1 Update and implement Reconciliation Action Plan* | EC | Subject to funding in 2025/26 budget. |
| | | | 5.1.2 Clarify opportunities for co-governance and co-management of the Trust Area | GC | Funded by base budget |
| | | | 5.1.3 Develop a schedule and plan for leader-to-leader meetings with Indigenous Governing Bodies | EC/LTCs/ ITCB | Subject to funding in the annual budget |
| | Indigenous knowledge is incorporated into stewardship and management of Trust Area | 5.2 Engage with Indigenous Governing Bodies and Indigenous Peoples on governance, growth management, heritage and ecosystem protection , and climate change | 5.2.1 Develop innovative frameworks for decision-making and involve pilot LTCs / BIM with Indigenous Governing Bodies | GC | Subject to funding in the annual budget. |
| | | | 5.2.2 Develop tailored public engagement processes that acknowledge preferred engagement methods of Indigenous Peoples | EC | Funded by base budget. |

CONSIDERATIONS FOR THE 2025 – 2028 DRAFT STRATEGIC PLAN

Trust Council met over two separate workshops to draft recommendations for the Strategic Plan. The March 2024 workshop focused on identifying Focus Areas and drafting Strategic Directions. A full day session in June shaped Goals and Desired Outcomes for each Focus Area, refined the draft Strategic Directions and outlined potential Key Initiatives and Deliverables. The draft Goals and Desired Outcomes for each Focus Area incorporate recommendations from different roundtable discussions. Trustees grouped duplicates and similar ideas together to select 12 draft Strategic Directions. Trustees recommended Key Initiatives which are aligned numerically with each of the 12 Strategic Directions.

Governance & Organizational Excellence as well as First Nations Relations & Reconciliation influence each of the Focus Areas for the plan.

Strategic Priorities are listed numerically in the draft plan; however, implementation will reflect organizational priorities and required resources.

NOTES ABOUT DEVELOPMENT OF v.4 DRAFT STRATEGIC PLAN

| | |
|---|--|
| Focus Area | The five focus areas are not listed in any order of priority |
| Governance & Organizational Excellence | Develop Corporate Plan 1.2 Strategic Direction: incorporates recommended aspects of the Corporate Plan Increase Trust Council conversations in person/ in public and Increase level of engagement: are included as considerations for Key Initiative 1.2.1 Increase transparency on bylaw enforcement practices and decisions: removed 'for trustees and public' - amended from draft v.1 Draft argument proposal for next Trust Council: not considered as Key Initiative /part of the Strategic Plan |
| Growth Management & Community Resiliency | Research evidence-based constraints /thresholds that need to be understood for informed land use planning (place protection) Set limits to growth rooted in science: these points incorporated into Strategic Direction 2.1 Researching and understanding data on growth trends, projections; geological and hydrological capacities; infrastructure; and current development rates: incorporated into Key Initiative 2.1.2 |
| Ecosystem Health & Integrity | Planning framework for proactive planning that specifies necessary inputs, outputs that feed into deliverables: removed - unclear inputs/outputs Recommendations for research/data and evidence-based constraints for land use: incorporated into Strategic Direction 2.1 Plan strategic, timed approach to OCP reviews, considering community relevance + potential to harmonize: repeat of 2.2 Freshwater strategy moved to Growth Management & Community Resiliency as it relates to land use planning 2.1.3 Develop Fallow Deer Strategy: included as Strategic Direction 3.1 with fallow deer noted as a key initiative to recognize provincial jurisdiction Additional goal related to marine and foreshore protection and health and related initiatives added |
| Climate Change | Identify the Trust's mandate and role related to climate change: 4.1 to be clarified prior to acting on Key Initiative 4.1.1 or 4.1.2 Community education and understanding added as a separate goal |

| | |
|---|---|
| First Nations Relations & Reconciliation | <p>Reconciliation Action Plan: 5.1 incorporates draft Strategic Directions- Strengthen relationships with First Nations, Increase understanding of co-governance, Explore co-management of ITC properties (check mandate)</p> <p>Ensure First Nations rights include access to lands for traditional use are secured in rezonings, covenants and agreements: not included as separate Strategic Direction or Initiative; legal advice required as part of Reconciliation Action Planning</p> <p>Added a strategic direction to support planned initiatives: 5.1 Enhance proactive planning and intentionality of reconciliation initiatives</p> |
|---|---|

DRAFT

1. TRUST PROGRAMS COMMITTEE

In support of the Trust Programs Committee (TPC) staff completed the following:

- ~ **Secretariat Services Program:** Staff issued the following contracts in support of the Secretariat Services program:
 - o \$3,000 to the Coastal Douglas-fir Conservation Partnership
 - o \$1,500 to the Rural Island Economic Partnership
 - o \$4,000 to the Átl'ka7tsem/Howe Sound Community Forum

Staff also provided support to the Southern Gulf Islands Forum meeting and supported the creation of the Southern Gulf Islands Partnership website.

- ~ **Stewardship Education Program:** Staff also developed project charters for webinars on the topics of living with fire, removing invasive plant species, planting with native plant species, and saltwater intrusion and groundwater conservation. Staff also issued a mailing of the stewardship mailing package to new residents within the Islands Trust Area with updated materials.

2. ISLANDS 2050 (POLICY STATEMENT AMENDMENT) PROJECT

In the last quarter, staff supported Trust Council's Committee of the Whole with two meetings to consider the draft Policy Statement. Under Executive Committee direction, at the recommendation of Committee of the Whole, staff worked with Islands Trust legal counsel to amend the draft Policy Statement to ensure it conforms to the jurisdiction given to Trust Council under the Islands Trust Act. These amendments will be considered by Trust Council at its September meeting, along with additional potential amendments.

Through the fall, Trust Council's Committee of the Whole will develop recommendations to Trust Council about further changes to the draft document, and for the amendment process, as required. When the Committee of the Whole consider that the document is ready for Trust Council to consider approval in principle it will recommend that Trust Council schedule a special meeting(s) to discuss the draft document, comments from First Nations and committee recommendations for changes.

Public engagement on the draft Policy Statement will remain at the "inform" stage until Trust Council has given approval in principle to the document. Per previous Trust Council direction, the draft will then be referred to local trust committees and Bowen Island Municipality for six months of consideration. These bodies may choose to undertake public engagement locally during this time to inform their referral responses. In addition, during that six-month period, Islands Trust will seek public feedback via a Trust Area-wide survey as well as a virtual community workshop.

Staff have developed a detailed project workplan for Trust Council review in September. Staff are also working on the business case to support this project in the 2025/26 fiscal year. Staff continue to monitor the Islands2050@islandstrust.bc.ca inbox and respond to enquiries, and will update the [Islands 2050 webpage](#) at key intervals in the project.

3. PUBLIC COMMUNICATIONS

Communications staff continue to provide routine communication services and to offer support to staff and trustees as part of ongoing operations.

Routine communications over the last quarter include the following:

- ~ **Annual Report:** Graphic design of the 2023/24 Annual Report text approved by Trust Council is underway, and the final designed product will be available in Fall 2024. Staff will provide to the Minister, other key contacts and notify the public.
- ~ **News Releases:** [Five news releases](#) were distributed over the past quarter:
 - September 3, 2024: Islands Trust Salt Spring Island Relocation
 - August 23, 2024 - September 24-26, 2024, Islands Trust Council Meeting Program Announced
 - July 22, 2024: Mayne Island Local Trust Committee Takes Legal Action
 - June 15, 2024: Islands Trust Announces Interim Chief Administrative Officer
 - June 5, 2024: Islands Trust Recognizes 50 Years of Preserving and Protecting
- ~ **Social media:** Staff have continued posting to social media. A consistent posting schedule has been underway since March 2023, with a planned schedule of minimum two posts per week, or more as necessary. Facebook followers have increased to a total of 947 followers, up from 939, while X (previously known as Twitter) has 1173 followers, up from 1172. While X followers typically continue to decrease as the platform undergoes significant changes, this quarter saw a minimal increase in followers.
 - o As of March 2023, Islands Trust is active on LinkedIn and Instagram. These platforms are still in the early stages with small follower numbers. To date, Instagram has 211 followers, up from 198 followers, and LinkedIn has 264 followers, up from 225.
 - o Staff encourage trustees to be aware of Facebook posting guidelines in light of Bill C-18, which impacts the sharing of some links that are seen as “news”. Links to Islands Trust documents and webpages including news releases and the News Release webpage in some instances, as well as direct links to minutes and agendas will result in users reaching the Islands Trust “marooned” page, aka. 404 error.
- ~ **Media clippings service:** Staff continue to monitor media sources and provide a summary of Trust-relevant news stories to trustees and Bowen Island Municipal Council. While staff aim to provide updates two to three a week, this service is provided on a time-available basis.
- ~ **Media relations:** Staff continued media relations, including contacting journalists with corrections or clarifications, and continue to build the media contacts list.
- ~ **Website maintenance and improvement:** Staff continued to update webpages on a consistent basis to update data, improve readability and conciseness. Further updates to the local trust area pages are will be launched in the coming weeks. These updates will improve usability and highlight news and new projects while limiting scrolling. Significant updates to the Meetings & Events page will improve searchability and functionality. A significant suite of improvements are expected to be complete by the end of August.

These website improvements include:

1. Re-designed ‘meetings’ search screen
2. Backend improvements for website editors
3. Improvements to event search functionality.
4. Updates to the design of the homepage
5. Updated to local trust area homepages to highlight “What’s Happening”, clarifying navigation to the Trustee Corner, edits to calendar section on LTA pages,
6. Donate buttons added to Islands Trust Conservancy pages

Staff will continue to add to the Fact Check page, a webpage that addresses inaccuracies and provides clarification to island residents. The feedback form on this page is used by residents frequently and has improved two-way engagement between Islands Trust and the public. Staff have also been updating several pages on the website for readability and function, and have been adding and content for some local trust committee projects.

Specific work completed over the last quarter to advance the **Communications Strategy** included:

- ~ **Islands Trust 50th anniversary:** Trust Council made a decision at the September 2023 meeting that the celebrations will be limited to an anniversary logo. The 50th anniversary logo was launched in June 2024. Staff are in initial planning stages for a Role of Islands Trust webinar as part of the 50th anniversary recognition activities.
- ~ **Work plan development:** A detailed work plan to achieve the goals set out in the strategy is underway which will include:
 - Public engagement: supporting an organizational engagement strategy and toolkit, creating a communication work plan per engagement project, investigating public engagement platforms, and providing communication support for this plan
 - Presentation template: a new PowerPoint template and associated procedure
 - Updating procedures and templates documents
 - Providing key speaking notes to trustees on emerging issues
 - Training staff on website best practices
 - Creating processes to assist in the planning project-specific communication work plans to highlight local trust committee work

The communications team has supported the work of other business units on the following initiatives:

- ~ **New publications:** Staff supported the creation and design of the new [Guide to Developing Housing the Islands Trust Area](#) and *Community Engagement Framework for Land Use Planning*.
- ~ **Support for Planning Services:** Staff provided communications support for the Gabriola Official Community Plan review project, including significant communications and engagement efforts and products. Staff continue to assist with social media for local trust committees that request such support. Staff have begun on communications work plan preparations to support the Salt Spring Island Complete Communities and Official Community Plan review process.
- ~ **Support for Bylaw Compliance and Enforcement Services:** Staff continue to support bylaw compliance and enforcement through creating speaking notes and news releases for trustees that need support with regards to enforcement efforts in local trust areas.
- ~ **Accessibility Committee:** Staff supported the creation of the Accessibility Committee included webpage development, a Trust Area-wide advertising campaign and online promotion.
- ~ **New Islands Trust Application Portal:** Staff supported the roll out of the new Applications Portal, including website design, public communication and help with document creation. Support is ongoing.

4. RECONCILIATION PROGRAM

- ~ **Orientation:** The new Senior Indigenous Relations Advisor continued to be oriented to Islands Trust. This included participation in provincial First Nation Awareness and Cultural Safety Awareness training to assess its appropriateness for Island Trust staff.
- ~ **Support to staff and trustees:** Trust Area Services staff provided advice and support to staff and trustees who had meetings or correspondence with First Nations. Staff presented to Bowen Island Municipality's OCP Steering Group about engagement with First Nations. Staff continue to provide support to regional planners on the First

Nations relationship building components of their major and minor projects. Staff are also liaising with provincial staff and other local government staff to support the development of the Reconciliation program.

- ~ **Protocol agreements:** Staff worked towards organizing a protocol agreement signing ceremony for Islands Trust and Snaw-naw-as First Nation, and developed a draft news release. Staff also prepared requests for decisions to Executive Committee to initiate protocol agreement discussions with the five Cowichan Nation First Nations and with Snuneymuxw First Nation, and began drafting letters.
 - o **Working Groups:** Staff supported meetings of the Snaw-naw-as First Nation/Islands Trust and Snuneymuxw First Nation/Islands Trust working groups.
- ~ **Liaison meetings:** Staff arranged and supported a meeting between the Salt Spring Island Local Trust Committee and the Tsawout First Nation Chief. Staff are also following-up on next steps arising from that meeting, including work with Salt Spring Island planning team to investigate costs and logistics associated with a potential Feast in partnership with Tsawout First Nations. Staff also met with staff of Cowichan Tribes to discuss relationship building. Planning staff met with K'omoks First Nation staff to advance various initiatives.
- ~ **Correspondence:** Staff drafted a letter from the Chair to retiring Chief Pahalicktun of Lyackson First Nation to recognize 30 years of service to his community.
- ~ **Site visits:** The Senior Intergovernmental Policy Advisor accompanied planning staff on site visits to James Island and Galiano Island (Crystal Mountain).
- ~ **Events:** Staff advanced planning toward screenings of the Dust n Bones movie on Gabriola and Lasqueti Islands.
- ~ **Records management:** Staff work to complete a project related to records and correspondence management did not advance the quarter but will re-initiate soon.
- ~ **Policies and procedures:** Staff continued work on an honoraria procedure, and continue work with legal counsel on a revised capacity funding agreement and associated policy for future Trust Council review.
- ~ **Reconciliation Learning Group:** Staff continued to support the Reconciliation Learning Group, and developing a survey to determine options for next steps, which could include development of an internal Cultural Safety Learning Pathway.
- ~ **Reconciliation Action Plan:** Staff are developing recommendations for next steps for the Reconciliation program. This work is informed by a report staff produced this quarter for the Committee of the Whole about a scan of local Government reconciliation initiatives and UNDRIP implementation

5. ADVOCACY/COORDINATION

- ~ **Trust Council:** None this quarter.
- ~ **Local Trust Committees:** Staff supported the Salt Spring Island Local Trust Committee with a letter to the provincial Housing Minister requesting additional assistance to address Salt Spring Island's housing challenges.
- ~ **Executive Committee:** Staff prepared requests for meetings with Provincial ministers and staff at the Union of British Columbia Municipalities annual conference, and associated key messages. Staff also drafted a letter for the Chair Trust to the Ministers responsible for Crown land, regarding the Wrecked, Abandoned or Hazardous Vessels Act program.

6. LEGISLATIVE MONITORING

- ~ **Monitoring:** Staff monitored multiple sources for updates and new items since the June 2024 report. A request for input was sent to staff and trustees in early August 2024.
- ~ **Reporting:** Staff prepared the legislative monitoring report for Trust Council review in September

7. GRANTS MANAGEMENT

- ~ **Grant applications/negotiations with funders:**

- Staff negotiated an extension to the Complete Communities Program funding for Salt Spring Island.
 - Staff negotiated and finalised a contribution agreement with Environment and Climate Change Canada (ECCC) for the staff biologist position.
- ~ **Grant monitoring:** Staff continued to monitor other grant-funded projects. These includes grants to Islands Trust and to associated groups/agencies that are underway. Currently these include:
- ECCC Priority Places Contribution Agreement for Biologist position: \$200,430
 - Union of BC Municipality’s Community Emergency Preparedness Disaster Risk Reduction-Climate Adaption Grant managed by Sunshine Coast Regional District Project for Coastal Flood Mapping- \$510,000
 - Union of BC Municipalities’ Complete Communities Grant from or Salt Spring Island - \$150,000.
 - Fraser Basin Council Grant for Local Governments to Advance Biodiversity Conservation on Private Lands in B.C. for Natural Area Protection Tax Exemption Program research- \$8,250
 - BC Local Government Climate Action Program Grant for climate action \$149,611
 - Ministry of Municipal Affairs Grant for First Nations engagement \$150,000
 - Disability Alliance BC Grant to support the Accessibility Committee development \$7,000
- ~ **Grant reporting:**
- Staff supported the Interim CAO in submitting a final report to Union of BC Municipalities (UBCM) for the Local Government Development Approvals Program (CityView project). This report was accepted and approved.
 - Staff supported the Interim CAO in submitting required survey responses to The Provincial Government’s Local Government Climate Action Program.
 - Staff submitted an interim report and extension request to UBCM for the Complete Communities Program Grant for Salt Spring Island – The report was approved and the extension was granted.
 - Staff facilitated submission of a final report for the [Xetthecum Eco-cultural Mapping Project](#) (flow through funding) by the project partners to the Indigenous Watersheds Initiative and Make Way Canada. This report was accepted and approved.

8. DELEGATION LETTERS

Staff prepared six thank-you letters for the Chair to thank the delegations to the June 2024 Trust Council.

Director, Legislative Services/ September 3, 2024
Director, Planning Services/ September 5, 2024
Interim CAO/ September 6, 2024
Executive Committee / September 11, 2024



LEGISLATIVE MONITORING REPORT

August 2024

This document is intended to advise Trust Council about past or proposed external regulatory changes that could directly affect Islands Trust operations, local trust committee/island municipality bylaws or regulations, or Strategic Plan projects. The chart captures changes made in the last six months and is organized according to the following categories:

- **PLANNED LEGISLATION** – the intention to draft and pass new legislation is being developed and may be in a consultation or draft stage. No bill has been introduced to legislature/parliament yet.
- **LEGISLATION IN PROCESS** – a bill has been introduced to legislature/parliament and is awaiting Royal Assent, or Royal Assent has been issued but the new law or regulation has not come into force yet.
- **NEW LEGISLATION IN EFFECT** – legislation has received Royal Assent and any specified timeline for it to come in effect has occurred.
- **COURT DECISIONS** – a ruling from any level of court that affects the Islands Trust.
- **NEW RESOURCES** – publically available reports or websites that provide information relevant to Islands Trust work.
- **DISCUSSION, PLANNING, CONSERVANCY, and ADVOCACY TOPICS** – information related to topics of interest to Islands Trust.

| PLANNED LEGISLATION | STATUS | BACKGROUND / KEY IMPLICATIONS TO TRUST AREA | ISLANDS TRUST ACTIONS – PAST | ISLANDS TRUST ACTIONS – FUTURE |
|---|---|--|--|---------------------------------|
| Provincial Planned Legislation | | | | |
| Mineral Tenure Act reform | Ongoing | <p>The Province is advancing work to reform the Mineral Tenure Act (MTA) in alignment with the United Nations Declaration on the Rights of Indigenous Peoples with a clear process for co-operation and consultation with First Nations in British Columbia and engagement with industry and all interested parties.</p> <p>The Province is working in consultation and co-operation with First Nations to develop a vision for and implementation of MTA reform to achieve consistency with the UN Declaration. Multiple streams of an open and transparent consultation process include:</p> <ul style="list-style-type: none"> • engagement with all First Nations rights and title holders; • a First Nations technical advisory group; • existing tables and commitments that could inform MTA reform; and • a technical working group with participants from the FNLC, First Nations Energy and Mining Council, and the B.C. government. <p>Co-operation and consultation with First Nations and engagement with industry and interested groups was due to launch in March 2024.</p> | <p>Previous unsuccessful advocacy in 2013 to Ministry of Energy and Mines to consider regulations that would reserve the Islands Trust Area from the staking of mining claims and exploration under the <i>Mineral Tenure Act</i></p> <p>Trust Council position in the Policy Statement: The Islands Trust Council holds that there should be no extraction of peat, metals, minerals, coal or petroleum resources in the Trust Area</p> | Staff will continue to monitor. |
| Emergency Management Regulations. | Engagement is now closed with new regulations due to be introduced in 2024. | <p>As part of B.C.’s modernization of emergency management legislation, the Province is creating new regulations for post-emergency financial assistance (often referred to as “disaster financial assistance” or “DFA”) and local authority emergency management. This legislation is expected to apply to Bowen Island Municipality.</p> <p>NEW: July 17, 2024</p> <p>The Ministry of Emergency Management and Climate Readiness (EMCR) has released a summary of input received to its 2023</p> | None to date. | Staff will continue to monitor |

| | | | | |
|--|---------|---|--|--|
| | | discussion paper, BC's Modernized Emergency Management Legislation: Regulations for Local Authorities . Responses from local governments, emergency management organizations and First Nations revealed four overarching themes, including the need for provincial funding and support. Commentary from UBCM can be seen here . | | |
| Heritage Conservation Act Transformation Project | Ongoing | <p>The purpose of the Heritage Conservation Act (HCA) is to encourage and facilitate the protection and conservation of B.C.'s unique cultural heritage. The Provincial Heritage Register lists nearly 60,000 protected heritage sites, of which, over 90% are of First Nations origin.</p> <p>The Province recognizes the need to transform the HCA to better meet the needs of all British Columbians. Transforming the HCA will provide for alignment with the UN Declaration and will support the provincial mandate of lasting and meaningful reconciliation. It will also aim to increase certainty and stability for First Nations, landowners, proponents, developers, and government, while supporting sound decision making. Drafting of legislative, policy and program reforms are targeted for Spring 2024.</p> <p>UPDATE: The Joint Working Group on First Nations Heritage Conservation invited stakeholders to participate in virtual engagement sessions on the Heritage Conservation Act Transformation Project. These sessions introduced a proposed suite of near-term legislative, regulatory, policy, and program changes being proposed for Cabinet consideration, and ultimately, legislative introduction in Spring 2024. Two sessions were held on September 26 and September 28, 2023</p> <p>UPDATE: Current Status (updated January 2024)</p> | <p>None to date.</p> <p>Local trust committees and Bowen Island Municipality can designate Heritage Conservation Areas in their OCPs. To date, only Salt Spring Island Local Trust Committee has done so with the Ganges Village Core Heritage Conservation Area to recognize and protect the identifiable heritage features and character of the village. Heritage Conservation Areas may require a heritage alteration permit for: alteration of land, feature, building, or structure, subdivision (Bowen), additions, or new construction.</p> | <p>Staff will continue to monitor.</p> <p>Capital Regional District staff are also monitoring.</p> |

| | | | | |
|---|--|---|--|---------------------------------|
| | | Given recent feedback, rather than introducing a near-term package of legislative amendments , the HCATP will instead work towards the development of a more comprehensive package. This means that changes will not be introduced this legislative session, but will be developed for future legislative sessions, which will allow time to ensure the proposed legislative amendments are more responsive to First Nations and stakeholder feedback. | | |
| Federal Planned Legislation | | | | |
| Marine Mammal Regulations Amendments | Engagement opened on June 03, 2024 and will close to new input on September 03, 2024 | NEW: Fisheries and Oceans Canada is seeking feedback to inform potential amendments to the Marine Mammal Regulations . The feedback will inform the Marine Mammal amendment process, which includes long-term planning for Southern Resident Killer Whales (SRKW) protection and recovery, and proposed administrative amendments. DFO is seeking feedback in relation to potential adjustments to: Pacific Killer Whale approach distances; administrative issues concerning outdated references to Indigenous peoples and geographic locations; updated terminology regarding drone use; and, a title change of Section 38 "Disturbance Authorization" to "Disturbance License", to ensure it is in alignment with other legislation. | Previous advocacy about marine mammal protection | |
| New Regulations under the Canada National Marine Conservation Areas Act | Regulations are currently being drafted | Parks Canada is developing new regulations under the Canada National Marine Conservation Areas Act to help protect and manage NMCAs. Experience at existing sites like Gwaii Haanas National Park Reserve, National Marine Conservation Area Reserve and Haida Heritage Site has shown that regulations are needed. The NMCA program at Parks Canada is growing, with seven new marine establishment proposals underway. The Southern Strait of Georgia is a Proposed National Marine Conservation Area Reserve . The What We Heard Report is a summary of feedback from | Previous advocacy about the proposed National Marine Conservation Area Reserve for the Southern Strait of Georgia. | Staff will continue to monitor. |

| | | | | |
|---|---|--|---|--|
| | | <p>Indigenous and public engagement that took place between April 11 and October 15, 2023. Parks Canada engaged with Indigenous peoples, provinces, territories, industry, non-governmental organizations, and many others on five summary papers that described the regulatory proposal. Feedback came from 73 organizations and individuals representing most regions of Canada, especially coastal regions and the Great Lakes.</p> <p>The regulations will be drafted this spring and published for review and comment in Canada Gazette Part I in Winter 2024. The goal is to have these regulations come into force by 2026.</p> | | |
| <p>Proposed Aquaculture Act and Regulations (Federal)</p> | <p>Fisheries and Oceans Canada led two initial rounds of engagement in 2017-18 and in 2019. An online consultation also took place from June - December 2019 along with in-person engagement in some regions. See "What We Heard Report".</p> <p>The next phase of public engagement was open until</p> | <p>The proposed <i>Aquaculture Act</i> is expected to:</p> <ul style="list-style-type: none"> • define the term aquaculture in legislation • recognize the need for clarity and stability for responsible economic growth of the aquaculture sector • ensure environmental protections enshrined in the <i>Fisheries Act</i> are included and specific to aquaculture • develop enforcement mechanisms specific to aquaculture • respect provincial and territorial jurisdictions • respect roles and responsibilities articulated in treaties and other rights reconciliation arrangements <p>On Aug 17, 2020, the Minister of Fisheries, Oceans, and the Canadian Coast Guard launched the next phase of the Government's public engagement on the first-ever Aquaculture Act. A discussion paper providing background on aquaculture in Canada, rationale for the proposed legislation and an overview of the elements proposed for the new Act, is now available online with key questions to guide feedback to the Government on this important initiative. The public is invited to visit https://dfo-mpo.gc.ca/aquaculture/act-loi/consultations-eng.html, and had until February 12, 2021 to participate in this round of consultation.</p> | <p>Jan 2018 Chair letter to Minister of DFO requesting ecosystem-based study of potential impacts of the Integrated Geoduck Management Framework 2017 on the health of the Salish Sea.</p> <p>2018 UBCM resolution calling for DFO to conduct an ecosystem-based study of potential and cumulative impacts of increased geoduck clam aquaculture and consider increased monitoring and enforcement.</p> <p>Dec 2019 Chair letters to Ministers of DFO and FLNRORD requesting more</p> | <p>The Province has responsibility for issuing tenures for aquaculture. Local trust committees and Bowen Island Municipality have zoning authority. This generally does not include regulating anything covered through aquaculture licenses from DFO.</p> <p>Once the amendments are complete, a review should be undertaken to determine any necessary zoning amendments.</p> <p>Applications should include foreshore and</p> |

| | | | | |
|--|-------------------|---|---|---|
| | February 12, 2021 | <p>UPDATE January 31, 2023: No further progress since last report. Fisheries and Oceans Canada is continuing in taking time to review and carefully consider the input.</p> <p>UPDATE October 2023: No further progress</p> <p>UPDATE February 2024: No further progress</p> | <p>resources for enforcement of shellfish regulations and tenure licenses.</p> <p>Trust Programs Committee co-sponsored a virtual Baynes Sound/Lambert Channel Ecosystems Forum in May 2020, together with the World Wildlife Fund, and has supported since then via the Secretariat Services program.</p> <p>On January 14, 2021 the Island Trust Chair sent a submission comments pertinent to the federal Aquaculture Act Consultation</p> | <p>underwater archaeological reviews to protect historical clam beds, fish weirs, and cultural heritage. Section 35 rights for access should be considered.</p> |
|--|-------------------|---|---|---|

| LEGISLATION IN EFFECT | STATUS | BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA | ISLANDS TRUST ACTIONS-PAST | ISLANDS TRUST ACTIONS – FUTURE |
|--|---------------------------|--|-------------------------------|-----------------------------------|
| Provincial Legislation in Effect | | | | |
| Emergency and Disaster Management Act Regulations - Order in | Into effect July 08, 2024 | <p>NEW: On July 8, 2024, new regulations came into effect that, in summary:</p> <ul style="list-style-type: none"> require certain government ministries to prepare hazard-specific risk assessments and emergency management plans | | |

| LEGISLATION IN PROCESS | STATUS | BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA | ISLANDS TRUST ACTIONS – PAST | ISLANDS TRUST ACTIONS – FUTURE |
|--|--|---|--|-----------------------------------|
| Provincial Legislation in Progress | | | | |
| None at time of writing. | | | | |
| Federal Legislation in Progress | | | | |
| Bill C 73 - Nature Accountability Act | First reading June 13, 2024 | NEW: The Nature Accountability Bill will enshrine in legislation the Government of Canada’s commitment to protect nature for future generations. The Bill establishes a requirement for the Government to develop a national nature strategy, like Canada’s 2030 Nature Strategy (See discussion section), and report on its implementation, ensuring accountability and transparency which will help drive us collectively to reverse nature loss. | | |
| Bill C 33 - Strengthening the Port System and Railway Safety in Canada Act | Consideration in committee in the House of Commons completed on February 07, 2024. At report stage. Awaiting 3 rd reading | Bill C-33 is the Ministry of Transport’s response to the recent supply chain challenges that have impacted Canadians. The bill proposes amendments to federal legislation related to ports, railways, and the transportation of dangerous goods. The proposed amendments would boost the powers of the federal transport minister, increase existing administrative monetary penalties (“AMPs”), and create a new AMP regime to enforce safe transportation of dangerous goods across Canada. In doing so, the Canadian government aims to “remove systemic barriers to ameliorate supply chain problems, and amend existing federal laws to modernize how Canada’s marine and railway transportation systems operate.” The bill would impact the maritime industry by amending the <i>Marine Transportation Security Act</i> and the <i>Canada Maritime Act</i> . The proposed amendments are aimed to: <ul style="list-style-type: none"> i. expand Canada Port Authorities’ mandate over traffic management; ii. position Canada’s ports as strategic hubs that support national supply chain performance and effectively manage investment decisions for sustainable growth; and | Islands Trust has advocated for better management of large ship anchorages in the Trust Area through letter submissions and input into the Ocean Protection Plan Forums. On Jan 19, 2021 the Chair wrote to the Minister of Transport calling for immediate action to address freighter anchorages in the Southern Gulf Islands. In June 2024, Trust Council appointed appointed Trustee Lironi to Transport Canada’s General Vessels | Staff will continue to monitor |

| | | <p>iii. improve the government’s insight into ports and their operations.</p> <p>This legislation would make port authorities responsible for managing traffic, which could have implications for anchorages in the Islands Trust Area.</p> <p>UPDATE: Jan 30, 2024 – The Standing Committee on Transport, Infrastructure and Communities passed an amendment to Bill C-33 that would, should the bill pass, require the government to direct vessels out of an area if they’ve been anchored for longer than 14 days.</p> | Technical Working Group and appointed Trustee Boland as the alternate representative. | |
|----------------------------------|-----------------------------|---|---|--------------------------------|
| LEGISLATION IN EFFECT | STATUS | BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA | ISLANDS TRUST ACTIONS-PAST | ISLANDS TRUST ACTIONS – FUTURE |
| Council 435/2024 | | <ul style="list-style-type: none"> make rules to establish areas for the purpose of the term “treaty area”, which sets out areas where Modern Treaty Nations need to be consulted and cooperated with and where certain agreements can be entered into with them bring into effect continuity planning obligations for other parts of government, including the Legislative Assembly, the Executive Council (i.e., Cabinet), and the office of the Lieutenant Governor <p>The full text of these regulations can be found in Order in Council 435/2024 on BC Laws website. They apply to Bowen Island Municipality.</p> | | |
| Fire Safety Act | Into effect August 01, 2024 | <p>NEW: The Province announced that the new <i>Fire Safety Act</i> has come into effect, introducing a new single standard of fire safety in BC. The Act received royal assent in 2016, but was never brought into force at that time.</p> <p>The Fire Safety Act (FSA) replaces the previous Fire Services Act and reflects significant advancements in fire protection and a deeper understanding of fire behaviour since the last substantial update of the Fire Services Act in 1979. The FSA introduces enhanced monitoring to identify higher-risk buildings, a penalty</p> | None | None. |

| LEGISLATION IN EFFECT | STATUS | BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA | ISLANDS TRUST ACTIONS-PAST | ISLANDS TRUST ACTIONS – FUTURE |
|--|---|--|---|--|
| | | <p>system to incentivize owner compliance with fire-safety legislation and the BC Fire and BC Building Codes, and more effective enforcement tools.</p> <p>Applies to Bowen Island Municipality.</p> | | |
| Bill 16 - Housing Statutes Amendment Act | <p>Royal Assent April 25, 2024</p> <p>In force effective April 25, 2024</p> | <p>The Housing Statutes Amendment Act, 2024, which supports the recent legislative changes intended to increase the supply of housing in BC. According to the government, this bill presents the second phase of this work by providing governments with new authorities that will allow them to continue to secure important outcomes outside of rezonings, increasing transparency and certainty in the development approval process.</p> <p>Of all the changes listed below, only the changes related to density bonusing apply to the local trust committees. All provisions will apply to Bowen Island Municipality.</p> <p>Some of the changes include:</p> <ol style="list-style-type: none"> 1. Establishing a new authority for inclusionary zoning that will let local governments require affordable housing and new developments, subject to appropriate financial analysis, consultation and guardrails to ensure homes get built. 2. Providing municipalities with clear authorities to protect tenants who are evicted as a result of redevelopment, including financial assistance or help finding alternate housing. 3. Expanding local government authorities to secure important site-level infrastructure like wider sidewalks, | <p>Some local trust committees have used the density bonus tools already available.</p> | <p>Local trust committees have additional density bonus tools at their disposal when considering land use regulatory changes.</p> <p>Bowen Island Municipality will need to consider how the new provisions will affect their planning operations.</p> |

| LEGISLATION IN EFFECT | STATUS | BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA | ISLANDS TRUST ACTIONS-PAST | ISLANDS TRUST ACTIONS – FUTURE |
|--|--|--|--|---|
| | | <p>protected bike lanes and other infrastructure that is important to building complete communities.</p> <p>4. Establishing a density bonus framework to parallel the inclusionary zoning, with similar requirements for financial analysis, consultation and reporting.</p> <p>UBCM has published an analysis of the changes for local governments.</p> | | |
| | | | None | None. While this changes the way First Nations may hold land, it should not affect the way in which local trust committee engage with First Nations. |
| Bill 41: Forests Statutes Amendment Act, 2023 | <p>Royal Assent November 30, 2023</p> <p>Comes into force by regulation.</p> | <p>The amendments to the Forest and Range Practices Act, the Forest Act, and the Wildfire Act will help address public and First Nations’ interests in how forests are managed, giving government new tools to manage Crown land timber harvesting. The government states these changes support actions underway to better care for forests in the face of climate change and extreme weather events.</p> | None to date. | In effect by Order in Council April 1, 2024 |
| Bill 46 - Housing Statutes (Development Financing) Amendment Act, 2023 | <p>Royal Assent November 29, 2023</p> <p>In force by regulation</p> | <p>This legislation expands the list of what development cost charges can be spent on to include fire protection facilities, police facilities, solid-waste facilities that support new homes, and cost-share provincial highway projects. It establishes a legislative framework that authorizes local governments to impose amenity cost charges on developers to fund facilities or features that provide social, cultural, heritage, recreational or environmental benefits to a community</p> | Staff attended a Ministry Webinar on Bills 44, 46 & 47 for local governments – Regional District context | Regulations, while not applicable to LTCs, exempt rental units owned or funded by governments, or with rents controlled by covenant or housing agreement from ACCs. |

| LEGISLATION IN EFFECT | STATUS | BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA | ISLANDS TRUST ACTIONS-PAST | ISLANDS TRUST ACTIONS – FUTURE |
|--|--|--|---|---|
| | | Consequential amendments to the Islands Trust Act exempt local trust committees. Bowen Island municipality, as a municipality, is subject to the changes. | | |
| Bill 44 - Housing Statutes (Residential Development) Amendment Act, 2023 | <p>Royal Assent November 29, 2023</p> <p>In force by regulation.</p> | <p>New legislation will require all local governments to update zoning bylaws to permit one secondary suite or accessory dwelling unit in all single-family zones.</p> <p>It would also require updates to zoning bylaws in municipalities over 5,000 and within urban containment boundaries to permit small scale, multi-unit housing with most lots allowed three to four units on lots currently zoned for single-family or duplex use (varying with lot size) and up to six units on lots currently zoned for single-family or duplex use that are larger and also close to transit stops with frequent service.</p> <p>Municipalities that are covered by the new legislation cannot have bylaws that allow for fewer units than the provincial legislation, but have the ability to permit <i>more</i> than the provincial legislation. Exemptions include land protected under the Heritage Conservation Act, land that is not connected to water or sewer and parcels of land larger than 4.050. LTCs are also exempted from the above provisions due to a consequential amendment to the Islands Trust Act.</p> <p>It also requires all local governments to update their housing needs reports using a standardized methodology over a 20 year timeframe. It requires that OCP and zoning bylaws be updated every 5 years to reflect and pre-zone for the 20 year housing. It prohibits public hearings for housing-focused rezoning that are consistent with OCPs where residential is at least half of gross floor area.</p> <p>Applicable to LTCs:</p> | <p>Staff attended a Ministry Webinar on Bills 44, 46 & 47 for local governments – Regional District context.</p> <p>Receipt of provincial grant to update Housing Needs Reports for all LTCs.</p> <p>Updated business case for FPC and Trust Council.</p> | <p>BIM has drafted Bylaw 653 to include secondary suites or dwelling units, in all zones.</p> |

| LEGISLATION IN EFFECT | STATUS | BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA | ISLANDS TRUST ACTIONS-PAST | ISLANDS TRUST ACTIONS – FUTURE |
|--|-------------------------------------|--|--|---|
| | | <p>-Definition of housing unit – may be useful in LUBs</p> <p>-s. 464(3): prohibition on public hearings where the bylaw is consistent with OCP and the sole purpose of the bylaw is permit a residential development (notice of first reading still required)</p> <p>-s. 473(1) OCP must include statements and map designations (a)the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least <u>20</u> years; (changed from 5)</p> <p>-s. 473.1 OCP must include housing polices respecting each class of housing needs required to be addressed in the most recent housing needs report</p> <p>-s. 585 (housing needs reports): Must address needs for 5 and 20 years Dec 31, 2028 for all new reports</p> <p>-s. 790 interim reports on housing needs</p> <p>UPDATE: January 2024 - Resources for Bill 44 - Housing Statutes (Residential Development) Amendment Act and Bill 47- Housing Statutes (Transit-Oriented Development) Amendment Act: To read the SSMUH and TOD Area policy manuals, visit: https://www2.gov.bc.ca/gov/content/housing-tenancy/local-governments-and-housing/housing-initiatives</p> <p>UPDATE: February 21, 2024 - The Province has opened its extension application process for the Small Scale Multi-Unit Housing (SSMUH) bylaw requirements for Bill 44. Because local governments need to know the results of their extension application before June 30, the Province recommends that applications be submitted 45 days prior to anticipated council hearings for SSMUH-related amendments.</p> | | |
| Short-Term Rental Accommodatio | Royal Assent October 26, 2023 | This Act does the following: | Short Term Vacation Rentals (STVR) have been a | GB LTC opted-in to the principle residence requirements |

| LEGISLATION IN EFFECT | STATUS | BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA | ISLANDS TRUST ACTIONS-PAST | ISLANDS TRUST ACTIONS – FUTURE |
|------------------------|--------|---|--|--|
| ns Act | | <ul style="list-style-type: none"> requires the registration of online short-term rental platform service providers and of offers for short-term rental accommodation services; requires that, subject to any applicable exceptions or exemptions, short-term rental accommodation services may only be provided in a host's principal residence or, in some circumstances, one secondary suite or other accessory dwelling unit (LTCs are exempt but may opt-in); provides for how certain local governments, persons or entities may request changes to the exempt land where the principal residence requirement does not apply; provides for the appointment, powers and duties of a registrar; provides for the appointment, powers and duties of a director, including the authority to undertake investigations, make compliance orders and impose administrative penalties; provides for injunctions that may be granted by the Supreme Court to prevent contraventions; provides for the sharing of information and for information-sharing agreements; enables the minister to enter into coordination agreements with the Nisga'a Nation or treaty first nations relating to the regulation of short-term rental accommodation by the Nisga'a Nation or treaty first nations; enables the coordination of regulation of short-term rental accommodations by local governments, including for the purposes of enforcement of local government bylaws relating to business licence requirements, and provides for | <p>long standing concern for Islands Trust</p> <ul style="list-style-type: none"> In 2012, the Salt Spring Island Local Trust Committee was unsuccessful at seeking an injunction via the Supreme Court of British Columbia to restrain a company from using or offering residentially-zoned properties for commercial guest accommodation rather than on individual property owners. <p>Most LTCs have considered whether to opt-in to the principal residence requirement.</p> <p>Some LTCs have requested more information about potential impacts on opting in to the principal residence requirement</p> <p>Comox Valley RD is assessing the feasibility of business licenses for STRs</p> | <p>RPC has requested an assessment of the loss of legal non-conforming protection for some STVRs.</p> <p>Ministry staff have invited staff to sign an Information Sharing Agreement permitting access to the provincial STR Data Portal</p> <p>Staff will continue to monitor.</p> |

| LEGISLATION IN EFFECT | STATUS | BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA | ISLANDS TRUST ACTIONS-PAST | ISLANDS TRUST ACTIONS – FUTURE |
|-----------------------|--------|---|-------------------------------|-----------------------------------|
| | | <p>other matters relating to the authority of local governments and other authority for making regulations.</p> <p>Implications for Islands Trust:</p> <ul style="list-style-type: none"> -Business license authority is with regional districts not LTCs. -Islands Trust is exempted from the restriction on STVR to be allowed only in the principle residence of the host, but may opt in by LTC -the registry will be Province-wide so can assist with enforcement -removal of non-conforming protection takes effect May 2024 -increase fines (which can be applied in Trust area) would apply to Municipal Ticket Information, not Bylaw Violation Notices <p>UPDATE: Resources for Bill 35 – Short-Term Rental Accommodation Act:</p> <p>To read the guidelines, visit: https://news.gov.bc.ca/files/STRPolicyGuidance2023.pdf</p> <p>UPDATE: May 2024 - On May 1, 2024, the principal residence requirement in the Short-Term Rental Accommodations Act came into force. This means that effective May 1st, short-term rental accommodation services may be offered only in a host's principal residence or, in some circumstances, one secondary suite or other accessory dwelling unit. Some communities have opted out of the principal residence requirement if they have:</p> <ul style="list-style-type: none"> • a population over 10,000 in the 2021 Census and a rental vacancy rate of 3% or more for each of the two previous years, or • a population less than 10,000 in 2021, but are within 15 km of a municipality that meets the first criteria. <p>Some communities that are already exempt from this requirement may be able to opt in, as specified in the Short-Term Rental Accommodations Regulations. The request to opt in must have been submitted by March 31, 2024 and will take effect November</p> | | |

| LEGISLATION IN EFFECT | STATUS | BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA | ISLANDS TRUST ACTIONS-PAST | ISLANDS TRUST ACTIONS – FUTURE |
|---|---------------------------------|---|--|-----------------------------------|
| | | <p>1, 2024. Some types of accommodation service providers that are exempt from the new legislation can be found here. For more information on the principal residence requirements, including a list of the communities where these requirements apply, visit the Ministry of Housing website. These rules will apply to Gabriola Island and Bowen Island effective November 1, 2024 as these jurisdictions have opted in.</p> | | |
| Federal Legislation in Effect | | | | |
| <p>CANADA SHIPPING ACT, 2001 Interim Order for the Protection of the Killer Whale (Orcinus orca) in the Waters of Southern British Columbia, 2024</p> | <p>Into force June 01, 2024</p> | <p>NEW: The measures for 2024 and 2025 include:</p> <ul style="list-style-type: none"> • Two mandatory speed-restricted zones near Swiftsure Bank, effective June 1 to November 30, 2024 • Two interim sanctuary zones off Pender and Saturna Islands, effective June 1 to November 30, 2024 • A voluntary speed reduction zone in Tumbo Channel, off the North side of Saturna Island • The continuation of the requirement for vessels to stay at least 400 metres away from all killer whales, including a prohibition from impeding the path of all killer whales in southern British Columbia coastal waters between Campbell River and Ucluelet, including Barkley and Howe Sound. This will be in effect until May 31, 2025 • Disallowing the provision of whale-watching tours to see Southern Resident killer whales • The closure of both recreational and commercial fisheries for salmon, the main component of Southern Resident killer whale diets, in key foraging areas in 2024 and 2025 • Additional measures to reduce contaminants in the environment affecting whales and their prey | <p>Previous advocacy for protection of marine mammals and some communications support to promote awareness of the regulations.</p> <p>In June 2024, Trust Council appointed Trustee Lironi to Transport Canada’s General Vessels Technical Working Group and appointed Trustee Boland as the alternate representative.</p> | |

| COURT DECISIONS | STATUS | BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA | ISLANDS TRUST ACTIONS – PAST | ISLANDS TRUST ACTIONS – FUTURE |
|--|-------------------------------|---|---------------------------------|---|
| Western Canada Wilderness Committee v. Canada (Environment and Climate Change) | Decision on February 01, 2024 | <p>The Federal Court of Canada ruled that Canada's federal Minister of Environment and Climate Change, Hon. Steven Guilbeault, had interpreted too narrowly the federal jurisdiction over protections for at-risk migratory birds under the Species at Risk Act (SARA). Chief Justice Paul Crampton recognized the fundamental leadership role of Canada's federal government regarding migratory bird conservation, concluding that the Minister should have asserted a federal jurisdiction beyond the mere identification and protection of individual nests, by focusing on measures required to address key drivers of bird population decline, including habitat loss and degradation.</p> <p>Although this legal dispute concerned the federal role in protections afforded to the Marbled Murrelet, a small, endangered seabird known to nest in the old-growth forests of British Columbia, the impact of this decision is much broader. Chief Justice Crampton ordered Minister Guilbeault to reconsider the federal protections and to broaden Canada's interpretation of the proper balance between federal and provincial jurisdiction, and their respective roles in protecting at-risk migratory birds' critical habitat under SARA. With this unequivocal ruling that the Minister's own interpretation was unreasonably narrow (and unduly deferential to the Province of British Columbia), there is greater scope for government action to protect habitat for migratory birds. The ruling provides judicial clarity to decision-makers at all levels of government in Canada, by underscoring the important federal responsibility for migratory birds and signaling to provinces that they too must deliver better habitat protection for migratory birds.</p> <p>Marbled Murrelets are present throughout the Islands Trust Area.</p> | | <p>Islands Trust is hiring a temporary biologist for Planning Services who may be able to advise on better integration of federal species at risk recovery plans into planning advice.</p> <p>Staff will monitor federal changes resulting from this Court decision for implications for land use planning.</p> |

| NEW RESOURCES | STATUS | SUMMARY | ISLANDS TRUST ACTIONS – PAST | ISLANDS TRUST ACTIONS - FUTURE |
|---|------------------------|--|--|---|
| Residential school report and map | Released June 28, 2024 | NEW: New interactive mapping tool and environmental scan report of the 140 former residential schools recognized in the Indian Residential Schools Settlement Agreement. These tools make publicly held data and information about residential schools more accessible, reducing the barriers that Survivors and their families and communities face when trying to find data and information about former sites and buildings. These tools support Indigenous Data Sovereignty, which is a key part of Indigenous cultural heritage, an important means of capturing and sharing collective stories, and central to reconciliation and Indigenous self-determination. | Trust Council held a learning session in 2019 to learn about the legacy of residential schools in Canada and the Trust Area. | To be determined based on new Reconciliation Action Plan. |
| Forest Operations Map portal | Announced Mat 07, 2024 | NEW: Province of BC Information about forestry development is now more easily available online for public review and comment. The new Forest Operations Map online portal will act as an online resource for the public to review and comment on proposed cut blocks and forestry roads throughout BC. This update was one part of the amendments made to the Forest and Range Practices Act (FRPA) to improve forest and range operational planning and practices. More information here . | | |
| Housing Legislation in the ALR | Posted July 17, 2024 | NEW: In 2023, the B.C. Government introduced several new statutes to create more housing for people in B.C., including the <i>Housing Supply Act</i> , <i>Short-Term Rental Accommodations Act</i> , <i>Housing Statutes (Residential Development) Amendment Act</i> and <i>Housing Statutes (Transit Oriented Areas) Amendment Act</i> . | | No action for LTCs |

| NEW RESOURCES | STATUS | SUMMARY | ISLANDS TRUST ACTIONS – PAST | ISLANDS TRUST ACTIONS - FUTURE |
|--|----------------------------|--|---|---|
| | | <p>The ALC has posted a Housing Legislation in the ALR document on its website to help clarify how the new housing legislation does or does not apply in the ALR.</p> <p>The ALC's <i>Housing Legislation in the ALR</i> document is available in the Housing in the ALR section of the ALC Policies and Bulletins webpage.</p> | | |
| New Housing Needs Report requirements and guidance | Announced June 19, 2024 | NEW: The Province has updated its Housing Needs Report requirements and issued guidance documents including a summary of the requirements, a frequently asked questions document and a technical guide to the housing needs report method. | | All local governments must complete an interim HNR by Jan. 1, 2025, and then municipalities must update their official community plans (OCP) and zoning bylaws by Dec. 31, 2025. Islands Trust has received funding from the Province to update HNRs and a request for proposals has been issued and submissions are being evaluated. |
| Online Reporting Tool For Pay Transparency Reporting | Available | NEW: The Pay Transparency Act passed last May placing new requirements on employers to address systemic discrimination in the workplace. This November, employers with 1,000 or more employees will be required to begin posting pay transparency reports. The same requirement will apply to those with 300 or more employees in 2025, and 50 or more employees in 2026. | Staff have investigated the obligations to Islands Trust under the new Act. | This will apply to Islands Trust in 2026. Islands Trust processes are already in compliance with Part 2 |

| NEW RESOURCES | STATUS | SUMMARY | ISLANDS TRUST ACTIONS – PAST | ISLANDS TRUST ACTIONS - FUTURE |
|--|------------------------------|---|--|---|
| | | <p>The Province has developed an online reporting tool to support employers with this reporting requirement and it is available at https://paytransparency.fin.gov.bc.ca/login . A Guidance Document for preparing pay transparency reports using the online reporting tool has also been developed. It is recommended that employers collect gender information from their employees according to the new Gender and Sex Data Standard in order to complete their pay transparency report and that employers allow their employees to voluntarily update the information annually.</p> | | <p>of the Act, ‘Obligations Of Employers’.</p> <p>Staff have inquired with the Public Service Agency if Islands Trust information will be rolled up into the Provincial reporting, or if we will be required to produce a stand-alone report under Part 3 of the Act.</p> |
| <p>For Our Future: Indigenous Resilience Report 2024</p> | <p>Available</p> | <p>NEW: The Report is the first Indigenous-led report that draws on Indigenous Knowledge, perspectives and experiences to explore multidimensional and intersecting aspects of climate change impacts and adaptation. The report is part of Canada in a Changing Climate: Advancing our Knowledge for Action, Canada’s National Knowledge Assessment of how and why Canada’s climate is changing, the impacts of these changes and how we are adapting.</p> | | |
| <p>2024 Salish Sea Symposium: Building on our past, advancing our future - Recap</p> | <p>Available</p> | <p>NEW: A recap of the two day event that was months in the making. The first-ever Salish Sea Symposium marked a pivotal moment under the Salish Sea Strategy, uniting partners from various sectors to discuss the future of the region. This landmark event, attended by fostered dialogue, collaboration, and innovation across diverse perspectives about the current and future status of the Salish Sea.</p> | <p>This event was attended by Trustees Peterson, Luckham and Lironi in January 2024.</p> | |
| <p>Climate Science 2050: National Priorities for</p> | <p>Released May 30, 2024</p> | <p>NEW: This is a comprehensive report that gives clarity and direction to the science resources required to address climate change. The Report identifies priority science and knowledge activities that</p> | | |

| NEW RESOURCES | STATUS | SUMMARY | ISLANDS TRUST ACTIONS – PAST | ISLANDS TRUST ACTIONS - FUTURE |
|---|-----------|--|------------------------------|---|
| Climate Change Science and Knowledge Report | | Canada needs to pursue to meet the climate targets and adaptation goals identified in the Progress Report on the 2030 Emissions Reduction Plan and the National Adaptation Strategy. | | |
| Building Permit Hub | Available | <p>NEW: The Building Permit Hub will address current challenges by offering a one-stop, simplified process, resulting in faster processing and review times. Builders will submit their permit applications online in the hub, which will:</p> <ul style="list-style-type: none"> • standardize building-permit submission requirements across jurisdictions in B.C.; • automatically check that the permit application is complete; and • automatically check compliance with key parts of the BC Building Code. <p>The province wide system that addresses the different permit requirements in each community will result in complete and consistent applications that are straightforward for local governments and First Nations to approve.</p> | | Would assess applications for completeness and compliance with parts of the BCBC, plans would still need to be reviewed for zoning by Islands Trust staff. Only RD in Trust Area currently participating is Cowichan Valley RD. |

| DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS | STATUS | SUMMARY | ISLANDS TRUST ACTIONS – PAST | ISLANDS TRUST ACTIONS - FUTURE |
|---|---|---|--|--------------------------------|
| UBCM Annual Report 2024 | Released August 28, 2024 | NEW: The Annual Report highlights UBCM’s work on behalf of our members over the last fiscal year. Features include: advocacy priorities and accomplishments, significant impacts from Local Government Program Services and the Canada Community-Building Fund, and a summary of the 2023 Community Excellence Award winners. The report also includes audited financial statements for the fiscal year. The Annual Report will be considered during the Annual General Meeting at the 2024 UBCM Convention on Wednesday, September 18 at 9 am. | | |
| Engagement: Draft Ocean Noise Strategy for Canada public consultation | Closes on October 22, 2024 | NEW: The Government of Canada is seeking input on the draft Ocean Noise Strategy for Canada. The purpose of the draft strategy is to: <ul style="list-style-type: none"> • develop a coordinated approach to better understand the complex threat of ocean noise • build on existing work while maximizing the use of knowledge and resources • coordinate actions and predictable expectations • guide future partnerships and initiatives to minimize impacts on marine life | No advocacy specific to ocean noise, although mentioned as an impact of vessels at anchor. | |
| The Haida Nation Recognition Amendment Act, 2024 | Royal Assent May 16, 2024 In force effective July 05, 2024 | NEW: The Act confirms the Gaayhllixid • Gíihlalgalgang “Rising Tide” Haida Title Lands Agreement and enshrines the recognition of Haida Aboriginal title in the laws of B.C. The agreement, which is supported by the new legislation, outlines a process to determine how different aspects of land and resource management will transition to the Haida Nation, starting with | | |

| DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS | STATUS | SUMMARY | ISLANDS TRUST ACTIONS – PAST | ISLANDS TRUST ACTIONS - FUTURE |
|---|------------------------------|--|------------------------------|--------------------------------|
| | | protected areas and forestry. The Province of BC states that recognition of Aboriginal title will not impact anyone’s private property or local government jurisdiction, bylaws and local government lands on Haida Gwaii. All provincial and local government services will remain unchanged on and after the effective date, and provincial laws will continue to apply. | | |
| CANADA SHIPPING ACT, 2001 Interim Order No. 2 Respecting the Discharge of Sewage and the Release of Greywater by Cruise Ships in Canadian Waters | Into force June 10, 2024 | NEW: Transport Canada introduced voluntary sewage and greywater discharge measures for cruise ships in 2022. Transport Canada worked with the cruise industry to develop new permanent measures in 2023 which will continue from June 2024 to June 2025. These measures will help restore marine habitats and further protect Canadian waters from vessel sourced pollution. The measures have been implemented through an interim order, which has the same effect as a regulation but takes effect immediately while we go through the longer process of creating new regulations. | | |
| A Species at Risk Act section 11 Conservation Agreement to Support the Recovery of the Southern Resident Killer Whale | Agreement made May 03, 2024. | NEW: The goal of this agreement is to reduce acoustic and physical disturbance to SRKW by large commercial vessels in Pacific Canadian waters, in particular those vessels that call at the Port of Vancouver, or otherwise operate in SRKW critical habitat, through voluntary actions by the parties. This agreement was renewed for another 5 years (2024 to 2029) on May 3, 2024. | | |

| DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS | STATUS | SUMMARY | ISLANDS TRUST ACTIONS – PAST | ISLANDS TRUST ACTIONS - FUTURE |
|---|----------------------------------|--|------------------------------|--------------------------------|
| <p>Engagement: Amended Recovery Strategy for the Spotted Owl <i>caurina</i> subspecies (<i>Strix occidentalis caurina</i>) in Canada</p> | <p>Open until Sept 09, 2024</p> | <p>NEW: The Minister of Environment and Climate Change (ECCC) is the competent minister under SARA for the Spotted Owl <i>caurina</i> subspecies (<i>Strix occidentalis caurina</i>) and has prepared an amended recovery strategy, as per section 37 of SARA. To the extent possible, it has been prepared in cooperation with the province of British Columbia, Indigenous organizations, and affected stakeholders as per section 39(1) of SARA. Consultation period: 2024-07-11 to 2024-09-09 Send comments to recoveryplanning-planificationduretablissement@ec.gc.ca</p> | | |
| <p>B.C. Conservation Data Centre 2024 Taxonomy, Classification and Rank Updates</p> | <p>Announced August 07, 2024</p> | <p>NEW: The BC Conservation Data Centre annually releases updates to conservation status ranks of selected species and ecological communities, additions of new species and ecological communities in BC, and changes in species taxonomy and ecological community classifications based on the most recent scientific data and information available.</p> <p>2024 changes (released August 2024) are now available through the BC Species and Ecosystems Explorer, including:</p> <ul style="list-style-type: none"> • Taxonomy and provincial conservation status ranks for species <ul style="list-style-type: none"> ○ Animal 2024 Changes ○ Vascular Plants, Lichens, Macrofungi & Slime Molds 2024 Changes • Classification and provincial conservation status ranks for ecological communities <ul style="list-style-type: none"> ○ Ecological Communities 2024 Changes | | |

| DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS | STATUS | SUMMARY | ISLANDS TRUST ACTIONS – PAST | ISLANDS TRUST ACTIONS - FUTURE |
|---|---------------------------|---|---|---|
| | | | | |
| shísháhlh swiya Dock Management Plan (DMP) changes | Announced August 01, 2024 | NEW: The latest changes are informed by the work and submissions of members of the Dock Management Plan Advisory Group established by B.C. and shísháhlh Nation. Members of the advisory group include the Waterfront Protection Coalition, Sunshine Coast Conservation Association, local governments and others. The Province and shísháhlh Nation will implement dock standards that sustain the natural foreshore environment and the cultural values people share. | None, but the Islands Trust Chair wrote to Minister of Water, Land and Resource Stewardship to express support for efforts to address cumulative impacts related to provincial dock tenure decisions in the Southern Gulf Islands, and to request to be involved in next steps regarding studies and public engagement. | Staff will continue to monitor dock tenure decisions. |
| Transportation Safety Board of Canada (TSB) safety concerns | Released July 31, 2024 | NEW: The Transportation Safety Board of Canada (TSB) issued two safety concerns following the 2021 loss of containers and fire on board the container vessel <i>ZIM Kingston</i> (M21P0297), off Vancouver Island, British Columbia (BC). The first safety concern relates to the risk of a phenomenon called parametric rolling, which led to the loss of containers, and the second concern addresses gaps in Canada’s preparedness to respond to marine emergencies. | Islands Trust has conducted significant advocacy on gaps in marine emergency response, particularly in relation to marine spills. | |
| Engagement: The Planning Institute of BC | Closed August 14, 2024 | NEW: The Planning Institute of British Columbia is seeking input from practitioners working in housing and related areas regarding their work in implementing the new provincial housing legislation, | Some PIBC staff members provided input. | |

| DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS | STATUS | SUMMARY | ISLANDS TRUST ACTIONS – PAST | ISLANDS TRUST ACTIONS - FUTURE |
|--|--|---|---|---------------------------------|
| survey about housing legislation implementation | | regulations, and policies. Interested practitioners may take a survey (open until August 14, 4 pm PDT) that will be used to shape peer learning network delivery. | | |
| K'ómoks Treaty negotiations update | Initialing of draft K'ómoks Treaty announced July 22, 2024 | NEW: The next steps in this process include a treaty ratification vote by K'ómoks First Nation. Should the K'ómoks community ratify the treaty, the federal and provincial governments would undergo ratification processes through legislation. It is anticipated the full ratification processes will take three years, with an effective treaty date projected for 2028. This treaty represents the significant shifts in the treaty negotiations process in B.C., including the finalization of the Recognition and Reconciliation of Rights Policy for Treaty Negotiations in 2019. These shifts reflect new collaborative approaches to negotiation that expedite and better address the needs and priorities of communities. They are in line with the United Nations Declaration on the Rights of Indigenous Peoples and the B.C. Declaration on the Rights of Indigenous Peoples Act. | | Staff will continue to monitor. |
| B.C. Coastal Marine Strategy | Released July 11, 2024 | NEW: The strategy's 20-year vision supports the long-term resilience of shared marine resources, renews the Province's leadership role in its marine environment and directly benefits nearly three-quarters of the province's population who live on or near the coast. The coastal marine strategy closes a historical gap as B.C. has been one of the few coastal jurisdictions in North America without any definitive and sustainable long-term coastal policy. | The Chair provided Feedback on the Coastal Marine Strategy Intentions Paper in April 2023. The Chair's response to the release of the strategy was reported in the | |

| DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS | STATUS | SUMMARY | ISLANDS TRUST ACTIONS – PAST | ISLANDS TRUST ACTIONS - FUTURE |
|--|-------------------------|--|---|--------------------------------|
| | | Co-developed by many coastal First Nations and the Province over four years and informed by stakeholder and public engagement, the coastal marine strategy covers four major themes: healthy coastal marine ecosystems, resilience to climate change, thriving coastal economies and communities, and informed governance. The strategy also leverages opportunities with the federal government on issues that span respective jurisdictions. | Gabriola Sounder on Aug 09, 2024 and Coast Reporter in August 4, 2024 | |
| Engagement: UBCM seeks feedback on provincial consultation for treaty and non-treaty agreements | Closed on July 31, 2024 | NEW: Local governments are invited to provide feedback on the quality of provincial consultation regarding treaty and non-treaty agreements in BC. UBCM and the Province have a longstanding MOU commits the Province to consult directly with affected local governments for agreements and initiatives that pertain to First Nations. This includes consultation on agreements and negotiations in and outside the treaty process. The survey was open until July 31. | | |
| LTSA 2023/24 Annual Report | Released July 09, 2024 | NEW: LTSA is a publicly accountable, statutory corporation responsible for operating BC’s land title and survey systems. In 2023/24, LTSA maintained focus on furthering our strategic objectives. LTSA’s Annual Report has been published which reports performance in achieving operational and financial targets for the year ended March 31, 2024. | | |
| Right Relations Collaborative- Reciprocity Report 2024 | Released July 08, 2024 | NEW: The Right Relations Collaborative brings together community-rooted Indigenous change-makers and aligned philanthropic partners to break down the institutional barriers that define conventional philanthropy and, at the same time, find new ways of being in relationship with one another. | | |

| DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS | STATUS | SUMMARY | ISLANDS TRUST ACTIONS – PAST | ISLANDS TRUST ACTIONS - FUTURE |
|---|-------------------------|---|--|--------------------------------|
| B.C., Modern Treaty Nations collaborate on new approaches for treaty implementation | Announced July 04, 2024 | NEW: Modern Treaty Nations and the Province are working together to develop new policy approaches to support the implementation of modern treaties, building strong, healthy communities now and for generations to come. These new approaches include increased provincial supports for Modern Treaty Nations to implement land and resource management provisions of their treaties. | | |
| Tilbury Marine Jetty Project Decision Statement | Issued July 03, 2024 | NEW: Issued under Section 54 of the Canadian Environmental Assessment Act, 2012. The Government of British Columbia approved the Tilbury Marine Jetty Project on March 27, 2024. Now, the Government of Canada issued its final environmental assessment decision allowing the project to proceed. The project involves the construction and operation of a new marine jetty located on Tilbury Island, along the South Arm of the Fraser River in Delta, B.C. The facility will load Canadian liquefied natural gas (LNG) onto both small bunkers for domestic markets and large carriers for export to international markets. This could lead to increased LNG tanker traffic though and/or adjacent to the Islands Trust Area. | Islands Trust has conducted significant advocacy for responsible and sustainable shipping practices. | |
| Declaration on the Rights of Indigenous Peoples Act 2023-2024 Annual Report | Released June 27, 2024 | NEW: This report outlines efforts being made to implement the United Nations Declaration on the Rights of Indigenous Peoples in B.C. The report, which covers the period between April 1, 2023, until March 31, 2024, details work underway on 60 of 89 specific Declaration Act Action Plan actions, as well as to align provincial laws with the UN Declaration. | | |

| DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS | STATUS | SUMMARY | ISLANDS TRUST ACTIONS – PAST | ISLANDS TRUST ACTIONS - FUTURE |
|--|------------------------|---|---|---|
| Province-wide Community to Community Forum | September 16, 2024 | <p>NEW: UBCM and First Nations Leadership Council will be co-hosting the 7th Province-wide Community to Community Forum in Vancouver on September 16, 2024.</p> <p>First Nation and local government leaders and senior staff are invited to gather for a day of dialogue that will focus on building relations, advancing reconciliation, and exploring ways to work together. This important event will foster collaboration and deepen understanding toward a more inclusive future for all communities across BC. More details to follow.</p> | Three members of the Executive Committee, one Salt Spring Island Trustee and two senior staff are attending. | |
| 2030 Nature Strategy | Released June 13, 2024 | <p>NEW: In 2022, Canada, along with 195 other countries, adopted the Kunming-Montréal Global Biodiversity Framework (KMGBF) at the 15th Conference of the Parties (COP15) to the United Nations Convention on Biological Diversity (CBD). This historic framework lays out a set of global goals and targets to halt and reverse biodiversity loss by 2030 and put nature on a path to recovery by 2050.</p> <p>Canada’s 2030 Nature Strategy charts a path for how Canada will implement the KMGBF domestically. The Government of Canada engaged with provinces, territories, Indigenous groups and stakeholders to develop a Strategy that reflects the diversity of Canadian perspectives and issues. The Strategy establishes a shared vision to address biodiversity loss and builds on existing initiatives in all regions and sectors across the country.</p> | TPC and RPC formed a working group that provided a briefing to Trust Council on potential Islands Trust actions. In June 2024 Trust Council that Trust Council request staff to explore options for including an Integrated Spatial Planning approach within the strategic planning process, and report back with recommendations by January, 2025. | Staff will report back in January 2025. Note that the GIS Coordinator position remains unfilled – this staff person would be the most qualified to assess what an Integrated Spatial Planning process is. |

Trust Council Requests to the Province of BC
for Changes to the Islands Trust Legislation/Regulation and Related Legislation
2007 - present

| ISLANDS TRUST COUNCIL REQUEST | WHEN | ADVOCACY METHOD | RESPONSE |
|--|--|--|--|
| <p>1. Amendments to the <i>Islands Trust Act</i> that would cause four local trustees to be elected to sit on the Salt Spring Island Local Trust Committee and Trust Council.</p> | July 20, 2007 | Letter to Hon. Ida Chong, Minister of Community Services | <p>May 2008 Minister Chong suggested Islands Trust hold a referendum in the Salt Spring Island LTA. If the referendum was successful, Minister Chong was willing to approve four local trustees for the SSILTC, but not to increase Salt Spring Island representation on Trust Council.</p> <p>Turned down by Salt Spring Island LTA referendum November 15, 2008.</p> |
| <p>2. Changes to the <i>Islands Trust Act</i> that would enable the Islands Trust Council to determine the size of its Executive Committee.</p> | July 20, 2007 | Letter to Hon. Ida Chong, Minister of Community Services | <p>Not advanced by the Ministry. Never formally turned down.</p> |
| June 2008 | Trust Council later requested a simpler amendment - that S. 20(3) of the <i>Islands Trust Act</i> be amended to increase the number of vice chairs from three to four. | | |
| June 2011 | Raised during a meeting between the Executive Committee and the Hon. Ida Chong, Minister of Community Services | | |
| <p>3. The necessary changes to provincial / legislation and regulations to permit Islands Trust bodies to hold meetings through electronic or other communication facilities.</p> | July 20, 2007 | Letter to Hon. Ida Chong, Minister of Community Services | <p>Achieved in 2009 through provincial creation of a new Islands Trust Regulation.</p> |

| ISLANDS TRUST COUNCIL REQUEST | WHEN | ADVOCACY METHOD | RESPONSE |
|---|-------------------|---|--|
| 4. Changes to provincial/legislation and regulations be made, if necessary, to confirm that Islands Trust bodies may perform their duties and functions while outside of the Islands Trust Area. | July 20, 2007 | Letter to Hon. Ida Chong, Minister of Community Services | Resolved. This topic originally arose in response to a court case, where a bylaw was quashed because the public hearing was held outside the jurisdiction. Further evaluation determined that the relevant legislation had been amended and did not apply to local trust committees. |
| 5. Natural Area Protection Tax Exemption Program (NAPTEP) – extension to Bowen Island Municipality | October 27, 2009 | Meeting with Hon. Bill Bennett, Minister of Community and Rural Development | Achieved June 2010 through minor amendment to legislation. |
| 6. Bylaw dispute adjudication system | October 27, 2009 | Meeting with Hon. Bill Bennett, Minister of Community and Rural Development | Achieved in 2011 |
| 7. Trust Fund Board corporate status and name change | May 31, 2018 | Name change achieved via <i>Miscellaneous Statutes Bill</i> | Achieved via amendment to Islands Trust Act. |
| | January 23, 2018 | Executive Committee raised the name change request as number one Trust priority during meeting with the Hon. Selina Robinson, Minister of Municipal Affairs and Housing | Advised by Minister she would investigate further. |
| | June 2011 | Name change raised during a meeting with the Hon. Ida Chong, Minister of Community Services | Advised by Minister to explore other solutions first to determine if can resolve challenges in other ways. Trust Fund Board has asked Trust Council Chair to seek this change in writing. Several requests have been made |
| | June 2011 | Staff met with Ministry staff | |
| | November 20, 2012 | Letter to Hon. Bill Bennett, Minister of Community, Sport and Cultural Development | Response received Feb 2013. Minister Bennett stated that changing the corporate structure of the Trust Fund Board has broad implications that require careful consideration. He further noted that government often requires a compelling reason, such as a legislative barrier to operations, prior to considering such a |

| ISLANDS TRUST COUNCIL REQUEST | WHEN | ADVOCACY METHOD | RESPONSE |
|--|------------------------|--|--|
| | | | legislative request. He suggested that Islands Trust staff contact the Assistant Deputy Minister to arrange for further evaluation of the proposal. |
| | Sept 2013 and Feb 2014 | Letters to Hon. Coralee Oakes, Minister of Community, Sport and Cultural Development | Several contacts with Ministry staff have been made, most recently in May 2015. The Assistant Deputy Minister repeated earlier advice that that the ministry does not currently have the capacity to undertake this complex a legislative change, given other provincial priorities. |
| | May 12, 2015 | Executive Committee and senior staff met with new Assistant Deputy Minister Jay Schlosar, who has since left government | |
| | September 2015 | Letter to Hon. Peter Fassbender, Minister of Community, Sport and Cultural Development | Minister Fassbender was not responsive to Trust Council's request for legislative changes. Conversation during the meeting focused on Salt Spring governance and his request that Executive Committee meet with the Aboriginal Aquaculture Association. |
| | November 2015 | Executive Committee and CAO met with Hon. Peter Fassbender, Minister of Community, Sport and Cultural Development | |
| 8. Support in principle amending the Islands Trust Act to add "First Nations" to the list of those with whom we work "in co-operation." | September 2015 | Trust Council requested the Executive Committee to consider asking the Minister of Community, Sport and Cultural Development to make this amendment, at an appropriate time, with respect to available resources and the potential for the amendment to be achieved. | Achieved in 2021 (see below) |

| TRUST COUNCIL DIRECTION | WHEN | ADVOCACY METHOD | RESPONSE |
|--|------------------|--|--|
| <p>THAT the Islands Trust write to the Minister requesting amendments to the Islands Trust Act, specifically¹:</p> <ol style="list-style-type: none"> 1. Allowance for entry warrants by bylaw officers; 2. Development permit area enforcement via municipal ticketing; 3. Adoption of development approval information bylaws by LTCs; 4. Amending the Act to add "First Nations" to the list of those with whom we work "in co-operation."; 5. The ability to delegate to staff the granting of development permits; 6. Seeking clarification of foreshore zoning authority; 7. Broadening of Islands Trust entities under the Local Government Act, relative to s. 294, allowing for "incidental or conducive powers."; 8. Ability to provide an affordable housing agreement with a third party and to create a Housing Service. 9. Include reference to the ecosystem in section 8.2 of the Islands Trust Act. 10. And enact the ability to charge fees for telecommunication applications. | <p>Sept 2018</p> | <p>Letter to Hon. Selina Robinson, Minister of Municipal Affairs and Housing</p> | <p>Partially Achieved. In 2021 The Province amended the Islands Trust Act to:</p> <ul style="list-style-type: none"> • Include a specific reference to First Nations in the Trust’s Object statement to recognize its ongoing relationship and reconciliation efforts with First Nations. (#4) • Enable Islands Trust to give financial support to third parties for activities that provide education about or preserve the environment and unique amenities of the Trust Area. This is an optional new power that Trust Council can use if desired. (#9) • Streamline the Islands Trust development approvals processes by transferring from Trust Council the ability to adopt and amend development approval information bylaws to local trust committees providing greater local autonomy. (#3) <p>In 2021, the Province also amended BC Regulation 275/2021 deposited under the Islands Trust Act to enable local trust committees to delegate, by bylaw, issuance of development permits to staff with allowance for re-consideration of staff decisions by the local trust committee if warranted. (#5)</p> <p>Foreshore authority – on-going meetings between Islands Trust Staff, Ministry and CwVRD staff on foreshore jurisdiction in that RD. (none since March 2023 report).</p> |

| TRUST COUNCIL DIRECTION | WHEN | ADVOCACY METHOD | RESPONSE |
|--|----------------|---|--|
| That Trust Council request the Minister of Municipal Affairs and Housing to add the Islands Trust to the Auditor General Act, allowing for review of the Trust by the Auditor General for Local Government. | Sept. 2019 | Letter to Hon. Selina Robinson, Minister of Municipal Affairs and Housing | Not Achieved. In February 2020 the Ministry announced that the Auditor General for Local Governments would be closed down. The office was accepting no new files and finishing the ones it had. |
| That the Islands Trust Council request the Chair write to the Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD), and the Honourable Selina Robinson, Minister of Municipal Affairs and Housing (MAH), and the Honourable Scott Fraser, Minister of Minister of Indigenous Relations and Reconciliation, requesting amendments to the Private Managed Forest Land Act that would enable local trust committees to regulate, but not prohibit, forest activities on land within the Islands Trust Area. | June 2020 | Letter to Hon. Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD), and the Hon. Selina Robinson, Minister of Municipal Affairs and Housing (MAH), and the Hon. Scott Fraser, Minister of Minister of Indigenous Relations and Reconciliation, March 4, 2021 meeting | April 2021 response from Director Doug Kelly committing to work collaboratively with Islands Trust to continue to address issues as they evolve. |
| That Islands Trust request the Province enhance the Trust's jurisdiction over tree cutting bylaws to make its jurisdiction equal to that of municipalities under section 8 of the Community Charter. | September 2020 | Letter to Hon. Josie Osborne Minister of Municipal Affairs In May 2022, discussed status of request for some forest authority, discussed the letters to his office re the Policy Statement process and the forest issue. | Withdrawn by Trust Council in March 2023 through resolution 2023-038: Islands Trust Council request the Chair to promptly inform the Province that it no longer wishes to proceed with its request.... Previously the indication from Ministry was that this is a significant request, has Province implications from regional governance perspective. Explanation from Ministry that “the Trusts authority in relation to trees is longstanding and complex, a review of the request will require a consideration of policy choices made when the municipal authority was created, noting that this authority is primarily aimed at trees in urban environments.” |

¹ Note: On March 14, 2018, Trust Council received a staff report that summarized the relevant strengths and weaknesses for each of 20 potential amendments, including some not listed below.

| TRUST COUNCIL DIRECTION | WHEN | ADVOCACY METHOD | RESPONSE |
|---|-----------|--|--|
| That Trust Council request the Lieutenant Governor in Council for the Province of British Columbia to conduct a review of the Islands Trust's mandate, governance and structure. | June 2022 | Letter to Hon. Nathan Cullen Minister of Municipal Affairs | The Minister replied on September 23, 2022 stating that he looks forward to learning of the measures being taken by the Trust in response to the governance and management review and in relation to the broader issues that are raised in the context of this request for a review of the Islands Trust governance, mandate and opportunities for alignment with the principles of the Declaration Act. |
| That the Islands Trust Chair, on behalf of Council, submit a letter to the Lieutenant Governor in Council making the review request under Section 8(2)(e) of the Islands Trust Act that outlines the potential scope of a review, including, but not limited to: <ul style="list-style-type: none"> a. An assessment of the optimum governance model to preserve and protect the Trust area pursuant to the Province's vision for the future of the Trust area. b. The object of the Islands Trust Act and clarification of the mandate of the organization. c. The governance structure of the organization. d. The alignment of decision-making processes and structures with the Declaration on the Rights of Indigenous Peoples Act. e. The geographic scope of the organization and in particular authority over marine areas. f. The funding mechanisms provided to the organization in light of a clarified mandate. | | Meeting of Executive Committee and Minister Cullen with follow-up letter in June 2022 | |
| That Trust Council call on the Province of British Columbia, in partnership with Indigenous leadership, to develop and communicate in a timely way the process and timelines through which they will develop new legislation to protect and restore biological diversity and ecosystem health, in a manner consistent with the United Nations Declaration on the Rights of | June 2022 | Letter to The Hon. Katrine Conroy Minister of Forests and The Hon. Josie Osborne Minister of Land, Water, and Resource Stewardship | Achieved. In February 2023, the B.C. government launched new measures to protect more old growth by fast-tracking innovation and co-developing new local plans with First Nations to better care for B.C.'s forests. |

| TRUST COUNCIL DIRECTION | WHEN | ADVOCACY METHOD | RESPONSE |
|--|-----------|-----------------------|---|
| Indigenous Peoples, and with the involvement of local governments, civil society groups, Indigenous and scientific experts, and the concerned public. | | | |
| That Trust Council request the Chair to submit a resolution to Union of British Columbia Municipalities September 2022 convention concerning a request to the Province for new legislation to protect and restore biological diversity and ecosystem health. | June 2022 | AVICC/UBCM resolution | Achieved. The Province has released a draft biodiversity and ecosystem health framework. |



REQUEST FOR DECISION

To: Trust Council **For the Meeting of:** September 24, 2024
From: Trust Area Services **Date Prepared:** September 11, 2024
SUBJECT: Policy Statement Amendment Project (PSAP) – Draft Revisions to Address Jurisdiction, Clarity, Accuracy and Islets

RECOMMENDATION: That Trust Council approve the proposed revisions to the draft Islands Trust Policy Statement in Appendix 1.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: The recommendations advance the recommendations of the Committee of the Whole (COtW) related to the Policy Statement Amendment project, and provide minor language changes throughout the document to enhance clarity and accuracy of the statements made. All changes are red-lined so trustees can clearly identify what has been revised.

- 1 PURPOSE:** To seek Trust Council approval of revisions to the draft Policy Statement that are consistent with recommendations of Committee of the Whole related to jurisdiction and small islands/islets, and to address issues of clarity and accuracy identified by staff.
- 2 BACKGROUND:** At its meeting of September 11, 2024 Executive Committee passed the following resolutions:

That Executive Committee direct staff to forward to Trust Council a new draft version of Policy Statement Bylaw No. 183, with amendments that address matters of jurisdiction, clarity and accuracy and to incorporate a policy on small islands/islets, all as shown in Appendix 1.

This followed on an August 22, 2024 Committee of the Whole in-camera meeting, after which the Acting Chair of Committee of the Whole rose and reported that: *in response to legal and staff advice, the Committee of the Whole recommended that Executive Committee direct staff to draft, for further consideration by Committee of the Whole, revisions to the draft Policy Statement to ensure it conforms to the jurisdiction given to Trust Council under the Islands Trust Act.*

During development of these revisions, staff identified a number of additional changes that would improve the clarity and accuracy of the document. In addition, as the Committee of the Whole had passed the following resolution at its May 30, 2024 meeting, staff a new directive policy about islets and small islands is also included:

That the Committee of the Whole recommend to Trust Council that it amend the draft updated Policy Statement (April 2024 version) by adding a new directive policy re: Islets and Small Islands, to identify and prioritize the preservation, protection, and restoration of relatively undisturbed islets and small islands.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Approval of the recommended changes will result in a new draft of the Policy Statement. Making these changes now will promote transparency and support public understanding of the amendment project and future changes to the document.

FINANCIAL: None

POLICY: If Trust Council makes the recommended resolution, then the clean versions of the draft Policy Statement attached as Appendix 2 (which incorporates the redline changes in Appendix 1) will be the version used for further consideration and amendment by Trust Council and its committees.

IMPLEMENTATION/COMMUNICATIONS: If Trust Council authorizes the attached proposed revisions, the clean version of the document attached as Appendix 2 will be used for future consideration by Committee of the Whole. Staff will post it to the website and will update related documents/references.

FIRST NATIONS RELATIONS: Some of the amendments to the draft Policy Statement proposed shift language that was previously included based on feedback from Indigenous Governing Bodies on a draft version of the document referred to them in September 2023.

Changes that appear to reduce Islands Trust’s willingness to implement the requests of Indigenous Governing Bodies may impact relationship building. Staff believe that explaining the rationale for the changes (jurisdiction under the Islands Trust Act) and communicating the legal limitations of the organization will help mitigate this impact. Staff will also convey that developing protocol agreements and UN Declaration agreements (if co-management is desired), are outside the Policy Statement project scope but remain important tools to develop relationships and promote engagement and shared understanding. Staff will clearly track and explain changes to the draft document to Indigenous Governing Bodies as part of ongoing engagement.

The revisions proposed for clarity and accuracy will not impact Islands Trust’s relationship with Indigenous Governing Bodies. Staff expect that the recommended addition of a directive policy “to identify and prioritize the preservation, protection, and restoration of relatively undisturbed islets and small islands” will be welcomed by Indigenous Governing Bodies.

OTHER: None

4 RELEVANT POLICY(S):

[Islands Trust Act \(S. 15\)](#)

[Islands Trust Policy 1.2.1](#) (Policy Statement Amendment)

[Islands Trust Reconciliation Declaration](#)

5 ATTACHMENT(S):

- 1) Draft Bylaw No. 183 – Islands Trust Policy Statement, proposed revisions (redline)
- 2) Draft Bylaw No. 183 – Islands Trust Policy Statement, proposed revisions (clean)

RESPONSE OPTIONS

Recommendation: That Trust Council approve the proposed revisions to the draft Islands Trust Policy Statement in Appendix 1.

Alternative:

1) Make additional revisions

Trust Council may determine that there are additional revisions it would like to see made to the draft Policy Statement ahead of further consideration by Committee of the Whole. It may also wish to reject some of the proposed revisions. If this is the case, Trust Council could use the following resolutions:

a) *That Trust Council direct staff to revise draft Policy Statement Bylaw No. 183 as shown in Appendix 1 as follows:*

- *By . . . ; and*
- *By . . .*

b) *That Trust Council approve the proposed revisions to the draft Islands Trust Policy Statement in Appendix 1, as amended, and direct staff to prepare a clean version to serve as the basis for further consideration by Committee of the Whole.*

2) Do not advance the draft Policy Statement

If Trust Council does not wish to approve the revised draft Policy Statement attached as Appendix 1, it should not pass the recommended resolution and should direct an alternative course of action.

Prepared By: Senior Policy Advisor

Reviewed By/Date: Director, Trust Area Services, September 11, 2024
Chair, Islands Trust Council, September 11, 2024 (per EC request)



Islands Trust

**DRAFT for COMMITTEE OF THE
WHOLE/TRUST COUNCIL**

**Islands Trust Policy Statement
Draft Bylaw No. 183**

May 3, 2024

Acknowledgement

Islands Trust Council respectfully acknowledges that the lands and waters that encompass the Islands Trust Area have been home to Indigenous Peoples since time immemorial and that their relationship to these lands and waters continues to this day. Islands Trust Council acknowledges that residential schools, forced removal, and colonial laws and restrictions of Indigenous governance and cultural practices have displaced and dispossessed Coast Salish peoples and disrupted their relationships with the islands and waters of the Salish Sea. Islands Trust Council is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

The Islands Trust Area is located within Coast Salish Territory, in the treaty lands and territories of:

- **BOKÉCEN** (Pauquachin) First Nation
- **K'ómoks** (Comox) First Nation
- **MÁLEXEL** (Malahat) First Nation
- **Qualicum** First Nation
- Quw'utsun Nation (comprised of **Cowichan Tribes**, **Xeláltxw** (Halalt) First Nation, **Lyackson** First Nation, **Spune'luxutth'** (Penelakut Tribe) and **Stz'uminus** (Chemainus) First Nation
- **scəwəθən** (Tsawwassen) First Nation
- **səlilwətał** (Tseil-Waututh) First Nation
- **SEMYOME** (Semiahmoo) First Nation
- **shíshálh** (Sechelt) Nation
- **Skwxwú7mesh** (Squamish) First Nation
- **Snaw-naw-as** (Nanoose) First Nation
- **Snuneymuxw** (Nanaimo) First Nation
- **Songhees** First Nation
- **S7ÁUTW** (Tsawout) First Nation
- **łaʔəmen** (Tla'amin) First Nation
- **Ts'uubaa-asatx** (Lake Cowichan) First Nation
- **Wei Wai Kum** (Campbell River) First Nation
- **We Wai Kai** (Cape Mudge) First Nation
- **W JOLELP** (Tsartlip) First Nation
- **W SIKEM** (Tseycum) First Nation
- **Xwémalhkwu** (Homalco) First Nation
- **Xwsepsum** (Esquimalt) First Nation
- **xʷməθkʷəy̓əm** (Musqueam) First Nation

Contents

| | |
|--|-----------|
| Acknowledgement | 2 |
| Part 1 – The Islands Trust Act | 4 |
| 1.1 – The Islands Trust Object | 4 |
| 1.2 – Map of the Islands Trust Area | 4 |
| 1.3 – Indigenous Inherent Rights Acknowledgment | 5 |
| 1.4 – Purpose and Structure of the Policy Statement | 5 |
| Part 2 – Guiding Principles and Priorities | 6 |
| 2.1 – Guiding Principles and Priorities | 6 |
| 2.2 – Coordination Principles | 7 |
| 2.3 – Reconciliation Principles | 8 |
| Part 3 – Objectives and Directive Policies | 12 |
| 3.1 – Objective 1: Advancing Reconciliation | 12 |
| 3.2 – Objective 2: Preserving and Protecting Indigenous Cultural Heritage and Culturally Significant Areas, Sites, and Species | 13 |
| 3.3 – Objective 3: Preserving and Protecting Healthy and Biodiverse Ecosystems | 14 |
| 3.4 – Objective 4: Fostering Sustainable, Inclusive, and Resilient Communities | 15 |
| 3.5 – Objective 5: Fostering Sustainable Stewardship of Lands and Waters | 18 |
| Part 4 – Implementation | 21 |
| 4.1 – Policy Statement Implementation | 21 |
| 4.2 – Policy Statement Amendments | 22 |
| Glossary | 23 |

Part 1: The Islands Trust Act

In 1974, the Government of British Columbia established the *Islands Trust Act* to preserve and protect the ~~Region's Trust Area and its~~ unique amenities and environment against unrestrained growth and development. The Act establishes Islands Trust as a special-purpose provincial government agency equipped with a suite of land use planning powers and a conservation-oriented mandate to preserve and ~~protect the region in cooperation with others. This unique governmental mandate was defined in Section~~ Act and is commonly referred to as the "Islands Trust Object":

Commented [Staff1]: For consistency with Islands Trust Act

1.1 – The Islands Trust 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, First Nations, other persons and organizations and the government of British Columbia." (Section 3, *Islands Trust Act*)

1.2 – Map of the Islands Trust Area



NOTE: This map is a placeholder only. A new map of the Islands Trust Area will be created, identifying the boundaries of each local trust area and island municipality, and will include a legend, scale and recognition of the indigenous Nations within whose territory Islands Trust operate

Page | 4

1.3 – Indigenous Inherent Rights Acknowledgment

Islands Trust Council respectfully acknowledges Indigenous inherent rights as protected under section 35 of the Constitution Act, 1982. Islands Trust Council respectfully acknowledges Indigenous rights to self-governance and the expressed interest of Indigenous Governing Bodies in working toward co-governance of the Islands Trust Area.

Given the *Declaration on the Rights of Indigenous Peoples Act* and the evolving legislative landscape in British Columbia, this bylaw serves as a starting point for improved cooperation with Indigenous Governing Bodies. Islands Trust Council ~~commits to an ongoing effort to co-develop planning and land use management processes with Indigenous Governing Bodies within the Islands Trust Area and acknowledges this document does not serve as an endpoint. Islands Trust Council will be informed by the United Nations Declaration on the Rights of Indigenous Peoples as a framework for its approach to reconciliation, and commits to an ongoing effort to co-develop processes with Indigenous Governing Bodies within the Islands Trust Area that deliver on the affirmed rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples.~~

Commented [Staff2]: Rephrased to better align with federal and provincial approach to UNDRIP implementation.

1.4– Purpose and Structure of the Policy Statement

Purpose of the Policy Statement:

Section 15 of the *Islands Trust Act* states that Trust Council must adopt, by bylaw, an Islands Trust Policy Statement that applies to the Islands Trust Area as a whole. The Act specifies that the Policy Statement must be a general statement of the policies of Trust Council to carry out the Islands Trust Object, that it may establish different policies for different parts of the Islands Trust Area, and that it must be approved by the ~~Minister/provincial Minister of Municipal Affairs responsible for Islands Trust~~ prior to adoption.

Commented [Staff3]: Proposed change helps future-proof the document in the event of ministry name change

The Islands Trust Council is responsible for establishing and amending the Policy Statement, which in turn guides the development of more specific official community plans and regulatory bylaws by local trust committees and island municipalities across the region. The Act stipulates that official community plans and bylaws submitted to Executive Committee or Trust Council must not be approved if they are contrary to or at variance with the Policy Statement. This ensures that the Islands Trust Object is at the core of all ~~planning and~~ land use ~~management~~ decision-making in the Islands Trust Area.

Commented [CF4]: Proposed change aligns with language in Part 14 of the Local Government Act.

The Policy Statement represents Trust Council’s vision for the preservation and protection of the Islands Trust Area and its unique amenities and environment. It aspires to reflect the values and interests of island communities, Indigenous government bodies and Indigenous Peoples, partner agencies, and all British Columbians, as well as the silent voices of island ecosystems, species at risk, and future generations.

~~Two~~ Three Types of Policies in the Policy Statement:

1. **Guiding Principles** (as listed in Part 2 of the Policy Statement) are intended to establish general commitments of Trust Council that centre the Islands Trust Object in all daily decision-making across the Islands Trust Area by Islands Trust bodies that are bound by the Policy Statement.

2. **Directive Policies** (as listed in Part 3 of the Policy Statement) are policies that:

- ~~Local trust committees must address in the development of official community plans and/or regulatory bylaws, and amendments to either of those documents where relevant; and~~
- ~~it and island municipalities must address in the development of an official community~~

~~plan, and amendments to that document where relevant.~~

Commented [Staff5]: Proposed change makes clear the different effect of the Policy Statement on LTCs and IMs respectively

~~These are policies integral to carrying out the Islands Trust object, in their work on local regulatory bylaws and official community plans. These are general policies that are deemed integral to carrying out the Islands Trust Object, but which are general enough that they can be appropriately adapted to local circumstances. Where a directive policy starts with "shall strive to...", the local body should make best efforts to implement the policy.~~

~~2.3 **Advisory Policies** (as listed in Part 3 of the Policy Statement) are policies expressing the collective judgement of the members select goals of Trust Council, that local trust committees and island municipalities are encouraged advised to address in the development of official community plans, bylaws, and in discretionary land use decisions, related to matters that serve to advance the Islands Trust object, but where local trust committees and island municipalities have limited jurisdiction or where the matter is sufficiently complex that implementation is uncertain. They are Advisory policies are not intended to constitute a basis for Executive Committee or Trust Council review of local trust committee or island municipality bylaws, or for potential rejection of such bylaws.~~

Commented [Staff6]: Staff have developed a new category of "Advisory Policies" to accommodate desired topics that would be difficult to assess or implement in their entirety.

This change is consistent with direction from Trust Council from September 2022 (resolution 5 of the 32 resolutions) to add a new category of "recommendation policies". Staff had originally deemed the category as not necessary after completing the rewrite, as had used the phrasing "shall strive to" used in certain policies instead. Staff have reconsidered this approach and moved all policies that included "shall strive to", select cultural heritage policies, and draft policy 3.4.14 (Road Systems) which, on closer review with a lens of jurisdictional authority is better suited to an advisory policy, into advisory policies.

Commented [Staff7]: Added to promote clarity of intent

All of the policies contained within the Policy Statement are interconnected and interrelate to each other in multiple ways. Therefore, the document should always be considered in its entirety to interpret its intended meaning and vision.

~~The policies in Part 3 have been included as they are considered by Trust Council to be important for preservation and protection of the Trust Area and its unique amenities and environment.~~

Part 2: Guiding Principles

In its decision making, Trust Council shall be guided by the following guiding principles:

2.1– General Guiding Principles

In its efforts to carry out the Islands Trust Object, Trust Council commits to the following set of shared principles and priorities to guide daily planning and decision making by all bodies across the Islands Trust Area:

Trust Council commits to be guided by the following principles in its efforts to advance the Islands Trust Object:

Guiding Principles and Priorities:

| | |
|-------|--|
| 2.1.1 | Acknowledge and Respect Indigenous Rights To grow understanding of the history and legacy of colonialism in the Islands Trust Area, to acknowledge and respect the rights of Indigenous Peoples in decision making , and to work together with Indigenous Governing Bodies and Indigenous Knowledge Holders to preserve and protect culturally significant areas, sites, and species. |
|-------|--|

Commented [Staff8]: This proposed change better aligns with the jurisdiction of Trust Council under the Islands Trust Act.

| | |
|-------|---|
| 2.1.2 | <p>Prioritize Environmental and Indigenous Cultural Heritage Protection</p> <p>To place priority on preserving, protecting and restoring the environment, and preserving, protecting and supporting restoration of Indigenous cultural heritage in all decision making.</p> |
| 2.1.3 | <p>Limit the Rate and Scale of Development</p> <p>To define and maintain appropriate limits for the rate and scale of development in order to preserve and protect the <u>Trust Area and its</u> unique amenities and environment.</p> |
| 2.1.4 | <p>Foster Sustainable, Inclusive, and Resilient Communities</p> <p>To support <u>planning and</u> land use <u>management -planning</u> decisions that foster sustainable, inclusive, and resilient communities, acknowledging the interdependencies between healthy communities and healthy ecosystems.</p> |
| 2.1.5 | <p>Take Guidance From the Precautionary Principle</p> <p>To be guided by the precautionary principle in all decision making to safeguard the environment and cultural heritage where there may be uncertainty over the threats of serious or irreversible damage from development.</p> |
| 2.1.6 | <p>Account for Cumulative Effects</p> <p>To strive to account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies, culturally sensitive areas and cultural heritage sites, and Islands Trust Area species and their habitats.</p> |
| 2.1.7 | <p>Foster Informed and Balanced Decision Making</p> <p>To be informed by a broad range of sources in its decision making processes, including the best available science, Indigenous Knowledge, and local community knowledge.</p> |

Commented [Staff9]: For consistency with Islands Trust Act

Commented [Staff10]: Proposed change aligns with language in Part 14 of the Local Government Act.

2.2 – Cooperation Principles

While Trust Council must provide the necessary leadership to carry out the Islands Trust Object, its mandate requires cooperation with partners who each have unique roles to play in preserving and protecting the region.

Trust Council commits to be guided by the following principles in its cooperation efforts to advance the Islands Trust Object:

| Trust Council's Cooperation Principles: | |
|---|---|
| 2.2.1 | <p>Collaborate with the Islands Trust Conservancy Board</p> <p>To collaborate closely with, and be informed by, the Islands Trust Conservancy Board, particularly in the areas of science-based conservation planning, ecosystem mapping, identification of core conservation areas and protected area networks, and protection of species and ecosystems at risk.</p> |

| | |
|-------|---|
| 2.2.2 | Work Towards Collaborative Governance with Indigenous Governing Bodies To work towards building strong relationships and foundations for collaborative governance with Indigenous Governing Bodies, including through the development of shared decision-making agreements under the Declaration on the Rights of Indigenous Peoples Act. |
| 2.2.3 | Work Towards Strategic Inter-Agency Coordination To work towards establishing effective inter-agency coordination mechanisms with different levels of government, academic institutions and organizations who have important roles to play in supporting the Islands Trust Object. |
| 2.2.4 | Work Towards Accessible and Inclusive Public Communications and Engagement To work towards accessible and inclusive public communications and engagement strategies that engage a wide range of Islands Trust Area residents, communities, local organizations, and British Columbians. |
| 2.2.5 | Provide Public Education Opportunities To provide education opportunities to Islands Trust Area residents, communities, local organizations, and visitors, highlighting tangible ways they can contribute to preserving and protecting the Trust Area and its region's unique amenities and environment, while respecting the confidentiality interests of Indigenous Peoples and Indigenous Governing Bodies. |

Commented [Staff11]: For consistency with Islands Trust Act

2.3 – Reconciliation Principles

Trust Council has declared its commitment to reconciliation with Indigenous Peoples of the Islands Trust Area, with the understanding that this commitment is a long-term relationship building and healing process.

Commented [Staff12]: For ease of reading of the document, tables 1 to 3 that followed Section 2.3 have been deleted.

| Trust Council's Reconciliation Principles: | |
|---|---|
| Trust Council will, to the extent that they engage its mandate to preserve and protect the Trust Area. . . | |
| 2.3.1 | Guidance from Truth and Reconciliation Commission To be guided-informed by the 10 principles established by the Truth and Reconciliation Commission of Canada (TRC) (Table 1). |
| 2.3.2 | Guidance from United Nations Declaration on the Rights of Indigenous Peoples To be guided-informed by the articles principles established in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), including, but not limited to, the following UNDRIP articles- (Table 2). |
| 2.3.3 | Guidance from Missing and Murdered Indigenous Women and Girls Calls for Justice To be guided-informed by the principles for change used by the National Inquiry into Missing and Murdered Indigenous Women and Girls (Table 2). |

Commented [Staff13]: This proposed change better aligns with the jurisdiction of Trust Council under the Islands Trust Act.

Table 1—Truth & Reconciliation Commission of Canada (TRC)—10 Principles¹

| | |
|----------|--|
| A | The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is the framework for reconciliation at all levels and across all sectors of Canadian society. |
| B | First Nations, Inuit, and Métis peoples, as the original peoples of this country and as self-determining peoples, have Treaty, constitutional, and human rights that must be recognized and respected. |
| C | Reconciliation is a process of healing of relationships that requires public truth-sharing, apology, and commemoration that acknowledge and redress past harms. |
| D | Reconciliation requires constructive action on addressing the ongoing legacies of colonialism that have had destructive impacts on Aboriginal peoples' education, cultures and languages, health, child welfare, the administration of justice, and economic opportunities and prosperity. |

¹From https://www2.gov.bc.ca/assets/gov/british_columbians_our_governments/indigenous_people/aboriginal-peoples-documents/calls_to_action_english2.pdf

| | |
|----------|--|
| D | Reconciliation must create a more equitable and inclusive society by closing the gaps in social, health, and economic outcomes that exist between Aboriginal and non-Aboriginal Canadians. |
| E | All Canadians, as Treaty peoples, share responsibility for establishing and maintaining mutually respectful relationships. |
| F | The perspectives and understandings of Aboriginal Elders and Traditional Knowledge Keepers of the ethics, concepts, and practices of reconciliation are vital to long-term reconciliation. |
| G | Supporting Aboriginal peoples' cultural revitalization and integrating Indigenous knowledge systems, oral histories, laws, protocols, and connections to the land into the reconciliation process are essential. |
| H | Reconciliation requires political will, joint leadership, trust building, accountability, and transparency, as well as a substantial investment of resources. |
| I | Reconciliation requires sustained public education and dialogue, including youth engagement, about the history and legacy of residential schools, Treaties, and Aboriginal rights, as well as the historical and contemporary contributions of Aboriginal peoples to Canadian society. |

Table 2—Applicable UN Declaration on the Rights of Indigenous Peoples (UNDRIP) Articles¹

| | |
|---------------------|--|
| Article 3 | Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. |
| Article 4 | Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions. |
| Article 10 | Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return. |
| Article 11.1 | Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature. |
| Article 12.1 | Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains. |
| Article 13.1 | Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to reserve and retain their own names for communities, places and persons. |
| Article 18 | Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions. |
| Article 24 | <p>1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.</p> <p>2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.</p> |
| Article 25 | Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard. |

| | |
|---------------------|---|
| Article 26 | <p>1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.</p> <p>2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.</p> <p>3.1. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.</p> |
| Article 29.1 | Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination. |
| Article 31.1 | Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions. |
| Article 32 | <p>1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.</p> <p>2.1. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.</p> |

| Table 1—Principles for Change used by the National Inquiry into Missing and Murdered Indigenous Women and Girls⁵ | |
|--|---|
| Focus on Substantive Equality and Human and Indigenous Rights | Indigenous women, girls, and 2SLGBTQIA+ ⁶ people are holders of inherent Indigenous rights, constitutional rights, and international and domestic human rights. In addition, many Indigenous Peoples in Canada are rights holders under various Treaties, land claims, and settlement agreements. |
| Decolonizing Approach | Recognizes inherent rights through the principle that Indigenous Peoples have the right to govern themselves in relation to matters that are internal to their communities; integral to their unique cultures, identities, traditions, languages, and institutions; and with respect to their special relationship to their resources, which many witnesses described as their relatives. |

| | |
|--|---|
| Inclusion of Families and Survivors | Include the perspectives and participation of Indigenous women, girls, and 2SLGBTQIA people with lived experience, including the families of the missing and murdered and survivors of violence |
| Self-Determined and Indigenous-Led Solutions and Services | Services and solutions must be led by Indigenous governments, organizations, and people |
| Recognizing Distinctions | Implement in an equitable and non-discriminatory way, addressing the needs of distinct Indigenous Peoples, and taking into account factors that make them distinct such as self-identification, geographical or regional-specific information, residency, and a gendered lens and framework |
| Cultural Safety | Incorporate services and processes that empower Indigenous Peoples |
| Trauma-Informed Approach | Incorporate knowledge of trauma into all policies, procedures, and practices of solutions and services |

Part 3: Objectives and Directive Policies

Objective 1:

Advancing Reconciliation

This objective advances Guiding Principle 2.1.1 [Acknowledge and Respect Indigenous Rights]. Trust Council is committed to reconciliation and to long-term healing and relationship building with Indigenous Governing Bodies and Indigenous Peoples across the region. The policies in this section aim to acknowledge the history and legacy of Indigenous Peoples in the area since time immemorial, to recognize and respect the ~~existing rights~~ interests of Indigenous Governing Bodies regarding planning and land use management decisions that impact their territories, and to build foundations for collaborative governance and shared decision making.

Directive Policies - Reconciliation

~~Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and island municipalities~~ Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

3.1.1 Cooperate with Indigenous Governing Bodies
~~Engage with Indigenous Governing Bodies and provide a record of the engagement at time of bylaw submission o~~ on discretionary land use decisions that they deem may have potential significant impacts on their territories and the ecological health of the Salish Sea, and when addressing all Policy Statement directive policies (i.e. those under Part 3's Objectives 2, 3, 4, and 5)

Advisory Policies - Reconciliation

Local trust committees and island municipalities should . . .

3.1.2 Cooperate with Indigenous Governing Bodies
Engage with Indigenous Governing Bodies on discretionary planning and land use management decisions that may have potential significant impacts on Indigenous Governing Bodies' territories or the ecological health of the Islands Trust Area.

Commented [Staff14]: For Objective 1 box above: This proposed change better aligns with the jurisdiction of Trust Council under the Islands Trust Act.

For Objective 1 box above: Proposed change aligns with language in Part 14 of the Local Government Act.

Commented [Staff15]: Under the Islands Trust Act LTCs and IMs have different obligations for different types of bylaws. This proposed language in intro to all directive policies reflects this difference.

Commented [Staff16]: This proposed change and new advisory policy below better align with the jurisdiction of Trust Council under the Islands Trust Act.

Objective 2:

Preserving and Protecting Indigenous Cultural Heritage and Culturally Significant Areas, Sites, and Species

This objective advances Guiding Principle 2.1.2 [Prioritize Environmental and Indigenous Cultural Heritage Protection]. Trust Council recognizes Indigenous cultural heritage as a unique amenity in the Islands Trust Area that must be preserved, protected, and where possible, restored. The Islands Trust Area is home to many culturally significant areas, sites, and species of importance to present and future generations of Indigenous Peoples. This section lays out general types of Indigenous cultural heritage and culturally significant areas, sites, and species that should be identified and protected in each local planning area; this should be guided by Indigenous Peoples, Indigenous governing bodies and Indigenous Knowledge Holders and undertaken in a culturally sensitive manner that respects confidentiality protocols around the sharing of Indigenous Knowledge.

Directive Policies - Indigenous Cultural Heritage & Culturally Significant Areas, Sites and Species

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . . ~~Local trust committees and island municipalities shall...~~

| | |
|-------|--|
| 3.2.1 | <p>Indigenous Cultural Heritage Sites Through engagement with Indigenous Governing Bodies, identify and protect <u>Address potential impacts to</u> Indigenous cultural heritage sites including, but not limited to, <u>known</u> village sites, burial sites, middens, cairns, petroglyphs, culturally modified trees, fish traps, clam gardens, and pictographs, and known (registered), unregistered, or newly discovered archaeological sites.</p> |
| 3.2.2 | <p>Indigenous Harvesting Areas Address potential impacts to <u>Through engagement with Indigenous Governing Bodies, identify and protect known</u> Indigenous harvesting areas on land and marine foreshores including, but not limited to, fish weirs <u>and</u> clam gardens, camas meadows, and other areas used for Indigenous hunting, fishing, trapping, and gathering of plants and medicines.</p> |
| 3.2.3 | <p>Other Culturally Significant Areas for Indigenous Peoples Through engagement with Indigenous Governing Bodies, identify and protect areas of importance for Indigenous cultural, spiritual, medicinal and ceremonial practices and gathering areas</p> |
| 3.2.4 | <p>Culturally Significant Species and Medicinal Plants Through engagement with Indigenous Governing Bodies, identify and protect and support restoration of culturally significant species and medicinal plants.</p> |

Commented [Staff17]: This proposed change better aligns with the jurisdiction of Trust Council under the Islands Trust Act.

Commented [Staff18]: This proposed change better aligns with the jurisdiction of Trust Council under the Islands Trust Act.

Advisory Directive Policies - Indigenous Cultural Heritage & Culturally Significant Areas, Sites and Species

| | |
|---|---|
| Local trust committees and island municipalities should ... | |
| 3.2.4 | Indigenous Cultural Heritage Sites Through engagement with Indigenous Governing Bodies, identify and protect Indigenous cultural heritage sites including, but not limited to, village sites, burial sites, middens, cairns, petroglyphs, culturally modified trees, fish traps, clam gardens, and pictographs, and known (registered), unregistered, or newly discovered archaeological sites. |
| 3.2.42 | Indigenous Harvesting Areas Through engagement with Indigenous Governing Bodies, identify and protect Indigenous harvesting areas on land and marine foreshores including, but not limited to, fish weirs, clam gardens, camas meadows, and other areas used for Indigenous hunting, fishing, trapping, and gathering of plants and medicines. |
| 3.2.53 | Other Culturally Significant Areas for Indigenous Peoples Through engagement with Indigenous Governing Bodies, identify and protect areas of importance for Indigenous cultural, spiritual, medicinal and ceremonial practices and gathering areas |
| 3.2.54 | Culturally Significant Species and Medicinal Plants Through engagement with Indigenous Governing Bodies, identify and protect and support restoration of culturally significant species and medicinal plants. |

Commented [Staff19]: This proposed change better aligns with the jurisdiction of Trust Council under the Islands Trust Act.

Objective 3:

Preserving and Protecting Healthy and Biodiverse Ecosystems

This objective advances Principle 2.1.2 [Prioritize Environmental Protection]. Trust Council acknowledges that preserving and protecting the ecological integrity of the Islands Trust Area is essential to the Islands Trust Object and to supporting community well-being across the region. The policies in this section aim to identify and protect key ecosystem types and characteristics that safeguard biodiversity (excluding invasive species) and promote resilience to climate change.

Directive Policies - Ecosystem Integrity

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . . ~~Local trust committees and island municipalities shall.~~

| | |
|-------|--|
| 3.3.1 | Protected Area Networks Identify, establish, and maintain a network of protected areas of sufficient size and distribution to preserve the environmental integrity of ecosystems in their planning area. |
|-------|--|

| | |
|------------------|--|
| 3.3.2 | Sensitive Ecosystems Identify and prioritize the preservation, protection, and restoration of sensitive ecosystems in the Islands Trust Area, classified as the following ecosystem types: cliff; freshwater; herbaceous; old and mature forest; riparian; wetland; and woodland. |
| 3.3.3 | Forest Ecosystems Identify forest ecosystems and prioritize the preservation, protection, and restoration of unfragmented forest ecosystems, with particular focus on remaining stands of relatively undisturbed Coastal Douglas-fir, Arbutus, Garry oak, and Coastal Western Hemlock and their associated ecosystems. |
| 3.3.4 | Watershed Ecosystems Identify and prioritize the preservation, protection, and restoration of watershed ecosystems, freshwater sources, and groundwater recharge areas. |
| 3.3.5 | Marine Shorelines and Nearshore Areas Identify and prioritize the preservation, protection, and restoration of eelgrass meadows, kelp forests, forage fish spawning areas, clam beds, estuaries, tidal salt marshes, mud flats, and coastal wetlands. |
| 3.3.6 | Critical Habitat for Species at Risk Identify and prioritize the preservation, protection, and restoration of critical habitat for species at risk. |
| 3.3.7 | Islets and Small Islands Identify and prioritize the preservation, protection, and restoration of relatively undisturbed islets and small islands. |

Commented [Staff20]: Per Committee of the Whole motion TC-COW-2024-004

Objective 4:

Fostering Sustainable, Inclusive, and Resilient Communities

This objective advances Principle 2.1.2 [Limit the Rate and Scale of Growth and Development], and Principle 2.1.4 [Foster Sustainable, Inclusive, and Resilient Communities]. Trust Council recognizes that the Islands Trust Object is for the benefit of residents of the Islands Trust Area ~~(as defined in section 1.3 – Interpretations of the Trust Object, and includes Coast Salish Peoples)~~ and all British Columbians, who in turn have a role in preserving and protecting this region. The policies in this section support the preservation and protection of unique island character and aim to foster sustainable, inclusive, and resilient island communities.

Directive Policies - Managing Growth and Development

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . . Local trust committees and island municipalities shall...

| | |
|-------|--|
| 3.4.1 | Sustainable Development Ensure development is compact, energy-efficient, and appropriately situated on the island and on the site in order to: <ul style="list-style-type: none"> • reduce dependency on private automobile use, and support increased use of trail systems, public transportation, and active transportation • be compatible with preservation and protection of the <u>Trust Area and its area's</u> unique amenities and environment, and • limit impacts on Indigenous cultural heritage, harvesting and hunting areas. |
| 3.4.2 | Density Limits Establish appropriate density limits for efficient and sustainable use of the land base that help to safeguard protected area networks, and is compatible with preservation and protection of the <u>Trust Area and its area's</u> unique amenities and environment. |
| 3.4.3 | Impacts of Development Consider the aesthetic, environmental, and social impacts of development. |
| 3.4.4 | Community Facilities and Services Ensure that each community's current and projected long-term needs for educational, institutional, community, health, cultural, and recreational facilities and services are considered and planned for. |
| 3.4.5 | Climate Change Mitigation and Adaptation Identify planning and land use management strategies, and consider nature-based solutions, to minimize greenhouse gas emissions, and adapt to climate change-related vulnerabilities. |
| 3.4.6 | Hazardous Areas Identify, with consideration of climate change, areas hazardous to development activities, including, but not limited to, areas subject to flooding, erosion, wildfire, or |

Commented [Staff21]: Re. Objective 4 box above: deletion corrects a drafting error

Commented [Staff22]: For consistency with Islands Trust Act

Commented [Staff23]: For consistency with Islands Trust Act

Commented [Staff24]: Proposed change aligns with language in Part 14 of the Local Government Act.

Page | 17

| | |
|--|---|
| | slope instability, and direct development away from such hazards. |
|--|---|

| | |
|-------|--|
| 3.4.7 | Economic Activities Support economic activities that are compatible with preservation and protection of the <u>Trust Area and its area's</u> unique amenities, environment, and community character. |
| 3.4.8 | Community Heritage Sites Identify, preserve, protect, and support the restoration of community heritage sites. |

Commented [Staff25]: For consistency with Islands Trust Act

| Directive Policies - Housing | |
|--|---|
| <u>Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and</u> | |
| <u>Local trust committees shall, in the preparation of regulatory bylaws and amendments. . . Local trust committees and island municipalities shall...</u> | |
| 3.4.9 | Appropriate Locations for Densification Identify appropriate locations where density increases could support the development of safe, secure, diverse and affordable housing while reducing dependency on private automobile use, and increasing use of trail systems, public transportation, and active transportation, and without adversely impacting the <u>Trust Area and its area's</u> unique amenities and environment. |
| 3.4.10 | Short-Term Rentals Identify and assess the impacts of short-term rentals of dwellings on the availability of safe, secure, and affordable housing and, where necessary, regulate and limit the number of short-term rentals accordingly. |
| 3.4.11 | Floor Area and Lot Coverage Limits Determine appropriate floor area and lot coverage limits for residential development to minimize greenhouse gas emissions and cumulative impacts to the <u>Trust Area and its area's</u> unique amenities and environment, including impacts on agricultural land. |
| 3.4.12 | Housing Diversity Support housing agreements for affordable housing, and special needs housing, a diversity of housing tenures, including rentals, co-operatives and other alternatives to fee simple ownership. |

Commented [Staff26]: For consistency with Islands Trust Act

Commented [Staff27]: For consistency with Islands Trust Act

Commented [Staff28]: This proposed change better aligns with the jurisdiction of Trust Council under the Islands Trust Act. Language regarding housing tenure moved to advisory policy below.

| Advisory Policies - Housing | |
|---|---|
| <u>Local trust committees and island municipalities should...</u> | |
| 3.4.13 | Housing Options <u>Support a range of housing types and tenures, including rentals, co-operatives and other alternatives to fee-simple ownership.</u> |

Directive Policies - Transportation

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . . Local trust committees and island municipalities shall...

| | |
|------------------------|--|
| 3.4.14 2 | Public and Active Transportation Networks Identify and establish appropriately situated, safe, comfortable, and equitable transportation networks, both on the islands and to the islands that reduce dependency on private automobile use, encourage electric vehicles, and support increased use of trail systems, public transportation, and active transportation. |
| 3.4.14 | Road Systems Strive to ensure that road location, design, construction, and road systems are compatible with preservation and protection of area's unique amenities and environment. |
| 3.4.15 5 | Rural Roadways Identify and protect rural roadways, including scenic and/or heritage roads. |
| 3.4.15 6 | Emergency Helicopters Identify appropriate areas for the landing of emergency helicopters that do not adversely impact the area's unique amenities and environment. |

Commented [Staff29]: This proposed change better aligns with the jurisdiction of Trust Council under the Islands Trust Act. Language regarding road systems moved to advisory policy below.

Commented [Staff30]: This proposed change better aligns with the jurisdiction of Trust Council under the Islands Trust Act.

Advisory Policies - Transportation

Local trust committees and island municipalities should...

| | |
|--------|--|
| 3.4.16 | Road Systems Strive to ensure that road location, design, construction, and road systems are compatible with preservation and protection of the Trust Area and its area's unique amenities and environment. |
|--------|--|

Commented [Staff31]: For consistency with Islands Trust Act

Directive Policies - Waste

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . . Local trust committees and island municipalities shall...

| | |
|--------|---|
| 3.4.17 | Disposal of Waste Identify appropriate locations for waste transfer stations for the removal of waste from the Islands Trust Area on islands with vehicle ferry service that are compatible with the preservation and protection of the Trust Area and its area's unique amenities and environment. |
|--------|---|

Commented [Staff32]: For consistency with Islands Trust Act

| | |
|--------|--|
| 3.4.18 | <p>Septic Systems Establish requirements for the location and siting of new septic systems to mitigate adverse impacts on the Trust Area and its area's unique amenities and environment, including Indigenous Peoples' cultural heritage sites and marine harvesting areas.</p> |
|--------|--|

Commented [Staff33]: For consistency with Islands Trust Act

| Directive Policies - Recreation | |
|--|--|
| <u>Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and</u> | |
| <u>Local trust committees shall, in the preparation of regulatory bylaws and amendments . . . Local trust committees and island municipalities shall.</u> | |
| 3.4.19 | <p>Preservation of Natural Heritage Identify, preserve, protect, and support the restoration of natural heritage sites.</p> |
| 3.4.20 | <p>Location and Types of Recreational Facilities Identify appropriate locations and types of facilities for low-impact and active recreational activities, and discourage high-impact recreational facilities that may adversely impact the preservation and protection of the Trust Area and its area's unique amenities and environment.</p> |
| 3.4.21 | <p>Access to Recreational Facilities Identify appropriate locations, types, and safe public access to recreational facilities</p> |
| 3.4.22 | <p>Access to Community Marinas, Boat Launches, and Docks. Identify safe public access to community marinas, boat launches, and docks.</p> |
| 3.4.23 | <p>Access to Anchorages Identify appropriate and safe small-craft anchorage public-access locations.</p> |
| 3.4.24 | <p>Trail Systems Identify appropriate locations, types, and safe public access to public pedestrian, equestrian and bicycle trail systems to support active recreation that is compatible with preservation and protection of the Trust Area and its area's unique amenities and environment.</p> |
| 3.4.25 | <p>Public Shoreline Access Identify and protect areas providing safe public access to marine shorelines and along marine shorelines that are appropriate for low-impact, public recreational use and do not adversely impact the Trust Area and its unique amenities and the environment.</p> |
| 3.4.26 | <p>Destination Gaming Facilities Prohibit destination gaming facilities such as casinos and commercial bingo halls.</p> |

Commented [Staff34]: For consistency with Islands Trust Act

Commented [Staff35]: For consistency with Islands Trust Act

Commented [Staff36]: For consistency with Islands Trust Act

Objective 5:

Fostering Sustainable Stewardship of Lands and Waters

This objective advances Principle 2.1.3 [Limit the Rate and Scale of Growth and Development] and Principle 2.1.2 [Prioritize Environmental ~~and Indigenous Cultural Heritage~~ Protection]. Trust Council recognizes that sustainable use of lands and waters in the Islands Trust Area is important to the long-term well-being and resilience of ecosystems in the Islands Trust Area and the communities that depend on them. This section lays out policies for sustainable land and water use that support the long-term health of ecosystems and sustainability of freshwater.

| Directive Policies - Freshwater | |
|---|---|
| Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and | |
| Local trust committees shall, in the preparation of regulatory bylaws and amendments . . . Local trust committees and island municipalities shall... | |
| 3.5.1 | Freshwater Sustainability Ensure that neither the density, nor intensity of land use is increased in watersheds where the quality or quantity of the supply of freshwater is likely to be inadequate or unsustainable. |
| 3.5.2 | Freshwater Demand and Supply Projections Ensure that existing, anticipated, and seasonal water demand and water availability are considered. |
| 3.5.3 | Freshwater Quality Strive to ensure that freshwater quality is maintained or remediated. |
| 3.5.34 | Freshwater Self-Sufficiency Ensure that islands are self-sufficient in their supply of freshwater. |
| 3.5.5 | Freshwater Uses Strive to ensure that freshwater use is not to the detriment of other uses of the waterway such as fish and fish habitat uses, indigenous cultural and spiritual uses, aesthetic and recreational uses, and the maintenance of water quality in lakes, streams, and wetlands. |

Commented [Staff37]: Re. Objective 5 box above: Proposed amendment corrects drafting error

Commented [Staff38]: This proposed change better aligns with the jurisdiction of Trust Council under the Islands Trust Act. Language regarding freshwater quality moved to advisory policy below

Commented [Staff39]: This proposed change better aligns with the jurisdiction of Trust Council under the Islands Trust Act. Language regarding freshwater uses moved to advisory policy below

| Advisory Policies - Freshwater | |
|--|--|
| Local trust committees and island municipalities should ... | |
| 3.5.5 | Freshwater Quality Ensure that freshwater quality is maintained or remediated. |
| 3.5.6 | Freshwater Uses Strive to ensure that freshwater use is not to the detriment of other uses of the waterway such as fish and fish habitat uses, indigenous cultural and spiritual uses, aesthetic and |

recreational uses, and the maintenance of water quality in lakes, streams, and wetlands.

| Directive Policies - Forest Lands | |
|---|---|
| <u>Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and</u> | |
| <u>Local trust committees shall, in the preparation of regulatory bylaws and amendments . . . Local trust committees and island municipalities shall.</u> | |
| 3.5.6 | Forest Lands for Sustainable Management Retain Maintain large land holdings and parcel sizes to support sustainable forest management practices that are compatible with preservation and protection of the Trust Area and its area's unique amenities and environment. |
| 3.5.7 | Forest Lands and Road Systems Ensure that Consider siting of roads, systems and utility corridors are appropriately situated to minimize the fragmentation of forest lands. |
| 3.5.7 8 | Forest Lands and Wildfire Risk Management Identify planning and land use management strategies that mitigate wildfire risk and that are appropriate to the unique biogeoclimatic zones and settlement patterns of each local planning area. |

- Commented [Staff40]:** This proposed change better aligns with the jurisdiction of Trust Council under the Islands Trust Act.
- Commented [Staff41]:** For consistency with Islands Trust Act
- Commented [Staff42]:** This proposed change better aligns with the jurisdiction of Trust Council under the Islands Trust Act.
- Commented [Staff43]:** Proposed change aligns with language in Part 14 of the Local Government Act.

| Directive Policies - Agricultural Lands | |
|---|--|
| <u>Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and</u> | |
| <u>Local trust committees shall, in the preparation of regulatory bylaws and amendments . . . Local trust committees and island municipalities shall.</u> | |
| 3.5.9 | Protection of Agricultural Lands Identify and protect agricultural lands for current and future use consistent with the Agricultural Land Commission Act and its regulations for agricultural land within the Agricultural Land Reserve while considering downstream impacts, wildlife habitat, and adjacent properties. |
| 3.5.10 | Agriculture and Adjacent Properties Minimize any adverse impacts of land uses from adjacent properties on agricultural lands. |
| 3.5.11 | Agriculture and Road Systems Ensure that Consider siting of roads and utility corridors are appropriately situated to minimize fragmentation of agricultural lands. |
| 3.5.12 | Sustainable Agriculture Strive to preserve, protect, and encourage sustainable farming and sustainability of farming. |

- Commented [Staff44]:** This proposed change better aligns with the jurisdiction of Trust Council under the Islands Trust Act. Language regarding sustainable agriculture moved to advisory policy below.

| | |
|--------|---|
| 3.5.12 | <p>Economic Viability of Farms</p> <p>Consider Strive to address land uses and activities that support the economic viability of farms without compromising the agricultural capability of agricultural land or adversely impacting the Trust Area and its area's unique amenities and environment.</p> |
|--------|---|

| | |
|---|--|
| Advisory Policies - Agricultural Lands | |
| <u>Local trust committees and island municipalities should ...</u> | |
| 3.5.13 | <p>Sustainable Agriculture</p> <p>Preserve, protect, and encourage sustainable farming and the sustainability of farming.</p> |

Commented [Staff45]: "Strive to" policies have been removed throughout

Commented [Staff46]: For consistency with Islands Trust Act

| Directive Policies - Soil and Fill | |
|---|--|
| <u>Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and</u> | |
| <u>Local trust committees shall, in the preparation of regulatory bylaws and amendments . . . Local trust committees and island municipalities shall...</u> | |
| 3.5.14 | Soil Removal and Deposit Foster the preservation, protection, and restoration of soils in the Islands Trust Area. |
| 3.5.15 | Soil and Fill from Middens and Foreshore Areas of Cultural Significance Prohibit alteration, removal or excavation of soil or fill from middens or foreshore areas identified as culturally significant areas. |

| Directive Policies - Marine Shorelands | |
|---|---|
| <u>Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and</u> | |
| <u>Local trust committees shall, in the preparation of regulatory bylaws and amendments . . . Local trust committees and island municipalities shall...</u> | |
| 3.5.16 | Aquaculture Tenures Direct commercial aquaculture tenures to appropriate locations that will not adversely impact areas of cultural, spiritual, archaeological, medicinal or recreational significance, or established or designated upland land uses, anchorages or moorages. |
| 3.5.17 | Setbacks from the Sea Consider the current and anticipated impacts of sea level rise and storm surge, and determine appropriate shoreline buffers and setbacks from the sea, taking into account best practices recommended by the federal and provincial governments. |
| 3.5.18 | Soft Shoreline Protections Consider and foster soft shoreline approaches first, such as those identified by the "Green Shores" program, to set requirements for shoreline preservation, -and to mitigate erosion of shoreline and foreshore cultural heritage sites. |
| 3.5.19 | Marinas Identify requirements for the location, size, and nature of marinas that are compatible with preservation and protection of the <u>Trust Area and its area's</u> unique amenities and environment. |
| 3.5.20 | Sharing of Coastal Facilities Identify opportunities for the sharing of coastal facilities such as docks, wharves, floats, jetties, boat houses, board walks, and causeways. |
| 3.5.21 | Private Docks Limit or prohibit new private docks in areas identified as culturally significant by Indigenous Governing Bodies and Indigenous Knowledge Holders, in areas that provide critical habitat for species at risk, and in areas of recreational significance; and consider the cumulative effects of docks. |

Commented [Staff47]: For consistency with Islands Trust Act

Directive Policies - Emissions

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . . ~~Local trust committees and island municipalities shall...~~

| | |
|--------|--|
| 3.5.22 | Emissions to Air, Land, and Water. Regulate land use and development to reduce detrimental emissions, including greenhouse gas emissions, to air, land, and water. |
|--------|--|

Part 4: Implementation

4.1 – Policy Statement Implementation

Statutory Bylaw Approval Process:

The main implementation mechanism to ensure that the Policy Statement is implemented in local ~~planning and land use management~~ decision making is the statutory bylaw referral process, as stipulated in the *Islands Trust Act*.

Local Trust Committees: Under Section 27 (1) of the *Islands Trust Act*, a local trust committee must submit its bylaws to Executive Committee for approval before adoption. If Executive Committee returns a bylaw with requested changes or refuses to approve a bylaw, the local trust committee may refer the bylaw to Trust Council for approval. A bylaw has no effect until it is approved by Executive Committee or Trust Council. A bylaw adopting or amending an official community plan has no effect until it is approved by the Minister ~~responsible for Islands Trust~~.

Island Municipalities: Under Section 38 (1) of the *Islands Trust Act*, the council of a municipality, all or part of which is in the Islands Trust Area, must submit ~~certain official community plan~~ bylaws to Executive Committee for approval before adoption. If Executive Committee returns a bylaw with requested changes or refuses to approve the bylaw, the municipality may refer it to Trust Council for approval. If Trust Council returns or refuses to approve a bylaw, the municipality may submit it to the Minister for approval. Bylaws have no effect until they are approved by Executive Committee, Trust Council, or the Minister ~~responsible for Islands Trust~~.

Executive Committee Approval: Under Section 15(4) of the *Islands Trust Act*, bylaws submitted to the Executive Committee must not be approved by the Executive Committee, or Trust Council, if they are contrary to or at variance with the Islands Trust Policy Statement. ~~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.~~

Organizational Policy Alignment:

All Islands Trust bodies ~~should are expected to~~ take general policy direction from the Policy Statement to ensure that all decisions and activities of the organization are centered on carrying out the Islands Trust Object. The Guiding Principles of the Policy Statement should form the basis of Trust Council's strategic planning process. To ensure consistency between the Policy Statement and the activities of Islands Trust bodies, staff should reference the Policy Statement and its relevant sections in meetings, staff reports, work programs, inter-governmental agreements (including protocols, letters of understanding and memoranda of understanding) and responses to referrals from other agencies. All inter-governmental coordination agreements, external communications, and advocacy should be consistent with the principles and policies set out in the Policy Statement.

Monitoring and Evaluation:

Trust Council will report on its progress in implementing the objectives contained in the Policy Statement each year through the Islands Trust Annual Report.

Commented [Staff48]: Proposed change aligns with language in Part 14 of the Local Government Act.

Commented [Staff49]: Proposed change helps future-proof the document in the event of ministry name change

Commented [Staff50]: Proposed change for clarity

Commented [Staff51]: Proposed change helps future-proof the document in the event of ministry name change

Commented [Staff52]: Propose for deletion as unnecessary

Commented [Staff53]: Proposed change for clarity

4.2 – Policy Statement Amendments

Policy Statement Amendment Projects:

At the beginning of each term, in conjunction with its strategic planning process, Trust Council can identify any Policy Statement amendment tasks to be undertaken that term. Newly elected Trust Councils ~~shall cooperate~~will likely wish to engage~~consult~~ with Indigenous Governing Bodies, and may wish to engage with ~~other~~ key partners and interested and affected parties across the Islands Trust Area to define priorities for Policy Statement amendments that term. Any topics that are not able to be addressed in a particular term could be noted on a “Policy Statement Amendment Topic Review Inventory” for consideration by Trust Council at a later date. Once an amendment project is initiated, Trust Council could assign the Executive Committee or a council committee the task of leading and coordinating the Policy Statement review and amendment project, with the support of other committees as appropriate. As part of its annual budget cycle, Trust Council should consider allocating resources required for a Policy Statement amendment project, including for any related communications and engagement.

Commented [Staff54]: Proposed change to avoid fettering future Trust Council’s decision making

Commented [Staff55]: Proposed addition for clarity

Communications, Engagement, and Referrals:

As soon as practicable after the initiation, ~~in cooperation consultation through engagement with Indigenous Governing Bodies,~~ of a Policy Statement amendment process, the assigned committee should adopt a communications and engagement plan appropriate to the scope and scale of the amendment project. ~~Referrals are required to Indigenous Governing Bodies and regional district boards. Proposed Policy Statement amendments may be referred to regional district boards in the Islands Trust Area and should be referred to Indigenous Governing Bodies and regional district boards.~~ While there are no statutory requirements for public engagement or public hearings related to the Policy Statement, in cases where major amendments are being considered, Trust Council should inform and consult members of the public and relevant partner agencies. Engagement and referral partners could include, but would not be limited to: local trust committees and island municipalities; the Islands Trust Conservancy Board; residents and non-resident property owners in the Islands Trust Area; ~~other~~ residents of British Columbia; municipal councils, improvement district boards operating within the Islands Trust Area; relevant provincial government agencies; and other persons and organizations who would be interested and affected by the proposed Policy Statement amendments.

Commented [Staff56]: This proposed change better aligns with the jurisdiction of Trust Council under the Islands Trust Act and avoids fettering future Trust Council decision making

Commented [Staff57]: Proposed addition for clarity

Legislative Process:

Adoption of a Policy Statement amendment bylaw occurs only after Trust Council has undertaken four readings of the proposed Policy Statement bylaw and received approval by the Minister ~~responsible for~~ Islands Trust.

Commented [Staff58]: Proposed change helps future-proof the document in the event of ministry name change

Implementation of Policy Statement Amendments:

Policy Statement amendment bylaws become effective upon date of adoption and are not retroactive. Following the adoption of Policy Statement amendments, Trust Council should in consultation with each local trust committee and island municipality develop a “Policy Statement Implementation Plan”. The Policy Statement Implementation Plan will set a timeline for official community plans and regulatory bylaw amendments to bring them into compliance with the amended Policy Statement. As part of its budget processes, Trust Council may allocate resources to support local trust committees and island municipalities to undertake this work.

Glossary of Terms

NOTE: The source references listed in this draft glossary would be removed prior to first reading and are included here solely for informational purposes during the amendment review process. Citations are not typically included in glossaries.

| | |
|---|--|
| <p>Aboriginal (see Indigenous Peoples)</p> | <p>This is a collective name for all of the original peoples of Canada and their descendants. The Constitution Act of 1982 specifies that the Aboriginal Peoples in Canada consist of three groups – First Nations, Inuit and Métis – with unique heritages, languages, cultural practices and spiritual beliefs. The term Aboriginal peoples should not be used to describe only one or two of the groups. Because Aboriginal peoples is the term used in Canada’s constitution, it has specific importance within a Canadian legal context. Other terms include Indigenous Peoples, Native Peoples, Original Peoples, or First Peoples. For our purposes, the term “Indigenous Peoples” is currently the preferred and most respectful term to use. (Source: Assembly of First Nations)</p> |
| <p>Archaeological Sites</p> | <p>Archaeological sites consist of the physical remains of past human activity. All archaeological sites in British Columbia are protected under the <i>Heritage Conservation Act</i>. This applies whether sites are located on public or private land, and whether the site is known or unknown. Protected archaeological sites may not be altered or changed in any manner without a permit. There are over 60,000 archaeological sites recorded in BC’s Provincial Heritage Register including the remains of village and other habitation sites, as well as resource procurement activities such as fishing weirs and culturally modified trees. These sites may date anywhere from recent times to 14,000+ years ago, and studies continue to uncover new information. (Source: BC Archaeology Branch)</p> |
| <p>Biodiversity</p> | <p>Biodiversity (biological diversity) is the variety of living things, including diversity within species (genetic diversity), diversity between species, and diversity of ecosystems. When biodiversity characteristics are assessed for any location or region, three attributes are considered: 1) composition (describes the parts of each biodiversity component in that area – e.g. habitat types, species present, genetic diversity within species); 2) structure (refers to the physical characteristics supporting that composition – e.g. size of habitats, forest canopy structure, etc.); 3) function (means the ecological and evolutionary processes affective life within that structure – e.g. pollination, natural disturbances, predator-prey relationships). (Source: Biodiversity BC)</p> |
| <p>Colonialism</p> | <p>Colonizers are groups of people or countries that come to a new place or country and steal the land and resources from Indigenous peoples, and develop a set of laws and public processes that are designed to violate the human rights of the Indigenous peoples, violently suppress the governance, legal, social, and cultural structures of Indigenous peoples, and force Indigenous peoples to conform with the structures of the colonial state. Historical and ongoing colonialism, including the dispossession of lands, has a deep and devastating impact on Indigenous people and communities. (Source: BC Addressing Racism Working Glossary; BC Office of the Human Rights Commissioner)</p> |
| <p>Community Heritage Site</p> | <p>A community heritage site is real property that is considered to be heritage property. (Source: Local Government Act)</p> |
| <p>Conservation</p> | <p>Actions, legislation, or institutional arrangements that lead to the protection or preservation of a given species, group of species, habitat, natural area, or property or areas of human heritage value or character.</p> |

| | |
|---------------------------------------|--|
| Critical Habitat | Under the federal <i>Species at Risk Act</i> , critical habitat is the habitat that is necessary for the survival or recovery of listed extirpated, endangered, or threatened species, and that is identified as critical habitat in a recovery strategy or action plan. Extirpated species means a wildlife species that no longer exists in the wild in Canada, but exists elsewhere in the wild. Endangered species means a wildlife species that is facing imminent extirpation or extinction. Threatened species means a wildlife species that is likely to become an endangered species if nothing is done to reverse the factors leading to its extirpation or extinction. (Source: <i>Species at Risk Act</i>) |
| Land Use Density and Intensity | Density is regulated through zoning. Density may be defined by the number of units per given area of land. Density may also be measured by dividing the built area including all floor area, by the total area of the lot, e.g., floor area ratio (FAR) is an example Intensity of use refers to the impacts of different types of land uses, e.g., certain types of commercial or industrial uses could be more intense with more impacts than residential or vice versa. Of note, density and intensity of use can combine to increase cumulative impacts of the land use. |
| Ecosystem | An ecosystem is a collection of communities of both living and non-living things that are connected. The biotic elements in an ecosystem include living things such as plants and animals. The abiotic elements found in an ecosystem include non-living things like land forms or climate. Healthy ecosystems provide important “services,” like clean air and water, healthy forests and farms, and habitat for plants and animals. (Source: Government of BC) |
| Ecosystem Integrity | Ecosystems have integrity when their native components, such as native species, biological communities, natural landscapes and ecological functions, are intact and are likely to persist. (Source: Government of Canada) |
| Environment | The components of the Earth, including: <ol style="list-style-type: none"> 1. land, water and air, including all layers of the atmosphere, 2. all organic and inorganic matter and living organisms, and 3. the interacting natural systems that include components referred to in paragraphs (a) and (b). (Source: Impact Assessment Agency of Canada) |
| Equity / Equitable | Equity refers to achieving parity in policy, process and outcomes for historically and/or currently underrepresented and/or marginalized people and groups while accounting for diversity. It considers power, access, opportunities, treatment, impacts and outcomes. (Source: Equity & Inclusion Glossary, UBC) |
| First Nations | First Nations is not a legal term but came into common use in the 1970s to replace Indian, which some people found offensive. Many communities have also replaced “band” with “First Nation” in their names. Symbolically, the term elevates First Nations to the status of “first among equals” alongside the English and French founding nations of Canada. It also reflects the sovereign nature of many communities, and the ongoing quest for self-determination and self-government. First Nations people may live on or off reserve, they may or may not have legal status under the <i>Indian Act</i> , and they may or may not be registered members of a community or nation. “First Nations” should be used exclusively as a general term as community members are more likely to define themselves as members of specific nations or communities within those nations. (Source: Assembly of First Nations) |

| | |
|---|---|
| Groundwater Recharge Areas | Groundwater recharge areas are terrain that inherently provide geographical and ecological conditions for the infiltration of water from the land surface to the subsurface through soils, sediments, and fractured bedrock to replenish groundwater sources. Groundwater recharge areas can be <i>diffuse</i> where widespread precipitation on the landscape infiltrates into groundwater sources or <i>localized</i> where discrete surface water sources such as streams, lakes, septic fields, and/or irrigation fields infiltrate into groundwater sources. Groundwater recharge areas that have a significant groundwater recharging effect for drinking water sources or groundwater dependent ecosystems in the Islands Trust Area are defined as <i>Critical Aquifer Recharge Areas</i> . |
| Heritage Site | Heritage site means, whether designated or not, land, including land covered by water, that has heritage value to British Columbia, a community or an aboriginal people. (Source: BC Heritage Conservation Act) |
| Inclusive / Inclusion | Inclusion is an active, intentional, and continuous process to address inequities in power and privilege, and build a respectful and diverse community that ensures welcoming spaces and opportunities to flourish for all. (Source: Equity & Inclusion Glossary, UBC) |
| Indigenous Cultural Heritage | Indigenous Peoples understand and describe cultural heritage according to their distinct perspectives, traditions, and languages. For Indigenous Peoples, cultural heritage refers to ideas, experiences, objects, artistic expressions, practices, knowledge, and places that are valued because they are culturally meaningful, connected to shared memory, or linked to collective identity. Indigenous cultural heritage cannot be separated from either Indigenous identity or Indigenous life. Indigenous cultural heritage can be inherited from ancestors or it can be created by people today as a legacy for future generations. Indigenous Peoples have a right to identify their own cultural heritage, interpret its meaning, and safeguard its value. (Source: Indigenous Heritage Circle) |
| Indigenous Governing Body | Indigenous Governing Body means an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> . |
| Indigenous Knowledge / Knowledge Holders | There is no single definition of Indigenous Knowledge. For our purposes, we understand "Indigenous Knowledge" as a term that refers to a set of complex knowledge systems based on the worldviews of Indigenous peoples. Indigenous Knowledge reflects the unique cultures, languages, values, histories, governance and legal systems of Indigenous peoples. It is place-based, cumulative and dynamic. Indigenous Knowledge systems involve living well with, and being in relationship with, the natural world. Indigenous Knowledge systems build upon the experiences of earlier generations, inform the practice of current generations, and evolve in the context of contemporary society. Different First Nations, Inuit and Métis communities each have distinct ways of describing their knowledge. Knowledge Holders are the only people who can truly define Indigenous Knowledge for their communities. It is important to note that some Indigenous communities are struggling to maintain their Indigenous Knowledge due to ongoing impacts of colonialism. (Source: Impact Assessment Agency of Canada) |
| Indigenous Peoples (see Aboriginal Peoples) | Indigenous Peoples has the same meaning as aboriginal peoples in section 35 of the <i>Constitution Act, 1982</i> . The Assembly of First Nations also states: There is no official definition of Indigenous Peoples. In part, Indigenous communities, peoples and nations can be described as those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories. Other terms include Aboriginal Peoples, Native Peoples, Original Peoples, or First Peoples. (Source: Assembly of First Nations) |

| | |
|--------------------------------|--|
| Indigenous Rights | The term 'Indigenous Rights' is to be interpreted in accordance with the Province of British Columbia's Distinctions-Based Approach Primer, December 2023. |
| Middens | Midden, or 'shell midden' archaeological sites are indicative of past First Nations settlement activity. Formed by the accumulation of stratified cultural deposits over thousands of years, shell midden sites represent some of the most complex archaeological sites in the world. Source: McLay et al (2008) <i>A'lhut tu tet Sul'hweentst Respecting the Ancestors</i> <i>Note:</i> A midden may be an archaeological indicator of village and burial sites, and may contain ancestral remains |
| Nature-based solutions | Nature-based solutions are actions to protect, sustainably manage, and restore natural and modified ecosystems that address societal challenges effectively and adaptively, simultaneously benefiting people and nature. Nature-based Solutions address societal challenges through the protection, sustainable management and restoration of both natural and modified ecosystems, benefiting both biodiversity and human well-being. Nature-based Solutions are underpinned by benefits that flow from healthy ecosystems. They target major challenges like climate change, disaster risk reduction, food and water security, biodiversity loss and human health, and are critical to sustainable economic development. (Source: International Union for Conservation of Nature (IUCN)) |
| Precautionary Principle | Principle 15 of the Rio Declaration, known as the precautionary principle, states: "In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation." Four central components of the precautionary principle include: taking preventive action in the face of uncertainty; shifting |
| | the burden of proof to the proponents of an activity; exploring a wide range of alternatives to possibly harmful actions; and increasing public participation in decision making. (Source: <i>The Precautionary Principle in Environmental Science</i> , Kriebel et al., 2001) |
| Preservation | To maintain in a given condition. Preservation often requires maintaining the processes that generate the desired condition. |
| Protection | To maintain over the long term by managing, or if necessary limiting, the type and intensity of development or activity to ensure that valued attributes are not compromised or destroyed. |
| Reconciliation | Reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, an acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behavior. (Source: Truth & Reconciliation Commission) |
| Restoration | Restoration is the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed. Ecological restoration seeks to initiate or accelerate ecosystem recovery following damage, degradation, or destruction. (Source: Society for Ecological Restoration) |

Commented [CF59]: Edited for accuracy

| | |
|---|--|
| <p>Sensitive Ecosystems</p> | <p>Sensitive ecosystems are classified as ‘sensitive’ because of their rarity and vulnerability to disturbances such as human impacts and climate change. The BC Sensitive Ecosystems Inventory identifies sensitive ecosystem types, which have been adapted by the Islands Trust Conservancy to identify sensitive ecosystems commonly found in the Islands Trust Area, including:</p> <p>Cliff: Steep slopes, often with exposed bedrock. Very little soil accumulation, and only exceptionally hardy trees and plants. Cliffs are important vegetation refugia because they are often inaccessible to deer browsing or livestock grazing and can be important nesting habitat for birds.</p> <p>Freshwater: all freshwater networks including but not limited to streams, lakes, wetlands, groundwater sources, springs, and precipitation⁵.</p> <p>Herbaceous: Shallow soils characteristic of herbaceous ecosystems support low-growing vegetation, such as grasses, forbs (low, broad-leaved plants), wildflowers, mosses and lichens. Few trees and shrubs survive on these sites due to the fast-drying and often shallow nature of the exposed soils.</p> <p>Old and Mature Forest: Dry to moist forests dominated by conifer or deciduous tree species with a canopy cover of over 30%. Old forests have a stand age of over 250 yrs.; Mature forests have a stand age of 80–250 yrs.</p> <p>Riparian: Located adjacent to lakes, streams and rivers and characterized by plant communities and soils dependent on increased moisture. Influenced by erosion, sedimentation, flooding and seepage.</p> <p>Wetland: Feature moisture-dependent plants that thrive in an environment where water remains at or above the surface of the soil during most of the year. Can be bog, fen, marsh, swamp, shallow water, wet meadow or a mixture of these types.</p> <p>Woodland: Dry and open forests dominated by a mix of broadleaf and coniferous tree species with canopy coverage of 10–30%. Generally restricted to south-facing slopes and ridges with shallow soils and bedrock outcroppings. (Source: BC Sensitive Ecosystems Inventory, as adapted in Islands Trust Conservancy Regional Conservation Plan 2018-2027)</p> |
| <p>Species At Risk</p> | <p>An extirpated, endangered, threatened species, or a species of special concern. Extirpated species means a wildlife species that no longer exists in the wild in Canada, but exists elsewhere in the wild. Endangered species means a wildlife species that is facing imminent extirpation or extinction. Threatened species means a wildlife species that is likely to become an endangered species if nothing is done to reverse the factors leading to its extirpation or extinction. Species of special concern means a wildlife species that may become a threatened or an endangered species because of a combination of biological characteristics and identified threats. (Source: Federal <i>Species at Risk Act</i>)</p> |
| <p>Stewardship</p> | <p>Voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities in the Islands Trust Area</p> |
| <p>Sustainable</p> | <p>Capable of being maintained indefinitely; capable of meeting the environmental, economic, and social needs of current generations without compromising the ability of future generations to meet their needs.</p> |
| <p>Treaties / Treaty Nations</p> | <p>Treaties are constitutionally protected, government-to-government agreements that identify, define and implement a range of rights and obligations, creating long-term, mutually binding commitments. Treaties negotiated through the BC treaty negotiations process are tripartite agreements between the governments of Canada, British Columbia, and a First Nation. The goal of treaties is reconciliation. Treaties signed with First Nations in Canada between 1701 and 1923 are commonly referred to as historic treaties. In BC, there are Douglas treaties, signed with First Nations on Vancouver Island, and Treaty 8 covering a portion of northeastern BC. Treaties signed today are called modern treaties, and cover where there are no historic treaties, and can also deal with matters not addressed in historic treaties. (Source: BC Treaty Commission)</p> |



Islands Trust

DRAFT for COMMITTEE OF THE WHOLE/TRUST COUNCIL

Islands Trust Policy Statement

Draft Bylaw No. 183

May 3, 2024

Acknowledgement

Islands Trust Council respectfully acknowledges that the lands and waters that encompass the Islands Trust Area have been home to Indigenous Peoples since time immemorial and that their relationship to these lands and waters continues to this day. Islands Trust Council acknowledges that residential schools, forced removal, and colonial laws and restrictions of Indigenous governance and cultural practices have displaced and dispossessed Coast Salish peoples and disrupted their relationships with the islands and waters of the Salish Sea. Islands Trust Council is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

The Islands Trust Area is located within Coast Salish Territory, in the treaty lands and territories of:

- **BOKÉĆEN** (Pauquachin) First Nation
- **K'ómoks** (Comox) First Nation
- **MÁLEXEŁ** (Malahat) First Nation
- **Qualicum** First Nation
- Quw'utsun Nation (comprised of **Cowichan Tribes**, **XeláItxw** (Halalt) First Nation, **Lyackson** First Nation, **Spune'luxutth'** (Penelakut Tribe) and **Stz'uminus** (Chemainus) First Nation
- **scáwaθən** (Tsawwassen) First Nation
- **səlilwətał** (Tseil-Waututh) First Nation
- **SEMYOME** (Semiahmoo) First Nation
- **shíshálh** (Sechelt) Nation
- **Skwúwú7mesh** (Squamish) First Nation
- **Snaw-naw-as** (Nanoose) First Nation
- **Snuneymuxw** (Nanaimo) First Nation
- **Songhees** First Nation
- **SṪÁUTW** (Tsawout) First Nation
- **łaʔəmen** (Tla'amin) First Nation
- **Ts'uubaa-asatx** (Lake Cowichan) First Nation
- **Wei Wai Kum** (Campbell River) First Nation
- **We Wai Kai** (Cape Mudge) First Nation
- **W̱ JOŁEŁP** (Tsartlip) First Nation
- **W̱ SIƷEM** (Tseycum) First Nation
- **Xwémalhkwu** (Homalco) First Nation
- **Xwsepsum** (Esquimalt) First Nation
- **xʷməθkʷəy̓əm** (Musqueam) First Nation

Contents

| | |
|--|-----------|
| Acknowledgement | 2 |
| Part 1 – The Islands Trust Act | 4 |
| 1.1 – The Islands Trust Object | 4 |
| 1.2 – Map of the Islands Trust Area | 4 |
| 1.3 – Indigenous Inherent Rights Acknowledgment | 5 |
| 1.4 – Purpose and Structure of the Policy Statement | 5 |
| Part 2 – Guiding Principles and Priorities | 6 |
| 2.1 – Guiding Principles and Priorities | 6 |
| 2.2 – Coordination Principles | 7 |
| 2.3 – Reconciliation Principles | 8 |
| Part 3 – Objectives and Directive Policies | 9 |
| 3.1 – Objective 1: Advancing Reconciliation | 9 |
| 3.2 – Objective 2: Preserving and Protecting Indigenous Cultural Heritage and Culturally Significant Areas, Sites, and Species | 10 |
| 3.3 – Objective 3: Preserving and Protecting Healthy and Biodiverse Ecosystems | 11 |
| 3.4 – Objective 4: Fostering Sustainable, Inclusive, and Resilient Communities | 12 |
| 3.5 – Objective 5: Fostering Sustainable Stewardship of Lands and Waters | 15 |
| Part 4 – Implementation | 18 |
| 4.1 – Policy Statement Implementation | 18 |
| 4.2 – Policy Statement Amendments | 18 |
| Glossary | 20 |

Part 1: The Islands Trust Act

In 1974, the Government of British Columbia established the *Islands Trust Act* to preserve and protect the Trust Area and its unique amenities and environment against unrestrained growth and development. The Act establishes Islands Trust as a special-purpose provincial government agency equipped with a suite of land use planning powers and a conservation-oriented mandate to preserve and protect the region in cooperation with others. This unique governmental mandate was defined in Section 3 of the *Islands Trust Act* and is commonly referred to as the “Islands Trust Object”:

1.1 – The Islands Trust 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, First Nations, other persons and organizations and the government of British Columbia.” (Section 3, *Islands Trust Act*)

1.2 – Map of the Islands Trust Area



NOTE: This map is a placeholder only. A new map of the Islands Trust Area will be created, identifying the boundaries of each local trust area and island municipality, and will include a legend, scale and recognition of the Indigenous Nations within whose territory Islands Trust operates

1.3 – Indigenous Inherent Rights Acknowledgment

Islands Trust Council respectfully acknowledges Indigenous inherent rights as protected under section 35 of the Constitution Act, 1982. Islands Trust Council respectfully acknowledges Indigenous rights to self-governance and the expressed interest of Indigenous Governing Bodies in working toward co-governance of the Islands Trust Area.

Given the *Declaration on the Rights of Indigenous Peoples Act* and the evolving legislative landscape in British Columbia, this bylaw serves as a starting point for improved cooperation with Indigenous Governing Bodies. Islands Trust Council commits to an ongoing effort to co-develop planning and land use management processes with Indigenous Governing Bodies within the Islands Trust Area and acknowledges that this document does not serve as an endpoint. Islands Trust Council will be informed by the United Nations Declaration on the Rights of Indigenous Peoples as a framework for its approach to reconciliation.

1.4 – Purpose and Structure of the Policy Statement

Communications, Engagement, and Referrals:

Section 15 of the *Islands Trust Act* states that Trust Council must adopt, by bylaw, an Islands Trust Policy Statement that applies to the Islands Trust Area as a whole. The Act specifies that the Policy Statement must be a general statement of the policies of Trust Council to carry out the Islands Trust Object, that it may establish different policies for different parts of the Islands Trust Area, and that it must be approved by the provincial Minister responsible for Islands Trust prior to adoption.

The Islands Trust Council is responsible for establishing and amending the Policy Statement, which in turn guides the development of more specific official community plans and regulatory bylaws by local trust committees and island municipalities across the region. The Act stipulates that official community plans and bylaws submitted to Executive Committee or Trust Council must not be approved if they are contrary to or at variance with the Policy Statement. This ensures that the Islands Trust Object is at the core of all planning and land use management decision-making in the Islands Trust Area.

The Policy Statement represents Trust Council's vision for the preservation and protection of the Islands Trust Area and its unique amenities and environment. It aspires to reflect the values and interests of island communities, Indigenous government bodies and Indigenous Peoples, partner agencies, and all British Columbians, as well as the silent voices of island ecosystems, species at risk, and future generations.

Three Types of Policies in the Policy Statement:

1. **Guiding Principles** (as listed in Part 2 of the Policy Statement) are intended to establish general commitments of Trust Council that centre the Islands Trust Object in all daily decision-making across the Islands Trust Area by Islands Trust bodies that are bound by the Policy Statement.
2. **Directive Policies** (as listed in Part 3 of the Policy Statement) are policies that:
 - local trust committees must address in the development of official community plans and/or regulatory bylaws, and amendments to those documents where relevant; and
 - island municipalities must address in the development of an official community plan, and amendments to that document where relevant.

These are policies integral to carrying out the Islands Trust object.

3. **Advisory Policies** (as listed in Part 3 of the Policy Statement) are policies expressing select goals of Trust Council, that local trust committees and island municipalities are advised to address in the development of official community plans, bylaws, and in discretionary land use decisions. Advisory policies are not intended to constitute a basis for Executive Committee or Trust Council review of local trust committee or island municipality bylaws, or for potential rejection of such bylaws.

All of the policies contained within the Policy Statement are interconnected and interrelate to each other in multiple ways. Therefore, the document should always be considered in its entirety to interpret its intended meaning and vision.

The policies in Part 3 have been included as they are considered by Trust Council to be important for preservation and protection of the Trust Area and its unique amenities and environment.

Part 2: Guiding Principles

In its decision making, Trust Council shall be guided by the following guiding principles:

2.1– General Guiding Principles

In its efforts to carry out the Islands Trust Object, Trust Council commits to the following set of shared principles and priorities to guide daily planning and decision making by all bodies across the Islands Trust Area:

Trust Council commits to be guided by the following principles in its efforts to advance the Islands Trust Object:

| Guiding Principles and Priorities: | |
|------------------------------------|---|
| 2.1.1 | Acknowledge and Respect Indigenous Rights To grow understanding of the history and legacy of colonialism in the Islands Trust Area, to acknowledge and respect the rights of Indigenous Peoples, and to work together with Indigenous Governing Bodies and Indigenous Knowledge Holders to preserve and protect culturally significant areas, sites, and species. |
| 2.1.2 | Prioritize Environmental and Indigenous Cultural Heritage Protection To place priority on preserving, protecting and restoring the environment, and preserving, protecting and supporting restoration of Indigenous cultural heritage in all decision making. |
| 2.1.3 | Limit the Rate and Scale of Development To define and maintain appropriate limits for the rate and scale of development in order to preserve and protect the Trust Area and its unique amenities and environment. |
| 2.1.4 | Foster Sustainable, Inclusive, and Resilient Communities To support planning and land use management decisions that foster sustainable, inclusive, and resilient communities, acknowledging the interdependencies between healthy communities and healthy ecosystems. |
| 2.1.5 | Take Guidance From the Precautionary Principle To be guided by the precautionary principle in all decision making to safeguard the environment and cultural heritage where there may be uncertainty over the threats of serious or irreversible damage from development. |
| 2.1.6 | Account for Cumulative Effects To strive to account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies, culturally sensitive areas and cultural heritage sites, and Islands Trust Area species and their habitats. |
| 2.1.7 | Foster Informed and Balanced Decision Making To be informed by a broad range of sources in its decision making processes, including the best available science, Indigenous Knowledge, and local community knowledge. |

2.2 – Cooperation Principles

While Trust Council must provide the necessary leadership to carry out the Islands Trust Object, its mandate requires cooperation with partners who each have unique roles to play in preserving and protecting the region.

Trust Council commits to be guided by the following principles in its cooperation efforts to advance the Islands Trust Object:

Trust Council's Cooperation Principles:

| | |
|-------|--|
| 2.2.1 | <p>Collaborate with the Islands Trust Conservancy Board</p> <p>To collaborate closely with, and be informed by, the Islands Trust Conservancy Board, particularly in the areas of science-based conservation planning, ecosystem mapping, identification of core conservation areas and protected area networks, and protection of species and ecosystems at risk.</p> |
| 2.2.2 | <p>Work Towards Collaborative Governance with Indigenous Governing Bodies</p> <p>To work towards building strong relationships and foundations for collaborative governance with Indigenous Governing Bodies, including through the development of shared decision-making agreements under the <i>Declaration on the Rights of Indigenous Peoples Act</i>.</p> |
| 2.2.3 | <p>Work Towards Strategic Inter-Agency Coordination</p> <p>To work towards establishing effective inter-agency coordination mechanisms with different levels of government, academic institutions and organizations who have important roles to play in supporting the Islands Trust Object.</p> |
| 2.2.4 | <p>Work Towards Accessible and Inclusive Public Communications and Engagement</p> <p>To work towards accessible and inclusive public communications and engagement strategies that engage a wide range of Islands Trust Area residents, communities, local organizations, and British Columbians.</p> |
| 2.2.5 | <p>Provide Public Education Opportunities</p> <p>To provide education opportunities to Islands Trust Area residents, communities, local organizations, and visitors, highlighting tangible ways they can contribute to preserving and protecting the Trust Area and its unique amenities and environment, while respecting the confidentiality interests of Indigenous Peoples and Indigenous Governing Bodies.</p> |

2.3 – Reconciliation Principles

Trust Council has declared its commitment to reconciliation with Indigenous Peoples of the Islands Trust Area, with the understanding that this commitment is a long-term relationship building and healing process.

Trust Council's Reconciliation Principles:

Trust Council will, to the extent that they engage its mandate to preserve and protect the Trust Area. . .

| | |
|-------|---|
| 2.3.1 | <p>Guidance from Truth and Reconciliation Commission</p> <p>Be informed by the 10 principles established by the Truth and Reconciliation Commission of Canada (TRC) .</p> |
| 2.3.2 | <p>Guidance from United Nations Declaration on the Rights of Indigenous Peoples</p> <p>Be informed by the articles established in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).</p> |
| 2.3.3 | <p>Guidance from Missing and Murdered Indigenous Women and Girls Calls for Justice</p> <p>Be informed by the principles for change used by the National Inquiry into Missing and Murdered Indigenous Women and Girls .</p> |

Part 3: Objectives and Directive Policies

Objective 1:

Advancing Reconciliation

This objective advances Guiding Principle 2.1.1 [Acknowledge and Respect Indigenous Rights]. Trust Council is committed to reconciliation and to long-term healing and relationship building with Indigenous Governing Bodies and Indigenous Peoples across the region. The policies in this section aim to acknowledge the history and legacy of Indigenous Peoples in the area since time immemorial, to recognize and respect the interests of Indigenous Governing Bodies regarding planning and land use management decisions that impact their territories, and to build foundations for collaborative governance and shared decision making.

Directive Policies - Reconciliation

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

3.1.1 Cooperate with Indigenous Governing Bodies

Engage with Indigenous Governing Bodies and provide a record of the engagement at time of bylaw submission.

Advisory Policies - Reconciliation

Local trust committees and island municipalities should . . .

3.1.2 Cooperate with Indigenous Governing Bodies

Engage with Indigenous Governing Bodies on discretionary planning and land use management decisions that may have potential significant impacts on Indigenous Governing Bodies' territories or the ecological health of the Islands Trust Area.

Objective 2:

Preserving and Protecting Indigenous Cultural Heritage and Culturally Significant Areas, Sites, and Species

This objective advances Guiding Principle 2.1.2 [Prioritize Environmental and Indigenous Cultural Heritage Protection]. Trust Council recognizes Indigenous cultural heritage as a unique amenity in the Islands Trust Area that must be preserved, protected, and where possible, restored. The Islands Trust Area is home to many culturally significant areas, sites, and species of importance to present and future generations of Indigenous Peoples. This section lays out general types of Indigenous cultural heritage and culturally significant areas, sites, and species that should be identified and protected in each local planning area; this should be guided by Indigenous Peoples, Indigenous governing bodies and Indigenous Knowledge Holders and undertaken in a culturally sensitive manner that respects confidentiality protocols around the sharing of Indigenous Knowledge.

Directive Policies - Indigenous Cultural Heritage & Culturally Significant Areas, Sites and Species

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

| | |
|-------|--|
| 3.2.1 | <p>Indigenous Cultural Heritage Sites Address potential impacts to Indigenous cultural heritage sites including, but not limited to, known village sites, burial sites, middens, cairns, petroglyphs, culturally modified trees, fish traps, clam gardens, and pictographs, and known (registered), unregistered, or newly discovered archaeological sites.</p> |
| 3.2.2 | <p>Indigenous Harvesting Areas Address potential impacts to known Indigenous harvesting areas on land and marine foreshores including, but not limited to, fish weirs and clam gardens.</p> |

Advisory Policies - Indigenous Cultural Heritage & Culturally Significant Areas, Sites and Species

Local trust committees and island municipalities should . . .

| | |
|-------|---|
| 3.2.3 | <p>Indigenous Cultural Heritage Sites Through engagement with Indigenous Governing Bodies, identify and protect Indigenous cultural heritage sites including, but not limited to, village sites, burial sites, middens, cairns, petroglyphs, culturally modified trees, fish traps, clam gardens, and pictographs, and known (registered), unregistered, or newly discovered archaeological sites.</p> |
| 3.2.4 | <p>Indigenous Harvesting Areas Through engagement with Indigenous Governing Bodies, identify and protect Indigenous harvesting areas on land and marine foreshores including, but not limited to, fish weirs, clam gardens, camas meadows, and other areas used for Indigenous hunting, fishing, trapping, and gathering of plants and medicines.</p> |
| 3.2.5 | <p>Other Culturally Significant Areas for Indigenous Peoples Through engagement with Indigenous Governing Bodies, identify and protect areas of importance for Indigenous cultural, spiritual, medicinal and ceremonial practices and gathering areas</p> |
| 3.2.6 | <p>Culturally Significant Species and Medicinal Plants Through engagement with Indigenous Governing Bodies, identify and protect and support restoration of culturally significant species and medicinal plants.</p> |

Objective 3:

Preserving and Protecting Healthy and Biodiverse Ecosystems

This objective advances Principle 2.1.2 [Prioritize Environmental Protection]. Trust Council acknowledges that preserving and protecting the ecological integrity of the Islands Trust Area is essential to the Islands Trust Object and to supporting community well-being across the region. The policies in this section aim to identify and protect key ecosystem types and characteristics that safeguard biodiversity (excluding invasive species) and promote resilience to climate change.

Directive Policies - Ecosystem Integrity

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

| | |
|-------|---|
| 3.3.1 | <p>Protected Area Networks</p> <p>Identify, establish, and maintain a network of protected areas of sufficient size and distribution to preserve the environmental integrity of ecosystems in their planning area.</p> |
| 3.3.2 | <p>Sensitive Ecosystems</p> <p>Identify and prioritize the preservation, protection, and restoration of sensitive ecosystems in the Islands Trust Area, classified as the following ecosystem types: cliff; freshwater; herbaceous; old and mature forest; riparian; wetland; and woodland.</p> |
| 3.3.3 | <p>Forest Ecosystems</p> <p>Identify forest ecosystems and prioritize the preservation, protection, and restoration of unfragmented forest ecosystems, with particular focus on remaining stands of relatively undisturbed Coastal Douglas-fir, Arbutus, Garry oak, and Coastal Western Hemlock and their associated ecosystems.</p> |
| 3.3.4 | <p>Watershed Ecosystems</p> <p>Identify and prioritize the preservation, protection, and restoration of watershed ecosystems, freshwater sources, and groundwater recharge areas.</p> |
| 3.3.5 | <p>Marine Shorelines and Nearshore Areas</p> <p>Identify and prioritize the preservation, protection, and restoration of eelgrass meadows, kelp forests, forage fish spawning areas, clam beds, estuaries, tidal salt marshes, mud flats, and coastal wetlands.</p> |
| 3.3.6 | <p>Critical Habitat for Species at Risk</p> <p>Identify and prioritize the preservation, protection, and restoration of critical habitat for species at risk.</p> |
| 3.3.7 | <p>Islets and Small Islands</p> <p>Identify and prioritize the preservation, protection, and restoration of relatively undisturbed islets and small islands.</p> |

Objective 4:

Fostering Sustainable, Inclusive, and Resilient Communities

This objective advances Principle 2.1.2 [Limit the Rate and Scale of Growth and Development], and Principle 2.1.4 [Foster Sustainable, Inclusive, and Resilient Communities]. Trust Council recognizes that the Islands Trust Object is for the benefit of residents of the Islands Trust Area and all British Columbians, who in turn have a role in preserving and protecting this region. The policies in this section support the preservation and protection of unique island character and aim to foster sustainable, inclusive, and resilient island communities.

Directive Policies - Managing Growth and Development

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

| | |
|-------|---|
| 3.4.1 | <p>Sustainable Development Ensure development is compact, energy-efficient, and appropriately situated on the island and on the site in order to:</p> <ul style="list-style-type: none"> • reduce dependency on private automobile use, and support increased use of trail systems, public transportation, and active transportation • be compatible with preservation and protection of the Trust Area and its unique amenities and environment, and • limit impacts on Indigenous cultural heritage, harvesting and hunting areas. |
| 3.4.2 | <p>Density Limits Establish appropriate density limits for efficient and sustainable use of the land base that help to safeguard protected area networks, and is compatible with preservation and protection of the Trust Area and its unique amenities and environment.</p> |
| 3.4.3 | <p>Impacts of Development Consider the aesthetic, environmental, and social impacts of development.</p> |
| 3.4.4 | <p>Community Facilities and Services Ensure that each community’s current and projected long-term needs for educational, institutional, community, health, cultural, and recreational facilities and services are considered and planned for.</p> |
| 3.4.5 | <p>Climate Change Mitigation and Adaptation Identify planning and land use management strategies, and consider nature-based solutions, to minimize greenhouse gas emissions, and adapt to climate change-related vulnerabilities.</p> |
| 3.4.6 | <p>Hazardous Areas Identify, with consideration of climate change, areas hazardous to development activities, including, but not limited to, areas subject to flooding, erosion, wildfire, or slope instability, and direct development away from such hazards.</p> |
| 3.4.7 | <p>Economic Activities Support economic activities that are compatible with preservation and protection of the Trust Area and its unique amenities, environment, and community character.</p> |
| 3.4.8 | <p>Community Heritage Sites Identify, preserve, protect, and support the restoration of community heritage sites.</p> |

Directive Policies - Housing

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

| | |
|-------|--|
| 3.4.9 | <p>Appropriate Locations for Densification Identify appropriate locations where density increases could support the development of safe, secure, diverse and affordable housing while reducing dependency on private automobile use, and increasing use of trail systems, public transportation, and active transportation, and without adversely impacting the Trust Area and its unique amenities and environment.</p> |
|-------|--|

| | |
|--------|---|
| 3.4.10 | Short-Term Rentals Identify and assess the impacts of short-term rentals of dwellings on the availability of safe, secure, and affordable housing and, where necessary, regulate and limit the number of short-term rentals accordingly. |
| 3.4.11 | Floor Area and Lot Coverage Limits Determine appropriate floor area and lot coverage limits for residential development to minimize greenhouse gas emissions and cumulative impacts to the Trust Area and its unique amenities and environment, including impacts on agricultural land. |
| 3.4.12 | Housing Diversity Support housing agreements for affordable housing, and special needs housing. |

Advisory Policies - Housing

Local trust committees and island municipalities should...

| | |
|--------|--|
| 3.4.13 | Housing Options Support a range of housing types and tenures, including rentals, co-operatives and other alternatives to fee-simple ownership. |
|--------|--|

Directive Policies - Transportation

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

| | |
|--------|--|
| 3.4.14 | Public and Active Transportation Networks Identify and establish appropriately situated, safe, comfortable, and equitable transportation networks, both on the islands and to the islands that reduce dependency on private automobile use, encourage electric vehicles, and support increased use of trail systems, public transportation, and active transportation. |
| 3.4.15 | Rural Roadways Identify and protect rural roadways, including scenic and/or heritage roads. |

Advisory Policies - Transportation

Local trust committees and island municipalities should...

| | |
|--------|--|
| 3.4.16 | Road Systems Ensure that road location, design, construction, and road systems are compatible with preservation and protection of the Trust Area and its unique amenities and environment. |
|--------|--|

Directive Policies - Waste

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

| | |
|--------|--|
| 3.4.17 | Disposal of Waste Identify appropriate locations for waste transfer stations for the removal of waste from the Islands Trust Area on islands with vehicle ferry service that are compatible with the preservation and protection of the Trust Area and its unique amenities and environment. |
| 3.4.18 | Septic Systems Establish requirements for the location and siting of new septic systems to mitigate adverse impacts on the Trust Area and its unique amenities and environment, including Indigenous Peoples' cultural heritage sites and marine harvesting areas. |

Directive Policies - Recreation

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

| | |
|--------|--|
| 3.4.19 | Preservation of Natural Heritage Identify, preserve, protect, and support the restoration of natural heritage sites. |
| 3.4.20 | Location and Types of Recreational Facilities Identify appropriate locations and types of facilities for low-impact and active recreational activities, and discourage high-impact recreational facilities that may adversely impact the preservation and protection of the Trust Area and its unique amenities and environment. |
| 3.4.21 | Access to Recreational Facilities Identify appropriate locations, types, and safe public access to recreational facilities |
| 3.4.22 | Access to Community Marinas, Boat Launches, and Docks. Identify safe public access to community marinas, boat launches, and docks. |
| 3.4.23 | Access to Anchorages Identify appropriate and safe small-craft anchorage public-access locations. |
| 3.4.24 | Trail Systems Identify appropriate locations, types, and safe public access to public pedestrian, equestrian and bicycle trail systems to support active recreation that is compatible with preservation and protection of the Trust Area and its unique amenities and environment. |
| 3.4.25 | Public Shoreline Access Identify and protect areas providing safe public access to marine shorelines and along marine shorelines that are appropriate for low-impact, public recreational use and do not adversely impact the Trust Area and its unique amenities and environment. |
| 3.4.26 | Destination Gaming Facilities Prohibit destination gaming facilities such as casinos and commercial bingo halls. |

Objective 5:

Fostering Sustainable Stewardship of Lands and Waters

This objective advances Principle 2.1.3 [Limit the Rate and Scale of Growth and Development] and Principle 2.1.2 [Prioritize Environmental and Indigenous Cultural Heritage Protection]. Trust Council recognizes that sustainable use of lands and waters in the Islands Trust Area is important to the long-term well-being and resilience of ecosystems in the Islands Trust Area and the communities that depend on them. This section lays out policies for sustainable land and water use that support the long-term health of ecosystems and sustainability of freshwater.

Directive Policies - Freshwater

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

| | |
|-------|---|
| 3.5.1 | <p>Freshwater Sustainability Ensure that neither the density, nor intensity of land use is increased in watersheds where the quality or quantity of the supply of freshwater is likely to be inadequate or unsustainable.</p> |
| 3.5.2 | <p>Freshwater Demand and Supply Projections Ensure that existing, anticipated, and seasonal water demand and water availability are considered.</p> |
| 3.5.3 | <p>Freshwater Self-Sufficiency Ensure that islands are self-sufficient in their supply of freshwater.</p> |

Advisory Policies - Freshwater

Local trust committees and island municipalities should ...

| | |
|-------|--|
| 3.5.4 | <p>Freshwater Quality Ensure that freshwater quality is maintained or remediated.</p> |
| 3.5.5 | <p>Freshwater Uses Strive to ensure that freshwater use is not to the detriment of other uses of the waterway such as fish and fish habitat uses, Indigenous cultural and spiritual uses, aesthetic and recreational uses, and the maintenance of water quality in lakes, streams, and wetlands.</p> |

Directive Policies - Forest Lands

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

| | |
|-------|--|
| 3.5.6 | <p>Forest Lands for Sustainable Management Maintain large land holdings and parcel sizes to support sustainable forest management practices that are compatible with preservation and protection of the Trust Area and its unique amenities and environment.</p> |
| 3.5.7 | <p>Forest Lands and Road Systems Consider siting of roads and utility corridors to minimize the fragmentation of forest lands.</p> |
| 3.5.8 | <p>Forest Lands and Wildfire Risk Management Identify planning and land use management strategies that mitigate wildfire risk and that are appropriate to the unique biogeoclimatic zones and settlement patterns of each local planning area.</p> |

Directive Policies - Agricultural Lands

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

| | |
|--------|--|
| 3.5.9 | Protection of Agricultural Lands Identify and protect agricultural lands for current and future use consistent with the Agricultural Land Commission Act and its regulations for agricultural land within the Agricultural Land Reserve while considering downstream impacts, wildlife habitat, and adjacent properties. |
| 3.5.10 | Agriculture and Adjacent Properties Minimize any adverse impacts of land uses from adjacent properties on agricultural lands. |
| 3.5.11 | Agriculture and Road Systems Consider siting of roads and utility corridors to minimize fragmentation of agricultural lands. |
| 3.5.12 | Economic Viability of Farms Consider land uses and activities that support the economic viability of farms without compromising the agricultural capability of agricultural land or adversely impacting the Trust Area and its unique amenities and environment. |

Advisory Policies - Agricultural Lands

Local trust committees and island municipalities should ...

| | |
|--------|---|
| 3.5.13 | Sustainable Agriculture Preserve, protect, and encourage sustainable farming and the sustainability of farming. |
|--------|---|

Directive Policies - Soil and Fill

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

| | |
|--------|--|
| 3.5.14 | Soil Removal and Deposit Foster the preservation, protection, and restoration of soils in the Islands Trust Area. |
| 3.5.15 | Soil and Fill from Middens and Foreshore Areas of Cultural Significance Prohibit alteration, removal or excavation of soil or fill from middens or foreshore areas identified as culturally significant areas. |

Directive Policies - Marine Shorelands

Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and

Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .

| | |
|--------|--|
| 3.5.16 | Aquaculture Tenures Direct commercial aquaculture tenures to appropriate locations that will not adversely impact areas of cultural, spiritual, archaeological, medicinal or recreational significance, or established or designated upland land uses, anchorages or moorages. |
| 3.5.17 | Setbacks from the Sea Consider the current and anticipated impacts of sea level rise and storm surge, and determine appropriate shoreline buffers and setbacks from the sea, taking into account best practices recommended by the federal and provincial governments. |

| | |
|--------|--|
| 3.5.18 | <p>Soft Shoreline Protections</p> <p>Consider and foster soft shoreline approaches first, such as those identified by the “Green Shores” program, to set requirements for shoreline preservation, and to mitigate erosion of shoreline and foreshore cultural heritage sites.</p> |
| 3.5.19 | <p>Marinas</p> <p>Identify requirements for the location, size, and nature of marinas that are compatible with preservation and protection of the Trust Area and its unique amenities and environment.</p> |
| 3.5.20 | <p>Sharing of Coastal Facilities</p> <p>Identify opportunities for the sharing of coastal facilities such as docks, wharves, floats, jetties, boat houses, board walks, and causeways.</p> |
| 3.5.21 | <p>Private Docks</p> <p>Limit or prohibit new private docks in areas identified as culturally significant by Indigenous Governing Bodies and Indigenous Knowledge Holders, in areas that provide critical habitat for species at risk, and in areas of recreational significance; and consider the cumulative effects of docks.</p> |

| | |
|--|--|
| <p>Directive Policies - Emissions</p> | |
| <p>Local trust committees and island municipalities shall, in the preparation of official community plans and amendments; and</p> | |
| <p>Local trust committees shall, in the preparation of regulatory bylaws and amendments . . .</p> | |
| 3.5.22 | <p>Emissions to Air, Land, and Water</p> <p>Regulate land use and development to reduce detrimental emissions, including greenhouse gas emissions, to air, land, and water.</p> |

Part 4: Implementation

4.1 – Policy Statement Implementation

Statutory Bylaw Approval Process:

The main implementation mechanism to ensure that the Policy Statement is implemented in local planning and land use management decision making is the statutory bylaw referral process, as stipulated in the *Islands Trust Act*.

Local Trust Committees: Under Section 27 (1) of the *Islands Trust Act*, a local trust committee must submit its bylaws to Executive Committee for approval before adoption. If Executive Committee returns a bylaw with requested changes or refuses to approve a bylaw, the local trust committee may refer the bylaw to Trust Council for approval. A bylaw has no effect until it is approved by Executive Committee or Trust Council. A bylaw adopting or amending an official community plan has no effect until it is approved by the Minister responsible for Islands Trust.

Island Municipalities: Under Section 38 (1) of the *Islands Trust Act*, the council of a municipality, all or part of which is in the Islands Trust Area, must submit official community plan bylaws to Executive Committee for approval before adoption. If Executive Committee returns a bylaw with requested changes or refuses to approve the bylaw, the municipality may refer it to Trust Council for approval. If Trust Council returns or refuses to approve a bylaw, the municipality may submit it to the Minister for approval. Bylaws have no effect until they are approved by Executive Committee, Trust Council, or the Minister responsible for Islands Trust.

Executive Committee Approval: Under Section 15(4) of the *Islands Trust Act*, bylaws submitted to the Executive Committee must not be approved by the Executive Committee, or Trust Council, if they are contrary to or at variance with the Islands Trust Policy Statement.

Organizational Policy Alignment:

All Islands Trust bodies are expected to take general policy direction from the Policy Statement to ensure that all decisions and activities of the organization are centered on carrying out the Islands Trust Object. The Guiding Principles of the Policy Statement should form the basis of Trust Council's strategic planning process. To ensure consistency between the Policy Statement and the activities of Islands Trust bodies, staff should reference the Policy Statement and its relevant sections in meetings, staff reports, work programs, inter-governmental agreements (including protocols, letters of understanding and memoranda of understanding) and responses to referrals from other agencies. All inter-governmental coordination agreements, external communications, and advocacy should be consistent with the principles and policies set out in the Policy Statement.

Monitoring and Evaluation:

Trust Council will report on its progress in implementing the objectives contained in the Policy Statement each year through the Islands Trust Annual Report.

4.2 – Policy Statement Amendments

Policy Statement Amendment Projects:

At the beginning of each term, in conjunction with its strategic planning process, Trust Council can identify any Policy Statement amendment tasks to be undertaken that term. Newly elected Trust Councils will likely wish to engage with Indigenous Governing Bodies, and may wish to engage with other key partners and interested and affected parties across the Islands Trust Area to define priorities for Policy Statement amendments that term. Any topics that are not able to be addressed in a particular term could be noted on a "Policy Statement Amendment Topic Review Inventory" for consideration by Trust Council at a later date. Once an amendment project is initiated, Trust Council could assign the Executive Committee or a council committee the task of leading and coordinating the Policy Statement review and amendment project, with the support of other committees as appropriate. As part of its annual budget cycle, Trust Council should consider allocating resources required for a Policy Statement amendment project, including for any related communications and engagement.

Communications, Engagement, and Referrals:

As soon as practicable after the initiation, of a Policy Statement amendment process, the assigned committee should adopt a communications and engagement plan appropriate to the scope and scale of the amendment project. Proposed Policy Statement amendments must be referred to regional district boards in the Islands Trust Area and should be referred to Indigenous Governing Bodies. While there are no statutory requirements for public engagement or public hearings related to the Policy Statement, in cases where major amendments are being considered, Trust Council should inform and consult members of the public and relevant partner agencies. Engagement and referral partners could include, but would not be limited to: local trust committees and island municipalities; the Islands Trust Conservancy Board; residents and non-resident property owners in the Islands Trust Area; other residents of British Columbia; municipal councils, improvement district boards operating within the Islands Trust Area; relevant provincial government agencies; and other persons and organizations who would be interested and affected by the proposed Policy Statement amendments.

Legislative Process:

Adoption of a Policy Statement amendment bylaw occurs only after Trust Council has undertaken four readings of the proposed Policy Statement bylaw and received approval by the Minister responsible for Islands Trust.

Implementation of Policy Statement Amendments:

Policy Statement amendment bylaws become effective upon date of adoption and are not retroactive. Following the adoption of Policy Statement amendments, Trust Council should in consultation with each local trust committee and island municipality develop a “Policy Statement Implementation Plan”. The Policy Statement Implementation Plan will set a timeline for official community plans and regulatory bylaw amendments to bring them into compliance with the amended Policy Statement. As part of its budget processes, Trust Council may allocate resources to support local trust committees and island municipalities to undertake this work.

Glossary of Terms

NOTE: The source references listed in this draft glossary would be removed prior to first reading and are included here solely for informational purposes during the amendment review process. Citations are not typically included in glossaries.

| | |
|--|---|
| <p>Aboriginal (see Indigenous Peoples)</p> | <p>This is a collective name for all of the original peoples of Canada and their descendants. The Constitution Act of 1982 specifies that the Aboriginal Peoples in Canada consist of three groups – First Nations, Inuit and Métis – with unique heritages, languages, cultural practices and spiritual beliefs. The term Aboriginal peoples should not be used to describe only one or two of the groups. Because Aboriginal peoples is the term used in Canada’s constitution, it has specific importance within a Canadian legal context. Other terms include Indigenous Peoples, Native Peoples, Original Peoples, or First Peoples. For our purposes, the term “Indigenous Peoples” is currently the preferred and most respectful term to use. (Source: Assembly of First Nations)</p> |
| <p>Archaeological Sites</p> | <p>Archaeological sites consist of the physical remains of past human activity.</p> <p>All archaeological sites in British Columbia are protected under the <i>Heritage Conservation Act</i>. This applies whether sites are located on public or private land, and whether the site is known or unknown. Protected archaeological sites may not be altered or changed in any manner without a permit. There are over 60,000 archaeological sites recorded in BC’s Provincial Heritage Register including the remains of village and other habitation sites, as well as resource procurement activities such as fishing weirs and culturally modified trees. These sites may date anywhere from recent times to 14,000+ years ago, and studies continue to uncover new information. (Source: BC Archaeology Branch)</p> |
| <p>Biodiversity</p> | <p>Biodiversity (biological diversity) is the variety of living things, including diversity within species (genetic diversity), diversity between species, and diversity of ecosystems. When biodiversity characteristics are assessed for any location or region, three attributes are considered: 1) composition (describes the parts of each biodiversity component in that area – e.g. habitat types, species present, genetic diversity within species); 2) structure (refers to the physical characteristics supporting that composition – e.g. size of habitats, forest canopy structure, etc.); 3) function (means the ecological and evolutionary processes affective life within that structure – e.g. pollination, natural disturbances, predator-prey relationships). (Source: Biodiversity BC)</p> |
| <p>Colonialism</p> | <p>Colonizers are groups of people or countries that come to a new place or country and steal the land and resources from Indigenous peoples, and develop a set of laws and public processes that are designed to violate the human rights of the Indigenous peoples, violently suppress the governance, legal, social, and cultural structures of Indigenous peoples, and force Indigenous peoples to conform with the structures of the colonial state. Historical and ongoing colonialism, including the dispossession of lands, has a deep and devastating impact on Indigenous people and communities. (Source: BC Addressing Racism Working Glossary; BC Office of the Human Rights Commissioner)</p> |
| <p>Community Heritage Site</p> | <p>A community heritage site is real property that is considered to be heritage property. (Source: Local Government Act)</p> |
| <p>Conservation</p> | <p>Actions, legislation, or institutional arrangements that lead to the protection or preservation of a given species, group of species, habitat, natural area, or property or areas of human heritage value or character.</p> |
| <p>Critical Habitat</p> | <p>Under the federal <i>Species at Risk Act</i>, critical habitat is the habitat that is necessary for the survival or recovery of listed extirpated, endangered, or threatened species, and that is identified as critical habitat in a recovery strategy or action plan. Extirpated species means a wildlife species that no longer exists in the wild in Canada, but exists elsewhere in the wild. Endangered species means a wildlife species that is facing imminent extirpation or extinction. Threatened species means a wildlife species that is likely to become an endangered species if nothing is done to reverse the factors leading to its extirpation or extinction. (Source: <i>Species at Risk Act</i>)</p> |

| | |
|--|--|
| <p>Land Use Density and Intensity</p> | <p>Density is regulated through zoning. Density may be defined by the number of units per given area of land. Density may also be measured by dividing the built area including all floor area, by the total area of the lot, e.g., floor area ratio (FAR) is an example</p> <p>Intensity of use refers to the impacts of different types of land uses, e.g., certain types of commercial or industrial uses could be more intense with more impacts than residential or vice versa.</p> <p>Of note, density and intensity of use can combine to increase cumulative impacts of the land use.</p> |
| <p>Ecosystem</p> | <p>An ecosystem is a collection of communities of both living and non-living things that are connected. The biotic elements in an ecosystem include living things such as plants and animals. The abiotic elements found in an ecosystem include non-living things like land forms or climate. Healthy ecosystems provide important “services,” like clean air and water, healthy forests and farms, and habitat for plants and animals. (Source: Government of BC)</p> |
| <p>Ecosystem Integrity</p> | <p>Ecosystems have integrity when their native components, such as native species, biological communities, natural landscapes and ecological functions, are intact and are likely to persist. (Source: Government of Canada)</p> |
| <p>Environment</p> | <p>The components of the Earth, including:</p> <ol style="list-style-type: none"> 1. land, water and air, including all layers of the atmosphere, 2. all organic and inorganic matter and living organisms, and 3. the interacting natural systems that include components referred to in paragraphs (a) and (b). <p>(Source: Impact Assessment Agency of Canada)</p> |
| <p>Equity / Equitable</p> | <p>Equity refers to achieving parity in policy, process and outcomes for historically and/or currently underrepresented and/or marginalized people and groups while accounting for diversity. It considers power, access, opportunities, treatment, impacts and outcomes. (Source: Equity & Inclusion Glossary, UBC)</p> |
| <p>First Nations</p> | <p>First Nations is not a legal term but came into common use in the 1970s to replace Indian, which some people found offensive. Many communities have also replaced “band” with “First Nation” in their names. Symbolically, the term elevates First Nations to the status of “first among equals” alongside the English and French founding nations of Canada. It also reflects the sovereign nature of many communities, and the ongoing quest for self-determination and self-government. First Nations people may live on or off reserve, they may or may not have legal status under the <i>Indian Act</i>, and they may or may not be registered members of a community or nation. “First Nations” should be used exclusively as a general term as community members are more likely to define themselves as members of specific nations or communities within those nations. (Source: Assembly of First Nations)</p> |
| <p>Groundwater Recharge Areas</p> | <p>Groundwater recharge areas are terrain that inherently provide geographical and ecological conditions for the infiltration of water from the land surface to the subsurface through soils, sediments, and fractured bedrock to replenish groundwater sources.</p> <p>Groundwater recharge areas can be <i>diffuse</i> where widespread precipitation on the landscape infiltrates into groundwater sources or <i>localized</i> where discrete surface water sources such as streams, lakes, septic fields, and/or irrigation fields infiltrate into groundwater sources. Groundwater recharge areas that have a significant groundwater recharging effect for drinking water sources or groundwater dependent ecosystems in the Islands Trust Area are defined as <i>Critical Aquifer Recharge Areas</i>.</p> |
| <p>Heritage Site</p> | <p>Heritage site means, whether designated or not, land, including land covered by water, that has heritage value to British Columbia, a community or an aboriginal people.</p> <p>(Source: BC Heritage Conservation Act)</p> |
| <p>Inclusive / Inclusion</p> | <p>Inclusion is an active, intentional, and continuous process to address inequities in power and privilege, and build a respectful and diverse community that ensures welcoming spaces and opportunities to flourish for all. (Source: Equity & Inclusion Glossary, UBC)</p> |

| | |
|---|---|
| Indigenous Cultural Heritage | Indigenous Peoples understand and describe cultural heritage according to their distinct perspectives, traditions, and languages. For Indigenous Peoples, cultural heritage refers to ideas, experiences, objects, artistic expressions, practices, knowledge, and places that are valued because they are culturally meaningful, connected to shared memory, or linked to collective identity. Indigenous cultural heritage cannot be separated from either Indigenous identity or Indigenous life. Indigenous cultural heritage can be inherited from ancestors or it can be created by people today as a legacy for future generations. Indigenous Peoples have a right to identify their own cultural heritage, interpret its meaning, and safeguard its value. (Source: Indigenous Heritage Circle) |
| Indigenous Governing Body | Indigenous Governing Body means an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> . |
| Indigenous Knowledge / Knowledge Holders | There is no single definition of Indigenous Knowledge. For our purposes, we understand "Indigenous Knowledge" as a term that refers to a set of complex knowledge systems based on the worldviews of Indigenous peoples. Indigenous Knowledge reflects the unique cultures, languages, values, histories, governance and legal systems of Indigenous peoples. It is place-based, cumulative and dynamic. Indigenous Knowledge systems involve living well with, and being in relationship with, the natural world. Indigenous Knowledge systems build upon the experiences of earlier generations, inform the practice of current generations, and evolve in the context of contemporary society. Different First Nations, Inuit and Métis communities each have distinct ways of describing their knowledge. Knowledge Holders are the only people who can truly define Indigenous Knowledge for their communities. It is important to note that some Indigenous communities are struggling to maintain their Indigenous Knowledge due to ongoing impacts of colonialism. (Source: Impact Assessment Agency of Canada) |
| Indigenous Peoples (see Aboriginal Peoples) | Indigenous Peoples has the same meaning as aboriginal peoples in section 35 of the <i>Constitution Act, 1982</i> . The Assembly of First Nations also states: There is no official definition of Indigenous Peoples. In part, Indigenous communities, peoples and nations can be described as those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories. Other terms include Aboriginal Peoples, Native Peoples, Original Peoples, or First Peoples. (Source: Assembly of First Nations) |
| Indigenous Rights | The term 'Indigenous Rights' is to be interpreted in accordance with the Province of British Columbia's Distinctions-Based Approach Primer, December 2023. |
| Middens | Midden, or 'shell midden' archaeological sites are indicative of past First Nations settlement activity. Formed by the accumulation of stratified cultural deposits over thousands of years, shell midden sites represent some of the most complex archaeological sites in the world. Source: McLay et al (2008) <i>A'lhut tu tet Sul'hweentst Respecting the Ancestors</i> <i>Note:</i> A midden may be an archaeological indicator of village and burial sites, and may contain ancestral remains |
| Nature-based solutions | Nature-based solutions are actions to protect, sustainably manage, and restore natural and modified ecosystems that address societal challenges effectively and adaptively, simultaneously benefiting people and nature. Nature-based Solutions address societal challenges through the protection, sustainable management and restoration of both natural and modified ecosystems, benefiting both biodiversity and human well-being. Nature-based Solutions are underpinned by benefits that flow from healthy ecosystems. They target major challenges like climate change, disaster risk reduction, food and water security, biodiversity loss and human health, and are critical to sustainable economic development. (Source: International Union for Conservation of Nature (IUCN)) |

| | |
|--------------------------------|--|
| Precautionary Principle | Principle 15 of the Rio Declaration, known as the precautionary principle, states: “In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.” Four central components of the precautionary principle include: taking preventive action in the face of uncertainty; shifting |
| | the burden of proof to the proponents of an activity; exploring a wide range of alternatives to possibly harmful actions; and increasing public participation in decision making. (Source: <i>The Precautionary Principle in Environmental Science</i> , Kriebel et al., 2001) |
| Preservation | To maintain in a given condition. Preservation often requires maintaining the processes that generate the desired condition. |
| Protection | To maintain over the long term by managing, or if necessary limiting, the type and intensity of development or activity to ensure that valued attributes are not compromised or destroyed. |
| Reconciliation | Reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, an acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behavior. (Source: Truth & Reconciliation Commission) |
| Restoration | Restoration is the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed. Ecological restoration seeks to initiate or accelerate ecosystem recovery following damage, degradation, or destruction. (Source: Society for Ecological Restoration) |
| Sensitive Ecosystems | Sensitive ecosystems are classified as ‘sensitive’ because of their rarity and vulnerability to disturbances such as human impacts and climate change. The BC Sensitive Ecosystems Inventory identifies sensitive ecosystem types, which have been adapted by the Islands Trust Conservancy to identify sensitive ecosystems commonly found in the Islands Trust Area, including: <u>Cliff</u> : Steep slopes, often with exposed bedrock. Very little soil accumulation, and only exceptionally hardy trees and plants. Cliffs are important vegetation refugia because they are often inaccessible to deer browsing or livestock grazing and can be important nesting habitat for birds. <u>Freshwater</u> : all freshwater networks including but not limited to streams, lakes, wetlands, groundwater sources, springs, and precipitation ⁵ . <u>Herbaceous</u> : Shallow soils characteristic of herbaceous ecosystems support low-growing vegetation, such as grasses, forbs (low, broad-leaved plants), wildflowers, mosses and lichens. Few trees and shrubs survive on these sites due to the fast-drying and often shallow nature of the exposed soils. <u>Old and Mature Forest</u> : Dry to moist forests dominated by conifer or deciduous tree species with a canopy cover of over 30%. Old forests have a stand age of over 250 yrs.; Mature forests have a stand age of 80–250 yrs. <u>Riparian</u> : Located adjacent to lakes, streams and rivers and characterized by plant communities and soils dependent on increased moisture. Influenced by erosion, sedimentation, flooding and seepage. <u>Wetland</u> : Feature moisture-dependent plants that thrive in an environment where water remains at or above the surface of the soil during most of the year. Can be bog, fen, marsh, swamp, shallow water, wet meadow or a mixture of these types. <u>Woodland</u> : Dry and open forests dominated by a mix of broadleaf and coniferous tree species with canopy coverage of 10–30%. Generally restricted to south-facing slopes and ridges with shallow soils and bedrock outcroppings. (Source: BC Sensitive Ecosystems Inventory, as adapted in Islands Trust Conservancy Regional Conservation Plan 2018-2027) |
| Species At Risk | An extirpated, endangered, threatened species, or a species of special concern. Extirpated species means a wildlife species that no longer exists in the wild in Canada, but exists elsewhere in the wild. Endangered species means a wildlife species that is facing imminent extirpation or extinction. Threatened species means a wildlife species that is likely to become an endangered species if nothing is done to reverse the factors leading to its extirpation or extinction. Species of special concern means a wildlife species that may become a threatened or an endangered species because of a combination of biological characteristics and identified threats. (Source: Federal <i>Species at Risk Act</i>) |
| Stewardship | Voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities in the Islands Trust Area |
| Sustainable | Capable of being maintained indefinitely; capable of meeting the environmental, economic, and social needs of current generations without compromising the ability of future generations to meet their needs. |

**Treaties /
Treaty Nations**

Treaties are constitutionally protected, government-to-government agreements that identify, define and implement a range of rights and obligations, creating long-term, mutually binding commitments. Treaties negotiated through the BC treaty negotiations process are tripartite agreements between the governments of Canada, British Columbia, and a First Nation. The goal of treaties is reconciliation. Treaties signed with First Nations in Canada between 1701 and 1923 are commonly referred to as historic treaties. In BC, there are Douglas treaties, signed with First Nations on Vancouver Island, and Treaty 8 covering a portion of northeastern BC. Treaties signed today are called modern treaties, and cover where there are no historic treaties, and can also deal with matters not addressed in historic treaties. (Source: BC Treaty Commission)

current timelines and budget. Major project deliverables are consistent between the two project charter versions 8 and 9.

At its March 14, 2024 meeting Trust Council passed the following resolution:

That Trust Council request Staff to create a detailed workplan in addition to the existing project charter to clarify, and specify, the work involved within each step of the policy Statement Amendment Project.

The requested workplan is attached to this RFD for information as Attachment 3. The workplan is a living document that staff will continue to refine. The time allocations are rough estimates and do not reflect overtime that may be earned by unionized staff when travelling or staying late to meet deadlines. Staff will provide quarterly updates to Trust Council via project status reports.

At its meeting of September 11, 2024, after reviewing an early version of this RFD, Executive Committee passed a resolution recommending that Trust Council increase the salaries budget for Trust Area Services so that important Trust-wide work can be properly resourced while the Senior Policy Advisor's dedicates their time to the Policy Statement Amendment Project.

That Executive Committee requests staff add the following recommendation to the Policy Statement Amendment Project (PSAP) – Project Charter and Project Charter Implementation Plan Request for Decision: approve additional spending of up to \$40,000 in the 2024/25 budget to support the work of Trust Area Services and advancement of the Policy Statement project.

Timelines

The project charter now projects Ministerial approval of the Policy Statement bylaw and Trust Council consideration of its adoption in the second month of the 2026-2030 term of office (December 2026). Meeting this deadline relies on several assumptions, the most significant of which is that the Minister of Municipal Affairs can turn around approval of the document within six months of receipt. Ministry staff have recently confirmed could be achievable if there is active and ongoing communication with Ministry through the amendment process. The other major assumption is that public engagement services can be procured by direct award. If competitive processes become necessary then the timeline will need to be extended.

Should Trust Council wish to shorten the project timelines, the following options may be viable solutions:

- Reduce the length of planned public engagement by at least two months (from 6 months to 4 months);
- Run public engagement and all referral processes concurrently, after First reading, rather than in succession as currently outlined, potentially reducing timelines by 4 months; and/or
- Schedule more frequent Committee of the Whole meetings prior to First reading, to more quickly advance the draft through its early amendment stages.

3 IMPLICATIONS OF RECOMMENDATIONS

ORGANIZATIONAL: This project continues to be the dominant project for the organization and is displacing other work. The detailed workplan shows the breadth and depth of tasks that are necessary to bring the updated Policy Statement to adoption. Authorizing additional spending will bolster Trust Area Services staff capacity and help the department catch up on work that has not been completed due to TAS staff's focus on the PSAP. The funding will be used to secure a

temporary human resource (contractor or short term staff) to take on the routine work of the Senior Policy Advisor for the remainder of the fiscal year.

FINANCIAL: The revised project charter shows anticipated spending of \$39,000 in fiscal 2024/25, largely attributable to the costs of engaging legal counsel advice. In addition, two capacity funding agreements projected to be signed last fiscal year were signed in April 2024 resulting in \$4,000 going to the surplus fund and \$4,000 being costed to the project this fiscal year. Due to changing timelines and projected underspending in fiscal 2024/25, staff are shifting anticipated spending on communication and public engagement to fiscal 2025/26.

Trust Council's approval of funding to bolster Trust Area Services will increase spending plans by the amount approved. Given Islands Trust's regular history of underspending against its approved budget, it is expected this new amount will be absorbed within the approved 2024/25 budget limits. While Trust Council's Budget Control and Adjustment Policy does not explicitly require Trust Council's approval for such additional spending of the proposed magnitude, Executive Committee advances the request to Trust Council to ensure transparency and good governance.

POLICY: The Policy Statement Amendment Project aims to strengthen Trust Council's ability to adapt to current and future challenges facing the Islands Trust Area and to develop policy guidance in areas that were previously not contemplated in the Policy Statement, including reconciliation, climate change, and affordable housing.

IMPLEMENTATION/COMMUNICATIONS: Staff will implement the project charter as laid out in the attached workplan. Staff will adjust the workplan on an ongoing basis to reflect changes in the project scope or timeline.

The [Islands 2050 webpage](#) has been the primary web portal for Policy Statement Amendment Project communications since 2019 and continues to be the main source of accurate project information. Project correspondence is channelled to a dedicated islands2050@islandstrust.bc.ca email account and posted to the Islands 2050 webpage at regular intervals. Previous news updates have been distributed via Islands Trust news releases, social media posts, print advertisements, flyers and mail outs, and an Islands 2050 email subscriber list.

Staff will implement the communication strategy with the help of a contracted communications specialist. Communities in the Trust Area are often far more engaged and interested in projects of this nature than is typically experienced in other jurisdictions. In Phase 3 of public engagement, external consultants added extra capacity which enabled a number of project fact sheets, discussion guides, and other proactive communications materials to be produced around key areas of concern. These materials proved helpful in dispelling some myths about the project and facilitating more meaningful dialogue with the public.

Staff will hire/contract someone to take on the routine work of the Senior Policy Advisor for the remainder of the fiscal year.

FIRST NATIONS RELATIONS: Project Charter V9 does not represent a departure from the planned engagement/referral processes with Indigenous Governing Bodies. However, as protocol agreements are negotiated and the referral system is reviewed/changed there may be shifting expectations. Through the work with Indigenous Governing Bodies to date, staff have heard strongly and on multiple occasions from several Nations that the Policy Statement work should go further in:

- acknowledging Indigenous desires for self-governance and their inherent rights to be self-governing decision-makers within their respective territories, and to be stewards
- co-designing process and timelines with participating First Nations

- reflecting that UNDRIP affirms First Nations’ right to participate in decision-making matters and requires obtaining First Nations’ free, prior and informed consent.

Staff committed to representatives of the Indigenous Governing Bodies that these messages would be conveyed to Trust Council throughout the amendment process.

OTHER: None

4 RELEVANT POLICY(S):

[Islands Trust Act \(S. 15\)](#)

[Islands Trust Council Policy 1.2.1](#) (Policy Statement Amendment)

[Islands Trust Council Policy 6.5.2](#) (Budget Control and Adjustment Authority)

[Islands Trust Reconciliation Declaration](#)

5 ATTACHMENT(S):

- 1) PSAP Project Charter V9 (changes from V8 marked in red text)
- 2) PSAP Project Charter V8
- 3) PSAP Detailed Workplan, September 2024

RESPONSE OPTIONS

1) That Islands Trust Council endorse Policy Statement Amendment Project Charter V9

Alternative:

1. That Trust Council amend Policy Statement Amendment Project Charter V9 as follows:
 - By; and
 - By
2. That Trust Council approve Policy Statement Amendment Project Charter Version 9, as amended.

2) That Islands Trust Council approve additional spending of up \$40,000 in the 2024/25 budget to support the work of Trust Area Services and advancement of the Policy Statement project.

Alternative:

1. That Trust Council approve additional spending of up \$[*Insert alternative amount here*] in the 2024/25 budget to support the work of Trust Area Services and advancement of the Policy Statement Amendment Project.
2. If Trust Council does not want to support additional spending in fiscal 2024/25 to support the Trust Area Services work program it does not need to pass any resolution.

Prepared By: Senior Policy Advisor

Reviewed By/Date: Director, Trust Area Services/September 11 2024
 Executive Committee, September 11, 2024
 Interim CAO/September 12, 2024
 Chair, Islands Trust Council, September 12, 2024

Policy Statement Amendment Project - Project Charter V9

Purpose To support Trust Council’s update of the Islands Trust Policy Statement bylaw, incorporating feedback from **Indigenous Governing Bodies**, the public, and referral agencies, and approval by the Minister of Municipal Affairs.

Background Trust Council has assigned Executive Committee, with involvement from Trust Programs Committee as appropriate, the task of updating the Islands Trust Policy Statement through the lenses of reconciliation, climate change, and affordable housing, and to undertake early engagement with **Indigenous Governing Bodies (IGBs)** and the public in the process.

Objectives

- To adopt an updated Policy Statement bylaw that supports Trust Council’s commitments to reconciliation, climate change, and affordable housing, and reflects feedback from the public, **IGBs**, and partner agencies.

In Scope

- Amendment drafting of V1 as directed by TC resolutions, communications, legal review, and implementation planning
- IGB** engagement, public engagement, and agency referrals
- Four readings/Ministerial approval

Out of Scope

- Treaty or territorial negotiations or accommodation
- Consequential amendments to official community plans and land use bylaws

Workplan Overview

| Major Deliverable/Milestone | Dates |
|--|--|
| Past Years (FY 2019-20, 2021-22, 2022-23, 2023-24) - IGB early engagement Phases 1 (2019-2021), 2 (2021-2022), and 3 (2023) -Public engagement Phases 1 (2019-2020), 2 (2021), and 3 (2022) -Policy review and analysis by Trust Council’s committees/working groups and staff (2020-22) -Amendment drafting and legal review Phase 1 (Apr-Jun 2021), Phase 2 (Dec 2022-Mar 2023) - IGB Early engagement Phase 3 | 2019-2024 |
| Present (FY 2024-25) - Review and revision of draft Policy Statement by Committee of the Whole | May - December 2024 |
| Proposed Next Steps (FY 2024-25) - Approval in principle by Trust Council -Six month public engagement (referrals to local trust committees and Island Municipalities for local engagement; Trust-wide survey; and virtual community workshop) - Amendments and First Reading - Bylaw referral to IGBs, regional districts, Conservancy Board and others | Jan 2024 May– October 2025 Nov- Dec 2025 Dec 2025 - March 2026 |
| Final Adoption (FY 2025-26/2026-27) -Trust Council receives referral responses and passes resolutions on further revisions required -Amendment drafting and amendment/ Second and Third Reading by Trust Council -Refer proposed bylaw to Minister with final FN engagement report; allow six months for review - Ministerial Approval (estimated—no statutory timeline), and Adoption -Final graphic design and distribution, celebration event, implementation planning | April 2026 May 2026 May2026 Dec 2026 Dec 2026—Jan 2027 |

Project Team

| | |
|--|---|
| Executive Committee Trust Programs Committee Director, TAS | Project Champion Policy Content Advisors Project Director |
| Sr. Policy Advisor | Project Manager & Policy Writer |
| Program Coordinator | Public Engagement Coordinator |
| Communications Specialist | Communications Coordinator |

Budget

| Item | FY 24-25 | FY25-26 | FY26-27 |
|------------------------------|-----------------|-----------------|-----------------|
| Communications | \$10,000 | \$26,000 | \$10,000 |
| Public Engagement | \$0 | \$60,000 | \$0 |
| Legal Review | \$25,000 | \$5,000 | \$5,000 |
| Capacity Funding | \$4,000 | \$0 | \$0 |
| Total Activity Costs: | \$39,000 | \$91,000 | \$15,000 |

Approved by:

Clare Frater, Director, TAS

Endorsement: TC

Date: TC-2024-XXX, Sept 2024

*Timeline assumes Trust Council schedules special meetings between regular quarterly meetings.

Policy Statement Amendment Project - Project Charter V8

Purpose To support Trust Council’s update of the Islands Trust Policy Statement bylaw, incorporating feedback from First Nations, the public, and referral agencies, and approval by the Minister of Municipal Affairs.

Background Trust Council has assigned Executive Committee, with involvement from Trust Programs Committee as appropriate, the task of updating the Islands Trust Policy Statement through the lenses of reconciliation, climate change, and affordable housing, and to undertake early engagement with First Nations and the public in the process.

Objectives

- To adopt an updated Policy Statement bylaw that supports Trust Council’s commitments to reconciliation, climate change, and affordable housing, and reflects feedback from the public, First Nations, and partner agencies.

In Scope

- Amendment drafting of V1 as directed by TC resolutions, communications, legal review, and implementation planning
- First Nations engagement, public engagement, and agency referrals
- Four readings/Ministerial approval

Out of Scope

- Treaty or territorial negotiations or accommodation
- Consequential amendments to official community plans and land use bylaws

Workplan Overview

| Major Deliverable/Milestone | Dates |
|---|--|
| <p>Past Years (FY 2019-20, 2021-22, 2022-23, 2023-24)</p> <ul style="list-style-type: none"> -First Nations early engagement Phases 1 (2019-2021), 2 (2021-2022), and 3 (2023) -Public engagement Phases 1 (2019-2020), 2 (2021), and 3 (2022) -Policy review and analysis by Trust Council’s committees/working groups and staff (2020-22) -Amendment drafting and legal review Phase 1 (Apr-Jun 2021), Phase 2 (Dec 2022-Mar 2023) | 2019-2024 |
| <p>Present (FY 2023-24, 2024-25)</p> <ul style="list-style-type: none"> -First Nations early engagement Phase 3 (receiving input) | Sept 2023-June 2024 |
| <p>Proposed Next Steps (FY 2024-25)</p> <ul style="list-style-type: none"> -Trust Council receives revised draft Policy Statement at a special meeting of Trust Council -Approval in principle by Trust Council -Six month public engagement (referrals to local trust committees and Island Municipalities for local engagement; Trust-side survey; and virtual community workshop) concludes | May 2024 June-July 2024 Late Aug 2024 <u>Fall 2024</u> Fall 2024-Apr 2025 |
| <p>Final Adoption (FY 2025-26)</p> <ul style="list-style-type: none"> -Trust Council receives referral responses and passes resolutions on further revisions required -Amendment drafting and amendment/First Reading by Trust Council -Three month referral to First Nation governments, ITC Board, regional districts, other agencies as desired -Collation and consideration of feedback and preparation of document for Second / Third Reading -Second and Third readings (incorporate any desired revisions during same meeting) -Refer proposed bylaw to Minister with final FN engagement report; allow six months for review -Receive approval from Minister (estimated—no statutory timeline), and Adoption -Final graphic design and distribution, celebration event, implementation planning | June 2025 <u>Sept 2025</u> Oct– Dec 2025 Jan/Feb 2026 <u>Mar 2026</u> April 2026—Nov 2026 <u>Dec 2026</u> Post Dec 2026 |

Project Team

| | |
|--|---|
| Executive Committee Trust Programs Committee Director, TAS | Project Champion Policy Content Advisors Project Director |
| Sr. Policy Advisor | Project Manager & Policy Writer |
| Program Coordinator | Public Engagement Coordinator |
| Communications Specialist | Communications Coordinator |

Budget

| Item | FY 24-25 | FY25-26 | FY25-27 |
|------------------------------|-----------------|-----------------|----------------|
| Communications | \$26,000 | \$8,000 | \$1000 |
| Public Engagement | \$50,000 | \$0 | \$0 |
| Legal Review | \$5,000 | \$5,000 | \$5,000 |
| Total Activity Costs: | \$81,000 | \$13,000 | \$6,000 |

Approved by:

Clare Frater, Director, TAS

Endorsement: TC

Date: TC-2024-037, March 2024

*Timeline assumes Trust Council schedules special meetings between regular quarterly meetings.

Policy Statement Amendment Project (PSAP)

Staff Workplan (Internal Working Document)

Last updated: September 5, 2024

| | |
|--|---|
| | Meetings of Trust bodies |
| | Project process/policy work |
| | Public Communications |
| | Public Engagement |
| | Engagement with Indigenous Governing Bodies |
| | Implementation |
| | Legal review |

*Legend of acronyms at the end of document

**Timelines subject to change at direction of Trust Council

*** Total estimated staff hours are rough estimates only – subject to refinement as the project progresses

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|------------|--|-------|--------------|------------------------------------|---|--------|
| Aug 25-31 | Continue drafting detailed Project Workplan and Trust Council Briefing | SPA | DTAS ICAO | 30 | | ✓ |
| | Draft updated Project Charter to reflect proposed Workplan and Trust Council RFD | SPA | DTAS ICAO | 7 | | ✓ |
| | Draft PSAP Business Case for Executive Committee review | SPA | DTAS ICAO | 7 | | ✓ |
| | Contact BC Stats to assess whether they can support engagement | SPA | | 0.25 | | ✓ |
| | Draft RFD for EC to action draft revisions | SPA | DTAS ICAO | 4 | | ✓ |
| | Revise draft Policy Statement in accordance with Committee of the Whole recommendations | SPA | DTAS ICAO | 10 | | ✓ |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 0.5 | <ul style="list-style-type: none"> Correspondence is posted to the Islands 2050 webpage and not added to TC agenda until approval in principle and 1st reading. Trustees encouraged to check the website regularly. | ✓ |
| Sep 1-7 | Prepare documents for Sept 11 EC meeting for Trust Council agenda: - Draft detailed Project Workplan - Draft revised Project Charter and RFD - Draft Request for Decision re amendments for clarity/accuracy and Trust Council requested change re islets | SPA | DTAS ICAO | 15 | <ul style="list-style-type: none"> September 3 Statutory holiday for all staff DTAS acting as Manager, Conservancy in addition to regular duties | ✓ |

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|------------|---|------------------------------|--------------|------------------------------------|---|--------|
| | - Draft project update summary for Trust Area Services Director report and complete Strategic Plan updates | | | | | |
| | Prepare documents for Sept 11 EC meeting: - Draft Request of Decision to EC re amended draft Policy Statement per Aug 22 Committee of the Whole recommendations to Executive Committee - Draft Policy Statement Amendment Project Business Case | | DTAS ICAO | 7 | | ✓ |
| | Organize Policy Statement Implementation staff working group (CAO and PS/TAS Directors) | SPA | | 1 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 0.5 | | ✓ |
| | Meet BC Stats to discuss engagement options | SPA DTAS | | 1 | | ✓ |
| | Check in w/ Communications contractor | Communications | | 0.5 | | |
| | Develop key messages re. red-line Policy Statement going to Trust Council and update timeline graphic and timeline information in FAQ on website | Communications | DTAS | 4 | | |
| | Meet with Snuneymuxw First Nation for update on PS comments | DTAS | | 0.5 | | |
| | Follow up with Halalt First Nation re comments | SPA | | 0.5 | | |
| Sep 8-14 | September 11 EC Meeting - Consider approval of Trust Council/Committee of the Whole Agenda | ICAO DTAS SPA Admin | | 15 | • SPA to focus on helping DTAS get caught up on drafting correspondence and other tasks | |
| | Draft RFD to TC after EC meeting and get Chair approval, and make any additional changes requested by EC | SPA | DTAS ICAO | 3 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 0.5 | | |
| | Meet with Provincial staff to provide project update | DTAS DPS | | 2 | | |
| | Send update to Islands 2050 e-mail subscriber list | Communications | DTAS | 3 | | |
| | Update PSAP project website to reflect current status | Communications | DTAS | 3 | | |
| Sep 15-21 | Draft briefing to LTCs and BIM to invite them to select preferred engagement methods on the Policy Statement (include links to what we heard/what we've done report) | SPA | DTAS | 5 | • DTAS at UBCM for Sept 16-19 | |
| | Consider if South Pender LTC can schedule special meeting for review of preferred engagement options, as not scheduled to meet until after Dec TC | SPA RPM | | 1 | | |
| | Begin drafting Public Engagement Plan | | | 10 | | |
| | Talk to Coast Salish Peoples of Salt Spring and Galiano Islands Societies to seek their views on preferred public engagement methods for Indigenous Peoples | SPA/SIRA | | 2 | | |
| | Implementation Working Group meeting and follow-up | SPA DTAS DPS ICAO | | 8 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | | | 0.5 | | |
| Sep 22-28 | September 24-26 Trust Council Quarterly Meeting | ICAO | | 7 | | |

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|---|---|---|--------------|------------------------------------|--|--------|
| | - Receive detailed PSAP workplan for information as requested - Consider approval of revised Project Charter - Discuss sections of the draft PS in COtW | All Directors Admin | | | <ul style="list-style-type: none"> DTAS backfilling for SIRA vacation (as needed) Note: Workplan assumes no further changes to the project charter | |
| | September 25 COtW Meeting - Consider direct amendments to draft PS based on EC/COtW recommendations | ICAO All Directors Admin | | 9 | | |
| | Create updated draft PS per TC resolutions and post to website, and update TC PSAP Resolutions report and post to website, post adopted project charter to website, update timeline graphic for website | SPA Comms | DTAS | 10 | | |
| | Customize PSAP engagement briefing as needed and add to LTC agendas | Admin | RPMs | 3 | | |
| | Prepare key messaging about LTC selection of engagement options | Comms | DTAS | 4 | | |
| | Continue drafting PSAP Public Engagement Plan | SPA | | 7 | | |
| | Issue EC meeting agenda or RWM for EC to approve Oct 3 COtW agenda | Admin | DTAS ICAO | 4 | | |
| | Issue agenda for October 3rd COtW meeting | SPA DTAS ICAO Admin | | 5 | | |
| Send post-TC update to PSAP subscriber list | Comms | DTAS | 4 | | | |
| Sep 29-Oct 5 | October 3 Committee of the Whole Special Meeting - Review and recommend amendments to draft Policy Statement | ICAO All Directors SPA SIRA Admin | | 20 | <ul style="list-style-type: none"> September 30 Statutory holiday for all staff October 2 half-day all staff meeting | |
| | Continue drafting PSAP Public Engagement Plan | SPA | | 7 | | |
| | Research procurement options for public engagement | SPA | | 5 | | |
| | ITPS Implementation Working Group meeting and follow-up | SPA DTAS DPS ICAO | | 14 | | |
| | Follow-up from October 3 COtW meeting | SPA Admin | | 4 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 1 | | |
| Oct 6-12 | October 7 Mayne LTC meeting –Review engagement options briefing and select options | DTAS RPM Admin | | 2 | <ul style="list-style-type: none"> DTAS backfilling for SPA vacation | |
| | October 8 Denman LTC meeting –Review engagement options briefing and select options | DTAS RPM Admin | | 2 | | |
| | October 8 Denman LTC meeting | DTAS | | 2 | | |

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|--|--|-----------------------|--------------|------------------------------------|--|--------|
| | –Review engagement options briefing and select options | RPM Admin | | | | |
| | October 9 Ballenas-Winchelsea LTC meeting –Review engagement options briefing and select options | DTAS RPM Admin | | 2 | | |
| | October 10 Salt Spring Island LTC meeting –Review engagement options briefing and select options | DTAS RPM Admin | | 2 | | |
| | Implement Communications Strategy with contractor | Communications | | 3 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 1 | | |
| Oct 13-19 | October 16 Financial Planning Committee meeting –Review proposed 2025/26 business case for the project | DTAS ICAO | | 0.5 | <ul style="list-style-type: none"> DTAS backfilling for SPA vacation | |
| | October 17 Saturna Island LTC meeting –Review engagement options briefing and select options | DTAS RPM Admin | | 2 | | |
| | Implement Communications Strategy with contractor | Communications | | 2 | | |
| | Update Indigenous Governing Bodies Engagement Record | SPA | | 7 | | |
| | Make any changes to the business case requested by FPC and re-provide to EC for review as required | DTAS | ICAO | 0 | <ul style="list-style-type: none"> This workplan assumes no further approvals to the business case needed | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 1 | | |
| Oct 20-26 | October 21 Lasqueti Island LTC meeting –Review engagement options briefing and select options | SPA RPM Admin | | 2 | | |
| | October 28 Bowen Island Municipal Council meeting –Review engagement options briefing and select options | SPA RPM Admin | | 2 | | |
| | Update Indigenous Governing Bodies Engagement Record | SPA | | | | |
| | Draft RFD to EC for COTW agenda approval | SPA | DTAS ICAO | 4 | | |
| | Research options for public engagement training session for trustees | SPA | DTAS ICAO | 8 | | |
| | Draft RFD to EC for public engagement training session for trustees and session outline | SPA | DTAS ICAO | 3 | | |
| | Continue drafting PSAP Public Engagement Plan | SPA | | 7 | | |
| | Continue drafting procurement documents for public engagement | SPA | | 7 | | |
| | Implement Communications Strategy with contractor | Communications SPA | | 4 | | |
| | Review Policy Statement Implementation Policy | SPA | | 7 | | |
| Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 1 | | | |

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|--|---|---|--------|------------------------------------|---|--------|
| Oct 27-Nov 2 | October 30 Regular EC Meeting -Consider approval of COtW Agenda -Early review public engagement training session outline for TC agenda for comment | ICAO DTAS SPA Admin | | 2 | | |
| | November 1 Hornby Island LTC meeting -Review engagement options briefing and select options | SPA RPM Admin | | 2 | | |
| | Distribute and publish COtW agenda | Admin | | 2 | | |
| | Continue drafting PSAP Public Engagement Plan | SPA | | 7 | | |
| | Continue drafting procurement documents for public engagement | SPA | | 7 | | |
| | Implement Communications Strategy with contractor | Communications SPA | DTAS | 7 | | |
| | Implementation Working Group meeting and follow-up | SPA DTAS DPS ICAO | | 14 | | |
| | Update Indigenous Governing Bodies Engagement Record and send to Ministry staff for review | SPA | | 7 | | |
| | Procure engagement training session for trustees | SPA | DTAS | 2 | Takes up to 3 weeks to let a contract | |
| Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 1 | | | |
| Nov 3-9 | November 6 Committee of the Whole Special Meeting - Review and recommend amendments to draft Policy Statement -Consider if additional Committee of the Whole meetings will be needed past Dec 12 | ICAO All Directors SPA SIRA Admin | | 20 | <ul style="list-style-type: none"> DTAS vacation Nov 7-8 The rest of the workplan assumes that Dec 12 is the final COtW meeting prior to TC approval in principle of draft Policy Statement | |
| | November 7 Gabriola Island LTC meeting -Review engagement options briefing and select options | SPA RPM Admin | | 2 | | |
| | Continue drafting PSAP Public Engagement Plan | SPA | | 7 | | |
| | Continue drafting procurement documents for public engagement | SPA | | 7 | | |
| | Continue to draft implementation guidance (e.g companion handbook, policy amendments, new checklist) | SPA | | 4 | | |
| | Follow-up from November 6 COtW meeting including polling trustees re date preferences for special TC meeting in January 2025 for approval in principle | SPA Admin | | 4 | | |
| | Implement Communications Strategy with contractor | Communications SPA | | 7 | | |
| | Update PSAP project website to reflect current status | Communications | SPA | 3 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 1 | | |
| Nov 10-16 | November 12 Thetis Island LTC meeting -Review engagement options briefing and select options | | | 2 | <ul style="list-style-type: none"> DTAS vacation Nov 11-12 SIRA on training Nov 12-14 Nov 11 Statutory holiday for all staff | |
| | Continue to draft implementation guidance (e.g companion handbook, policy amendments, new checklist) | SPA | | 4 | | |

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|------------|--|-----------------------|---------------------|------------------------------------|-------|--------|
| | Consider potential request to the Province for major funding for implementation of the Policy Statement (e.g. concurrent update of OCPs and LUBs) and research the history/rationale of funding provided by Province in the 1990s after Adoption of new Policy Statement | SPA DPS DLIS | | 15 | | |
| | Draft, and submit to agenda, project update report for TAS report to TC | SPA Admin | DTAS ICAO | 2 | | |
| | Draft, and submit to agenda, RFD re scheduling special meeting in January and include poll results | Admin | SPA DTAS ICAO | 2 | | |
| | Draft project update summary for TAS Director report and complete Strategic Plan updates | SPA | DTAS ICAO | 2 | | |
| | Finalize PSAP Public Engagement Plan and associated RFD and submit to EC agenda | SPA Admin | DTAS ICAO | 8 | | |
| | Continue drafting procurement documents for public engagement | SPA | | 1 | | |
| | Implement Communications Strategy with contractor | Communications SPA | | 7 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin/SPA | | 1 | | |
| Nov 17-23 | November 20 Regular EC Meeting -Review and early comment on Public Engagement Plan -Review public engagement training session outline for TC agenda | SPA RPM Admin | | 2 | | |
| | Draft briefing on implementation options | SPA | DTAS DPS ICAO | | | |
| | Make any changes requested by EC to Public Engagement Plan and RFD for TC | SPA | DTAS ICAO | 2 | | |
| | Continue drafting procurement documents for public engagement | SPA | | 1 | | |
| | Draft evaluation survey for TC public engagement session | SPA Admin | DTAS ICAO | | | |
| | Implement Communications Strategy with contractor | Communications SPA | | 7 | | |
| | Meet with Ministry staff to review Engagement Record and engagement requirements | SPA DTAS SIRA | | 3 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 1 | | |
| Nov 24-30 | November 26 Gambier Island LTC meeting –Review engagement options briefing and select options | SPA RPM Admin | | 2 | | |
| | November 29 North Pender Island LTC meeting –Review engagement options briefing and select options | SPA RPM Admin | | 2 | | |

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|------------|--|---|--|------------------------------------|--|--------|
| | Draft late addendum to TC re Gambier and North Pender LTC engagement preferences and add to agenda | SPA Admin | DTAS ICAO | 2 | | |
| | Implement Communications Strategy with contractor | Communications SPA | | 7 | | |
| | Organize electronic records for the project esp. communications section | SPA Admin | DTAS | 5 | | |
| | Finalize briefing on implementation options and seek review | SPA | DTAS CAO DPS RPMs Senior Planners | 20 | | |
| | Rerun Consultative Areas Database query and, as needed, send letter to any IGBs not previously engaged inviting engagement | SPA | | 3 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 1 | | |
| Dec 1-7 | December 3 Executive Committee meeting -Review late addendum to TC re Gambier and North Pender LTC engagement preferences -Review briefing to Trust Council on Policy Statement implementation | ICAO DTAS SPA Admin | | 1 | | |
| | December 3-5 Trust Council Meeting -Participate in public engagement training session -Select date for special TC meeting in January 2025 for consideration of approval in principle -Review briefing on Policy Statement implementation options | ICAO All Directors SPA Admin | | 10 | | |
| | Administrative follow-up from Dec 3-5 TC meeting | SPA Admin | | 2 | | |
| | Draft project update to staff of Indigenous Governing Bodies | SPA | | 2 | | |
| | Administer survey to trustees to evaluate TC public engagement training session | Admin | | 1 | | |
| | Implement Communications Strategy with contractor | Communications SPA | | 7 | | |
| | Update PSAP project website to reflect current status | Communications | SPA | 2 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 1 | | |
| Dec 8-14 | December 12 Committee of the Whole Special Meeting -Review and recommend final set of amendments to draft Policy Statement prior to approval in principle | ICAO All Directors SPA SIRA Admin | | 20 | • Dec 11 all-day staff meeting for all staff | |
| | As needed, seek legal advice on CotW recommendations | DTAS DLIS | | 6 | | |

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|--------------|--|-----------------------|-----------------------|------------------------------------|--|--------|
| | Follow-up actions from December 12 COTW meeting, including issuing of EC/TC RWMs to schedule special meetings in January to action recommendations of COTW from Oct/Nov/Dec | SPA Admin | | 4 | | |
| | Draft briefing with results of public engagement training session evaluation | SPA | | 3 | | |
| | Implement Communications Strategy with contractor | Communications SPA | | 7 | | |
| | Issue agenda for special EC meeting in January | Admin | DTAS ICAO | 2 | | |
| | Proactive drafting of revisions to Policy Statement and associated RFD to EC | SPA | DTAS | 7 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 1 | | |
| Dec 15-21 | Implement Communications Strategy with contractor | Communications SPA | | 7 | <ul style="list-style-type: none"> DTAS vacation Dec 19-20 | |
| | Draft news release about opportunity for public comment at special Trust Council meeting in January | Communications | DTAS ICAO Chair | 3 | | |
| | Organize project electronic records | SPA | | 7 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 1 | | |
| Dec 22-28 | Collate all correspondence received since September 2022 in preparation for adding to TC January agenda | Admin | | 4 | <ul style="list-style-type: none"> DTAS vacation Dec 23-27 Dec 25 Statutory holiday for all staff Dec 26 Statutory holiday for all staff Office closure period | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin/SPA | | | | |
| Dec 29-Jan 4 | Collate all correspondence received since September 2022 in preparation for adding to TC January agenda | Admin | | 4 | <ul style="list-style-type: none"> DTAS vacation Dec 30- Jan 3 January 1 statutory holiday for all staff Office closure period | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin/SPA | | 1 | | |
| 2025 | | | | | | |
| Jan 5-11 | EC Special Meeting (not yet scheduled) -Review CotW recommendations and direct staff to make revisions | | | | | |
| | As directed by EC, finalize RFD to TC with revised draft Policy Statement for consideration by TC | SPA Admin | DTAS ICAO | 2 | | |
| | Add correspondence received to EC agenda for forwarding to TC and issue EC special meeting agenda | Admin | DTAS ICAO | 3 | | |
| | Implement Communications Strategy with contractor Draft communication materials about Trust Council approval in principle: <ul style="list-style-type: none"> News release Key messages for spokesperson Website updates | Communications SPA | DTAS CAO | 20 | | |

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|---------------|---|---------------------------------------|--------------|------------------------------------|---|--------|
| | Issue news release about opportunity for public comment at special Trust Council meeting in January | Communications | DTAS ICAO | 2 | | |
| | Issue project update to staff of Indigenous Governing Bodies and update Engagement Record | SPA | DTAS | 2 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin/SPA | | 1 | | |
| Jan 12-18 | EC Special Meeting (not yet scheduled) -Consider approval of special Trust Council agenda which will include: <ul style="list-style-type: none"> RFD with revised Policy Statement RFD with draft public engagement plan BRF with previously-approved communication strategy | | | | <ul style="list-style-type: none"> Communications materials <ul style="list-style-type: none"> Draft press releases, op-eds, technical briefings, key messaging, etc. Draft open house materials (poster boards, etc) Draft household mailer | |
| | Make changes requested by EC, distribute and publish Trust Council agenda | SPA Admin | DTAS ICAO | 2 | | |
| | Implement Communications Strategy with contractor <ul style="list-style-type: none"> Begin Advertising Plan Hold Media Technical briefing | Communications SPA DTAS | | 5 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 1 | | |
| Jan 19-25 | Implement Communications Strategy with contractor | Communications SPA All staff | | 10 | | |
| | Procure contractors for survey and Trust Area-wide virtual community workshop. | SPA | | 7 | Staff will use expedited procurement methods such as engaging BC Stats for the survey and a firm from BC Government pre-qualified vendors list for community workshop. | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 1 | | |
| Jan 26- Feb 1 | Trust Council Special Meeting (not yet scheduled) -Consider approval in principle of draft revised Policy Statement -Consider approval of Public Engagement Plan | ICAO All Directors SPA Admin | | 6 | | |
| | As directed by Trust Council make revisions to draft Policy Statement and post to website | SPA Communication | DTAS | 3 | | |
| | Implement Communications Strategy with contractor <ul style="list-style-type: none"> Begin drafting mailer for all households and contact BC Mail | Communications SPA | | 7 | | |
| | Issue news release about Trust Council approval in principle of Policy Statement draft and next steps for public engagement | Communications | DTAS ICAO | 2 | | |
| | Continue procurement for contractors for survey and Trust Area-wide virtual community workshop. | SPA | | 7 | | |

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|------------------------------|--|------------------------------|--------|------------------------------------|--|--------|
| | | | | | | |
| | Draft project update briefing for Trust Council meeting in March | SPA | DTAS | 4 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 1 | | |
| Feb 2025 | Executive Committee Regular meeting -Review project update briefing for Trust Council meeting in March | ICAO DTAS SPA Admin | | 1 | | |
| | Plan public engagement events. | Program Coord. | DTAS | 60 | | |
| | Implement Communications Strategy with contractor | Communications SPA | DTAS | 60 | | |
| | Issue project update to staff of Indigenous Governing Bodies and update Engagement Record | SPA | DTAS | 2 | | |
| | Provide staff report to local trust committees and Bowen Island Municipality with referral and update on public engagement planning and how to find updated details | SPA Admin | DTAS | 7 | | |
| | Advise Municipal Affairs that the approval in principle milestone has been reached | DTAS | | 0.5 | | |
| | Request service contacts for selected contractors (can take three weeks to execute contract) | | | | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 4 | | |
| Mar 2025 | March Trust Council meeting -Review project update briefing -Consider approval of project funding for 2025/26 | | | | | |
| | Manage contracts for public engagement contracts (i.e. survey development and virtual community workshop development) | Program Coord. SPA | DTAS | 40 | Note: Budgeting across fiscal years is uncertain until contract negotiation as work will have to be spilt into billable pieces as post-April 1 work in the contract will be subject to funding approval that won't be received until mid-March | |
| | Develop paper survey distribution plan and source/prepare boxes | Program Coord. | | 20 | | |
| | Implement Communications Strategy with contractor | Communications SPA | DTAS | 60 | | |
| | Update PSAP project website to reflect current status | Communications | DTAS | 2 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 4 | | |
| End of Fiscal 2024/25 | | | | | | |
| April 2025 | Executive Committee Special Meeting (to be scheduled) -Consideration of communications materials for approval (e.g, household mailer, video, fact sheets, social media series plan, advertising plan, media relations plan (e.g. opinion editorials) | ICAO DTAS SPA Admin | | 1 | | |

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|------------|---|--|-------------|------------------------------------|--|--------|
| | -Consideration of public engagement products for approval (e.g virtual workshop event plan, in-person event schedule and poster boards, survey text, paper survey distribution plan) | | | | | |
| | Manage contracts for public engagement contracts (i.e. survey development and virtual community workshop development) | SPA | DTAS | 20 | Note: Exact timing and sequence of survey and virtual community workshop will be determined in collaboration with contractors. | |
| | Implement Communications Strategy with contractor | Communications SPA | DTAS | 60 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin/SPA | | 4 | | |
| May 2025 | Executive Committee Regular Meeting -Consideration of project update briefing for TC | ICAO DTAS SPA Admin | | 1 | | |
| | Launch 6-month Engagement Process that includes: - in-person engagement events/special meetings for some LTCs/IMs - Trust Area-wide survey - Trust Area-Wide Virtual Community Workshop (Estimated for mid-late May) | SPA Program Coordinator DTAS Planning Staff | CAO | 150 | Note: Exact timing and sequence of survey and virtual community workshop will be determined in collaboration with contractors. Planning Services Staff will assist with in-person engagement events. Staff hour estimates include travel time to in-person engagement events. | |
| | Staff report to select LTCs/IM about in-person engagement results and send to LTC agendas | SPA | DTAS | 14 | | |
| | Draft project update briefing for EC/TC | SPA | DTAS CAO | 5 | | |
| | Implement Communications Strategy with contractor (e.g publish communication materials, issue news release, and proactively respond to feedback) | Communications SPA | DTAS CAO | 90 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin/SPA | | 4 | | |
| June 2025 | Local Trust Committee Meetings -Review of staff report of engagement result and consideration of referral response to Trust Council | RPMs | | 5 | | |
| | Trust Council Regular Meeting -Consideration project update briefing | ICAO All Directors SPA Admin | | 6 | | |
| | Continue Engagement Process: - in-person engagement events/special meetings for some LTCs/IMs - Trust Area-wide survey | SPA Program Coordinator DTAS Planning Staff | CAO | 150 | | |

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|----------------|--|--|--------|------------------------------------|---|--------|
| | Review contract report on Virtual Community Workshop results | SPA | DTAS | 6 | | |
| | Draft staff report to select LTCs/IM about in-person engagement results and send to LTC agendas | SPA | DTAS | 14 | | |
| | Implement Communications Strategy with contractor | Communications SPA | DTAS | 14 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin/SPA | 4 | | | |
| July 2025 | Local Trust Committee Meetings -Review of staff report of engagement result and consideration of referral response to Trust Council | RPMs | | 5 | | |
| | Continue Engagement Process: - in-person engagement events/special meetings for some LTCs/IMs - Trust Area-wide survey | SPA Program Coordinator DTAS Planning Staff | CAO | 60 | | |
| | Draft staff report to select LTCs/IM about in-person engagement results and send to LTC agendas | SPA | DTAS | 14 | | |
| | Implement Communications Strategy with contractor | Communications SPA | DTAS | 14 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin/SPA | | 4 | | |
| August 2025 | Executive Committee Regular Meeting -Consideration project update briefing for TC | | | | Note: project plan assumes no LTC/IM meetings in August | |
| | Continue Engagement Process: - Trust Area-wide survey | SPA | | 4 | | |
| | Draft staff report to select LTCs/IM about in-person engagement results and send to LTC agendas | SPA | DTAS | 14 | | |
| | Draft project update briefing to EC | | | | | |
| | Implement Communications Strategy with contractor | Communications SPA | DTAS | 14 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin/SPA | | 4 | | |
| September 2025 | Local Trust Committee Meetings -Review of staff report of engagement result and consideration of referral response to Trust Council | RPMs | | 5 | | |
| | Trust Council Regular Meeting -Consideration of project update briefing | ICAO All Directors SPA Admin | | 6 | | |
| | Executive Committee Regular Meeting -Consideration of approval of 2026/27 PSAP business case for submission to FPC -Review of project update briefing | ICAO DTAS SPA Admin | | 1 | | |
| | Continue Engagement Process: | SPA | CAO | 150 | | |

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|---------------|---|--|--------------|------------------------------------|---|--------|
| | - in-person engagement events/special meetings for some LTCs/IMs - Trust Area-wide survey Implement Communications Strategy | Program Coordinator DTAS Planning Staff Communications SPA | | | | |
| | Draft staff report to select LTCs/IM about in-person engagement results and send to LTC agendas | SPA | DTAS | 14 | | |
| | Draft PSAP Business Case for 2026/27 | SPA | DTAS | 4 | | |
| | Implement Communications Strategy with contractor | SPA Program Coordinator DTAS Planning Staff | DTAS | 14 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin/SPA | | 4 | | |
| October 2025 | Local Trust Committee Meetings -Review of staff report of engagement results and consideration of referral response to Trust Council | RPMs | | 5 | <ul style="list-style-type: none"> NOTE: Some special meetings may be required if an LTC that had engagement events in September does not have a regular meeting in September/early October. | |
| | Financial Planning Committee Regular Meeting -Review proposed 2026/27 business case for the project | DTAS ICAO | | 0.5 | <ul style="list-style-type: none"> This workplan assumes no further approvals to the business case needed | |
| | Review contractor report on survey results | SPA | DTAS | 6 | | |
| | Continue Engagement Process: - in-person engagement events/special meetings for some LTCs/IMs - Trust Area-wide survey Implement Communications Strategy | SPA Program Coordinator DTAS Planning Staff | CAO | 150 | | |
| | Poll trustees and issue EC/TC RWMs to schedule special meetings in November | Admin | | 4 | | |
| | Draft briefing to COtW summarizing referral feedback from LTC/IMs (also attached is contractor reports re Trust Area-wide survey and virtual community workshop) | SPA | SIRA DTAS | 21 | | |
| | Draft presentation of engagement information for TC | SPA | DTAS | 4 | | |
| | Poll trustees and schedule special Trust Council meeting for November | Admin | | | | |
| | Implement Communications Strategy with contractor | SPA Program Coordinator DTAS Planning Staff | DTAS | 7 | | |
| | Advise Indigenous Governing Bodies that referral may be sent in mid- December | SPA | DTAS | 5 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin/SPA | | 4 | | |
| November 2025 | Executive Committee Regular Meeting -Review briefing summarizing referral feedback from LTC/IMs for COtW meeting | CAO All Directors | | 8 | | |

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|---------------|---|--|-----------------------|------------------------------------|-------|--------|
| | -Review summary reports re Trust Area-wide survey and virtual community workshop for COtW meeting | SPA SIRA Admin | | | | |
| | Committee of the Whole Special Meeting -Review briefing and engagement results -Recommend to EC that it prepare revisions to the draft Policy Statement for review by Trust Council | CAO All Directors SPA SIRA Admin | | 40 | | |
| | Executive Committee Special Meeting -Consider recommendations of COtW to prepare revisions for Trust Council review in December | CAO All Directors SPA SIRA Admin | | 8 | | |
| | Draft RFD to Executive Committee about COtW recommendations | SPA Communication | DTAS | 3 | | |
| | As needed, seek legal advice on CotW recommendations | DTAS DLIS | | 6 | | |
| | As directed by Executive Committee make revisions to draft Policy Statement and prepare RFD to Trust Council with attachments | SPA DTAS DPS | CAO | 10 | | |
| | Poll trustees and issue RWM to schedule special meeting(s) in December | Admin | | 4 | | |
| | Draft referral plan and begin drafting referral package materials | SPA Admin | DTAS | 50 | | |
| | Implement Communications Strategy with contractor | SPA Program Coordinator DTAS Planning Staff | DTAS | 7 | | |
| | Issue news release about opportunity for public comment at special Trust Council meeting in December prior to First Reading | Communications | DTAS ICAO Chair | 3 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin/SPA | | 4 | | |
| December 2025 | Committee of the Whole Regular Meeting -Review RFD and community engagement reports, correspondence record, previous referral results, and engagement feedback from Indigenous Governing Bodies -Recommend amendments based on community engagement summary report | CAO All Directors SPA SIRA Admin | | 40 | | |
| | Executive Committee Regular Meeting --Review Trust Council materials that support consideration of First Reading -Consider timing/length for public comment period | CAO All Directors SPA SIRA Admin | | 8 | | |

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|--------------|--|--|--------------------|------------------------------------|-------|--------|
| | Trust Council Special Meeting -Consideration of RFD and supporting materials -Consideration of First Reading -Consideration of direction to staff re referrals to regional districts, Indigenous Governing Bodies, Bowen Island Municipality, Islands Trust Conservancy Board, and provincial and federal government agencies or departments having jurisdiction in the Trust Area (per Policy Statement Amendment Policy and previous commitment to provide to Conservancy Board again for comment). | CAO All Directors SPA SIRA Admin | | 40 | | |
| | Draft changes to draft Policy Statement requested by Trust Council and draft RFD for First Reading | SPA | DTAS DPS CAO | 10 | | |
| | Complete drafting and send referral packages for Indigenous Governing Bodies (90 days) - Update concordance tables - Prepare letters - Phone main contacts to advise Update Engagement Record | SPA SIRA Admin | | 40 | | |
| | Complete drafting referral letters and send to other governments (60 days) - Update concordance tables - Prepare letters - Phone main contacts to advise | SPA Admin | | 20 | | |
| | Implement Communications Strategy with contractor (e.g. issue news release after First Reading, update website) | SPA Program Coordinator DTAS Planning Staff | DTAS | 7 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 12 | | |
| 2026 | | | | | | |
| January 2026 | Check in with IGB referral contacts on referral receipt and timelines and add to Engagement Record | SPA/SIRA Admin | | 10 | | |
| | Meet with staff of IGBs regarding any questions/concerns | SPA/SIRA DPS/DTAS | | 20 | | |
| | Check in with RD contacts on referral receipt and timelines | Admin | | 4 | | |
| | Draft process for engagement evaluation/lessons learned | SPA Program Coord. | DTAS | 10 | | |
| | Host internal survey and workshop for engagement evaluation/lessons learned | SPA All involved staff | | 30 | | |

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|------------------------------|--|--|----------------------------|------------------------------------|-------|--------|
| | Draft What we Heard report and briefing | SPA Program Coordinator | DTAS | 30 | | |
| | Draft engagement evaluation/lessons learned report | SPA Project coordinator | DTAS Communi cations | 14 | | |
| | Update PSAP project website to reflect current status | Comms | DTAS | 2 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 4 | | |
| February 2026 | Executive Committee Regular Meeting -Review project update briefing for Trust Council -Review What we Heard report and briefing for Trust Council | CAO All Directors SPA SIRA Admin | | 8 | | |
| | Draft briefing about referral responses and populate as responses received | SPA | | 7 | | |
| | Meet with Ministry to confirm what should be in Engagement Record and report | SPA | DTAS | 3 | | |
| | Meet with staff of IGBs regarding any questions/concerns | SPA/SIRA DPS/DTAS | | 20 | | |
| | Implement Communications Strategy with contractor (e.g. issue news release after First Reading, update website) | Communications | | 20 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 12 | | |
| March 2026 | Trust Council Regular Meeting -Review project update briefing -Review What we Heard report | CAO All Directors SPA SIRA Admin | | 8 | | |
| | Draft briefing about referral responses and populate as responses received | SPA | | 7 | | |
| | Policy Statement | | | | | |
| | Draft IGB engagement Record and report for inclusion in Ministerial package | SPA | DTAS | 20 | | |
| | Meet with staff of IGBs regarding any questions/concerns | SPA/SIRA DPS/DTAS | | 20 | | |
| | Implement Communications Strategy with contractor (e.g. issue news release after First Reading, update website) | Communications | DTAS | 5 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin/SPA | | 12 | | |
| End of Fiscal 2025/26 | | | | | | |
| April 2026 | Executive Committee Regular Meeting -Review referral response materials for CotW | CAO All Directors SPA SIRA Admin | | 8 | | |

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|------------|---|---|-----------------------|------------------------------------|-------|--------|
| | Trust Council Committee of the Whole Special Meeting - Review referral responses and staff recommendations/options for amendment -Recommend that EC direct staff to draft amendments | CAO All Directors SPA SIRA Admin | | 40 | | |
| | Executive Committee Regular Meeting -Review materials to support Trust Council consideration of Second Reading | CAO All Directors SPA SIRA Admin | | 8 | | |
| | As directed by Executive Committee make revisions to draft Policy Statement and prepare RFD to Trust Council with attachments | SPA DTAS DPS | CAO | 10 | | |
| | As needed, seek legal advice on CotW recommendations | DTAS DLIS | | 6 | | |
| | Draft IGB engagement Record and report for inclusion in Ministerial package | SPA | DTAS | 20 | | |
| | Meet with staff of IGBs regarding any questions/concerns | SPA/SIRA DPS/DTAS | | 20 | | |
| | Implement Communications Strategy | SPA Program Coordinator DTAS Planning Staff | DTAS | 7 | | |
| | Issue news release about opportunity for public comment at special Trust Council meeting in December prior to First Reading | Communications | DTAS ICAO Chair | 3 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 12 | | |
| May 2026 | Trust Council Special Meeting -Consideration of supporting materials -Consideration of Second and Third Readings (incorporate revisions at the meeting) | CAO All Directors SPA SIRA Admin | | 40 | | |
| | Implement Communications Strategy | SPA Program Coordinator DTAS Planning Staff | DTAS | 7 | | |
| | Draft concordance tables showing how comments raised by referral agencies have been addressed | SPA SIRA | DTAS | 50 | | |
| | Advise IGBs of how IGB referral responses have been addressed and that PS and engagement report have been sent to Minister | SPA Admin | SIRA DTAS | 20 | | |

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|--|---|--|--------------------|------------------------------------|-------|--------|
| | | | | | | |
| | Draft and send bylaw submission to Minister | SPA | DTAS CAO | 10 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 12 | | |
| June – November 2026 | 3 Trust Council Regular Meetings | CAO All Directors SPA SIRA Admin | | 24 | | |
| | Continue drafting Policy Statement implementation plan | SPA | CAO DTAS DPS | 21 | | |
| | Draft business case regarding implementation of Policy Statement | RPMs | DPS DTAS CAO | 10.5 | | |
| | Project reporting to Trust Council as needed | SPA | DTAS CAO | 10 | | |
| | Implement Communications Strategy (e.g. graphic design of Policy Statement draft, website updates) | SPA Program Coordinator DTAS Planning Staff | DTAS | 7 | | |
| | Distribution planning | SPA Admin | DTAS | 7 | | |
| | Prepare RFD for adoption | SPA | DTAS CAO | 7 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin | | 12 | | |
| BC LOCAL ELECTIONS – OCTOBER 17, 2026 (swearing-in likely in 1st week of November) | | | | | | |
| December 2026 | Ministerial approval | MUNI | | | | |
| | Implement Communications Strategy (e.g. news release, website updates, final graphic design and publication) | SPA Program Coordinator DTAS Planning Staff | DTAS | 7 | | |
| | Check Islands 2050 inbox, manage correspondence per protocol | Admin/SPA | | | | |
| | Trust Council Regular Meeting -Orientation to the Policy Statement and the amendment project -Consideration of Adoption of Policy Statement Bylaw | CAO All Directors SPA SIRA Admin | | 8 | | |

| TIMELINE** | TASKS | WHO | REVIEW | TOTAL ESTIMATED HRS (all staff)*** | NOTES | STATUS |
|-------------|---|--|--------|------------------------------------|-------|--------|
| | Implement Communications Strategy <ul style="list-style-type: none"> Final graphic design Printing and distribution News release Media briefings Website updates Removal of Islands2050 inbox | SPA Program Coordinator DTAS Planning Staff | DTAS | 7 | | |
| | Advise Indigenous Governing Bodies of PS adoption and next steps | SPA SIRA Admin | DTAS | 14 | | |
| 2027 | | | | | | |
| | Quarterly Trust Council meetings -Staff to recommend that Trust Council identify topics it wishes to review for potential amendment as part of the Strategic Planning process for the (2026-2030) | SPA | DTAS | 14 | | |
| | Carry out Policy Statement implementation plan | Islands Trust | | | | |

Acronyms:

- Admin: Administrative staff
- Brf: Briefing
- EC: Executive Committee
- DTAS: Director, Trust Area Services
- DPS: Director, Planning Services
- CAO: Chief Administrative Officer
- CotW: Committee of the Whole
- DLIS: Director, Legislative and Information Services
- FPC: Financial Planning Committee
- ICAO: Interim Chief Administrative Officer
- IGB: Indigenous Governing Body
- Islands 2050: Policy Statement Amendment Project
- Program Coord: Program Coordinator
- PSAP: Policy Statement Amendment Project
- RFD: Request for Decision
- RPM: Regional Planning Manager
- RWM: Resolution Without Meeting
- SPA: Senior Policy Advisor
- SIRA: Senior Indigenous Relations Advisor
- TC: Trust Council

1. Regional Planning Committee

In support of the Regional Planning Committee (RPC) we have completed work on the following:

- ~ **Bylaw Compliance and Enforcement Policy Review Updates:** Completed draft revisions of Trust Council Bylaw Compliance and Enforcement Policy (Policy 5.5.1) and the Bylaw Compliance and Enforcement Best Practices manual. The revisions have been forwarded to Trust Council. Trust Council Handling of Administrative Fairness Complaints Policy (Policy 7.1.2) was reviewed but not forwarded to Trust Council.
- ~ **Freshwater Sustainability Strategy:** Reviewed status of past and current projects undertaken as part of the Freshwater Sustainability Strategy (FWSS). Reviewed project timelines, actions and Freshwater Balance project pilot on Gabriola Island.
- ~ **Housing Strategy Action Plan:** Housing Needs Report request for proposals posted. Communications created regarding what housing actions can be taken on properties. Communications to be posted online and included in welcome package sent out to new property owners in the Trust area. Updated Model Land Use Bylaw incorporating housing definitions. Community Engagement Framework developed. Suitable Land Analysis updated. Ongoing coordination with CRD staff to implement the CRD Rural Housing Strategy. Advanced actions on Tiny Homes on Wheels – Trustee generated RFD on Trust Council agenda.
- ~ **Fiscal 2025/26 LTC Major Project Business Cases** – Reviewed LTC endorsed major project business cases. Forwarded endorsed business cases to Financial Planning Committee.

2. Planning Projects

The current status of major and extraordinary LTC projects (projects over \$5,000) are listed in Table 1 below. The table includes RPC projects. Planning Services projects are managed by members of the Regional Planning Team.

Table 1 Major and Extraordinary Projects

| LTC | Major or Extraordinary Project Name | Project Phase | Current Status |
|-----|---|---------------|--------------------------------------|
| DE | Housing Review | Analysis | On-going |
| GB | OCP and LUB Review | Consultation | On-going |
| GM | OCP / LUB Review – Targeted Amendment | | |
| HO | First Nations relationship | Pre-project | On-going Merging with OCP Project |
| HO | OCP / LUB Review | Analysis | On-going |
| MA | Housing Options (phase 2) | Consultation | On-going |
| NP | Housing Review | Consultation | Pending |
| SS | OCP/LUB Review - Targeted Amendment | Analysis | On-going |
| SS | Complete Communities Grant | Analysis | On-going |
| SS | Water Sustainability | Analysis | Deferred |
| SS | Ganges (Shiya’hwt / SYOW T) Village Area Plan | Ended | Merged with OCP Project |

| | | | |
|-----|--------------------------|--------------|----------|
| RPC | Housing Action Plan | Implementing | On-going |
| RPC | Housing Needs Report | Pre-Project | On-going |
| RPC | Freshwater Strategy | Analysis | On-going |
| RPC | Bylaw Enforcement Review | Analysis | On-going |

Local Trust Committees are permitted one active minor project (Table 2). The exception is that the Salt Spring Island Local Trust Committee is permitted up to three active projects. The total funding available for all active minor projects is \$36,000. Funding has been fully allocated although this may change as completed projects update their expenditures. Projects noted as completed are waiting for provincial staff to complete actions.

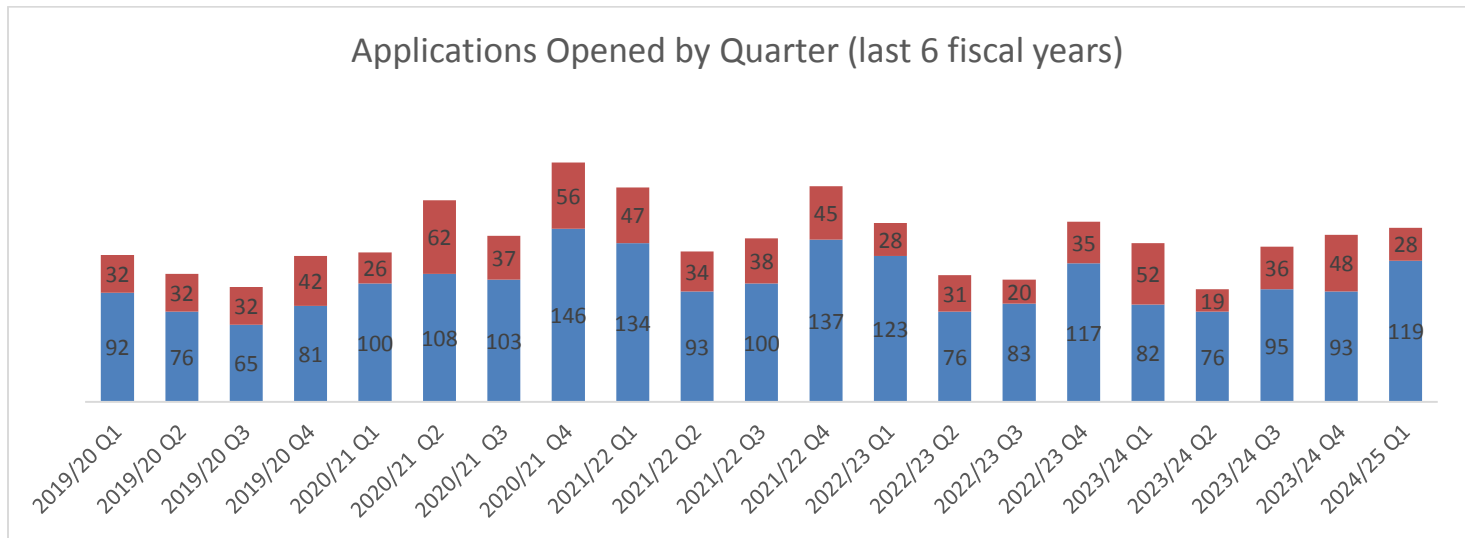
Table 2 Minor Projects

| LTC | Active Minor Project Name | Project Phase | Current Status |
|-----|--|---------------|----------------|
| DE | Farming Regulations Review | Completed | Completed |
| DE | TUP Review | Initiated | On-going |
| GB | Ecological Protection Zone | Legislative | On-going |
| GL | Groundwater | Legislative | On-going |
| GM | Keats Island Shoreline Protection Review | Legislative | On-Hold |
| HO | Community Heritage Register | Analysis | Pending |
| LA | OCP/LUB Review | Analysis | On-going |
| MA | Minor LUB Amendments | Legislative | On-going |
| NP | Raptor nest DPA update | Drafting | On-going |
| SA | ALR exclusion | Completed | Completed |
| SA | Minor Housing Review | Analysis | On-going |
| SP | LUB Amendments | Consultation | On-going |
| SS | Housing Action Program - Implementation | Legislative | On-going |
| SS | Proof of Water | Legislative | On-going |
| TH | LUB Amendment - Unzoned Marine Area | Legislative | On-going |

3. Current Planning

Planning Services opened 147 new applications and referrals in the first quarter (April 1- June 30 (Q1) of the 2024/25 fiscal year. The number indicates a rise primarily in the number of building permit referrals and a decrease in the number of development applications compared to the previous Q1 although the total number of applications and referrals are relatively similar. Q1 numbers are typically lower than Q4; however, this does not appear to be the case this quarter. Overall, development applications and referrals appear to be surprisingly consistent over the last three years indicating an uncertain development climate. The number of applications may be subject to a higher degree of uncertainty due to the change in application processing software during the reporting quarter.

Figure 1 Applications Opened by Quarter



4. Bylaw Compliance and Enforcement

A separate report has been submitted updating Trust Council on the status of bylaw enforcement and compliance investigation status.

5. Corporate Initiatives

Planning services staff continue to support two specifically funded 2024/25 corporate initiatives:

1. Cityview:

The implementation of the new development application software (Cityview) and Islands Trust Applications Portal was completed August 2024. The project has transferred from implementation of new software and trouble shooting issues to support. The new manager of Information Services has been instrumental in getting through this critical stage. Lessons learned from implementing the new software has been applied to consideration of the bylaw compliance and enforcement component of the software approved by Trust Council.

2. Salt Spring Office Relocation:

The Salt Spring Island office current lease expires October 31, 2024. A new lease has been signed and possession of the new space for fixturing was secured as of September 1, 2024. A request for proposals to design and renovate the space to meet operational requirements, as per the approved Trust Council office relocation business case, has been drafted and should be posted by the time of Trust Council’s meeting. Salt Spring Island staff will be required to work from home or other accommodations made until the new space is ready for occupancy. More details will be available after awarding of a service contract.



BRIEFING

To: Trust Council **For the Meeting of:** September 25, 2024
From: Warren Dingman, Manager of Bylaw Compliance and Enforcement **Date Prepared:** September 4, 2024
SUBJECT: Bylaw Enforcement Statistical Reports

PURPOSE:

This report summarizes the number and type of bylaw enforcement files as of September 1 2024, and a summary of bylaw violation notices issued, and adjudication hearing outcomes for 2024.

BACKGROUND:

There were 599 open files at the end of the reporting period. Files for short-term vacation rentals (STVR) remain the most significant number at 132; 119 files for siting contraventions; and 114 files for land use, which may involve complaints about non-permitted industrial and commercial uses.

As of September 1, 2024, 11 percent of the total files received a bylaw violation notice. By region, there were 55 Bylaw Violation Notices (BVNs) issued for 17 files in the Northern Local Trust Areas (LTA), and 2 compliance agreements signed; 75 BVNs for 14 files in the Southern LTAs, and with 2 compliance agreements signed; and for Salt Spring, 146 BVNs issued for 34 files, which were primarily for STVRs, and 11 compliance agreements were signed. A total of \$3,300 in penalties have been collected to date.

Two adjudication hearing days have been held this year, and two are currently scheduled. Only three matters were heard by an adjudicator and the BVNs were canceled. The majority of the disputants signed compliance agreements before the hearings commenced and one disputant agreed to sign an agreement during the hearing.

ATTACHMENT(S):

1. Bylaw Enforcement Tables and Charts:
 - a. Open Files
 - b. Closed files
 - c. New Files
 - d. Contravention type
 - e. Length of time

Prepared By: Warren Dingman, Manager of Bylaw Compliance and Enforcement
Reviewed By/Date: Stefan Cermak, Director of Planning Services

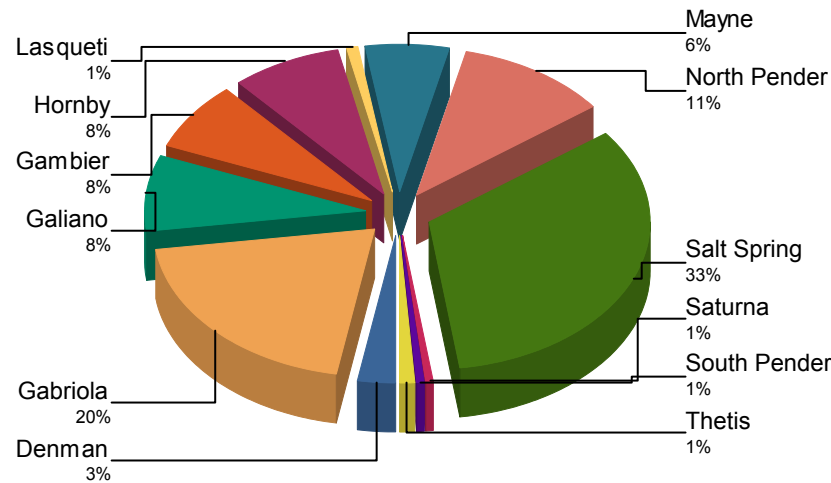


Bylaw Enforcement - Open Files as of September 01, 2024

| Local Trust Area | 2021 | | 2022 | | 2023 | | 2024 | | 2023 Q4 | | 2024 Q1 | | 2024 Q2 | | 2024 Q3* | |
|------------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|
| | Open | % | Open | % | Open | % | Open | % | Open | % | Open | % | Open | % | Open | % |
| Denman | 22 | 4% | 21 | 3% | 13 | 2% | 16 | 3% | 13 | 2% | 12 | 2% | 16 | 3% | 16 | 3% |
| Gabriola | 84 | 15% | 79 | 13% | 87 | 15% | 121 | 20% | 112 | 18% | 122 | 20% | 121 | 20% | 121 | 20% |
| Galiano | 48 | 9% | 51 | 8% | 50 | 8% | 50 | 8% | 50 | 8% | 50 | 8% | 50 | 8% | 50 | 8% |
| Gambier | 23 | 4% | 42 | 7% | 45 | 8% | 45 | 8% | 43 | 7% | 43 | 7% | 45 | 8% | 45 | 8% |
| Hornby | 37 | 7% | 41 | 7% | 47 | 8% | 47 | 8% | 41 | 7% | 41 | 7% | 47 | 8% | 47 | 8% |
| Lasqueti | 7 | 1% | 6 | 1% | 6 | 1% | 6 | 1% | 6 | 1% | 6 | 1% | 6 | 1% | 6 | 1% |
| Mayne | 20 | 4% | 26 | 4% | 29 | 5% | 36 | 6% | 31 | 5% | 31 | 5% | 36 | 6% | 36 | 6% |
| North Pender | 70 | 13% | 72 | 12% | 63 | 11% | 67 | 11% | 64 | 11% | 62 | 10% | 67 | 11% | 67 | 11% |
| Saturna | 3 | 1% | 2 | 0% | 2 | 0% | 4 | 1% | 2 | 0% | 2 | 0% | 4 | 1% | 4 | 1% |
| South Pender | 6 | 1% | 7 | 1% | 4 | 1% | 4 | 1% | 5 | 1% | 5 | 1% | 4 | 1% | 4 | 1% |
| Salt Spring | 217 | 40% | 251 | 41% | 238 | 40% | 197 | 33% | 234 | 38% | 238 | 38% | 197 | 33% | 197 | 33% |
| Thetis | 6 | 1% | 7 | 1% | 7 | 1% | 6 | 1% | 8 | 1% | 8 | 1% | 6 | 1% | 6 | 1% |
| TOTAL | 543 | 100% | 605 | 100% | 591 | 100% | 599 | 100% | 609 | 100% | 620 | 100% | 599 | 100% | 599 | 100% |

*2024 Q3 refers to the time that passed between the beginning of Q3 and September 01, 2024

Open Files in 2024



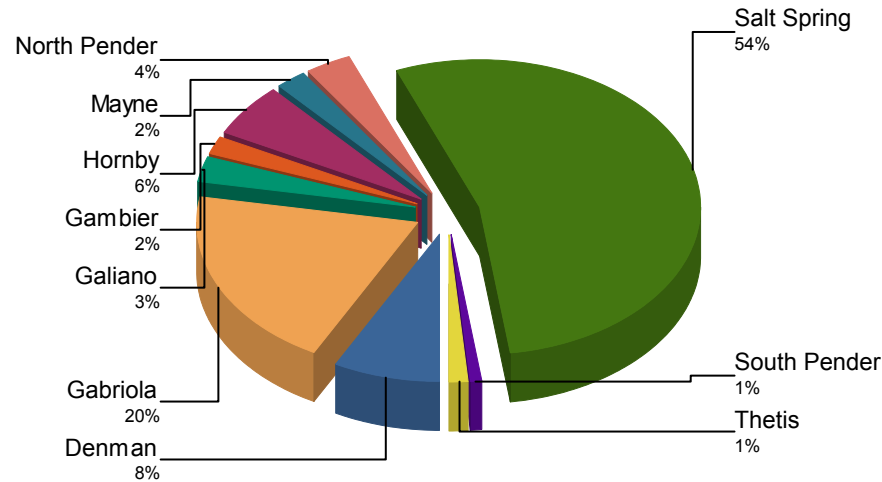


Bylaw Enforcement - Closed Files as of September 01, 2024

| Local Trust Area | 2021 | | 2022 | | 2023 | | 2024 | | 2023 Q4 | | 2024 Q1 | | 2024 Q2 | | 2024 Q3* | |
|------------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|
| | Closed | % | Closed | % | Closed | % | Closed | % | Closed | % | Closed | % | Closed | % | Closed | % |
| Denman | 10 | 5% | 1 | 1% | 13 | 6% | 11 | 8% | 3 | 2% | 2 | 4% | 3 | 4% | 6 | 9% |
| Gabriola | 27 | 12% | 32 | 24% | 33 | 14% | 28 | 20% | 20 | 16% | 9 | 20% | 15 | 18% | 11 | 16% |
| Galiano | 26 | 12% | 9 | 7% | 14 | 6% | 4 | 3% | 5 | 4% | 2 | 4% | 1 | 1% | 2 | 3% |
| Gambier | 9 | 4% | 1 | 1% | 6 | 3% | 3 | 2% | 4 | 3% | 2 | 4% | 0 | 0% | 1 | 1% |
| Hornby | 7 | 3% | 3 | 2% | 8 | 3% | 8 | 6% | 8 | 7% | 6 | 13% | 0 | 0% | 2 | 3% |
| Lasqueti | 1 | 0% | 1 | 1% | 1 | 0% | 0 | 0% | 0 | 0% | 0 | 0% | 0 | 0% | 0 | 0% |
| Mayne | 10 | 5% | 7 | 5% | 13 | 6% | 3 | 2% | 7 | 6% | 3 | 7% | 0 | 0% | 0 | 0% |
| North Pender | 12 | 5% | 24 | 18% | 33 | 14% | 5 | 4% | 19 | 15% | 2 | 4% | 3 | 4% | 2 | 3% |
| Saturna | 2 | 1% | 2 | 2% | 1 | 0% | 0 | 0% | 0 | 0% | 0 | 0% | 0 | 0% | 0 | 0% |
| South Pender | 2 | 1% | 0 | 0% | 5 | 2% | 1 | 1% | 1 | 1% | 0 | 0% | 0 | 0% | 1 | 1% |
| Salt Spring | 115 | 52% | 51 | 39% | 100 | 44% | 76 | 54% | 56 | 46% | 20 | 43% | 58 | 71% | 43 | 61% |
| Thetis | 1 | 0% | 1 | 1% | 2 | 1% | 2 | 1% | 0 | 0% | 0 | 0% | 2 | 2% | 2 | 3% |
| TOTAL | 222 | 100% | 132 | 100% | 229 | 100% | 141 | 100% | 123 | 100% | 46 | 100% | 82 | 100% | 70 | 100% |

*2024 Q3 refers to the time that passed between the beginning of Q3 and September 01, 2024

Closed Files in 2024



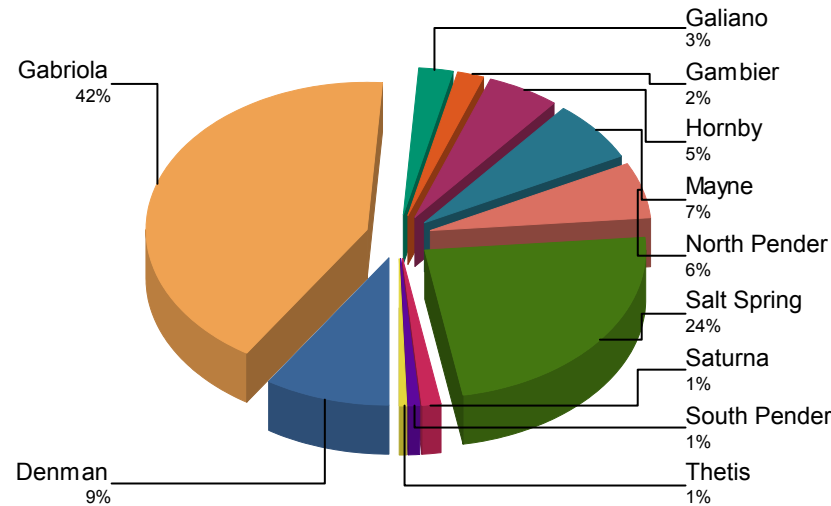


Bylaw Enforcement - New Files as of September 01, 2024

| Local Trust Area | 2021 | | 2022 | | 2023 | | 2024 | | 2023 Q4 | | 2024 Q1 | | 2024 Q2 | | 2024 Q3* | |
|------------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|
| | New | % | New | % | New | % | New | % | New | % | New | % | New | % | New | % |
| Denman | 11 | 3% | 0 | 0% | 5 | 2% | 14 | 9% | 1 | 2% | 3 | 4% | 7 | 9% | 9 | 18% |
| Gabriola | 62 | 19% | 27 | 14% | 41 | 19% | 63 | 42% | 17 | 28% | 51 | 63% | 26 | 35% | 8 | 16% |
| Galiano | 23 | 7% | 12 | 6% | 13 | 6% | 4 | 3% | 4 | 7% | 2 | 2% | 2 | 3% | 2 | 4% |
| Gambier | 8 | 2% | 20 | 10% | 9 | 4% | 3 | 2% | 0 | 0% | 0 | 0% | 1 | 1% | 2 | 4% |
| Hornby | 12 | 4% | 7 | 4% | 15 | 7% | 8 | 5% | 3 | 5% | 0 | 0% | 6 | 8% | 8 | 16% |
| Lasqueti | 1 | 0% | 0 | 0% | 1 | 0% | 0 | 0% | 0 | 0% | 0 | 0% | 0 | 0% | 0 | 0% |
| Mayne | 10 | 3% | 13 | 7% | 16 | 7% | 10 | 7% | 2 | 3% | 5 | 6% | 4 | 5% | 3 | 6% |
| North Pender | 20 | 6% | 26 | 13% | 25 | 11% | 9 | 6% | 5 | 8% | 2 | 2% | 4 | 5% | 7 | 14% |
| Saturna | 1 | 0% | 1 | 1% | 1 | 0% | 2 | 1% | 0 | 0% | 0 | 0% | 2 | 3% | 2 | 4% |
| South Pender | 3 | 1% | 1 | 1% | 2 | 1% | 1 | 1% | 1 | 2% | 1 | 1% | 0 | 0% | 0 | 0% |
| Salt Spring | 176 | 53% | 86 | 44% | 88 | 40% | 36 | 24% | 27 | 45% | 16 | 20% | 22 | 30% | 10 | 20% |
| Thetis | 2 | 1% | 2 | 1% | 2 | 1% | 1 | 1% | 0 | 0% | 1 | 1% | 0 | 0% | 0 | 0% |
| TOTAL | 329 | 100% | 195 | 100% | 218 | 100% | 151 | 100% | 60 | 100% | 81 | 100% | 74 | 100% | 51 | 100% |

*2024 Q3 refers to the time that passed between the beginning of Q3 and September 01, 2024

New Files in 2024





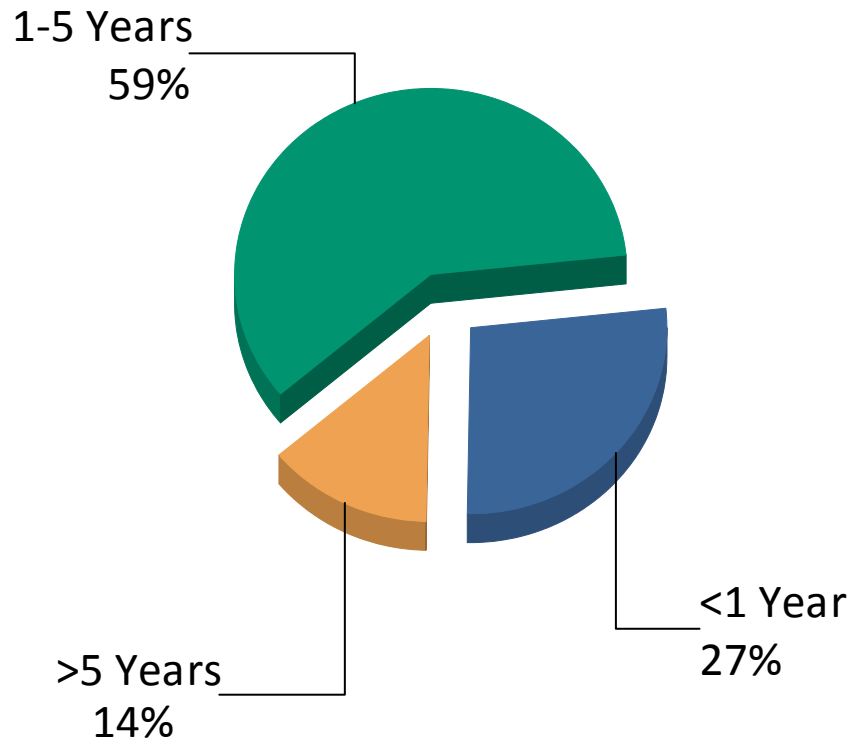
Bylaw Enforcement Open Files by ContraventionType as of September 01, 2024

| | Contravention Type | | | | | | | | | | | |
|---------------------|--------------------|--------------------|-----------|-----------------|-----------|------------|-----------|--------------------|------------------------|------------|----------------|-------------|
| | LTC | Development Permit | Foreshore | Home Occupation | Siting | Soil Bylaw | STVR | Unenclosed Vehicle | Non-Permitted Dwelling | Density | Other Land Use | TOTALS |
| Denman | 3 | 1 | 0 | 5 | | 5 | 0 | 1 | 0 | 1 | 16 | 3% |
| Ballenas-Winchelsea | 1 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 1 | 0% |
| Gabriola | 3 | 12 | 1 | 35 | | 4 | 13 | 24 | 0 | 29 | 121 | 20% |
| Galiano | 9 | 0 | 0 | 10 | | 14 | 0 | 10 | 1 | 6 | 50 | 8% |
| Gambier | 3 | 4 | 2 | 30 | | 1 | 1 | 1 | 0 | 3 | 45 | 8% |
| Hornby | 2 | 0 | 2 | 6 | | 17 | 0 | 12 | 1 | 7 | 47 | 8% |
| Lasqueti | | 0 | 0 | 0 | | 0 | | 1 | 1 | 4 | 6 | 1% |
| Mayne | 0 | 1 | 1 | 8 | | 8 | | 2 | 1 | 12 | 36 | 6% |
| North Pender | 13 | 2 | 2 | 1 | | 9 | 12 | 17 | 0 | 11 | 67 | 11% |
| Salt Spring | 33 | 2 | 8 | 21 | 9 | 73 | 4 | 12 | 1 | 34 | 197 | 33% |
| Saturna | 0 | 0 | 0 | 1 | | 0 | 0 | 1 | 0 | 2 | 4 | 1% |
| South Pender | 0 | 0 | 0 | 2 | | 0 | 0 | 0 | 0 | 2 | 4 | 1% |
| Thetis | | 1 | 0 | 0 | | 1 | 0 | 1 | 0 | 3 | 6 | 1% |
| TOTAL | 67 | 23 | 16 | 119 | 9 | 132 | 33 | 82 | 5 | 114 | 600 | 100% |
| Percentage | 11% | 4% | 3% | 20% | 2% | 22% | 6% | 14% | 1% | 19% | 100% | |



| Local Trust Area | <1 Year | 1-5 Years | >5 Years | Total |
|---------------------|---------|-----------|----------|-------|
| Denman | 11 | 4 | 1 | 16 |
| Ballenas-Winchelsea | 1 | 0 | 0 | 1 |
| Gabriola | 61 | 54 | 6 | 121 |
| Galiano | 6 | 31 | 13 | 50 |
| Gambier | 3 | 35 | 7 | 45 |
| Hornby | 8 | 26 | 13 | 47 |
| Lasqueti | 0 | 3 | 3 | 6 |
| Mayne | 12 | 21 | 3 | 36 |
| North Pender | 11 | 40 | 16 | 67 |
| Salt Spring | 43 | 135 | 19 | 197 |
| Saturna | 2 | 2 | 0 | 4 |
| South Pender | 2 | 2 | 0 | 4 |
| Thetis | 1 | 3 | 2 | 6 |
| TOTAL | 161 | 356 | 83 | 600 |
| Percentage % | 27% | 59% | 14% | |

Age of File



RPC 2024-010

that Regional Planning Committee request staff to amend the deliverables of the project to include the development and review of a Local Trust Committee Bylaw Compliance and Enforcement Policy.

RPC 2024-011

that Regional Planning Committee request staff to complete the draft Local Trust Committee Bylaw Compliance and Enforcement Policy template for review at the September 4, 2024 regular business meeting.

This addition of a LTC Bylaw Compliance and Enforcement Policy Template provides greater clarity to each LTC on how to implement best practices and to direct bylaw compliance and enforcement activities within their local trust area.

At its September 4, 2024 meeting, RPC reviewed and commented on draft edits to the following documents:

- Trust Council Bylaw Compliance and Enforcement Policy (Policy 5.5.1) which includes the LTC Bylaw Compliance and Enforcement Policy Template,
- Bylaw Compliance and Enforcement Best Practices manual, and
- Local Trust Committee Handling of Administrative Fairness Complaints Policy (Policy 7.1.2), and the
- Project Charter V2.

After consideration, RPC made a series of resolutions to amend staff's draft documents, as outlined below. Note staff have not yet reflected these amendments in the materials provided to Trust Council due to time constraints, however they are provided here such that Trust Council can see the direction the project is heading in:

RPC 2024-016

That Regional Planning Committee request that Trust Council approve the attached amended Project Charter [V2] at their September 2024 meeting.

RPC 2024-015

that Regional Planning Committee recommend the following changes:

- a) Amend the notification period to two weeks*
- b) Policy 5.5.1: That the Manager of Compliance and Enforcement has the discretion to open files and launch an investigation based on the available resources.*

RPC 2024-013

that Regional Planning Committee request staff to amend the Bylaw Compliance and Enforcement Best Practices Manual to create a plain language version.

RPC 2024-014

That Regional Planning Committee request staff to work through the self-assessment checklist of the Ombudsperson Complaints Guide to determine if recommended components are included in the draft Policy 7.1.2, and to identify gaps and opportunities for future work for the Bylaw Enforcement and Compliance Review Project.

All items were referred to Trust Council via consent to the exception of amendments to Policy 7.1.2 which RPC requested further staff review.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Staff will update the draft policies and templates as directed by RPC, and per the project charter, will forward the draft documents to the Ombudspersons Office. It is expected the Ombudspersons Office will assess the updated policies against their original recommendations to Trust Council in bylaw enforcement, and will provide further recommendations as needed. RPC and Trust Council will be able to review the polices and best practices at their next respective meetings.

FINANCIAL: none.

POLICY:

- Policy 5.5.1 - Bylaw Compliance and Enforcement Policy
- Policy 7.1.2 - Handling of Administrative Fairness Complaints Policy
- Bylaw Compliance and Enforcement Best Practices Manual_Draft

IMPLEMENTATION/COMMUNICATIONS: A website is being maintained to help keep the community informed of the status of the project (<https://islandstrust.bc.ca/island-planning/general-resources/bylaw-compliance-and-enforcement/bylaw-enforcement-review-project/>). Implementation will involve further communications and staff training.

FIRST NATIONS: N/A

OTHER: N/A

4 RELEVANT POLICY(S):

- Policy 5.5.1 - Bylaw Compliance and Enforcement Policy
- Policy 7.1.2 - Handling of Administrative Fairness Complaints Policy
- Bylaw Compliance and Enforcement Best Practices Manual_Draft

5 ATTACHMENT(S):

1. Project Charter V.2 (red lined)
2. Draft TC Policy 5.5.1 - Bylaw Compliance and Enforcement Policy (red lined)
3. Draft LTC Bylaw Compliance and Enforcement Template
4. Draft Bylaw Compliance and Enforcement Best Practices Manual (red lined)

RESPONSE OPTIONS

Recommendation:

1. **That Trust Council approves the amended Bylaw Compliance and Enforcement Policy Review Updates Project Charter to include a Local Trust Committee Bylaw Compliance and Enforcement Policy Template.**

2. That Trust Council endorse the draft amendments to Trust Council Bylaw Compliance and Enforcement Policy (Policy 5.5.1) and the Bylaw Compliance and Enforcement Best Practices manual.

Alternative:

1. That Trust Council amends the Bylaw Compliance and Enforcement Policy Review Updates Project Charter to:
 - a. [list amendments]
2. That Trust Council requests the following amendments to the amended (Policy 5.5.1 or Best Practices Manual):
 - a. [list amendments]

Prepared By: Director, Planning Services

Reviewed By/Date: Interim, Chief Administrative Officer / Sept. 13, 2024

Bylaw Enforcement Review - Charter v2

Regional Planning Committee (RPC)

RPC Endorsement Date: 02-16-2024

Purpose: To resolve bylaw enforcement matters efficiently and with minimal conflict by reviewing and amending Islands Trust Bylaw Enforcement policies and procedures to be administratively fair, reasonable and transparent with the aim of restoring public confidence.

Background: Islands Trust Council requested that the Office of the Ombudsperson undertake a review of enforcement policies and practices and provide recommendations at the March 2023 Trust Council meeting. In August 2023 the Office of the Ombudsperson's Consultation and Training Team submitted the 'Voluntary Consultation on Bylaw Enforcement Policies and Practices within the Islands Trust' report. At the September 2023 Trust Council meeting directed that the recommendations of the report be implemented, that staff develop a work and project charter and was referred to the Regional Planning Committee.

Deliverables

- Revisions to Bylaw Compliance and Enforcement Policy 5.5.1
- Revisions to the Handling of Administrative Fairness Complaints Policy 7.1.2
- Revisions to Bylaw and Enforcement Best Practices and Procedures Manual ('the Manual')
- A public Bylaw Complaints and Enforcement document
- Updates and revisions to Bylaw Enforcement forms, templates and documents
- Training and information for Bylaw Enforcement Officers and other relevant staff
- Communications team work with planning staff to post regular Bylaw Compliance Review project updates to Islands Trust website.
- [Development and review of an LTC Bylaw Enforcement Policy](#)

In Scope

- Review the Report, compile recommendations
- Review current Trust Council policies
- Review the Manual
- Compile and review all LTC bylaw enforcement standing resolutions and policies
- Review selected policies of other relevant local governments
- Report to RPC with proposed revisions for direction
- Provide regular updates and recommended revisions to Trust Council
- Implement changes to policies and practices
- A legal review of draft documents

Out of Scope

- Amendments to bylaws
- Public consultation
- Referrals to LTCs
- External consultants

IAP2 Public Engagement Level:

- Inform
- Consult
- Involve
- Collaborate

Formatted: Indent: Left: 0", Hanging: 0.11", Position: Horizontal: Left, Relative to: Column, Vertical: 0", Relative to: Paragraph, Horizontal: 0.13", Wrap Around

Workplan Overview

| Deliverable/Milestone | Target Date |
|---|-------------|
| Draft Project Charter to RPC for review and endorsement | Feb 2024 |
| RFD to Trust Council | Mar 2024 |

| | |
|---|----------------|
| <i>RPC review of preliminary policy revisions</i> | May 2024 |
| <i>Briefing to Trust Council</i> | June 2024 |
| <i>Draft policies and manual to RPC for review and changes</i> | Sept 2024 |
| <i>Referral of draft revisions to Ombudsperson's office for comment</i> | Sept 2024 |
| <i>Briefing to Trust Council</i> | Sept 2024 |
| <i>Final RPC review and referral to Trust Council</i> | Nov 2024 |
| <i>Endorsement by Trust Council</i> | Dec 2024 |
| <i>Implementation</i> | Jan – Mar 2025 |

| Project Team | |
|--|--|
| <i>Stefan Cermak, DPS</i> | Project Champion |
| <i>Robert Kojima, RPM</i> | Project Manager |
| <i>Warren Dingman, Manager C & E</i> | Project Manager |
| <i>Anthony Fotino</i> | RPC Planner |
| <i>David Marlor, DLS</i> | Advisor |
| | |
| | |
| | |
| Director Approval: <i>Stefan Cermak</i> Date: 02-16-2024 | RPC Endorsement: Resolution #: 2024-001 Date: 02-16-2024 |

| Budget | | |
|--|------------------------------------|-------------------|
| Budget Sources: N/A – no budget has been assigned | | |
| *legal review included in scope by RPC 02-16-2024 | | |
| Fiscal | Item | Est. Staff hours* |
| 2023-24 | Project initiation | 20 |
| 2024-25 | - Preliminary analysis and review | 40 |
| | - Drafting of policy revisions | 50 |
| | - Final policy | 20 |
| | - Updates to manuals and templates | 40 |
| | - Implementation | 40 |
| | - Contingency | 40 |
| | | |
| | Total | 250 |

*excludes any admin support, attendance at RPC/TC meetings, staff receiving training



| | |
|---------------------------|--|
| 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; September X, 2024 |
| 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~~ [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
2. *Vexatious complaint* means frivolous, repeat or false complaints, or ones made in bad faith that are meant to harass, annoy, or irritate any person, or are for retaliatory purposes
3. *Respondent* means those responding to allegations of bylaw contraventions
4. *Bylaw Notice* means a ticket, with penalty, issued under the *Local Government Bylaw Notice Enforcement Act*.

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 [Manager of 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 Investigations are commenced on a complaint-basis, with the exception provided below.
- ~~3-13.2~~ Bylaw investigations may be commenced at the discretion of the Manager of Bylaw

Compliance and Enforcement and an investigation file opened in one or more of the following circumstances:

- ~~3.1.13.2.1~~ In response to written complaints of an alleged contravention made by any person that is within the jurisdiction of Islands Trust and that is not vexatious nor anonymous;
- ~~3.1.23.2.2~~ bylawBylaw contraventions appear to occur in setbacks from water bodies or in development permit areas;
- ~~3.1.33.2.3~~ bylawBylaw contraventions appear to cause health and safety issues;
- ~~3.1.43.2.4~~ bylawBylaw contraventions appear to occur as part of a building permit process or other permitting process administered by a local government or the Islands Trust siting and use permit applications;
- ~~3.1.53.2.5~~ A referral is received from a permitting agency that identifies alleged land use bylaw contraventions ~~associated with the permit request;~~
- ~~3.1.63.2.6~~ advertisements exist for apparentlyAdvertising of unlawful uses; or
- ~~3.1.73.2.7~~ a Local Trust Committee directs staff to commence an investigation.

- 3.3 Respondents and complainants will be notified in writing if an investigation has been commenced and they will be notified in writing of the determination of an investigation.
- 3.4 Respondents may request that a determination of a contravention be reviewed by the Manager of Bylaw Compliance and Enforcement.
- 3.5 Complainants may request the Director of Planning Services to ~~a~~ review a file if no contravention has been determined by the Manager of Bylaw Compliance and Enforcement.

4. CLOSING INVESTIGATIONS

- 4.1 Bylaw investigation files can be closed, and notice will be given, in ~~one or more of~~ the following circumstances and notice will be given:
 - 4.1.1 ~~if~~ no contravention existed;
 - 4.1.2 ~~if~~ compliance has been achieved;
 - 4.1.3 ~~or~~ 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 of compliance and Bylaw Compliance and Enforcement that the contravention is of a minor character and does not suit the public interest to enforce.
 - 4.1.5 Complainants may request that a closing of a file be reviewed by another Bylaw Enforcement Officer or the Manager of Bylaw Compliance and Enforcement.
- 4.2 Respondents and complainants will be notified in writing when a file has been closed.

5. PRIORITY OF INVESTIGATION

- 5.1 The workload for bylaw investigations will be prioritized as follows:
 - ~~1.1.1~~ by specific direction of a Local Trust Committee;
 - 5.1.1 healthHealth and safety issues;
 - 5.1.2 adverseAdverse environmental impact that could result in irreversible damage if not prevented in a timely fashion;
 - 5.1.3 contraventionsContraventions of land use bylaws and other bylaws.
 - 5.1.4 By specific direction of a Local Trust Committee;

6. MEDIATION

- 6.1 ~~Bylaw investigation efforts~~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 by staff to participate in a process designed to:
- 6.2.1 ~~provide~~Provide full information and exchange of information;
 - 6.2.2 ~~confirm~~Confirm facts;
 - 6.2.3 ~~explore~~Explore opportunities for compliance;
 - 6.2.4 ~~negotiate~~Negotiate a timeline for compliance;
 - 6.2.5 ~~reach a~~Reach compliance ~~solutions~~solutions.

7. LEGAL ACTION

- ~~1.2~~ — If unlawful activity does not cease or if compliance is not achieved, a ~~bylaw enforcement officer~~Bylaw Compliance and Enforcement Officer may:
- ~~1.2.1~~ — issue a bylaw violation notice; or
- 7.1 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~~7.2.1 Offence Act prosecutions are to be used only for serious land use permit contraventions.
 - ~~7.3.2~~7.2.2 A long-form information may be sworn only after approval by a local trust committee; and
 - ~~7.3.3~~7.2.3 Executive Committee has approved legal funding for the prosecution; and
 - ~~7.3.4~~7.2.4 The long-form information has been reviewed and prepared by legal counsel.

8. USE OF DISCRETION

- 8.1 Local Trust Committees may adopt discretionary enforcement policies using the following guidelines:
- 8.1.1 The nature and urgency of the complaint or alleged contravention.
 - 8.1.2 The impact of the contravention on the complainant and community.
 - 8.1.3 Previous decisions or legal precedents on similar complaints.
 - 8.1.4 The matter appears to be a civil dispute, frivolous or vexatious in nature (see policy 11.0).
 - 8.1.5 The impact of the contravention on the complainant or other persons.
 - 8.1.6 The impact of the complaint or alleged contravention on public health, safety, or the environment.
 - 8.1.7 There are limited resources available to resolve the matter.

8-9. BYLAW NOTICE DEBT

8-19.1 Debts incurred as the result of default on bylaw notices are payable to Trust Council and they may be cancelled if the Director of ~~Local~~ Planning Services and the Manager of 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.

9-10. CONFIDENTIALITY

10.1 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~~ Privacy Act*.

11. FRIVOLOUS, REPEAT, OR VEXATIOUS COMPLAINTS

11.1 Investigations and Enforcement Files may not be opened if a complaint is considered vexatious.

11.2 Persons may be declared vexatious complainants if the Director of Planning Services and the Manager of Bylaw Compliance and Enforcement concur and the vexatious complainant will be advised that no further submissions will be accepted from them.

10-12. LOCAL TRUST COMMITTEES, TRUST COUNCIL, AND TRUSTEES

10-112.1 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~~ shared.

12.2 Local Trust Committees will be advised of when a bylaw investigation file has been closed.

10-212.3 Trustees may make a written complaint alleging a bylaw contravention.

10-312.4 Local Trust Committees and trustees ~~are will~~ are will not ~~to~~ be involved in the investigation of a complaint or the preparation of bylaw enforcement reports.

10-412.5 Local Trust Committees may make bylaw enforcement policies to direct compliance and enforcement ~~in regards to specific issues~~.

10-512.6 Local Trust Committees may request reports about specific investigations or about general enforcement activity in the Local Trust Area.

10-612.7 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](#)
- [Best Practices Manual](#)
- [BC Local Government Bylaws>Bylaw Enforcement](#)

DRAFT

PROPOSED

Local Trust Committee Bylaw Compliance & Enforcement Policy

Bylaw Compliance & Enforcement Policy No. 1, effective ____XXX_____, 2024

Version No. 1

Purpose

To establish policies and procedures for bylaw compliance and enforcement in the [\[name\]](#) Local Trust Area in accordance with the adopted Trust Council Policies contained in Policy 5.5.1, ~~and that are within the authority of the Local Trust Committee to enforce, and to ensure that policies and procedures are efficient, transparent, reasonable, and consistent with local community standards.~~

PART A

1.0 Application

This policy will apply to the [\[name\]](#) Local Trust Area and the enforcement of all applicable regulatory bylaws.

2.0 Definitions & Abbreviations

BEN – bylaw enforcement notice [\(as defined in the Local Government Bylaw Enforcement Act\)](#)

LUB – Land Use Bylaw

LTC – Local Trust Committee

Minor structure – any structure that does not require a building permit, and that is not located in a development permit area or located within any other environmentally sensitive area

Respondent – a property owner whose property is subject to a bylaw enforcement complaint

Health & Safety concerns – fire, unsafe construction, hazards relating to steep slopes or cliffs

Approved septic system – one that has been registered with the Vancouver Island Health Authority

3.0 References

[This section will cite references to the relevant LTC bylaws that are affected by the compliance and enforcement policies.](#)

4.0 Priorities

4.1 [This section will contain the priorities established by LTC standing resolutions on bylaw enforcement or the deferrals established in the adopted resolutions.](#)

5.0 Inspection

- 5.1 Bylaw Enforcement Officers are authorized under the Land Use Bylaw to enter any lot at any reasonable time to determine if regulations are being observed.
- 5.2 At the start of any investigation, Bylaw Enforcement Officers will determine if entry is necessary to investigate the alleged contravention or if the investigation can be conducted from a public road or other lands.
- 5.3 Bylaw Enforcement Officers are encouraged to request mutually agreeable times to arrange site inspections and provide 24 hours notice if appropriate.
- 5.4 Investigations into health and safety issues and matters that may cause adverse environmental impact and result in irreversible damage are a priority and may be investigated without notice.
- 5.5 Enforcement on non-compliant short-term vacation rentals is a priority and inspections may be investigated without notice.
- 5.6 Holders of temporary use permits will be held accountable for any violations of their Permit. Bylaw Enforcement Officers may enter properties between the hours of 9:00 am and 5:00 pm, on any day, without prior consultation with the holder of a Temporary Use Permit for the purpose of investigating a complaint.
- 5.7 If a respondent has indicated that they will work towards compliance, and have agreed on a time to comply, a site inspection is only required to confirm compliance.
- 5.8 If a respondent provides photographic evidence, a survey, or a professional report that confirms compliance, a site inspection is not required.

6.0 Enforcement Procedures

- 6.1 If a bylaw contravention is confirmed, ~~r~~there will be notice in writing, and Respondents will be given a minimum of 90 days to comply with the relevant LUBregulatory bylaw.
- 6.2 Bylaw Enforcement Officers can use their discretion to consider any reasonable time to comply request from Respondents but the term cannot be for more than one year.
- 6.3 If there are contraventions in environmentally sensitive areas, or development permit areas, or if there is a risk to health and safety, there will be a demand for the respondent to cease the use or activity immediately.
- 6.4 If the Respondent wishes to consider a planning application that will bring the property into compliance, the Bylaw Enforcement Officer will advise planning staff and they will arrange a meeting to discuss together the feasibility of such an application.
- 6.5 If there is no agreement on time to comply, a Respondent will be provided written notice that enforcement action will be escalated and this may include a request for legal action or the use of the BEN system.
- 6.6 Respondents will be given a Bylaw Warning Notice with a minimum of 45 days to comply before a Bylaw Violation Notice is issued, unless there are health and safety concerns, or contraventions in environmentally sensitive areas, that may require more immediate action.
- 6.7 Bylaw Violation Notices will not be issued more than once per week unless authorized by the Manager of Bylaw Compliance and Enforcement.

7.0 Closing Files

- 7.1 If the identity of a complainant cannot be confirmed during the course of an investigation, or if a complainant used a false name, the file will be closed.
- 7.2 If the contravention is for a minor structure that has only received one written complaint from one person, the file can be closed.
- 7.3 If it is unreasonable for a Respondent to comply, whether due to specific circumstances or finances, Bylaw Enforcement Officers or the Manager of [Bylaw](#) Compliance and Enforcement can use their discretion to close the file.
- 7.4 If a contravention has been identified that is subject to deferred enforcement by the LTC, the file can be closed unless there are contraventions that exist in environmentally sensitive areas or there are concerns about health and safety.
- 7.5 If it is determined during an investigation that the complaint was frivolous, repeat, or vexatious in nature, the Manager of Bylaw Compliance and Enforcement can use their discretion to close the file unless there is work in a development permit area, or work in an environmentally sensitive area, or there are health and safety concerns.

~~The LTC will be notified when any file is closed.~~

8.0 Frivolous, Repeat or Vexatious Complaints

- 8.1 Complaints that are made in bad faith, false, or made for retaliatory purposes may be considered vexatious.
- 8.2 Repeated complaints that form a part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process may be considered frivolous or vexatious.
- 8.3 Frivolous, repeat or multiple complaints about the same issue or a matter that has been investigated with no offence found may be considered vexatious.
- 8.4 If a decision is made to not act upon a complaint that is considered frivolous, repeat, or vexatious, the complainant will be advised of the decision, the reason for it, and may be advised of the circumstances under which it may be reconsidered.

9.0 Communications

- 9.1 When a file is opened and an investigation commenced, ~~r~~ Respondents will be advised of the Trust Council Policy that authorized the opening of the file and that an investigation has commenced.
- 9.2 Respondents will receive as much information about complaints against their properties as possible without revealing the identity of the complainant.
- 9.3 If there are questions or concerns regarding individual files, Trustees or the LTC will communicate with the Manager of [Bylaw](#) Compliance and Enforcement.
- 9.4 The Manager of [Bylaw](#) Compliance and Enforcement will arrange public information and education sessions regarding bylaw enforcement when appropriate and time permitting.

10.0 Reporting

10.1 The LTC will receive regular reporting on open files where investigations have been completed, and the reporting will state whether or not enforcement or legal action of any kind is recommended.

10.2 The Manager of [Bylaw](#) Compliance and Enforcement will report to the LTC any concerns, trends, or issues with enforcement that they believe the LTC needs to be aware of.

10.3 The Manager of [Bylaw](#) Compliance and Enforcement will maintain ~~the Bylaw~~ [the Bylaw Compliance and Enforcement Policy](#) and will report to the LTC if amendments are recommended or required.

Bylaw Compliance & Enforcement
Best Practices Manual

Formatted: Centered



Islands Trust

July-September 2024

Contents

| | |
|--|----|
| Definitions | 2 |
| Roles and Responsibilities | 3 |
| Introduction..... | 4 |
| What is the purpose of the Islands Trust Bylaw Compliance & Enforcement program? | 4 |
| What initiates a Bylaw Compliance & Enforcement case file? | 4 |
| How can complaints be sent to the Islands Trust? | 5 |
| Confidentiality | 5 |
| What is not a complaint?..... | 5 |
| Vexatious or Frivolous complaints | 6 |
| How is compliance achieved?..... | 6 |
| How are Bylaw Compliance and Enforcement case files closed? | 6 |
| A. General Bylaw Compliance & Enforcement Practices | 7 |
| B. Case File Management Practices..... | 11 |
| Complete record of activities, communications, evidence, events and reports..... | 11 |
| Documents – electronic & physical files | 11 |
| Public access to records | 11 |
| C. Case File Communications Practices | 12 |
| Communications with Complainants | 12 |
| Communications with Respondents | 12 |
| Communications with Trustees | 13 |
| Communications with Planning Staff..... | 14 |
| Communications with Potential Property Buyers / Real Estate Agents..... | 14 |
| D. Bylaw Enforcement Notices and Dispute Adjudication System | 16 |
| Overview | 16 |
| Procedures | 18 |
| Dispute Adjudication of Bylaw Violation Notices | 23 |
| E. Collection of BVN Penalties | 29 |
| Certificate of Amounts Owning | 29 |
| Registration of Judgments Arising from a Bylaw Notice..... | 30 |

Definitions

Bylaw Notice means a ticket, with penalty, issued under the Local Government Bylaw Notice Enforcement Act

Formal eComplaints 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 [Islands Trust Chief Administrative Officer \(CAO\)](#). Review Bodies include the CAO and the Executive Committee whose roles are explained in Section B.

Respondent means those responding to allegations of bylaw contraventions

Vexatious Complaint means frivolous, repeat or false complaints, or ones made in bad faith that are meant to harass, annoy, or irritate any person, or are for retaliatory purposes.

Roles and Responsibilities

Trustees

- Policy Development and Approval: Trustees of the Islands Trust are primarily involved in the governance aspects, including setting policies that guide bylaw enforcement. They approve bylaws that regulate land use and community planning within the Trust Area.
- Strategic Oversight: Trustees oversee the general strategic direction of the Trust, ensuring that bylaw enforcement aligns with the broader goals of conservation and sustainable community development.
- Community Representation: Trustees also represent the interests and concerns of their constituents in matters related to bylaws and their enforcement, acting as a liaison between the community and enforcement officers.

Staff

- Bylaw Compliance and Enforcement Officers: These are specialized staff responsible for the practical aspects of enforcing the bylaws approved by the Trustees. Their duties include investigating complaints, gathering evidence, and ensuring compliance through educational and regulatory means.
- Planning Staff: While not directly involved in enforcement, planning staff play a critical role in interpreting the bylaws and providing recommendations to both the public and enforcement officers. They ensure that the enforcement practices align with the planning objectives set by the Trustees.
- Administrative Support: This includes staff members who assist in the administration of bylaw enforcement, such as processing complaints, maintaining records, and supporting communication between the public, trustees, and enforcement officers.

Roles in Context

- Cooperation and Communication: Effective bylaw enforcement within the Islands Trust requires ongoing communication and cooperation between Trustees and staff. While Trustees provide the legislative framework and policy direction, staff members carry out these policies through direct enforcement and support roles.

Introduction

What is the purpose of the Islands Trust Bylaw Compliance & Enforcement program?

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. The policy is to establish the procedures for effectively and fairly receiving, reviewing, recording, and responding to bylaw complaints, and addressing possible and confirmed bylaw violations within the Islands Trust. The **goal** of the Bylaw Compliance & Enforcement process is for the violator to gain compliance with these regulations through the relevant action (for example, by moving a structure, obtaining a variance permit, or discontinuing a use that is not permitted).

The goal of the policy is to establish the procedures for effectively and fairly receiving, reviewing, recording, and responding to bylaw complaints, and addressing possible and confirmed bylaw violations within the Islands Trust. The Islands Trust has legal authority to enforce bylaws under several pieces of legislation, primarily the Islands Trust Act and the Local Government Act of BC.

The Bylaw Compliance & Enforcement program **investigates alleged or apparent contraventions** of the land use bylaws of the Local Trust Committees (LTCs) comprising the Islands Trust. The regulations are found in LTC Land Use Bylaws; in Development Permit Areas within Official Community Plans; siting and use permit bylaws for Denman and Hornby; and and in the Salt Spring Island Soil Deposit and Removal Bylaw. For an overview of the BCE Process, refer to the BCE Process Overview Flow Chart.

Islands Trust Council policy 5.5.1 Bylaw Compliance & Enforcement can be found [here](#).

Item B.2.1 of the policy indicates that the Manager of Compliance and Enforcement (Manager) will maintain this best practices and procedures 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](#).

What initiates a Bylaw Compliance & Enforcement case file?

Like all local governments [in British Columbia](#), the Islands Trust uses a '**complaint-based**' Bylaw Compliance & Enforcement process. This means that almost all case files result from complaints from individuals in the community. This system gives priority to those bylaw infractions of greatest concern to island communities. There is no residency nor citizenship requirement to be a complainant.

Trust Council's policies also allow a Bylaw Compliance & Enforcement Officer (BCEO) to initiate a case file **without a complaint if:**

- bylaw contraventions appear to cause health and safety issues;
- bylaw contraventions appear to occur in setbacks from water bodies;
- bylaw contraventions appear to occur in development permit areas;
- 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;
- a referral is received from a permitting agency that identifies alleged land use bylaw contraventions associated with the permit request;
- advertisements exist for apparently unlawful uses;
- a Local Trust Committee directs staff to commence an investigation

How can complaints be sent to the Islands Trust?

Anyone who wishes to make a complaint can:

- complete the Bylaw Compliance & Enforcement Complaint form on the Islands Trust web site at <https://islandstrust.bc.ca/mapping-resources/report-a-concern/>;
- send an e-mail to bylawenforcement@islandstrust.bc.ca ;
- mail or deliver a letter to any of the Islands Trust offices;
- complete a [complaint form](#) at any of the Islands Trust offices.

Complaints must be submitted in writing. verbal complaints are not sufficient to open a file. Staff will support anyone with language issues, such as English as their second language or illiteracy, by transcribing the complainant's information.

Confidentiality

Complainants must identify themselves. Anonymous complaints will not be accepted. Every effort will be made to ensure confidentiality to the complainant. However, confidentiality cannot be guaranteed should litigation proceed against the violator or where a request for information is received under Freedom of Information legislation.

Note that we also receive referrals from other agencies (typically regional districts) when they receive a complaint in which that agency recognizes that the nature of the complaint is within the jurisdiction of the Islands Trust.

What is not a complaint?

Many common queries or messages from the public are not complaints [about an unlawful use or activity](#). Some individuals simply want to understand an aspect of the pertinent land use bylaw or OCP. They may be considering taking some action on their property and want to know if the LUB allows such activity. In this case, a case file is not opened.

A sample response:

You can find the Land Use Bylaws for Denman Island here:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/denman/bylaws/>

If you would like assistance in understanding any particular aspect of the Denman Island Land Use Bylaw #186, please call the Gabriola Island office of the Islands Trust to ask to speak with a planner: 250-247-2063 or email denmanplanner@islandstrust.bc.ca

However, if the person is wondering if their issue or concern in regards to a property within the Islands Trust Area is an apparent contravention of a LUB, then it should be treated as a complaint as BCE work or investigation will be required to be able to answer that question. Essentially, all complaints result in a case file being opened.

Note also that once informed of a possible contravention or offence against a Local Trust Committee bylaw, Islands Trust cannot decline to open a case file or decline to conduct an investigation because a complainant has changed their mind. Complainants cannot “withdraw” their complaint as they are not victims of the offence.

Vexatious or Frivolous complaints-

If complaints or complainants are designated as vexatious or frivolous by policy, the decision will be communicated to the complainant in writing, outlining the nature of any restrictions on communications, reasons for the restrictions, and when the restrictions would be reconsidered. Any such restriction does not prevent or limit other necessary contact with staff that is unrelated to the person’s complaints.

How is compliance achieved?

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.

How are Bylaw Compliance and Enforcement case files closed?

Case files can be closed in one or more of the following circumstances:

- if no contravention exists ~~as determined by according to the judgement of the investigating assigned~~ BCEO;
- if compliance has been achieved ~~as determined by the investigating according to the judgement of the assigned~~ BCEO;
- on direction of a Local Trust Committee;
- ~~as directed by Trust Council or Local Trust Committee policies;~~
- if the Director ~~of~~ Planning Services (DPS) concurs with the Manager that the contravention is of a minor character and does not suit the public interest to enforce.

A.-General Bylaw Compliance & Enforcement Practices

1. **All written complaints** directed to the Bylaw Compliance & Enforcement office **are acknowledged and recorded**, whether they result in an investigation file being opened or not. Note that the date of the complaint is the date that Islands Trust receives the complaint. It is not the date on the letter or other paper submitted. It is also not the date that staff review the material. For example, if a complaint is sent on a weekday evening or a weekend when the office is not open, it is not the date that staff return to the office the following day or Monday but rather the date of the submission.

A Tapis file and an e-file on the EDM will be created for all written complaints received with an identified complainant except those that are seen to be malicious. No physical file will be created for complaints to be referred to another agency. A physical file will be created for all other complaints.

2. **A preliminary review of the complaint is undertaken** to identify if the complaint is within the jurisdiction of the land use bylaws for the respective Local Trust Area (LTA).
 - 2.1 If no apparent or potential contravention exists, the Complainant is asked to supply further pertinent information or is advised that no apparent or potential contravention exists and a record of the enquiry filed. The Complainant is referred to the appropriate agency where possible.
 - 2.2 If an apparent or possible violation exists, the Manager of Compliance and Enforcement (Manager) will direct the Bylaw Compliance & Enforcement Administrative Assistant (BCEAA) to open a Bylaw Compliance & Enforcement file and will assign it to a BCEO.

3. On receipt of a file, **the BCEO will conduct a file analysis** to determine the extent of the apparent or potential violation and what may be required to achieve compliance with the bylaw. They may consult with the Manager, Islands Trust planners, and the DLPS or seek legal advice when necessary. If case file analysis cannot begin within 3 working days due to workload, the officer will consult with the Manager.

3.4. [BCEO will review all relevant compliance and enforcement policies that have been adopted by Local Trust Committees or Trust Council.](#)

4.5. Typically, **the assigned BCEO will conduct a site inspection** of the property, the purpose of which is to:

4.4.5.1 establish a relationship with the Respondent.

4.2.5.2 gain an awareness and visual understanding of the property and surrounding neighbourhood.

4.3.5.3 acquire photographs of the property and the possible contravention.

4.4.5.4 gather information such as what has been built on the property, if anything, and/or what is occurring on the property that would draw a complaint. This means asking questions and investigating. BCEOs have the legal authority to conduct an inspection, sometimes with notice, but for most of the land use bylaws, no notice is required. Stating this authority to inspect is the only firm message that a Respondent needs to receive.

5.6. **What BCEOs do not do:**

5.4.6.1 be confrontational, over-bearing or disrespectful.

What is a case file analysis?

Research conducted to answer the following:

- What are the issues relevant to the Islands Trust?
- What does the applicable bylaw state regarding the issue(s)?
- What are the specific circumstances (setback, height requirement, permitted uses, issues of non-conformity, etc.)?
- What questions need to be asked and answered?

~~5.3.6.2~~ issue orders. BCEOs have no authority to issue stop work orders or order a property owner what they can do with their property. Ultimately, only the Local Trust Committee can do this through the passing of bylaws. However, BCEOs can request that all work stop until they have had time to fully review the regulations and investigate the work done, or until the Respondent applies for a permit. Respondents will comply with a request the majority of the time.

~~5.4.6.3~~ give on-site determinations or decisions about contraventions. Making decisions on site can lead to Respondents believing that BCEOs are not reviewing all of the evidence; or are biased; or are pre-disposed to accuse them of a contravention or wrong-doing. As well, BCEOs are not qualified like a biologist, or some other qualified environment professional, to determine if such works are doing environmental damage in a sensitive ecosystem.

~~5.5.6.4~~ issue Bylaw Violation Notices or Bylaw Violation Warning Notices. This may be seen as showing pre-judgement of the facts, can lead to confrontation, and reduces the likelihood of open communication.

~~6.7.~~ When visiting properties, **BCEOs should refrain from making determinations or decisions on the spot.** Respondents should be informed that BCEOs are there to gather information only, and that they will receive a written response regarding their case.

~~7.8.~~ **Compliance and Enforcement for Islands Trust has developed into a multi-stage process** which means there are multiple contacts with Respondents before they receive a determination that they are contravening a land use bylaw. This process reduces conflict with Respondents and encourages voluntary compliance. Progressive discipline or enforcement measures should be followed with a verbal warning, a written warning, and then assess penalties only if necessary or pursue legal action.

~~8.9.~~ Based on evidence collected and a review of the pertinent LUB or OCP, the **BCEO will determine if there is, or has been, a contravention.**

~~8.19.1~~ If no contravention of local trust committee bylaws exists, the Respondent and the Complainant is so advised and the case file is closed.

~~8.29.2~~ If a contravention exists, the Respondent will be asked to cease the activity, land use or construction immediately.

~~9.10.~~ The **BCEO will attempt to achieve voluntary compliance** with the bylaw by negotiation within 90 days if possible. –The BCEO may issue a bylaw violation warning notice (**BWN**) or a bylaw violation notice (**BNV**) in local trust areas where a Bylaw Enforcement Notification (**BEN**) bylaw has been adopted by the local trust committee. See the Bylaw Compliance & Enforcement Notice and Dispute Adjudication section for more detailed information.

~~9.1.10.1~~ If an administrative application such as a land use variance application has been submitted by the Respondent and there is a reasonable likelihood of success, the BCEO will refrain from enforcement during the application process.

~~10.11.~~ **Where activity has not ceased or where compliance is not achieved:**

~~10.4.11.1~~ The BCEO will escalate to appropriate next steps which may include issuing a BVN, sending a ~~Notice of Unpaid BVN~~[Notice of Unpaid BVN](#), sending a demand letter via lawyers, or recommending legal action to the Local Trust Committee.

~~10.2.11.2~~ If legal action is contemplated, the Director of Planning Services will need to approve a ~~Legal Services Request~~[Legal Services Request](#).

~~10.3.11.3~~ If injunctive action is recommended by the lawyers, the Manager will present a staff report to the Local Trust Committee and Executive Committee recommending whether or not injunctive proceedings should proceed. The report will include the lawyer's file analysis, the estimated costs for litigation, and the likelihood of success.

~~10.4.11.4~~ Upon Executive Committee approval, the DLPS, through legal counsel, will initiate legal proceedings.

B. Case File Management Practices

Complete record of activities, communications, evidence, events and reports

BCEOs will include in the Bylaw Compliance & Enforcement case file a record of all pertinent activity including photos from site visits, correspondence (letters and emails) and conversation notes. A Bylaw Compliance & Enforcement case file consists of all material within a physical file folder, electronic documents on the area network (EDM) and [relevant databases](#).

For the management of photographic records, all site visit or site inspection photographs should be placed in a folder documenting the date taken and the identity of the bylaw officer who took the photographs.

Any photographs received from either the complainant or the respondent should be placed in a folder that documents who submitted the material.

Documents – electronic & physical files

Any physical document, received or created, relating to a bylaw investigation will be included in the physical Bylaw Compliance & Enforcement case file folder. Any electronic document, received or created, relating to a Bylaw Compliance and Enforcement case file will be included on the EDM.

Bylaw Compliance & Enforcement case files will be retained as per the Islands Trust Records Management policy. That policy states that the case files are selectively retained after 10 years of being closed. The criteria for retaining case files are whether they set precedents or are significant. Those case files that do not set precedents or are not significant can be deleted (e-files) or destroyed (physical files). At the time of closing a file, the BCEO and the Manager of Compliance and Enforcement will indicate on the physical file their recommendation of retention or destruction. After 10 years of storage, the Manager decides whether to retain or destroy the record.

Public access to records

As Bylaw Compliance & Enforcement files contain confidential information and pertain to law enforcement, a member of the public is required to submit a Freedom of Information and Protection of Privacy [request](#) in order to obtain any information from a file.

Note that Section 19 of the *Local Government Bylaw Notice Enforcement Act* indicates that “Hearings must be open to the public”.

C. Case File Communications Practices

Communications with Complainants

1. When a Complainant completes an [online complaint form](#), they receive an automatic response which thanks them for their complaint and advises them that they will be contacted shortly with an update.
2. Once the complaint has been received and reviewed by the Manager, Complainants are advised whether a Bylaw Compliance & Enforcement case file has been opened (and therefore an investigation will occur); or if their information is added to a currently open file; or if a file is not opened. The BCEAA sends this message (letter or email) using the signature block of the assigned BCEO. If the Complainant has provided an email address, they will be notified by email; if they have only provided a mailing address, they will be notified by mail.

See the Response to Complainant template used when a case file is opened. It is adapted for communication with a Complainant when a file is reopened or there is a currently open file or is not opened.

Note, however, that a complaint received by another agency (typically regional districts) and referred to Islands Trust does not result in a response to the original complainant, as they may not have provided explicit permission to share their personal information (name/ mailing address/email address). As well, there is no need to provide a formal response to the other agency that provided the referral. The BCEO will communicate with that referral agency if appropriate.

3. Complainants will be updated by the BCEO at the time of significant activities such as:
 - a. a file is put on hold (and the reason for the abeyance is provided);
 - b. an LTC decision;
 - c. a file has moved to litigation (and the significance that the identity of the complainant may become public information);
 - d. a file is closed;
 - e. upon request.

Communications with Respondents

1. When a file is opened, the BCEAA will send an email (using the signature block of the assigned BCEO) to the property owner/respondent except when a file is opened which will result in a referral to another agency in which case no communication with the property owner is necessary.
2. Once a BCEO has confirmed by inspection or other means that a contravention of a bylaw has occurred or is occurring, the BCEO will send a letter to the Respondent. This letter includes the following:
 - a. The **reason** the letter is being sent (“Pursuant to my inspection/telephone call of [date]”);

- b. What the **problem** is using a statement of what has been observed;
- c. An **explanation** how the pertinent bylaw is being or has been contravened by quoting the bylaw—including the sections that are being violated and the definitions of words from the bylaw;
- d. Outline of the **solutions** available to comply with the bylaw;
- e. Explanation of the possible **consequences** for not complying;
- f. A **deadline** for taking next step or fully complying—this deadline may have already been negotiated with the Respondent but in any case should be reasonable and not excessive;
- g. Written in an **easily readable** manner including a clear and logical flow.

Communications with Trustees

1. A Local Trust Committee or any individual local trustee is not to be involved in any aspect of the investigation of a complaint or the preparation of any Bylaw Compliance & Enforcement report. However, a local trustee may file a bylaw violation complaint just as any member of the public can.
2. Upon opening a case file, the BCEAA will send an email to the relevant local trustees advising of the general nature of the complaint, the name of the street/road (not the complete address), and the case file number unless the complaint is to be referred to another agency in which case no communication with the local trustees will be made. A print and a PDF of the email will be placed in the file.

Sample Email:

XX Island Local Trustees,

Bylaw Compliance & Enforcement file XX-BE-20XX.X regarding XX [Violation Type] on XX [Road/Street Name], XX Island, was opened today [or on X DATE].

3. The Local Trust Committee will be kept informed about the status of an investigation only at the Committee’s request.

Biannual Reporting to Trust Council

The DLPS submits two reports to Trust Council biannually. These reports will contain information that the local trust committees may place on their LTC agenda if desired. Trust Council reports are reviewed at the Executive Committee meeting prior to the Trust Council meeting.

The two reports presented to every second Trust Council meeting are the Bylaw Compliance & Enforcement Statistical Report and the confidential Bylaw Compliance & Enforcement Litigation Report. These two reports are presented at the March meeting for the reporting period August to December of the previous year and at the September meeting for the reporting period January to July of the same year.

| Report | Purpose |
|--------|---------|
|--------|---------|

| | |
|--|---|
| Bylaw Compliance & Enforcement Statistical Report | Provides a summary of ongoing Bylaw Compliance & Enforcement projects as well as statistics for the number of open, new and closed files; the violation types of the open files; and the length of time the open files have been opened. |
| Bylaw Compliance & Enforcement Litigation Report (In Camera) | Provides the status and other details of current Bylaw Compliance & Enforcement litigation activities (but not legal opinions). This staff report includes the report from the Litigation database in the Local Planning Services section of the Islands Trust applications. Costs are not captured as any financial information needs to be obtained from Finance. |

Local Trust Committee Reports

Local Trust Committees may request, by resolution, Bylaw Compliance & Enforcement staff to report on specific issues. Upon such a request, the DLPS will coordinate with the Manager, the relevant BCEO and the RPM on how and when to report.

Communications with Planning Staff

1. The BCEAA will send an email at the time the file is opened to the relevant Regional Planning Manager (RPM), the relevant Planner and the assigned BCEO advising of the general nature of the complaint or alleged contravention, the name of the street/road, and the case file number. A print and PDF of the email will be placed in the file. This email message can be combined with the email to the local trustees.
2. The RPM will be notified of joint investigations conducted with other agencies (including bylaw investigations originating with another agency).
3. The RPM will be advised of any Executive Committee directions to approve litigation.
4. The BCEAA will email the biannual statistical report for Trust Council to the RPMs.

Communications with Potential Property Buyers / Real Estate Agents

Potential property buyers or Real Estate Agents or the general public occasionally contact the Islands Trust Bylaw Compliance & Enforcement office to ask if there are any Bylaw Compliance & Enforcement issues associated with a specific property. The following standard replies from the BCEAA should be used to answer these questions:

If there are No Current Violations:

Thank you for contacting the Islands Trust. I can confirm that there are no current Bylaw Compliance & Enforcement proceedings at XXX Street/Road, XXX Island.

If there are Current Violations:

Thank you for contacting the Islands Trust.

There is a bylaw investigation underway at XXX Street/Road, XXX Island. You may wish to contact the current owner for details.

Please note that once an investigation has been initiated, the disclosure of information by Islands Trust is subject to the *Freedom of Information and Protection of Privacy Act*. If you wish to submit a request under that *Act*, please see this webpage for information: <http://www.islandstrust.bc.ca/how-do-i/make-an-foi-freedom-of-information-request/>.

Note that we do not provide information about previous complaints or investigations. That information would require a Freedom of Information/Protection of Privacy request.

DRAFT

D. Bylaw Enforcement Notices and Dispute Adjudication System

Overview

Local Government Bylaw Notice Enforcement Act

In October 2003, British Columbia enacted legislation providing an alternative approach for processing and resolving minor bylaw contraventions: the [Local Government Bylaw Notice Enforcement Act](#). As well, the [Bylaw Notice Enforcement Regulation](#) provides direction.

Prior to the *Local Government Bylaw Notice Enforcement Act* there were four main strategies used by local governments to deal with a contravention of a bylaw:

1. seek voluntary compliance;
2. issue an “offence notice” for infractions which seeks voluntary payment of a prescribed penalty;
3. issue a municipal ticket information (MTI) and initiate formal court proceedings by swearing an information and issuing a summons;
4. initiate litigation through the Supreme Court.

The legislation is designed to enable the creation of a simple, cost-effective administrative system for enforcing bylaw contraventions. The two main features of this system are a simple “front-end” notification (ticket) process for initiating enforcement, and a locally managed “back-end” venue for a quasi-judicial adjudicator to hear ticket disputes.

Under the *Act*, local governments may establish a local government Bylaw Enforcement Notice and Dispute Adjudication system which replaces the provincial court as the venue for resolving disputes of bylaw contraventions. The *Act*, and the authority it provides to establish an adjudication system, applies to municipalities, regional districts and Local Trust Councils by regulation.

Implementation Bylaw

Section 3 of the *Act* allows a local government to use a notice to impose administrative penalties for designated bylaw contraventions. In order to do so, the local government must pass a bylaw that implements a Bylaw Enforcement Notice and Dispute Adjudication (BEN) system. For an example, see the Galiano Island Local Trust Committee [Bylaw Enforcement Notification Bylaw No. 228, 2011](#).

This bylaw must:

- designate the **bylaw contraventions** that may be dealt with by a bylaw notice;
- establish the amount of the administrative **penalty** for each contravention;
- set the **period** within which a recipient may **pay** the administrative penalty **or dispute a bylaw notice/request a review**;
- establish a bylaw notice **dispute adjudication system** to resolve bylaw notice disputes.

Local government may also include the following in the implementation bylaw:

- establish a position of **Screening Officer** (SO);

- designate classes of persons that may be appointed as SOs and specify their **powers, duties and functions**;
- provide the SO the **authority to enter into compliance agreements** for specified bylaw contraventions and any terms to be included in the compliance agreement;
- establish the **grounds** on which the SO **may reduce the amount** of the administrative penalty;
- establish a means of calculating the **amount of the reduction** of the administrative penalty;
- establish **a fee payable to file a request for adjudication**;
- provide for an **early payment discount** of administrative penalties;
- set out **any additional grounds** on which an SO or adjudicator is authorized **to cancel a penalty notice**;
- set the **period** within which a **recipient must respond** to a SO's decision.

Islands Trust Areas that have adopted a BEN Bylaw:

Ballenas-Winchelsea – Bylaw 34 (adopted 2019)
 Denman – Bylaw 232 (adopted 2019)
 Gabriola – Bylaw 263 (adopted 2012)
 Galiano – Bylaw 228 (adopted 2012)
 Gambier – Bylaw 116 (adopted 2013)
 Hornby – Bylaw 159 (adopted 2020)
 Mayne – Bylaw 156 (adopted 2016)
 North Pender – Bylaw 188 (adopted 2011)
 Salt Spring – Bylaw 446 (adopted 2012)
 South Pender (adopted 2019)
 Thetis – Bylaw 90 (adopted 2011)

Islands Trust Areas that have not adopted a BEN Bylaw:

Lasqueti
 Saturna (pending)

Ownership of Records

All records produced pursuant to the implementation and administration of the BEN system are owned by Islands Trust, which is responsible for preserving these records in accordance with existing obligations imposed by provincial legislation. These records include, but are not limited to:

- copies and records of issued Bylaw Violation Notices (BVNs) and Bylaw Warning Notices (BWNs);
- records of paid administrative penalties;
- copies of adjudicator decisions;
- copies of documents relating to the collection of any unpaid penalty, such as Certificates of Amounts Owning.

Procedures

Management of the Bylaw Enforcement Notice process within TAPIS

The BCEAA and the BCEOs maintain information within the TAPIS database of all Bylaw Violation Notices issued. TAPIS includes a record of:

- BVNs (ticket numbers/issuing officer/date issued/BE file number/respondent name/respondent address/ deadline dates)
- penalty amounts and due dates (including early and late payment amounts and dates);
- compliance agreement dates (request received/signed/final term);
- adjudication dates (requests received/hearing);
- SO decisions and dates;
- Notice of Unpaid BVN dates (sent/received by respondent/ corresponding payment due date);
- Certificate of Amounts Owing dates (issued/suspension deadline/suspension request received/court appearance);
- debt collection dates (sent to and returned from collection agency);
- payment amounts and date received.

The BCEOs are responsible for monitoring of all Bylaw Violation Notices issued and identifying BVNs that are eligible to be moved to the next step in the process. There currently is no ability within TAPIS to search for a BVN or to generate reports of the status of BVNs.

Enforcement of Bylaws with Bylaw Violation Notices

Bylaw Violation Warning Notices (BWN)

A warning notice is an informal tool which may be used instead of a letter.

Warning notices should be issued with a compliance deadline of no less than 45 days prior to a Bylaw Violation Notice being issued. Ideally, a warning letter in the form of a determination letter or demand letter, should be sent first with a compliance deadline of no less than 90 days.

On rare occasions there may be a serious bylaw contravention (such as garbage dumping), and therefore the issuing of a BVN before a warning, but those will have to be dealt with on a case by case basis, and with the consultation and approval of the Manager.

However, for Salt Spring, the enforcement of the Soil Removal and Deposit Bylaw may require that no warnings be issued, especially if dumping and removal occurs when a permit is required and not just registering of the work, and the contravention involves work done within required setbacks from watercourses and waterbodies.

Bylaw Violation Notices (BVN)

A violation notice is a formal enforcement tool. Booklets of BVN tickets are administered by the BCEAA.

When to Issue a BVN

In local trust areas which have adopted a BEN bylaw, a BVN may be issued after any of the following:

- a verbal warning;
- a demand letter;
- a warning notice;
- exceptional circumstances as outlined by the Manager.

Note that BVNs must be written within six months of the occurrence of a contravention.

Commencing the Process

Formal Bylaw Compliance & Enforcement action begins with the completion of a BVN by a BCEO.

The penalty notice informs the recipient of:

- the bylaw contravention;
- the penalty for the contravention; and
- how to pay the penalty or dispute the notice.

A BVN must contain the following information:

- the name of the person;
- the specific bylaw contravention alleged to have occurred;
- the amount of the penalty that the recipient is liable to pay;
- the amount of a discount for early payment;
- the amount of a surcharge for late payment;
- the consequences of failing to respond to the BVN;

- methods of paying the penalty;
- how to dispute the notice.

Although the *Local Government Bylaw Notice Enforcement Act* requires that the above information be included on a penalty notice, local government may organize or supplement this information as they see fit. The penalty notice may also be electronically generated or hand written on a pre-printed form. A BVN is not invalid if it is not signed by the BCEO.

Criteria to consider when deciding to issue a BVN are:

- Might the BVN prompt the recipient to comply with the bylaw? Sometimes subjecting a recipient to any formal procedure, however simple, will encourage compliance. If in the judgement of the BCEO issuing a BVN may result in compliance then it may be appropriate to issue one. In making this decision the BCEO should consider the size of the penalty relative to the potential revenue the violator may collect by continuing the violation or the costs that may be incurred by complying. If either the revenue or the costs are significant some other Bylaw Compliance & Enforcement procedure may be warranted.
- If the likely defence is something that a BCEO cannot easily dispute or there is some complicated argument on a point of law, the BCEO should consider deferring ticket issuance with support from the Manager.
- The notice may not be issued more than six months after the contravention is alleged to have occurred.
- The BCEO should be able to explain the reasons that a BVN was considered an effective enforcement tool in any particular situation where it is utilized.

Delivering the BVN

The penalty notice may be delivered by personal delivery or by mailing it to the person responsible for the contravention.

If mailed, the local government may presume that it was received by the person on the 7th day after mailing. In the event that the intended recipient claims not to have received the BVN, the BCEO must verify the address and reissue a copy of the BVN.

On receipt of BVN

Once the BVN is received or is presumed to have been received, it becomes legally effective. There are four possible scenarios:

- a. The recipient does not respond.
- b. The recipient claims that the BVN was not received.
- c. The recipient pays the BVN.
- d. The recipient disputes the BVN.

a. If a recipient does not respond:

If a recipient does not respond within 28 days they are levied a surcharge for being late in payment. As well, the penalty amount, including the surcharge, is immediately due and payable and can be recovered. In this case a Notice of Unpaid BVN must be delivered to the recipient that indicates the amount owing under the bylaw notice and how and where payment may be made.

Collection procedures may not be started until 28 days after this Notice of Unpaid BVN is received or presumed to have been received.

b. If a recipient claims that the BVN was not received:

If a recipient of a Notice of Unpaid BVN indicates within 21 days after the date the notice is received or presumed received that the BVN was not received, then a copy of the original BVN is reissued and delivered.

c. If the recipient pays the BVN:

- For penalties paid within 14 days of receiving notice, the penalty is reduced by 25%.
- Penalties paid after 14 days are for the full penalty amount.
- For penalties paid more than 28 days after receiving notice, a late payment surcharge of 50% is added.
- Finance clerk needs the BVN information to complete the payment; including the file number and copy of the BVN.
- Bylaw staff need to contact the Finance Clerk before completing any E-Transfers for payment as the security question and password details are required and backup paperwork is required for audit purposes.
- Where a member of the public wants to pay a BVN ticket by E-transfer please do the following:
 - Send them an email and cc accountsreceivable@islandstrust.bc.ca with the information below (blue information adjusted to provide the correct information) and attach a copy of the BVN ticket to the email:
 - As requested, here is the information you need for your e-transfer:
 - Payee: John Doe
 - Amount: \$225.00
 - Security Question: What is the file number?
 - Security Password: GBBE2020 (all caps, no punctuation or spaces)
 - Click on the URL link below when you are ready to proceed. The instructions are provided once the link is open.
 - <http://www.islandstrust.bc.ca/how-do-i/make-a-payment/>
 - Upon our receipt of your e-transfer, you will receive notification that funds have been received by Islands Trust. That notification is your receipt.

Commented [SC1]: this may change with Cityview for Bylaw Enforcement

d. If the recipient disputes the BVN:

The person named on the notice has 14 days to request to dispute the penalty notice (BVN). They cannot dispute the BVN after 14 days unless the Manager allows an exception. The

process starts with the recipient of a BVN (typically the property owner) requesting to dispute the BVN. Upon receiving such a request, the BCEAA or BCEO notifies the Manager and indicates whether the request arrived within the two-week “window” after the disputant has received, or is deemed to have received, a BVN.

The *Interpretation Act* has an impact on determining the dates when a notice is deemed received and when a period for responding or paying has come to an end. Note that “at least” 14 days is, in effect, 1 day longer than “within” 14 days. As well, if the resulting due date should fall on a weekend or public holiday when the office is not normally open to the public, then the effective due date is the Monday after the weekend or the next day that the office would normally be open to the public.

DRAFT

Dispute Adjudication of Bylaw Violation Notices

Overview

The BVN Dispute Adjudication system provides for the determination of disputes in respect of whether:

- the contravention alleged in a BVN occurred as alleged; or
- the terms and conditions of a compliance agreement were observed or performed.

A challenge to the validity of the local government bylaw or a claim that enforcement of the bylaw infringed on the Charter Rights of the disputant must be initiated as a separate matter in the Supreme Court of BC.

Also refer to the [Local Government Toolkit for Bylaw Dispute Adjudication](#) presentation which provides detailed information for a local government to implement a dispute adjudication system. The [Local Government Bylaw Notice Enforcement Act](#) and the [Bylaw Notice Enforcement Regulation](#) provide direction as well.

Parties Involved

The process of disputing a notice involves five parties:

1. The Disputant (the individual disputing the notice)
2. The Bylaw Compliance & Enforcement Officer (the Islands Trust employee authorized to issue the notice)
3. The Screening Officer (the Islands Trust employee designated as a Screening Officer under the relevant Local Trust Council's BEN bylaw)
4. The Bylaw Compliance & Enforcement Administrative Assistant (the Islands Trust employee who arranges the dispute adjudication hearing)
5. The Adjudicator (the independent adjudicator with authority to determine if the notice is dismissed or upheld)

General Dispute Procedure

Step One

A recipient of a BVN notifies Islands Trust in writing of their request to dispute the BVN.

They can do this in a number of ways:

1. They can complete and submit the Adjudication Request Form that is on the bottom of the BVN. Forms can be delivered, mailed or faxed to any of the Islands Trust offices on Salt Spring Island, Gabriola Island or in Victoria.
2. The request can also be completed online at [disputing a bylaw violation notice](#).
3. The recipient can send correspondence (letter or email) indicating that they wish to dispute the BVN.

Step Two

An individual will be designated as the SO for the dispute. Normally this would be the Manager except for BVNs issued by the Manager in which case the respective RPM would be the SO. Currently, disputes in the Ballenas-Winchelsea, Denman, Gabriola, Galiano, Gambier, Mayne, North Pender, South Pender and Thetis LTAs are the LTAs that have a BEN

bylaw and the Manager is the officer that is normally assigned to any file opened for that LTA.

The SO will review the BVN, including possible discussions with the relevant BCEO. The SO may request a formal Issuing Officer Report from the BCEO. The SO will review the dispute request and will cancel or confirm the BVN.

Step Three

If the SO confirms the BVN:

- The SO will discuss their decision with the disputant by phone, in person or in writing.
- The SO may offer a Compliance Agreement with the recipient and subsequently reduce or cancel the penalty when the terms of the agreement are fulfilled.

Step Four

If the disputant continues to want a formal dispute adjudication, then the SO:

- requests an Issuing Officer Report (if not already created);
- creates a Screening Officer Report (if not already created);
- provides the two reports to the BCEAA and requests the BCEAA to arrange a formal dispute adjudication hearing.

At the formal adjudication hearing, evidence is presented and the adjudicator decides if an offence did or did not occur.

The Role of the Screening Officer

Screening Officers provide a first opportunity to respond to a BVN dispute in an informal setting. An SO may conduct the review based on discussion or correspondence with the disputant, and will typically explain the process and potential consequences of formal dispute adjudication.

Each Local Trust Committee (LTC) that has adopted a BEN bylaw has also developed an SO policy in order to provide guidelines for SOs during the BVN screening process. SOs are required to provide recipients with a fair opportunity to be heard. They may choose to take notes of their conversation with the recipient. The SO Checklist template provides information in regards to the essential aspects of such a conversation.

The following are some guidelines for SOs that are included in the checklist:

- identify yourself as a Screening Officer;
- clarify that your authority to make a determination is based upon authority granted by the local government;
- listen carefully to the recipient's information and make notes that summarize the information that is provided;
- make a decision to cancel or uphold the notice and explain this to the recipient;
- record your decision in the file.

The Decision of the SO

As stated in Step 2, when a recipient of a BVN requests to dispute it, the SO reviews the BVN and may:

1. **cancel** the notice for various reasons; or
2. **confirm** the notice and either :
 - refer it to an **adjudicator** unless the request for dispute adjudication is withdrawn; or
 - enter into a **compliance agreement** with the person.

The decision of the SO is documented in the Screening Officer Report.

The SO must inform the recipient of the decision. The *Act* does not specify how this is to be done. It could be done orally, if that makes sense in the circumstances. For example, if the penalty notice is to be cancelled, directly informing the recipient of that is probably sufficient. However, if the penalty is being confirmed and the recipient is still expressing dissatisfaction, providing a written notice of the decision would be required.

Cancellation of a BVN

The **SO may cancel a BVN** as prescribed in the LTC cancellation policy if:

- 1) Compliance is achieved
- 2) Is not consistent with established policies
- 3) the contravention did not occur as alleged;
- 4) the penalty notice does not meet the requirements set out in the *Act*;
- 5) the BVN was issued to the wrong person;
- 6) an exception specified in the bylaw or related enactment exists;
- 7) a permit exists which authorises the alleged violation;
- 8) the grounds for cancellation authorized by a local trust committee are satisfied;
- 9) there is poor likelihood of success at adjudication for the Local Trust Committee. For example:
 - a) the evidence is inadequate to show a contravention;
 - b) the BCEO relied on incorrect information in issuing the BVN;
 - c) the BVN was not completed properly.
- 10) it is not in the public interest to proceed to adjudication for one of the following reasons:
 - a) the Bylaw has changed since the BVN was issued, and now authorizes the contravention;
 - b) the offence occurred as a result of a circumstance that made it impossible for the person to reasonably comply with the bylaw.

Compliance Agreement (CA)

The local government may also authorize by bylaw an SO to enter into a Compliance Agreement with a person who has received a BVN.

A Compliance Agreement will include:

- acknowledgement of the contravention of the bylaw and acceptance of the liability for the contravention;

- remedies or conditions on future actions to be performed within a designated period of time;
- a mechanism for confirming that the terms of the agreement have been complied with;
- a reduction or waiving of the penalty at the conclusion of that period if the terms of the agreement are fulfilled; and
- the duration of the compliance agreement.

If a recipient of a BVN enters into a compliance agreement and observes or performs all the terms of the agreement, including payment of the reduced amount, then the amount of the penalty is deemed to have been paid in full.

If the SO believes that the terms have not been complied with, he or she may rescind the compliance agreement. The SO must notify the recipient of that fact by regular mail. Within 14 days of receiving, or presumed to have received, that notice of rescission from the SO, the recipient may pay the penalty or request that an adjudicator determine whether the recipient has complied with the terms of the Compliance Agreement. If the recipient does neither within that period of time, the full penalty plus the surcharge for late payment is immediately due and payable by the recipient to the local government.

Formal Dispute Adjudication

Islands Trust operates its own Dispute Adjudication Registry by contracting directly with the current agency designated by the Province, that being the Ministry of Attorney General (MAG), to provide adjudicators. MAG has created a sub-roster of adjudicators who are comfortable with local government land use bylaws.

Once a disputant confirms that they wish to have a formal Dispute Adjudication Hearing, the Manager or the BCEO will notify the BCEAA who will arrange the dispute adjudication hearing. The Islands Trust adjudication 'package' typically includes the BVN, the request to dispute the BVN, the Issuing Officer Report and the Screening Officer Report. The package is to be sent to the Disputant at least one week prior to the adjudication hearing date. The package is also to be sent to the Adjudicator at least one week prior to the adjudication hearing. Refer to the BCEAA Office Procedures Manual for details.

Adjudicators

The Adjudicator has no discretion to reduce or waive the penalty amount. The Adjudicator also has no jurisdiction to deal with challenges to the bylaw or claims of infringements of rights under the Charter of Rights and Freedoms. The Adjudicator must proceed on the basis that the bylaw is legally valid.

An Adjudicator may not be an employee or an elected official of a municipality and may not hear a matter if he or she is reasonably apprehended to have a bias or an interest in relation to the outcome of that matter.

Adjudication Procedures

Section 18 of the *Local Government Bylaw Notice Enforcement Act* provides some direction in regards to Adjudication Procedures.

For example, the adjudicator must provide the parties to the dispute with an opportunity to be heard:

- in person or by an agent,
- in writing (including by fax or email), or
- by video conference, audio conference, telephone or other electronic means. If the disputant chooses this method, they must pay the LTC the amount by which the LTC's adjudication cost is increased because of this manner of hearing.

Section 19 of the *Local Government Bylaw Notice Enforcement Act* states that "Hearings must be open to the public". The Ministry of Attorney General has confirmed that local governments have total discretion on how to interpret and apply Section 19. They have suggested that this may take the form of online publication or other means of public access depending on the capacity of the local government and the volume of decisions.

Evidence

The technical and legal rules of evidence do not apply and an adjudicator may accept any evidence the adjudicator considers to be credible, trustworthy and relevant to the dispute, including the evidence of any person. The adjudicator may accept evidence in any manner, such as orally, in writing or electronically.

The standard of proof for resolving a dispute is proof on a balance of probabilities.

Determination

The adjudicator can determine one of four possibilities:

1. If the contravention identified in the BVN occurred as alleged (BVN confirmed), the penalty set out in the BVN is immediately due and payable.
2. If the contravention identified in the BVN did not occur as alleged, the BVN is dismissed (cancelled).
3. If the disputant did not observe or perform the terms of the compliance agreement, the penalty set out in the BVN is immediately due and payable.
4. If the disputant did observe or perform the terms of the compliance agreement, the penalty set out in the BVN is deemed to have been paid.

If the disputant fails to appear, the adjudicator must order that the BVN is upheld and that the penalty is immediately due and payable to the LTC. Note that the amount is the full amount of the penalty, not the reduced amount they would have paid if they had paid within the same 14 day window of opportunity. In other words, once the disputant requests formal adjudication and the adjudication hearing is set, the early discount is lost.

Notice of Adjudication Outcomes

An adjudicator who hears a dispute in respect of a bylaw notice or the rescission of a compliance agreement **must provide their written decision to the local government** that issued the bylaw notice,

- (a) for a hearing in person or a hearing by telephone, **within one business day** after deciding the dispute, and

(b) for a hearing in writing, **within 5 business days** after the date the adjudicator receives the written materials for the dispute.

The adjudicator's decision **must be in writing and should include:**

- the name of the disputant;
- the facts relating to the penalty notice;
- a summary of the screening officer's decision;
- the issues raised by the parties;
- a summary of the evidence provided by each party in support of each issue;
- the adjudicator's assessment of each issue; and
- the adjudicator's final decision.

There are no provincial standards for the adjudicator's written decisions and there is no provincial or Islands Trust form to use at this point. Islands Trust can create a form if desired.

The BCEAA will then provide to the Disputant a **Notice of Decision** of the adjudication outcome that:

- identifies the BVN;
- provides the Adjudicator's decision;
- states that the fine that is due and payable;
- states that the administrative fee is also due and payable;
- provides methods of payment; and
- states that if the property remains non-compliant that further BVNs may be issued.

As previously stated, the *Local Government Bylaw Notice Enforcement Act* states that "Hearings must be open to the public" but the *Act* doesn't specifically indicate that the adjudication hearing decisions must be made public. Islands Trust has not developed a best practices in this regards at this point.

Cost

The Islands Trust Registry is responsible for the administrative work and costs of the dispute adjudication system including the remuneration and expenses of adjudicators and the securing of venues. The Islands Trust Registry charges an administrative fee of \$25 payable by a disputant who is unsuccessful in a dispute adjudication. The fee is added to the debt only when and if the disputant is unsuccessful. If the disputant is successful, no fee is charged.

Judicial Review

The determination of an adjudicator is final and conclusive and is not open to review in a court except on a question of law or lack of jurisdiction. If a failed disputant or the Islands Trust believes that the adjudicator exceeded his or her authority, or made an error at law, the person or local government may seek relief in the Supreme Court of British Columbia under the *Judicial Review Procedure Act*. An application for judicial review must be made within 30 days of the adjudication decision.

E. Collection of BVN Penalties

The local government may collect a penalty that has become due and payable, which occurs in the following circumstances:

- the recipient did not pay the penalty within the fixed period of time (28 days) as determined in the applicable bylaw and 28 days have passed since a Notice of Unpaid BVN is received (hand delivery) or presumed to have been received (7 days after mailing);
- the SO confirmed the penalty and the recipient did not seek adjudication;
- the adjudicator ordered that the penalty is immediately due and payable to the local government.

Certificate of Amounts Owning

An amount due and payable to a local government may be recovered by filing a Certificate of Amounts Owning (CAO) in the prescribed form in the Provincial Court. The local government may not obtain a certificate if the amount became due and payable more than two years prior.

The certificate must be signed by the corporate officer or delegate of the corporate officer and must include all of the following information:

1. the details of the bylaw notice, including the date and place of the contravention;
2. the total amount owing and, separately, the amount of the penalty, any surcharges that apply (late payment) and the \$25 fee for adjudication if applicable;
3. the name of the person;
4. the date that the penalty became due and payable;
5. whether the amount outstanding is payable because of:
 - a. a determination of an adjudicator
 - b. a default such as:
 - i. the person not responding to a BVN;
 - ii. the person to whom a copy of a BVN is reissued and delivered does not respond within the required period;
 - iii. the person not requesting adjudication upon receiving notice that the compliance agreement is rescinded;
 - iv. the person who requests or requires a dispute adjudication fails to appear at the adjudication or fails to respond to the adjudication notice.

A Notice letter is mailed to the Respondent (property owner) conveying the CAO. The named person has 30 days from the filing date of this certificate to make an application to the court to suspend it.

Section 26(4) states that a Certificate of Amounts Owning is of the same effect, and proceedings may be taken on it, as if it were a judgment of the Provincial Court for the recovery of a debt.

Registration of Judgments Arising from a Bylaw Notice

Registering a Certificate of Judgment against land owned by a Debtor prevents the Debtor from selling or mortgaging the land unless the debt owed to the Creditor is paid off. A Certificate of Judgment is effective for two years, after which a new Certificate of Judgment must be obtained and filed.

A Certificate of Judgment is obtained from the court registry for a fee of \$30.00. That Certificate of Judgment is registered against the debtor's property for a fee of \$25.00 at the Land Title and Survey Authority. To register a Provincial Court Judgment on title to land, the court registrar signs the bottom half of the "Application Registration" form. The top half of the form is filed in the land title office.

The procedural details (including fees) need to be discussed with the local Provincial Court registry. They may not be familiar with section 26 of the Local Government Bylaw Notice Enforcement Act.

The Legislative Clerks are Commissioners for taking Affidavits and have electronic accounts to file documents (such as covenants and permits) with Land Titles.

To release the registration of the Certificate of Judgment, a Trustee is the authorized signatory for Form C of the Land Title Act, Section 233 – Release, General Instrument.

Data Inputs for Current Analysis:

Staff Time

The Fees Review Project relied on enhanced timesheet data submitted by planning staff specifically in support of the analysis. Staff time spent on individual applications was discreetly tracked during the review period (2019-2021), allowing for a reasonable calculation of the average time required to process various application types. This enhanced level of detail collected from staff increased administrative burden, particularly for planning administration staff who spend small amounts of time on large volumes of applications each day or week. Therefore, upon adoption of the revised model fees bylaw, staff returned to a more simplistic time tracking system, coding time to more general categories of “application processing” and “enquiries”, by LTC.

April 1, 2024 – June 30, 2024 (Q1 Fiscal 2024/25)

Planning Services spent approximately 32% of available staff time processing development applications in the first quarter of the fiscal year. The estimated cost of these hours is reflected as follows:

| Who | Application Processing Hours (Note 1) | Average Wage Cost Per Hour (Note 2) | Total Estimated Cost of Application Processing Hours |
|-------------------------------|--|--|---|
| Planners | 1,238 | \$ 57.00 | \$ 70,566 |
| Planning Administrative Staff | 1,027 | \$ 40.58 | \$ 41,676 |
| TOTAL | 3,295 | | \$112,242 |

- (1) Application Processing Hours include staff time spent on: processing applications and administrative tasks associated with applications. It does not include staff time spent responding to enquiries, in training (including Cityview training of 520 hours in Q1), staff leave, time in meetings, bylaw compliance and enforcement time, or planner time spent at LTC meetings. Application processing hours also do not include Planning Technicians time as their primary duty is processing referrals that do not have fees (ex: Building Permits)
- (2) Average wage cost per hour is made up of the average planning staff base wage as of August 2024 plus 24.5% benefits mark-up. This benefits mark-up was erroneously omitted from the earlier fees review project that informed the model fees bylaw approved in 2021.

Notes:

- The Trust Council Best Management Practices for Delivery of Local Planning Services ([Policy 5.9.1](#)) was adopted in June 2022. The amended best practices policy identified the core services provided to LTCs, and outlined the best practice for delivering those services in a fair and equitable manner. These changes were implemented April 1, 2023 with an emphasis on creating teams including a Current Planning Team to process most development applications and a Local Planning Team to process complex rezoning applications (similar to managing minor projects). Most application processing work is done by “junior” planners (Planning Technician, Planner 1, and Planner 2s) on the

Current Planning Team; “senior” planners (Island Planners) spend more time on the Regional Planning Team working on LTC project or the Local Planning Team, being the direct staff link at LTC meetings.

Application Revenue

Development Application Fee revenue recognized in Q1 totals \$9,727, per the June 30, 2024 Financial Report reviewed by Financial Planning Committee at its August 2024 meeting. Application fees are recognised over time, as milestones are achieved in the processing of applications. This approach to application fee recognition is the result of a new accounting standard that took effect April 1, 2023. This means that any applications received prior to April 1, 2023 followed the previous accounting standard which recognised revenue immediately when received. It is possible some of these older applications are still open and were being worked on in the first quarter of the current fiscal year, and as such will add to the staff hours worked in this analysis, but will not reflect associated revenue. Thus, there is a limitation to the accuracy of the revenue figure as it relates directly to the applications being worked on.

Comparison of Staff Costs to Process Applications Versus Application Revenue

| Total Estimated Cost of Application Processing Hours | Recognized Revenue | Shortfall (\$) | Shortfall (%) |
|---|---------------------------|-----------------------|----------------------|
| \$112,242 | \$9,727 | \$102,515 | 91% |

Data Inputs and Use of Estimates

Given the manner in which planning staff have been recording their time since the previous fees review project completed, obtaining detailed time tracking data by application type is not possible, which means a comparison to revenue by application type is not possible. Making a detailed comparison of this kind would require planning staff to once again track time by individual application, or by application type.

ATTACHMENT(S):

1. Local Planning Committee Agenda November 13, 2019 (abbreviated)
2. Trust Council Application Processing Services ([Policy 5.6.1](#); last amended June 2021)
3. Trust Council Best Management Practices for Delivery of Local Planning Services ([Policy 5.9.1](#); last amended June 2022)

FOLLOW-UP:

The Director of Planning Services will work with information services to amend the time tracking system to track time in a more useful manner to support the next iteration of this analysis. To balance efficiency and data usefulness, staff will be asked to track time based on application type, rather than by individual application as was done in the previous iteration of the fees analysis initiative.

Continued customization of CityView will ensure reports associated with applications and their related fees are streamlined in order to advance this initiative in a more stream-lined manner.

Prepared By: Director, Planning Services
Reviewed By/Date: Executive Committee, September 11, 2024



2019 Local Trust Committee Fees Review

Project Charter

Creation Date: August 14, 2019 Last Updated: November 8, 2019

| Role | Name | Approval | Approval Date |
|-----------------|--|--------------------------|-----------------|
| Project Sponsor | Local Planning Committee | Resolution: LPC-2019-015 | August 22, 2019 |
| Project Manager | David Marlor, Director, Local Planning Services | n/a | n/a |
| Project planner | Narrisa Chadwick | n/a | n/a |

Purpose

To recommend a strategy for adjusting local trust committee development application fees.

Background

Under the Islands Trust Act, each local trust committee has authority to set fees for its development applications. Historically, Trust Council has provided recommended fee structure, and through its Executive Committee approves all local trust committee bylaws.

Objectives

1. Ensure fees charged for each development application is appropriate given cost to process and need to preserve and protect the environment.
2. Include appropriate fees to cover costs of First Nation site visits for applications in keeping with Trust council declaration of reconciliation.

In Scope

- Staff report including a review of existing fees charged by local trust committees for each development application, high level review of average actual costs for each type of application, review of options for charging fees and recommendation of a model fee structure.
- Review of costs of various components of application processing, and options to recover those costs.
- Consideration of fees for site visits by First Nations.
- **Consideration of community benefits in the model fee bylaw¹**
- **Development of speaking notes to accompany the model fee bylaws²**
- Presentation to the LPC of the findings and recommendations, and facilitation of discussion and feedback
- Final report with fee policy amendment recommendations to go to Trust Council, including a model fee bylaw.

¹ Amended Aug 22, 2019

² ibid

Out-of-Scope

- Bowen Island Municipality fee bylaws.
- Review of fees in other jurisdictions.
- Agricultural Land Reserve Fees.
- Drafting of local trust committee amendment fee bylaws.

Project Timeline and Budget

| Date | Details | Budget |
|-------------------------|--|-----------------|
| <i>Sept to Oct 2019</i> | <i>Compilaition of ltc fees and current structure</i> | <i>In house</i> |
| <i>Sept to Oct 2019</i> | <i>Review of actual planner time in current planning</i> | <i>In house</i> |
| <i>Oct to Nov 2019</i> | <i>Staff Report with analysis, options and recommendations</i> | <i>In house</i> |
| <i>Nov 2019</i> | <i>Review by LPC</i> | <i>In house</i> |
| <i>Nov to Jan 2020</i> | <i>Revisions, development of model bylaws/revised policy</i> | <i>In house</i> |
| <i>Jan 2020</i> | <i>Legal review of model bylaw (if required)</i> | <i>\$3,000</i> |
| <i>Feb 2020</i> | <i>LPC review and forward to Trust Council</i> | <i>In house</i> |

Critical Success Factors

- Adoption of a new model fee bylaw and fee policy by Trust Council and circulation to local trust committees by March 2019.
- Inclusion of fees to cover costs of site visits by first Nations.
- Project completes on time.

Links and Dependencies

- None

Project Team Resources

| Name | Project Role | Organization | Duration | FTE Hours |
|----------------------|------------------------|--------------|-----------------|------------|
| <i>David Marlor</i> | <i>Project Manager</i> | <i>LPS</i> | <i>6-months</i> | <i>5%</i> |
| <i>Mike Richards</i> | <i>Research</i> | <i>LPS</i> | <i>6-months</i> | <i>20%</i> |
| <i>TBA</i> | <i>Planner</i> | <i>LPS</i> | <i>6-months</i> | <i>15%</i> |
| | | | | |
| | | | | |

Stakeholders

| Stakeholder | Represented by | Interests, expectations, concerns |
|-------------------------------|----------------|--|
| <i>Local Trust Committees</i> | <i>LPC</i> | <i>• Impact of fees on local community, Feedback on fees and proposed structure as it would relate on local islands.</i> |

| Stakeholder | Represented by | Interests, expectations, concerns |
|---------------------------------|-----------------------|--|
| <i>Planners Admin Staff</i> | <i>DLPS</i> | <ul style="list-style-type: none"> • <i>Potential impact of fee structure on work load, ability to charge fees, ease of fee calculation and collection.</i> |
| <i>Administrative Services</i> | <i>DAS</i> | <ul style="list-style-type: none"> • <i>Impact of model fee bylaw on TC budget</i> |
| | | |

Table of Amendments

| <i>Date</i> | <i>Amendment</i> | <i>Resolution</i> |
|-----------------|--|-------------------|
| August 22, 2019 | Add to scope community benefits and development of speaking notes. | LPC-2019-014 |
| | | |
| | | |



REQUEST FOR DECISION

To: Local Planning Committee **For the Meeting of:** November 13, 2019
From: David Marlor, Director, Local Planning Services **Date Prepared:** November 8, 2019
SUBJECT: Local Trust Committee Model Fee and Development Approval Information (DAI) Bylaw

RECOMMENDATION:

That the Local Planning Committee request Staff draft a Model Fee Bylaw incorporating the staff recommendations as presented in the Request for Decision dated November 13, 2019.

That the Local Planning Committee request Staff report back with recommended amendments to Policy 5.6.1 Application Process Servicing that incorporates Policy 5.6.2 Cost Recovery Agreements, 5.6.3 Extraordinary Processing Services Guidelines, a Model Fee Bylaw and Model Development Approval Information Bylaw.

DIRECTOR COMMENTS: The recommendation will consolidate all fee and application related policies into a single Trust Council policy.

1 PURPOSE:

To update Trust Council policy and fees to reflect changing requirements in processing applications.

2 BACKGROUND:

In January 2019, Trust Council passed the following resolution:

That Trust Council request the Local Planning Committee to report back on a Local Trust Committee applications fee strategy.

In March 2018, Trust Council passed the following resolution:

That the Executive Committee provides recommendations to Trust Council on means to address compensation for First Nations site visits to the June Trust Council meeting.

This work was never undertaken, and as Local Planning Committee is considering a fee strategy, fees for First Nation site visits should be considered as part of this fee strategy.

Under the Islands Trust Act, Local Trust Committees' set their own fees for development applications. Trust Council has in the past made recommendations on appropriate fee levels that local trust committees should consider. While a model fee bylaw was considered by Trust Council previously, that model fee bylaw was never formally adopted.

In October 2017, the Canadian government de-criminalized possession of Cannabis, and the Provincial government enacted legislation regulating the distribution and use of Cannabis. As part of this legislation, local governments are permitted to charge a fee to cover costs of processing Cannabis retail referrals and undertake required public consultation.

Background

In 2011 Staff undertook a review of the estimated average actual costs of processing applications over three years (January 1, 2009 to June 30, 2011) to determine the extent to which fees charged by local trust committees (LTCs) cover these costs. This review involved a high-level review of time tracking data over a three-year period and the number of applications received during that time period. This analysis developed the estimated average time per file from receipt of the application to final decision and follow-up. This data has been updated for this report.

An average cost of \$55.50 per hour for planners, and \$40.50 per hour for support staff was calculated based on average salary and benefits. These rates were used to convert the hours recorded into dollar values, based on an estimate that 80% of hours went to planners and 20% went to support staff. Other external costs (called “hard costs” below) such as meeting room rental, minute and note taking, advertising, legal review, mailing expenses and other such costs were estimated.

In the tables below, “staff” costs and “hard costs” are listed for each application type. “Model” fee is the fee recommended by Trust Council and “low” fee is the lowest fee currently being charged by at least one local trust committee (LTC).

In regard to the “hard costs” noted below, the dollar amounts are estimates on a trust-wide basis. Further research is required to establish more accurate hard costs for each LTC and application type. For example, advertising costs in newspapers vary considerably for different LTCs.

A driver of costs is the amount of staff time taken to process applications, this includes time taken to work with the applicant, to undertake research and site visits, to consult with other agencies and professionals, to develop options and recommendations, to run public information meetings, to provide public information such as via the website, to attend local trust committee meetings to present the application and receive direction. In the Islands Trust, there is a culture of close community involvement, requiring community meetings and engagement. Any delays or extensions in community engagement, or requests by the local trust committee for additional information, increase the cost of processing applications.

Note that when the model fee was established it did not cover the average cost of processing applications. Since then applications have become more complex, partly due to changing requirements in official community plans, new provincial regulations and legislation, more sensitivity and concern around environmental impacts, concerns around climate change mitigation and adaptation, changing common law around processing and planning jurisdiction, and reconciliation with First Nations. All of these factors combine to increase processing time through engagement with First Nations, communities and agencies, increased staff time required to analyze and development sound planning recommendations.

Analysis and Recommendations:

Current Fee Structure and Policy:

Under the Islands Trust Act, each local trust committee is responsible to establish fees for development applications. Currently, all local trust committees have adopted a simple fee structure that establishes one fee for each type of application. Some local trust committees have adopted lower fees for certain

applications that have public benefit, such as environmental protection development permit areas, or permits or bylaw amendments for affordable housing.

The fees were established based on a recommended model in 2007, and, with the exception of Gabriola Island Local Trust Committee, have not been substantially changed since that date.

The current fee structure is supported by Trust Council Policy 5.6.1 Application Process Servicing and Policy 5.6.2 Cost Recovery Agreements and 5.6.3 Extraordinary Processing Services Guidelines.

Policy 5.6.1 establishes the work that will be undertaken for the prescribed fee. Generally the fee covers:

1. comprehensive staff assessment;
2. staff referral to other agencies, advisory planning commissions, and analysis of their comments;
3. discussions between planners and applicant throughout process as required;
4. bylaw or resolution drafting, including review for compatibility with Trust Object and policies and the relevant Official Community Plan;
5. one community information meeting with planning staff present;
6. notification of public hearing, including cost of placing ad;
7. conducting one public hearing with staff present;
8. staff report with recommendation for local trust committee (LTC) approval consideration;
9. processing bylaws through Executive Committee for approval consideration, if necessary;
10. forwarding to Minister of Municipal Affairs and Housing for approval consideration, if necessary; and
11. adoption of all bylaws or issuing of permits as required.

Policy 5.6.1 also allows local trust committees to vary the model fee by 20%.

Policy 5.6.2 is a policy on entering into cost recovery agreements. These are usually used when an applicant would like an expedited process and is willing to pay for a consultant to undertake the planning work.

Policy 5.6.3 allows for entering into agreements with applicants to cover development application processes that are not covered by the application fee.

Options for Establishing Fees:

Local trust committees have options for how they decide to establish fees for development applications.

Option 1: Simple Application Fee. This is the current approach used by local trust committees. In this approach, the model fee should be adjusted to represent the average cost of processing the different development applications. The same fee applies regardless of complexity of the application. In some situations, such as a rezoning, if a public hearing is not held, the applicant is entitled to a partial refund representing the cost of the public hearing.

The policies on what the fee covers, and the policy on extraordinary processing services guidelines should be reviewed and amended to make it easier to establish limits on what the fee covers and establishing additional extraordinary fees on a case-by-case basis.

Option 2: Tiered Application Fee. This approach is used by Bowen Island Municipality. It consists of three or four tiers of service provided for an application. The tier used will depend on the complexity of the application. The applicant would pay a set fee, which would represent the most common application. The planner would track which processes are undertaken and if a lower tier is achieved, the

applicant would be eligible for a refund; if the processing goes into higher tiers, the applicant would pay a subsequent fee.

The policies on what the fee covers, and the policy on extraordinary processing services guidelines would need to be reviewed and amended to ensure the policies are in line with the model fee bylaw.

Option 3: Al a Carte Application Fee: This approach includes a fee for the estimated average cost of processing an application, along with the actual fixed or hard costs such as advertising for public hearing. Some local government also require the land owner to sign an agreement that they will pay for any legal advice required by the local government in processing the application. This approach can have elements of option 2 in that a tiered approach could also be used to refine the average costs where there could be wide difference in costs (such as in a rezoning application).

The policies on what the fee covers, and the policy on extraordinary processing services guidelines would need to be reviewed and amended to ensure the policies are in line with the model fee bylaw.

Option 4: Base Fee on Size of Development. In this approach, some of the fees could be set per square metre of new development. This approach is more common for larger commercial, multifamily and industrial developments. This approach can be more complex to administer and assumes the cost of processing is directly related to the building area of the proposed development. This option could be used in conjunction with any of the other three options presented.

The policies on what the fee covers, and the policy on extraordinary processing services guidelines would need to be reviewed and amended to ensure the policies are in line with the model fee bylaw.

Rezoning Applications:

| Average Costs per application | | Current Fees per application | |
|-------------------------------|----------|------------------------------|---------|
| Staff: | \$6,443 | | |
| Hard: | \$6,240 | Model Fee: | \$5,500 |
| Total: | \$12,683 | | |

Model (Trust Council Recommended) fee generally covers 43% of an average rezoning.

Recommendation:

Staff recommends that LTCs adopt a basic application fee of \$1,500 to cover the cost of the preliminary report and consideration by the LTC (steps 2 to 4 below); and that the costs of steps 5 to 9 below, be covered through a recovery from the applicant of actual hard costs required to process the application, plus an additional application fee of \$3,000 related to planner time required to complete the process.

The cost recovery amount for steps 5 through 9 could vary considerably from one LTC to another based on different costs for advertising, meeting halls, etc. Even within a LTC, costs could vary depending on the complexity of the application. Applicants would be provided copies of all invoices that contributed to the cost of processing the application, and recovery would be limited to “hard costs”, not costs for planner time.

The process for undertaking a rezoning application is generally as follows (from the published rezoning application guide):

1. Pre-application – as this is typically before an application is made, no fee is charged. This stage involves advice to assist the applicant in making a better and more complete application.

Steps 2 through 4 would be covered by the “basic application fee” of \$1,500

2. Application – the applicant submits application and staff undertakes necessary work to process, create a file and forward to the planner.
3. Preliminary evaluation and Staff Report – for all rezoning applications, staff will evaluate the application and provide a staff report to the LTC with recommendations on whether or not to proceed with the application, and recommendations on the process to undertake if the LTC decides to proceed. Staff also uses this stage to advise the applicant if there is missing information, or if it is likely that more information will assist the process. On islands with development approval bylaws (DAI), staff would also advise the applicant of any requirements under the DAI bylaw.
4. First Consideration by LTC – the LTC provides direction to staff on the application.

Steps 5 through 9 would be covered on a “cost recovery basis” for fixed hard costs and First Nation Site Visits, plus an additional application fee of \$3,000 related to planner time required to complete the process.

5. Subsequent Reports and final staff Report – this is where application processing costs begin to differ significantly between applications. The actual work depends on the complexity of the application and the direction provided by the LTC. There is more certainty in this stage for islands with DAI bylaws as that bylaw sets out the process for determining reports that must be provided to process the application. In some situations, additional requirements by the LTC after Step 4 can add to the complexity and costs of processing an application. Given the lack of clarity inherent in this stage, it is not possible to determine the costs in advance.
6. Public Consultation and Referrals – agency referrals are largely known in terms of costs; however, public consultation may range from one to several meetings and may result in none to many pieces of correspondence that must be managed.
7. Additional Information – similar to step 5, the actual requirements will be unknown at the outset.
8. Further consideration by the LTC – the need for this step is unknown at the outset and there may be a need for more than one review.
9. First Reading and Beyond – while the process is established by legislation, there is a potential for a wide range of costs depending on the size of the advertisement required, whether or not a mail out and hand delivery is required and how many properties such delivery must go to, the newspaper in which the advertisement must be placed and the length of the public hearing.

A possible alternative to the recovery of actual costs, is to establish an LTC-specific public hearing fee for an average public hearing. This would take into account local advertising costs and meeting costs. This approach would probably cost more for some smaller public hearings and less for larger and potentially more contentious public hearings.

Deposits for Cost Recovery of fixed hard and estimated legal costs

The fee bylaw should also be amended to indicate that, in addition to the specified fees for a rezoning application a deposit of 150% of the staff estimate of the fixed hard costs and any legal advice required in processing the application shall be provided and the cost for processing the application under steps 5 to 9 be applied to that deposit.

The fee bylaw should also indicate that after final decision by the LTC, any remaining funds would be returned to the applicant, and that, if the cost of processing is expected to exceed the deposit, a further deposit would be required.

Development Permit Applications:

| Average Costs per Application | | Current Fees per Application | |
|-------------------------------|---------|------------------------------|---------|
| Staff: | \$1,871 | | |
| Hard: | \$340 | Model Fee: | \$1,100 |
| Total: | \$2,211 | | |

Model (Trust Council Recommended) fee generally covers 50% of an average development permit.

Because these applications are often related to environmental protection or protection of development from hazardous conditions, a higher fee may be a disincentive for applicants coming forward.

Recommendation:

Staff recommends that the development permit application fee for environmental protection and water and energy conservation development permit areas remain at \$1,100. For all other development permit areas, staff recommend that the fee be adjusted to \$2,200 to cover the average cost of processing.

Development Variance Permit Applications:

| Average Costs per application | | Current Fees per application | |
|-------------------------------|---------|------------------------------|-------|
| Staff: | \$1,116 | | |
| Hard: | \$940 | Model Fee: | \$935 |
| Total: | \$2,056 | | |

Model (Trust Council Recommended) fee generally covers 45% of an average development variance permit.

Recommendation:

Staff recommends that the model fee be adjusted to \$2,000 to cover the average cost of processing.

Siting and Use Permit Applications (SUPs):

| Average Costs per application | | Current Fees per application | |
|-------------------------------|-------|------------------------------|-------|
| Staff: | \$279 | | |
| Hard: | \$0 | Model Fee: | \$200 |
| Total: | \$279 | | |

Model (Trust Council Recommended) fee generally covers 72% of an average siting and use permit. These permits are only used on Denman and Hornby islands.

Recommendation:

Staff recommends that the fees be increased to \$280 to recover the average cost of processing.

Temporary Use Permits (TUPs):

| Average Costs per application | | Current Fees per application | |
|-------------------------------|---------|------------------------------|---------|
| Staff: | \$1,552 | | |
| Hard: | \$3,140 | Model Fee: | \$1,100 |
| Total: | \$4,692 | | |

Model (Trust Council Recommended) fee generally covers 23% of an average temporary use permit.

Recommendation:

A Temporary Use Permit is a temporary rezoning and therefore, Steps 1 to 8 of the rezoning process generally apply (and are reflected in Steps 1 to 7 of the temporary use permit application guide). Given that many of the complexities of a rezoning also apply, a similar approach to applications should be applied to the temporary use permit application.

Given the above, Staff recommends that Trust Council adopt:

- a basic application fee of \$1500 to cover the cost of the preliminary report and consideration by the LTC (steps 2 and 3 of the rezoning process), and;
- cover the costs of steps 4 to 7 of the temporary use permit application process through a recovery from the applicant of actual costs required to process the application, plus an additional application fee of \$500 related to the planner time required to complete the process.

The fee bylaw should also be amended to indicate that, in addition to the specified fees:

- a deposit of 150% of the staff estimate of external costs shall be provided and the cost for processing temporary use permit under steps 5 to 9 (see Rezoning section) be applied to that deposit;
- the Fee bylaw should also indicate that after final decision by the LTC, any remaining funds would be returned to the applicant. If the cost of processing is expected to exceed the deposit, a further deposit would be required.

Subdivision Referrals:

| Average Costs per application | | Current Fees per application | |
|-------------------------------|---------|------------------------------|---------------|
| Staff: | \$1,588 | | |
| Hard: | \$140 | Model Fee: | \$1,100(+110) |
| Total: | \$1,728 | | |

Subdivision fees are assessed based on a basic fee plus a fee for the number of new lots created by the subdivision. In the table above, the number in parentheses indicates the additional dollars per lot. For this reason, it is not possible to determine cost recovery using the numbers in the table above. The chart below shows the fee charged for some of the more common types of subdivisions in the trust area:

| | |
|----------------|-----------------------------|
| One new Lot | $\$1,100 + \$110 = \$1,210$ |
| Two new Lots | $\$1,100 + \$220 = \$1,320$ |
| Three new Lots | $\$1,100 + \$330 = \$1,430$ |
| Four new Lots | $\$1,100 + \$440 = \$1,540$ |
| Five new Lots | $\$1,100 + \$550 = \$1,650$ |

A subdivision application that creates four new lots or more will cover the average cost of processing an application. A subdivision application that creates three or less lots will not cover the average cost of processing an application. This may be acceptable as a subdivision with smaller number of lots is likely to require less staff time for processing than one with many lots.

In most trust areas the subdivision potential has reduced over the years; therefore smaller subdivisions and boundary adjustments are more likely to occur than large subdivisions. The northern islands, especially Gambier Island Local Trust Area still had potential for large subdivisions.

Recommendation:

Staff recommends that no changes be made to subdivision referral fees.

Board of Variance Applications:

| Average Costs per application | | Current Fees per application | |
|-------------------------------|---------|------------------------------|-------|
| Staff: | \$2,100 | | |
| Hard: | \$1150 | Model Fee: | \$990 |
| Total: | \$3,250 | | |

Model (Trust Council Recommended) fee generally covers 30% of an average board of variance application

The fee should be equal to the recommended fee for Development Variance Permit applications; since the types of land use decisions are similar between the two application types, cost of the application would not affect the decision of which type of application would be applied for. The average cost for the Board of Variance is higher than for a development variance permit due to the need to cover travel costs of the Board of Variance members.

Recommendation:

Staff recommends that the fee for board of variance applications be increased to \$2,200.

Heritage Alteration Permits

Heritage Alteration Permit, were not considered at the time the model fee was recommended.

Heritage alteration permits are similar to development permits, and therefore, the fee charged for development permits should be applied to heritage alteration permits.

Staff recommends that the heritage alteration permit application fee be adjusted to \$2,200 to cover the average cost of processing.

Strata Conversions

Strata conversion application fees were not considered at the time the model fee was recommended.

Strata conversions are rare, but involve ensuring that occupiers of buildings proposed for conversion have been notified, and the local trust committee has final decision. Therefore, the same approach to rezoning and temporary use permits should be used here.

Staff recommend that the model fee bylaw establish an initial fee of \$1,500, with 150% deposit of expected hard costs and further \$3,000 to cover staff time if the application proceeds.

Liquor and Cannabis Applications

Liquor and cannabis application fees were not considered at the time the model fee was recommended. Staff have not undertaken any assessment of the amount of work undertaken verse the actual cost of processing these types of applications.

For liquor applications, Local trust committees adopted fees of \$750 to \$1,000. For cannabis applications, local trust committees have adopted fees of \$2,000 to \$4,000. Each of these require the local government to comment, and in certain situations, gather public input in some form as determined by the local government. Given this, the model fee for both should be the same.

Staff recommend that the model fee bylaw establish an initial fee of \$750 to cover staff time in processing the application and taking it to the local trust committee with recommendations on public feedback, and then 150% of the estimate hard costs for seeking public input if required to do so, plus \$750 to cover staff time in obtaining public feedback.

Inflation:

The cost of processing applications increases each year with inflation. This includes negotiated increases for staff pay and increase in advertising and other such costs. In order to ensure the fees remain current, either the bylaw or Trust Council policy should have a provision that the fees will be increased by the average inflation for the Islands Trust area every year (or every two years based on the inflation over the previous two years).

The British Columbia cumulative inflation since 2007 is 18%. Using this number, the model fees, if they had kept with inflation, would now be as follows:

| Type of application | Model fee (2007) | Today (with inflation) - Rounded to nearest \$10 |
|-----------------------------|------------------|--|
| Rezoning | \$5,500 | \$6,490 |
| Development permit | \$1,100 | \$1300 |
| Development Variance Permit | \$935 | \$1,100 |
| Siting and Use Permit | \$200 | \$240 |
| Temporary Use Permit | \$1,100 | \$1,300 |
| Subdivision | \$1,100 (+\$110) | \$1,300 (+\$130) |
| Board of Variance | \$990 | \$1,170 |

Staff recommend that Trust Council Policy 5.6.1 Application Process Servicing include polices on adjusting the model fee bylaw to reflect inflation on an annual or bi-annual basis, and communicate this to the local trust committee to ensure they consider adjusting fees on a regular basis to reflect inflation.

Development Approval Information Bylaws

Development Approval Information (DAI) bylaws provide certainty to the applicant by defining the information and reports required for each application type, along with the required qualifications of those preparing the required reports. For an example of a DAI, see the Islands Trust website under North Pender Administrative Bylaws, Bylaw 134 <http://www.islandstrust.bc.ca/ltc/np/bylawsadmnm.cfm>)

Without a DAI bylaw, the LTC can request information from an applicant to help it decide on an application, but the applicant might not provide the information in a useful or easy to understand form,

may not meet acceptable methodology requirements, or might just refuse to provide the information. Any of these unsatisfactory outcomes delay the approval process and frustrate applicants.

DAI bylaws can be written with specific requirements in them. This approach is useful for those applications where a similar report is required for every application, such as a development permit area where the report requirements are in response to the guidelines. In other situations, the DAI bylaw can be written to allow staff to determine what needs to be reported on and the methodology, and provide those requirements to the applicant. This is useful in situations where each application will have a different set of circumstances or different reporting requirements, such as a rezoning application or a temporary use permit application.

The DAI bylaw would allow staff to require a revision in a situation where a report is not provided correctly or information is missing; however the bylaw must limit how many times an applicant can be asked to provide new information, after which staff will make recommendations based on the information provided.

From a fee assessment point of view, a DAI bylaw provides certainty early in the process on the types of reports and information that an applicant will be required to provide during the processing of the application and reduces the timeline for processing by providing all reporting and information requests up front.

Staff have attached a draft model Development Approval Information bylaw for review.

Staff recommend that a model DAI bylaw be added to Policy 5.6.1 Application Process Servicing, and that for all local trust committees that have not yet done so, be encouraged to adopt development approval information bylaws.

Consolidation of Policies

As part of updating the model fee schedule, and revising the way fees are charged, staff recommend that Policies 5.6.1, 5.6.2 and 5.6.3 be combined into a single Application Processing policy.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: No organizational impacts

FINANCIAL: No financial implications. If local trust committees implement the model bylaws, it should improve cost recovery.

POLICY: No policy implications.

IMPLEMENTATION/COMMUNICATIONS: Draft amendments will be brought back to the Local Planning Committee for consideration.

FIRST NATIONS: Proposed rezoning fee would include a fee to cover First Nations site visits. Discussion with the Intergovernmental Policy Advisor will occur in establishing these fees.

OTHER: No other implications.

4 RELEVANT POLICY(S):

- Policy 5.6.1 Application Process Servicing that incorporates
- Policy 5.6.2 Cost Recovery Agreements,

- Policy 5.6.3 Extraordinary Processing Services Guidelines

5 ATTACHMENT(S):

- 1 Draft model Development Approval Information Bylaw
-

RESPONSE OPTIONS

Recommendation:

That the Local Planning Committee request Staff draft a Model Fee Bylaw incorporating the staff recommendations as presented in the Request for Decision dated November 13, 2019.

That the Local Planning Committee request staff report back with recommended amendments to Policy 5.6.1 Application Process Servicing that incorporates Policy 5.6.2 Cost Recovery Agreements, 5.6.3 Extraordinary Processing Services Guidelines, a Model Fee Bylaw and Model Development Approval Information Bylaw.

Alternative:

- 1 Keep the existing fee structure, and increase fees to reflect average cost of processing applications. For rezoning and temporary use permit applications especially, this will result in some application paying more than the actual cost and some paying less than the actual costs.
 - 2 Keep the existing fee structure and adjust for inflation. While this will increase fees, it will not cover the average actual cost of processing the applications.
 - 3 Not increase fees. This would leave the fees as is. Since the model fee was originally established by Trust Council, inflation has increased costs generally by 18 per cent.
-

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date:

REQUEST FOR DECISION

To: Trust Council **For the Meeting of:** September 24, 2024
From: Executive Committee **Date Prepared:** September 13, 2024
SUBJECT: Referrals to First Nations

RECOMMENDATION:

That Trust Council direct staff to:

1. Solicit First Nations to get their feedback about the referral processes, concerns and new initiatives;
2. Develop a work plan that captures planned actions advancing from this Request for Decision; and
3. Include this initiative in the Draft 2025-2028 Strategic Plan and the amended Reconciliation Action Plan

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

This initiative is an important step towards making operational changes to support enhanced relationship with First Nations in the Trust Area. This work requires intentional thought and attention. An agreed-to work plan will highlight key activities associated with the project and will enhance accountability for advancing the named actions. Adding this initiative to the draft 2025-28 Strategic Plan keeps the project visible and supports resourcing of the work. As the recommendations of the RFD arise from Executive Committee, staff have proactively included this initiative in the draft 2025-28 Strategic Plan for Trust Council's review.

1 PURPOSE:

This report seeks Trust Council support for staff to develop a work plan to ensure dedicated resources to address the identified urgent challenges/issues in order to improve the referral process and relevant policies to help achieve the [draft] Trust Council strategic direction to improve First Nations relations and advance reconciliation.

2 BACKGROUND:

In June 2023, Trust Council received a Trustee Request for Decision (RFD) from Trustee Gauvreau seeking recommendations on how the bylaw referral process may be improved. Trustee Gauvreau's RFD stated that the Galiano Island Local Trust Committee was at a standstill in their regular business operations until they could find a good way forward with First Nations. After discussion, Trust Council passed the following resolution:

That Trust Council request staff to:

- a) Evaluate the implications of a longer referral response window, and;*
- b) Consider how Trust Council and local trust committees might consult with First Nations to better understand what changes to the current referral process should be made to both improve communication and to further reconciliation, and report back to Trust Council.*

It is staff's understanding that the request is to: examine and evaluate processes that involve referral responses, such as development applications and local trust committee (LTC) projects, land protection applications to the Conservancy, as well as Trust Area-wide projects such as the Policy Statement update; and to suggest actions and approaches that Trust Council could make to improve communications and advance reconciliation actions with First Nations.

A number of Nations have identified concerns with the Islands Trust's approach to referrals, including, among others:

- Lack of understanding or recognition of potential adverse effects of proposed Trust policies on their interests;
- Lack of understanding or recognition of potential environmental, cultural and historical impacts to their rights and interests related to development decisions;
- Lack of funding to support site visits, impact assessments and meaningful engagement on projects;
- Exclusion of Indigenous Peoples from Islands Trust decision-making and governance structures; and,
- the lack of proactive analysis about cumulative effects of development approvals on environmental, cultural, socioeconomic and historical values, as well as Section 35 and treaty rights.

Early feedback regarding referral processes from a few First Nations has primarily resulted from a pilot capacity funding program which provided temporary support to First Nations engaging Islands Trust staff regarding LTC and Trust Council projects. This program has notably resulted in improved relations and communications. Further engagement with First Nations is required to understand from First Nations what changes are desired for the referral process.

Since June 2023, staff have been engaging with various First Nations referral coordinators and other staff. These discussions have occurred as staff establish and maintain a mutually respectful relationships. Staff have taken a long term approach to developing these relationships as per the Islands Trust Reconciliation Declaration. Staff have not, as of yet, taken a project approach seeking to engage about the singular topic of the referral process. Instead, staff have been working with various First Nations to listen to the breadth of issues they may have and how we help address them. RPM Jamurat has been leading gathering the feedback as they relate to the referral process and has led strategizing ways forward.

Staff's planned next steps associated with this initiative include the following:

1. Solicit Nations to get their feedback - Continue discussions with Nations about referral processes, concerns, and new initiatives. This could occur through existing Protocol Agreements, or LTC and senior level staff to staff meetings where there are no agreements in place. This could be a new project or initiative (see #8 below)
2. Recommend a 90-day referral period for discretionary application referrals, with consideration for extension,
3. Recommend a 90-day referral period for all other Trust departments for their project referrals,
4. Prioritize informing First Nations about applications where ground disturbance is proposed, including for shared referral applications such as concurrence requests for Antenna Systems Siting,
5. Communicate with applicants that LTCs may request discretionary applications be submitted to First Nations for their feedback,

6. Recommend applicants to submit their application to First Nations referral processes,
7. Suggest 'closing the loop' on reporting back for all referrals, to Nations with the LTC decision and how the Nations comments were considered, or if 'n/a' to a bylaw that it is noted for future reference/work, and
8. Develop a work plan to capture further direction of the work from this Briefing, ensuring the work plan is captured within both the Reconciliation Action Plan and [draft] Strategic Plan.”

Staff proceeded with auctioning the above next steps, starting with drafting an internal memo to all planning staff to update procedures. Finalizing the memo has been slowed due to summer holidays and working out details to ensure consistency amongst all staff.

At its September 2024 meeting, Executive Committee reviewed this report in the form of a briefing and passed the following resolutions:

That Executive Committee request staff to turn the Referrals to First Nations – Interim Briefing into a request for decision that recommends Trust Council prioritize Next Actions Numbers 1 and 8 and report back to Trust Council in December.

The action items number 1 and 8 named in the resolution refer to items 1 and 8 in the above numbered list. Staff subsequently converted the briefing to this RFD for Trust Council’s consideration.

DISCUSSION:

Implications of a Longer Referral Response Window

The implications of a longer referral response window are dependent on various factors not limited to:

- Does the Islands Trust have a Protocol Agreement with the First Nation? (There are currently two signed Protocol Agreements, one that is approved but not yet signed, leaving at least 24 First Nations in the Islands Trust Area with no Protocol Agreement. Staff are in receipt of requests to negotiate three additional agreements that would cover eight Nations and replace the two signed agreements)
- Does the First Nation have an application processing policy or portal themselves? (There are currently four Nations with portals; several more are considering)
- Do the First Nations have the capacity to assess referrals from Islands Trust in a timely way?
- What similarities and differences are there in First Nations feedback?
- Are the referrals about discretionary decisions (rezoning, development variance permit, temporary use permit and siting and use permit, ALR exclusion application) or non-discretionary decisions (development permit, heritage alteration permit, board of variance, soil deposit permit), or other types (Strategy for Antenna Systems - request for concurrence)?
- How does the Ministry of Municipal Affairs evaluate their provincial duty to consult and how does this affect OCP amendments referred to the Minister for approval?
- What do provincial courts consider a “reasonable” amount of time to process applications?

In absence of a protocol agreement, a 90-day referral process for discretionary applications is a reasonable new baseline to establish based on communications with some First Nations, current practices, and legal precedence.

Provincial staff and Islands Trust staff have committed to early communications regarding Official Community Plan (OCP) amendments requiring ministerial approval. Further coordination with Islands Trust Conservancy to ensure consistency in referral processes is needed.

Considering How Trust Council and LTCs May Improve Process, Communications and Reconciliation

The following is an update of staff learnings of First Nation referral processes and general activities over the last year:

- Some Nations have their own organizational referral policies that require a submission to their Lands Departments for comment on development applications and with accompanying fees for processing these application requests. For example, Snuneymuxw's [Referral Management Policy](#) and K'ómoks' [CHIP Policy](#) (Cultural Heritage Investigation Permit through their Cultural Heritage Policy) and SṠÁUTW (Tsawout) First Nation's [Consultation Protocol and Policy](#). Other Nations have expressed interest in developing a similar process.
- Islands Trust local trust committees and staff have direction through two (soon to be three) protocol agreements with Nations that provide guidance on discussing and referring land use matters.
- Staff (primarily RPM Jamurat) have led discussions with some First Nations to better understand issues with the Islands Trust referral process and ways to collaborate, strengthen/improve existing relations and communications through planning application processes.
- Islands Trust heard from multiple First Nations the desire for early engagement and for co-design of project processes (e.g. (problem identification, concept and solution design) and timelines for large projects.
- Staff are recommending, not requiring, owners/applicants to submit development applications to established First Nation application portals. Staff are currently conveying communications to owners/applicants incrementally for LTC discretionary approvals: TUP, DVP, in addition to already-established OCP and LUB bylaw amendments.
- Some application processes provide an opportunity for communications and site visits in coordination with staff, First Nations, and an owner/applicant.
- Current referral timing can be changed to a longer period of 90 days as an administrative change - the current standard referral time is generally 30 days.

Staff note over the last year, emerging items and issues that need further discussion and exploration as part of an overall update to the referrals process. For example:

- **Capacity.** Nations continue to experience severe capacity constraints to respond to referral requests they receive from various agencies, governments, proposals. Some Nations have Referral Policies to manage these requests. Some of these policies request referral fees.
- **Applicants.** Applicants need clarity on referral processes; what is required vs. requested, when, and via what authority or policy. Applicants are required to pay referral fees if any are requested.
- **Communications.** Clear communications (internal and external) are needed on how Islands Trust will consider First Nation Referral processes as part of Planning Services application reviews and processes. This would include communications to provide clarity to applicants, public, staff, and LTCs. Clarity and support of an approach will help with communications and expectations for application reviews and timelines that staff can confidently convey.

- **Cooperation with Agencies.** Staff have had preliminary inquiries from Regional Districts to discuss and learn about Islands Trust approaches regarding Islands Trust planning application processes and procedures with First Nations.
- **Cooperation with First Nations.** Islands Trust has protocol agreements with only two Nations, Snuneymuxw and Lyackson, and upcoming agreement with Snaw-naw-as. It must be noted that the Snuneymuxw and Lyackson protocol agreements are outdated and have not been referenced in recent years. Where a protocol agreement may include guidance to discuss and refer on land use matters, there is opportunity to have conversations about collaboration and support for Nation referral processes. However, in instances where a protocol agreement does not exist, there is benefit to having an Islands Trust supported approach to provide greater certainty for the applications process and policies established Trust-wide.

3 IMPLICATIONS OF RECOMMENDATION

Current feedback from First Nations have been gathered from staff establishing and maintaining a mutually respectful relationship. The issue of referrals has been one of many topics discussed with First Nations staff. Developing a work plan is a necessity to ensure resources are prioritized to focus on the issue of referrals.

ORGANIZATIONAL:

A work plan will provide estimates of staff resources required. As evidenced in the year to present results to date, significant staff time is required to meaningfully establish and maintain relationships. Staffing resources will include senior staff and management as well as administrative staff, communications support, and legislative and information services support.

FINANCIAL:

Staff may be required to increase travel.

First Nations may require funding assistance to resource their own staff to provide feedback.

POLICY:

[First Nations Engagement Principles \(Policy 6.1.1\)](#)(adopted Dec. 2016)

[Best Management Practices for Delivery of Planning Services \(Policy 5.9.1\)](#)(amended June 2022)

[Application Processing Services \(Policy 5.6.1\)](#)(amended 2021)

IMPLEMENTATION/COMMUNICATIONS:

Soliciting feedback from First Nations will require effective tracking and internal communications to ensure all staff and elected officials are kept as up to date as possible especially when considering First Nations engagement for other reasons (Policy Statement, Islands Trust Conservancy plans, Protocol Agreements, LTC projects, etc.).

Communications with staff are required to ensure consistency and effectiveness to any administrative changes to current referral practices.

Regular reporting will be required to the Executive Committee.

Communications with applicants will be required to advise them of changes to the referral process and how it may affect their applications.

Communications with ministry staff will be required to keep them informed of referral processes especially as they may relate to ministerial approval of OCP amendments.

FIRST NATIONS:

First Nations feedback will be sought on the referral process.

OTHER: none.

4 RELEVANT POLICY(S):

- [First Nations Engagement Principles \(Policy 6.1.1\)](#)(adopted Dec. 2016)
- [Best Management Practices for Delivery of Planning Services \(Policy 5.9.1\)](#)(amended June 2022)
- [Application Processing Services \(Policy 5.6.1\)](#)(amended 2021)

5 ATTACHMENT(S): none

RESPONSE OPTIONS

Recommendation:

That Trust Council direct staff to:

- Solicit First Nations to get their feedback about the referral processes, concerns and new initiatives, and to
- Develop a work plan as recommended in the “Referrals to First Nations Briefing – Interim Briefing”, dated for the Executive Committee meeting of July 24, 2024.

Alternative:

That Trust Council not direct staff to develop a work plan until Trust Council adoption of a Strategic Plan and/or Reconciliation Action Plan.

Prepared By: Director, Planning Services

Reviewed By/Date: Executive Committee/September 11, 2024

1. ACCESSIBILITY COMMITTEE

Under the *Accessible British Columbia Act*, Trust Council must have an accessibility committee. The role of the committee is to help Trust Council identify barriers to accessibility in all aspects of the organisation and identify means to mitigate those barriers. The Committee's role is to first develop, and then on a three year schedule, review and update an accessibility plan. There is a public consultation component in the legislation.

Islands Trust had advertised for interested people to be on the Accessibility Committee, and Trust Council will be considering those appointments at the September 2024 meeting. Once appointed, staff will begin orientation for committee members, and begin the work of the committee.

2. LEGISLATIVE SERVICES

Records Management

Legislative services are working on creation of new records management procedure that follows from the recently adopted Trust Council records management bylaw. This procedure will establish industry standards for records collection and retention, and be consistent with freedom of information and protection of privacy legislation.

Working with Information Services, we are investigating improvements in our electronic records management and storage to improve robustness, security, meeting privacy standards, and address Trust Council requests for better access to records by trustees. We expect to submit a business case to the management team for discussion, that are considerate of other system and software changes currently underway at the Islands Trust.

Risk Management

Since joining the Municipal Insurance Association of British Columbia (MIABC) staff have:

1. Utilised the on-line tools available at MIABC to ensure risk is addressed and reduced when entering into contracts, and updated our process in regard to insurance requirement assessments for all contracts;
2. Received advice from MIABC on various issues around insurance for external contracts and data sharing agreements;
3. Participated in a MIABC risk assessment of the Islands Trust operations and subsequently working to ensure risk is managed appropriately;
4. Participated in the MIABC Risk Management Conference in early 2024;
5. Islands Trust Conservancy Staff is participating in a free MIABC regional session on inspecting and managing properties; and
6. Added all minute takers and notice providers to the our insurance under the MIABC Associate Members program; this is designed for contracts who do not have their own insurance or cannot obtain it, but do work similar to staff for the organisation.

MIABC is a reciprocal insurance pool owned by the local government members, that in addition to providing insurance tailored to local government needs, offers a hosts of additional value-added insurance related and risk reduction

services to local governments in British Columbia. MIABC was formed in 1987 by 144 local governments who could not find reasonable insurance in the market place. Islands trust joined MIABC on January 1 2024.

3. INFORMATION SERVICES

The new Information Services Manager is taking on the task of re-organising the department, with a focus on service delivery. The first area of change is in the ticketing system, Service Desk. This has been streamlined behind the scenes so that tickets can be better triaged, and response times in accordance to urgency. We are working on better communication with ticket requests so the requester understands when a resolution can be expected. Urgent Information Services issues can be immediately addressed by a phone call to Information Services.

Information Services continues to maintain all technology services and support to staff and trustees as part of ongoing operations. Specific work completed with the help of third party technical support over the last quarter includes:

Cityview

Launched in May 2024, Cityview is now in production following a wrap up of the initial implementation over the summer and is fully supported by IS and our third party vendor. Islands Trust is now using the software to process incoming land use applications. We have begun the work of integrating bylaw enforcement into Cityview.

Expense Claim Upgrades

Information Services has been assisting the external contractor on the transition to a more automated expense approval process, involving database motivations such as automated approval workflows. The new system is just beginning the testing phase. Rollout of the new system will depend largely on results of testing, but is anticipated for sometime before next quarter-end.

Operational initiatives

Information Services continues to work on the following operational initiatives:

1. Development Database upgrades completed in August 2024, Production Database upgrades expected to be completed in October 2024
2. Ongoing virtual server operating system upgrades from Windows 2016 to 2019/2022. Expected to continue for next year.
3. Host server upgrade to be completed in November 2024 (Physical server that hosts our virtual server infrastructure)
4. Enhancements of internal Trust applications, to improve reporting capability and add new features that improve user experience. This is ongoing work, as we need to both react to reported issues with current applications, and consider requests for modifications to existing and new functionality.
5. TAPIS 3.0 - Ongoing development of internal and external web map applications to replace the end-of-life TAPIS Map. These replacements will provide enhanced functionality and usability for both internal and external users. The target for release of the new apps is late this year, contingent upon availability of staff and contractors involved in the work.
6. Information Services is working with Salt Spring Island (SSI) regional management and senior managers to prepare for the upcoming exit of the existing SSI office, and transition to a new office location. Site survey completed in September 2024, IS to furnish SSI regional management with requirements for the renovation of the new office.
7. Desktop refresh for the 2024-25 fiscal year is partially complete with the roll out of new desktops for our Geographic Information System team. Remaining scheduled refreshes will occur during the upcoming Windows 11 upgrade targeted for December-January 2024.



REQUEST FOR DECISION

To: Trust Council **For the Meeting of:** September 24, 2024

From: David Marlor, Director,
Legislative and Information
Services **Date Prepared:** September 4, 2024

SUBJECT: Trust Council Meeting Procedures Bylaw – Scheduling Amendment

RECOMMENDATION:

That Trust Council give Bylaw 198, cited as “Islands Trust Council Meeting Procedures Bylaw, 2004, Amendment Bylaw No. 2, 2024” First Reading.

That Trust Council give Bylaw 198, cited as “Islands Trust Council Meeting Procedures Bylaw, 2004, Amendment Bylaw No. 2, 2024”, Second Reading.

That Trust Council give Bylaw 198, cited as “Islands Trust Council Meeting Procedures Bylaw, 2004, Amendment Bylaw No. 2, 2024”, Third Reading.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

This is a staff initiated recommendation which will align Trust Council’s meeting procedure bylaw with the organization’s fiscal year that runs annually from April 1 – March 31. Setting meeting dates on a fiscal year instead of calendar year will improve budget processes associated with meeting setting. The administrative impact of the change is almost non-existent, save for the upcoming meeting setting exercise, which will plan meeting dates for 15 months instead of 12 months, as a result of the transition period from calendar to fiscal year. Future planning will once again reflect 12 months only.

A similar amendment is proposed for local trust committees in draft Bylaw 197 (separate decision item regarding local trust committees meeting procedures bylaw) so that all corporate bodies’ meeting scheduling is aligned with the fiscal year. Aligning all plans and processes with an organization’s fiscal year is sound corporate process.

1 PURPOSE: To update the Trust Council Meeting Procedures Bylaw 101 to align the scheduling of Trust Council meetings with the budget fiscal year.

2 BACKGROUND:

Trust Council, council committees and local trust committee meetings have historically been scheduled at the end of the calendar year for the following calendar year (January 1 to December 31). As required by legislation, the bylaw includes a provision to indicate when, where, and how the meeting schedule will be made available to the public.

This amendment will align the scheduling of meeting with the fiscal year (April 1 to March 31). This will make budgeting for the meetings easier and less administrative work for staff.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

If adopted, in December 2024, Trust Council will adopt a meeting schedule that will run from January 1, 2025 to March 31, 2026. In subsequent years, as the March meeting will already have been set, Trust Council will establish the meeting schedule from April 1 to March 31).

FINANCIAL:

There are no financial implications. However, aligning the meeting schedule with the budget cycle will make the budget process easier for Trust Council and staff.

POLICY:

There are no policy implications.

IMPLEMENTATION/COMMUNICATIONS:

FIRST NATIONS RELATIONS:

There are no First Nations relations implications.

OTHER:

There are no other implications.

4 RELEVANT POLICY(S):

[Section 13 of the Islands Trust Act](#)
[Trust Council Meeting Procedures Bylaw 101](#)

5 ATTACHMENT(S):

Draft Trust Council Bylaw 198

RESPONSE OPTIONS

Recommendation:

That Trust Council give Bylaw 198, cited as “Islands Trust Council Meeting Procedures Bylaw, 2004, Amendment Bylaw No. 2, 2024” First Reading.

That Trust Council give Bylaw 198, cited as “Islands Trust Council Meeting Procedures Bylaw, 2004, Amendment Bylaw No. 2, 2024”, Second Reading.

That Trust Council give Bylaw 198, cited as “Islands Trust Council Meeting Procedures Bylaw, 2004, Amendment Bylaw No. 2, 2024”, Third Reading.

Alternative:

Not amend the bylaw and keep the current approach of scheduling meetings on a calendar basis.

Prepared By: David Marlor, Director, Legislative and Information Services

Reviewed By/Date: Interim Chief Administrative Officer/September 4, 2024
Executive Committee/September 11, 2024

ISLANDS TRUST COUNCIL

BYLAW NO. 198

A BYLAW TO AMEND THE ISLANDS TRUST COUNCIL MEETING PROCEDURES BYLAW

The Islands Trust Council, having jurisdiction in respect of the Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, as amended, enacts as follows:

1. Islands Trust Council Meetings Procedures Bylaw, 2004, is amended as follows:
 - a) By deleting sections 2.1 and 2.2 in their entirety and replacing with the following:

“2.1 The first regular meeting of the Council shall be held on the first Wednesday of November following a general local election. At the first regular meeting, the Council shall establish the schedule of the date, time and place of regular Council meetings for the following fiscal year (April 1 to March 31), one of which shall be in each of the months of June, September, December, and March.

2.2 Thereafter, at the meeting in December of each of the subsequent three years, the Council shall establish the schedule of the date, time and place of regular Council meetings for the following fiscal year (April 1 to March 31), one of which shall be in each of the months of June, September, December, and March with the exception of the year of a general local election when the December meeting shall be held in November. The meeting schedule and any revision to the schedule shall be posted at the places specified in Part 10 of this bylaw.”
2. This Bylaw may be cited for all purposes as “Islands Trust Council Meeting Procedures Bylaw, 2004, Amendment Bylaw No. 2, 2024”.

| | | |
|-------------------------|--------|--------|
| READ A FIRST TIME THIS | DAY OF | , 2024 |
| READ A SECOND TIME THIS | DAY OF | , 2024 |
| READ A THIRD TIME THIS | DAY OF | , 2024 |
| ADOPTED THIS | DAY OF | , 2024 |

SECRETARY

CHAIR



REQUEST FOR DECISION

To: Trust Council **For the Meeting of:** September 24, 2024

From: David Marlor, Director,
Legislative and Information
Services **Date Prepared:** August 20, 2024

SUBJECT: Trust Council Bylaw 197: Local Trust Committee Meeting Procedures Bylaw

RECOMMENDATION:

That Trust Council give Bylaw 197, cited as “Local Trust Committees Meeting Procedures Bylaw, 2024”, First Reading.

That Trust Council give Bylaw 197, cited as “Local Trust Committees Meeting Procedures Bylaw, 2024”, Second Reading.

That Trust Council give Bylaw 197, cited as “Local Trust Committees Meeting Procedures Bylaw, 2024”, Third Reading.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

Adoption of Bylaw 197, ‘Local Trust Committee Meetings Procedures Bylaw, 2024’ would be a departure from the historical norm of providing LTCs with model bylaws for their individual consideration. However, this approach aligns with section 11 of the Islands Trust Act, and Trust Council’s policy 2.1.7 Trust Wide Administrative Procedures (Section 11).

The new bylaw will fulfill the direction of Trust Council and is intended to bring efficiency to administrative procedures associated with local trust committee meetings by setting a consistent corporate standard. This will enhance efficiency in planning administration and will increase resiliency of the planning administration team, allowing for staff to seamlessly assist with any local trust committee in the event of staff vacancies or workload distribution issues.

1 **PURPOSE:**

To establish standard meeting procedures that apply to all local trust committees, and replace individual local trust committee meeting procedure bylaws.

2 **BACKGROUND:**

At its regular meeting in December 2023, Trust Council passed the following resolution based on staff recommendation.

That Trust Council request Staff to prepare a draft amendment to the Trust Council Meeting Procedures Bylaw [101] under Section 11 of the Islands Trust Act so that it also applies to all 13

local trust committees, and add amendments to require release of local trust committees' agenda outlines a minimum of two days before release date of full agenda.

Analysis:

Review of [Trust Council Meeting Procedures Bylaw 101](#) indicated that incorporating local trust committees' meeting procedures into the Trust Council meeting procedures bylaw would add complexity, potential ambiguity, and new meeting procedure rules for local trust committees, which have not been previously considered. To address these concerns, Staff recommend that a separate Local Trust Committee Meeting Procedures Bylaw be developed, as a stand-alone bylaw, separate from Trust Council's Meeting Procedure Bylaw 101. Staff have taken this approach and present the new LTC Meeting Procedure Bylaw for Trust Council's review.

Staff based the draft LTC meeting procedures bylaw on the local trust committee meeting procedures model bylaw that Trust Council adopted in December 5, 2003 and updated in early 2020s, and which was used by local trust committees to develop their own meeting procedures bylaws. While the updated model bylaw was circulated to local trust committees, [Policy 4.1.3 Model Local Trust Committee Meeting Procedures Bylaw](#) was never updated to reflect the new language. Six local trust committees have updated their meeting procedures bylaws since then to address public participation, and order and decorum.

The draft Trust Council bylaw 197 'LTC Meeting Procedures' does not add anything new beyond what local trust committees were recommended to have in their bylaws under Trust Council's previously adopted model meeting procedures bylaw, with the exception of:

- adding the release of an agenda outline two-days before the agenda deadline as indicated in the Trust Council resolution;
- changing the period for notification of meetings from calendar year to fiscal year (April 1 to March 31) to align with proposed changes to Trust Council's meeting procedures bylaw;
- changing number of consecutive meetings a trustee may attend electronically from two to three;
- adding an allowance for the minimum of two required annual meetings of the Executive Committee Acting as a local Trust Committee to be in-person or electronically; and
- making other minor changes to address wording amendments and clarity.

Gabriola, Galiano, Gambier, Mayne, North Pender, Saturna, South Pender local trust committees do not currently have procedures regarding "delegations", "order and decorum", "Invited Presentations", and "public participation" in their bylaws (sections 23 to 45 in the draft Trust Council Local Trust Committees Meeting Procedure Bylaw).

The Trust Council bylaw 197 as drafted has the same meeting procedure requirements for all 12 local trust areas and the Executive Committee Acting as a Local Trust Committee. This will streamline administration of meetings and reduce costs and resources.

Bylaw Adoption:

Under s.11 of the *Islands Trust Act*, a Trust Council meeting procedures bylaw for local trust committees would over-ride any local trust committee meeting procedures bylaws in the event of a conflict. If Trust Council adopts a local trust committee meeting procedures bylaw, staff will recommend that local trust committees rescind their meeting procedures bylaws to avoid any confusion.

Most local trust committee bylaws contain a clause authorizing the LTC Chair as signatory to documents on behalf of the local trust committee. As this is not a meeting procedure it is omitted from the draft Trust Council bylaw 197 for local trust committee meeting procedures. Local trust committees authorize Chair signatory through other means, such as a standing resolution or policy of the local trust committee..

A bylaw under s.11 of the *Islands Trust Act* must be adopted by 2/3 majority of those present at the meeting at which the vote on adoption takes place. While 1st, 2nd and 3rd readings are all a simple majority vote, the actual adoption requires 2/3 vote of those present. As Trust Council normally conducts adoption of administrative bylaws by resolution-without-meeting, this means that 18 votes in favour will be requires to adopt the bylaw.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

This would reduce the number of local trust committee meeting procedure bylaws to administer from 13 to one, and standardize meeting procedures between all local trust committees. This will make administration for staff easier and be more consistent for the public and local trust committee chairs.

FINANCIAL:

There is no direct financial implication. When updates are necessary to the meeting procedures bylaw, writing one bylaw as opposed to 13 will require less staff time and therefore less costs.

POLICY:

Policy 4.1.3 Model Local Trust Committee Meeting Procedures Bylaw would be redundant and could be rescinded.

IMPLEMENTATION/COMMUNICATIONS:

Staff will link Trust Council's Local Trust Committee Meeting Procedures Bylaw 197 on each of the local trust committee bylaw pages, with an explanation. Staff will provide a report to each local trust committee with recommendation to rescind their meeting procedure bylaws, and an appropriate method to authorize the Chair as signatory for the local trust committee.

FIRST NATIONS RELATIONS:

There are no implications for First Nations relations.

OTHER:

Local trust committees' meeting procedure bylaws would be redundant, and Staff will recommend that each local trust committee rescind their meeting procedure bylaws. Other bylaws and policies of trust committee would stand, and staff will be bringing recommendations for each local trust committee to adopt public notice bylaws.

4 RELEVANT POLICY(S):

- [Islands Trust Act, Section 11](#)
- [Policy 2.1.7 Trust-wide Administrative Procedures \(Section 11\)](#)
- [Policy 4.1.3 Model Local Trust Committee Meeting Procedures Bylaw](#)

5 ATTACHMENT(S):

Draft Local Trust Committee Meeting Procedures Bylaw, 2024 (Bylaw 197).

RESPONSE OPTIONS

Recommendation:

That by a 2/3 majority vote, Trust Council give Bylaw 197, cited as “Local Trust Committees Meeting Procedures Bylaw, 2024”, First Reading.

That by a 2/3 majority vote Trust Council give Bylaw 197, cited as “Local Trust Committees Meeting Procedures Bylaw, 2024”, Second Reading.

That by a 2/3 majority vote Trust Council give Bylaw 197, cited as “Local Trust Committees Meeting Procedures Bylaw, 2024”, Third Reading.

Alternative:

That Trust Council not adopt a local trust committees meeting procedures bylaw. This will maintain the status quo of 13 local trust committee meeting procedures bylaws.

Prepared By: David Marlor, Director, Legislative and Information Services

Reviewed By/Date: Interim Chief Administrative Officer/September 4, 2024
Executive Committee/September 11, 2024

**TRUST COUNCIL
BYLAW NO. 197, 2024**

A bylaw to establish procedures for meetings of local trust committees

WHEREAS Section 11 of the *Islands Trust Act* states that 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 that one or more local trust committees, as specified in the bylaw, must follow in exercising their authority and carrying out their responsibilities under this or any other enactment;

And WHEREAS The Islands Trust Council, having jurisdiction in respect of the Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

SHORT TITLE

1. This bylaw may be cited as “Local Trust Committees’ Meeting Procedure Bylaw No. 197, 2024”.

APPLICATION

2. This bylaw applies to Denman Island Local Trust Committee, Gabriola Island Local Trust Committee, Galiano Island Local Trust Committee, Gambier Island Local Trust Committee, Hornby Island Local Trust Committee, Lasqueti Island Local Trust Committee, Mayne Island Local Trust Committee, North Pender Island Local Trust Committee, Salt Spring Island Local Trust Committee, Saturna Island Local Trust Committee, South Pender Island Local Trust Committee, Thetis Island Local Trust Committee and the Executive Committee Acting as a Local Trust Committee.

DEFINITIONS

3. “Principal Office” means the headquarters office location of the Islands Trust.

MEETINGS AND NOTICE OF MEETINGS

4. The first regular meeting of a local trust committee shall be held on a date to be determined by each Local Trust Committee by Resolution Without Meeting following a general local election.
5. At the first regular meeting referred to in Section 4, and at the last regular meeting of each of the first, second, and third years following a general election, or by Resolution Without Meeting, each Local Trust Committee shall establish a schedule of the date, time and place of its regular Local Trust Committee meetings for the following fiscal year, of which there shall be at least two held in-person except for the Executive Committee Acting as a Local Trust Committee, in which case all regular meetings may be electronic.
6. The meeting schedule:
 - a. for the Galiano Island Local Trust Committee, Mayne Island Local Trust Committee, North Pender Island Local Trust Committee, Saturna Island Local Trust Committee, and South Pender Island Local Trust Committee, shall be posted on a bulletin board located at the Victoria Office of the Islands Trust, and the schedule shall be posted on a notice board on the relevant island that is accessible to the public;
 - b. for the Denman Island Local Trust Committee, Gabriola Island Local Trust Committee, Gambier Island Local Trust Committee, Hornby Island Local Trust Committee, Thetis Island Local Trust Committee, and Lasqueti Island Local Trust Committee, shall be posted on a bulletin board

- located at the Northern Office of the Islands Trust, and shall be posted on a notice board on the relevant island that is accessible to the public;
- c. for the Salt Spring Island Local Trust Committee and Executive Committee Acting as a Local Trust Committee, shall be posted on a bulletin board located at the Salt Spring Island Office of the Islands Trust.
7. Public notice of the availability of the regular meeting schedule at the place specified in Section 6 shall be given at least once a year by publication in a newspaper circulating in the local trust area, or if the local trust committee has adopted an alternative means of public notice under s. 94.2 of the Community Charter, then the notice shall be provided once per year in accordance with that bylaw.
 8. Advance public notice of a regular or special meeting that is to be conducted by means of electronic or other communication facilities shall include the way in which the meeting is to be conducted by means of electronic or other communication facilities and the place where the public may attend to hear, or watch and hear, that the proceedings are open to the public and shall be posted at the places specified in Section 6 and delivered to trustees in accordance with Section 9. Notice of a special meeting which is to be conducted by means of electronic or other communication facilities shall be delivered to the trustee in accordance with Section 10.
 9. Each local trustee shall provide to the Deputy 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 Islands Trust email address or given to the trustee in person.
 10. Any two members of a 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 or emailed to the trustee's Islands Trust email address at least 48 hours before the time of the meeting, and by posting the notice at the places specified in Section 6, except that notice to Local Trust Committee members may be waived by unanimous vote.
 11. 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.
 12. 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.
 13. A quorum of a local trust committee is two members, except for the Executive Committee Acting as a Local Trust Committee, in which case the quorum is three.
 14. In the event that neither the Chairperson nor the alternate member of a local trust committee appointed by the Chair of the Trust Council is present within one half hour of the scheduled time of a regular or special meeting, the Director of Planning Services, or their designate, shall call the meeting to order and the remaining trustees shall determine which of them shall act as Chairperson

REGULAR MEETING AGENDA

15. The Deputy Secretary must prepare an agenda for each regular meeting, which must:
 - a. state the general nature of each business item to be dealt with at the regular meeting;

- b. be sent to each trustee's email address at least seven (7) days before the scheduled meeting date; and
 - c. the agenda outline to be released publically at least two (2) days before the release of the full agenda.
16. The Director of Planning Services or their designate shall legibly record the minutes of the meetings of each local trust committee, and shall record any resolutions without meeting. After the minutes of a meeting have been adopted, the Director or their designate shall certify the minutes as correct and the Chairperson or other trustee who presided at the meeting shall sign the minutes.
17. The minutes are a record of decisions, and shall include a record of 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

18. 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*.
19. Motions shall be in writing, and may be moved by any member of a local trust committee; the Chair may allow motions to be made verbally but must ensure the recorder reads it back correctly.
20. Bylaws may be read by title only, provided that each member of a local trust committee is in possession of a complete copy of the proposed bylaw at the meeting.
21. The Chairperson of a local trust committee, or other trustee who presided at the meeting at which it was adopted, and the Deputy Secretary of the Islands Trust, shall sign every bylaw adopted by a local trust committee, and the Deputy Secretary shall keep a certified copy of the bylaw at the principal office of the Islands Trust.

DELEGATIONS

22. A Delegation period is limited to fifteen (15) minutes in duration, and may be scheduled for each regular meeting of a local trust committee. The time limit may be extended by unanimous vote of the members present.
23. An individual, or a representative of an organization, may request to address a local trust committee as a delegation.
24. A delegation requesting permission to appear before a local trust committee shall submit a written request in the form prescribed by the Deputy Secretary. The subject of the written request and the presentation must fall within the jurisdiction of the Local Trust Committee.
25. The written request must specify the subject matter of the presentation and include either a copy of the presentation or an overview of the information to be presented. The written request must also include the name and address of the person(s) speaking.

26. All written requests to appear before the Local Trust Committee must be received by the Deputy Secretary by 12:00 noon fourteen (14) calendar days prior to the meeting.
27. Each address shall be limited to five (5) minutes unless a longer period is agreed to by unanimous vote of those Local Trust Committee members present
28. Any video presentations used as part of a delegation's address to a local trust committee will count toward the time limit permitted for the delegation.
29. In the event of a delegation presenting a petition, the petition shall contain each petitioner's signature and printed name and address.
30. Where written requests have not been received by the Deputy Secretary as prescribed in section 34, an individual may address the meeting in the Public Participation period, as outlined within this bylaw.
31. A local trust committee must not permit a delegation to address a meeting of the Committee regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
32. The Deputy Secretary, in consultation with the Chair, may schedule delegations to another Local Trust Committee meeting.
33. The Deputy Secretary, in consultation with the Chair, may refuse to place a delegation on the agenda.
34. If the delegation wishes to appeal the Deputy Secretary's decision, the information must be distributed under separate cover to the Local Trust Committee for their consideration.

ORDER AND DECORUM

35. The Chair is to preserve order at every meeting of a local trust committee and has the power to make such rulings as are necessary to do so, including the power to rule on all points of order and may deny any individual or a delegation the right to address a meeting if, in the Chair's opinion, the individual or the delegation:
 - a. makes defamatory remarks about any person or speaks disrespectfully of any person;
 - b. addresses issues not contained within the written application of the individual or delegation, as prescribed in sections 25 and 42; or
 - c. immoderately raises their voice, or uses profane, vulgar or offensive language, gestures or signs.
36. Individuals and delegations will not be heard at regular meetings of the Local Trust Committee on the following:
 - a. the promotion of commercial products or services which have no connection to the business of the Local Trust Committee;
 - b. matters on which a local trust committee has approved commencement of prosecution and on which judgment has not been rendered;
 - c. publicly tendered contracts or proposal calls for the provision of goods and services for the Local Trust Committee, between the time that such contract or proposal call has been authorized and the time such contract or proposal call has been awarded, either by a local trust committee or Islands Trust staff; or
 - d. Topics which are normally dealt with by Islands Trust staff as a matter of routine.

37. A local trust committee member may, on recognition by the Chair, ask or answer questions of a member of the public who is addressing a local trust committee. Debate with, or by, any member of a local trust committee or staff is not permitted.
38. The Chair or person presiding may expel and exclude a person from a meeting of a local trust committee for improper conduct.

INVITED PRESENTATIONS

39. Members of a local trust committee may, with the Chair's approval, invite a person, persons, or organizations(s) to make a presentation to the Local Trust Committee. Time permitting, the Deputy Secretary shall include the subject of the presentation and the designated speaker on the meeting agenda.

PUBLIC PARTICIPATION

40. A public participation period, limited to fifteen (15) minutes in duration, may be scheduled for each regular meeting of a local trust committee and may be extended by majority vote of the Local Trust Committee members present.
41. A member of the public may have three (3) minutes to address a local trust committee during the public participation period, unless extended by unanimous vote of the Local Trust Committee members present.
42. Persons wishing to address a local trust committee must state their first and last name and topic involved.
43. Subjects must relate strictly to matters under the jurisdiction of a local trust committee.
44. Subjects must be brief and to the point.

ELECTRONIC MEETINGS

45. Regular or special meetings of a local trust committee beyond the minimum number of in-person physical meetings identified in Section 5 may be conducted entirely by means of electronic or other communication facilities if a majority of the members of a local trust committee have agreed by resolution, and provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.
46. An individual Local Trust Committee member who is unable to attend at the physical location of a local trust committee meeting that is held in-person may choose to participate by means of electronic or other communication facilities, provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.
47. For each local trust committee meeting, not more than one Local Trust Committee member may participate by means of electronic or other facilities when the meeting has been scheduled for an in-person meeting.

48. An individual member of a local trust committee may not participate by means of electronic or other communication facilities in three consecutive regular Local Trust Committee meetings that are held in-person.
49. A local trust committee may waive the restrictions in sections 47 and 48 by unanimous resolution, of the Local Trust Committee.
50. Members of a local trust committee who use electronic or other communication facilities to participate in a meeting conducted in accordance with this bylaw are deemed present at the meeting.
51. Members of a local trust committee may begin participation in a meeting by electronic communication facilities after the meeting has been called to order.
52. Where members of a local trust committee are participating in a meeting through electronic or other communication facilities, the facilities must enable all meeting participants to hear, or watch and hear, each other and must provide notice when participants join or leave the meeting.
53. Where members of a local trust committee are participating in a meeting through electronic communication facilities, the facilities must enable the public to hear, or watch and hear, all meeting participants at a place specified in the meeting notice, unless the meeting has been properly closed to the public.
54. For the duration of a local Trust Committee meeting conducted by electronic or other communication means that is open to the public, a designated staff member shall be in attendance at the place specified in the meeting notice for the public to hear, or watch and hear, the meeting.
55. If communication is lost to one or more trustees participating electronically during the meeting:
 - a. the affected trustee participating electronically will attempt to reestablish the link and, in the interim, will be deemed to have left the meeting and this will be recorded in the minutes;
 - b. if there is not a quorum, the Local Trust Committee Chair or person presiding will call a recess until the link is reestablished; and,
 - c. if, after 15 minutes, a link cannot be reestablished and there is not a quorum of Local Trust Committee members, the meeting will be deemed adjourned and the item under discussion at the time of loss of communication and the remainder of the agenda will be added to the next agenda.

| | | | | |
|--------------------------|-------------------|--------|------|------|
| READ A FIRST TIME THIS | ___ TH | DAY OF | ___, | 2024 |
| READ A SECOND TIME THIS | ___ TH | DAY OF | ___, | 2024 |
| READ A THIRD TIME THIS | ___ TH | DAY OF | ___, | 2024 |
| ADOPTED BY 2/3 VOTE THIS | ___ TH | DAY OF | ___ | 2024 |

CHAIRPERSON

DEPUTY SECRETARY



REQUEST FOR DECISION

To: Trust Council **For the Meeting of:** September 24, 2024
From: Executive Committee **Date Prepared:** July 31, 2024
SUBJECT: Amendment to Policy and Procedures Regarding Delegations to Trust Council

RECOMMENDATION:

That Trust Council request Executive Committee to return to Trust Council with a draft bylaw to amend Trust Council's Meeting Procedure Bylaw 101 that:

1. Requires delegations to specify the action they are asking of Trust Council;
2. Establishes that any Trust Council direction in relation to disposition of delegations will allow time for staff to provide advice;
3. If time is of the essence, Trust Council's direction in relation to disposition of delegations will delegate a response to the Executive Committee or the Trust Council Chair;
4. Establishes approval authority for receipt of delegation and establishes a different deadline for receipt of delegations for matters on the agenda, and such a deadline would need to be after the release of the agenda outline to the public and before the start of the Trust Council meeting;
5. Establishes a maximum number of delegations per meeting and/or time limit for all delegations to maintain the integrity of the published agenda; and
6. Provides clear criteria for rejection of delegations, with a clear appeal process to Trust Council and 2/3 majority vote required of Trust Council to approve a rejected delegation.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

Staff's recommendations are intended to address concerns raised around the handling of delegations to Trust Council, particularly in relation to the timing of delegation submissions and how delegations are disposed. The recommendations are informed by staff's review of the delegation policies of other jurisdictions as well as the history of delegations process at Islands Trust. If Trust Council passes the proposed resolutions, staff will draft a proposed amended bylaw for the Executive Committee's review, with subsequent forwarding to Trust Council for review and approval. Trust Council may amend the list of proposed amendments in the resolution as it sees fit.

1 PURPOSE:

To provide information and recommended updates to Trust Council procedures for receipt of and disposition of delegations to Trust Council meetings.

2 BACKGROUND:

At its regular meeting on May 15, 2024 the Executive Committee passed the following resolution:

EC-2024-060

that Executive Committee request staff to work with Vice-Chair Peterson and Chair Luckham to prepare a request for decision for September Trust Council with options and a recommendation on policy for Disposition of Trust Council Delegations.

At its regular business meeting on July 3, 2024 the Executive Committee passed the following resolution:

EC-2024-081

that Executive Committee requests staff to investigate other local government practices and policies respecting delegations, public comments and presentations to Council, including the Capital Regional District, Regional District of Nanaimo and Cowichan Valley Regional District, for consideration of Trust Council

Islands Trust Bylaws, Policy and Procedures

Bylaw

[Islands Trust Council Bylaw 101 \(Meeting Procedures\)](#) sections 5.8 to 5.10 and 5.12 address petitions and delegations. These sections require that delegation requests be provided in writing at least three weeks prior to the meeting using a prescribed application form. The request must include the name and address of the presenter, subject of the delegation or petition and a complete copy of the presentation material for the record. If a delegation or petitioner miss the above deadline, they may still address Trust Council at the meeting if approved by 2/3 of members present. The subject matter of the delegation or petition must be related to a matter within the jurisdiction of Trust Council. All the above is subject to prior approval by the Executive Committee before the Trust Council meeting. Under Section 5.9, it is the discretion of the Executive Committee on whether or not to give space on the agenda to a delegation or petition.

Under Section 5.12, the maximum time for presentations of a petition or delegation is 10 minutes unless otherwise approved by the Executive Committee prior to the meeting, or by resolution of Trust Council at the meeting.

Trust Council Bylaw 101 defines delegation as follows:

“Delegation” means an individual or group which appears before Trust Council or a Council committee to make a presentation, submit a petition or request for action, or bring Council or a committee up-to-date on a project, new idea or information, or concept, on a topic specified on an “Application Form for Delegations to Address Islands Trust Council or a Council Committee” and which falls within the jurisdiction or activities of Trust Council or one of its committees;

Trust Council Bylaw 101 does not address initiation of other forms of presentations by the public to Trust Council.

Policy and Procedures

[Trust Council Policy 2.2.2 \(Council Meeting Preparation\)](#) establish the process and general timelines for agenda preparation. Section 4.3 indicates 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.

There is no Trust Council policy that establishes a prescribed form as referenced in Trust Council Bylaw 101, nor is there a prescribed form attached to Bylaw 101. There are no management procedural policies that establish a prescribed form. A delegation application form is included on the Islands Trust website, and while not in any policy or bylaw, it does meet the requirement of being the prescribed form referenced in Trust Council Bylaw 101.

There is no Trust Council policy, nor management operations procedures in relation to acknowledging delegations after they have presented. Management operations procedure A.2.5, dated October 1,

2014, references delegation thank you letters as to who will be carbon copied in such a letter. However, there is no policy requiring thank you letters be sent in response to delegations.

There is no Trust Council policy requiring that “disposition of delegations” be included on the Islands Trust Council agenda.

Other Jurisdictions

As requested by Executive Committee in resolution EC-2024-081 , Staff has reviewed the bylaws and policies (if they are available) in relation to delegations to the Capital Regional District (CRD), Cowichan Valley Regional District (CVRD) and Regional District of Nanaimo (RDN) board meetings.

Capital Regional District

[CRD Bylaw No.3828 \(Capital Regional District Board Procedures Bylaw, 2012\)](#) defines a delegation as an individual or an organization addressing the Board, a committee or commission about a specific item on the agenda of the meeting.

The bylaw allows delegation on items on the agenda, provided that a written application is received by the Corporate Officer on a prescribed form by 4:30 pm two calendar days prior to the meeting. Delegations are limited to 3 minutes unless longer time is approved by a 2/3 vote of the members present. Where the deadline is missed, a person may address the meeting is approved by unanimous vote of the members present.

The bylaw prohibits delegations in relation to a bylaw where a public hearing has been held, a matter to be dealt with a grievance under a collective agreement or that is within the exclusive mandate of the Greater Victoria Labour Relations Association Board. The bylaw also requires that the subject matter must be within the jurisdiction of the board, and that the Chair may deny a delegation if, in the Chair’s opinion the delegation immoderately raises his or her voice, uses profane, vulgar or offensive language, gestures or signs, or addresses issues not contained within the written application of the delegation.

CRD Bylaw 3828 has a section on presentation that allows, with the Chair’s approval, to invite a person, persons, or organizations to make presentations to the Board. These will then be included on the agenda and limited to 10 minutes, unless longer period is agreed to by a majority vote of the members present.

There is no policy available on line in relation to delegations; however there is an on-line form available for requesting a delegation. The minutes of meetings show that there is no consideration of disposition of delegations on the agenda.

Cowichan Valley Regional District

[CVRD Bylaw No. 2889 \(Regional Board Procedures Bylaw\)](#), Section 17, addresses delegations to the Board. The Bylaw requires that a written application must be received by the Corporate Officer on a prescribed form by 1:30 pm on the Wednesday prior to the meeting. Delegations are limited to 10 minutes unless a longer period is agreed to by a unanimous vote of those members present. The bylaw limits the number of delegations to two per meeting.

If a delegation request misses the deadline, or the limit of two has been reached, the delegations may still address the Board is approved by a unanimous vote of those members present.

The bylaw prohibits delegations in relation to a bylaw where a public hearing has been held. The bylaw also requires that the subject matter must be within the jurisdiction of the board, and that the Corporate Officer may refuse to add a delegation to the agenda if the issue is considered to fall outside the jurisdiction of the Board. If the delegation wishes to appeal the Corporate Officer’s decision, it is then distributed to the Board separately for the Board’s consideration.

There is no policy available on line in relation to delegations; however, there is an on-line form available for requesting a delegation. The minutes of meetings show that there is no consideration of disposition of delegations on the agenda.

Regional District of Nanaimo

[RDN Bylaw No. 1862 \(Regional District of Nanaimo Board Procedures Bylaw No. 1862, 2022\)](#), Section 17, requires that delegations requests be submitted to the Corporate Officer and include the date the delegation wishes to appear, the subject matter, name of the spokesperson, telephone number and email, a specific action being asked of the Board, an executive summary of up to two pages of the presentation for inclusion in the Board’s agenda package, and any audio/visual presentations all no later than 24 hours before the meeting scheduled start time.

RDN bylaw allows delegations for items not on the agenda, but those must be received at least seven working days prior to the meeting. These types of delegations are limited to three per meeting.

All delegations are given up to five minutes, unless otherwise determined by the Chair; however additional time is allowed for members to ask questions of clarification.

Disruptive and disrespectful conduct by delegates are prohibited. The bylaw prohibits a delegation appearing more than once to the same item except where they are introducing new material information. Delegations received at least 24 hours prior to the meeting may be considered as a late item and added to the agenda at the start of the meeting by a majority vote of the members present.

The Bylaw permits the Chair to grant others’ who are not on the agenda to speak to opportunity to speak if the Chair is satisfied circumstance prevented them from meeting the deadline. The Chair may also grant other person for a group in attendance to address the Board on the delegation subject matter.

The Bylaw prohibits delegations for matters in which a public hearing has been conducted, that are subject to legal proceeding and judgement has not be rendered, on other delegations requests, matter subject to claim for damages, personnel matters and publicly tendered contracts for goods, services and trades.

There is no policy available on line in relation to delegations; however, there is an on-line form available for requesting a delegation. The RDN also maintains a “Guide for Delegations” brochure that explains what a delegation is, how to consider whether you should apply to be a delegation, the process to apply, the formalities during the meeting, requirement of presentations, and contact information. The Bylaw outlines the agenda order, and includes a section on business arising from delegations and correspondence.

Discussion

The following table summarizes the main points established by meeting procedure bylaws for the Islands trust, CRD, CVRD and RDN:

| Jurisdiction | Delegation Item on agenda | Delegation Item not on agenda | Delegation Deadline | Delegation Time Limit | Number Delegations | Disposition of Delegations |
|--|---------------------------|-------------------------------|-------------------------------|-----------------------|--------------------|----------------------------|
| Islands Trust | Yes** | Yes** | 3 weeks | 10 min | - | - |
| CRD | Yes | No | 48 hours | 3 min | - | - |
| CVRD | Yes** | Yes** | 1 week | 10 min | Max of 2 | - |
| RDN | Yes | Yes | • matter on agenda - 24 hours | 5 min | - | Yes |
| | | | • Not on agenda – 7 days | | Max of 3 | |
| ** For the Islands Trust and the CVRD, the bylaw is silent on this, so delegations would by default be permitted for items on or off the agenda, provided it falls within the jurisdiction of the Board/Council. | | | | | | |

Deadlines

The CRD only allow delegations for matters on the agenda. The RDN and CVRD allows delegations for matters on the agenda as well as matters not on the agenda, similar to the Islands Trust. The CRD and RDN has a deadline for delegations that is very close to the meeting start time and after the release of the agenda to the public for matters on the agenda. This is presumably to allow the public to review the agenda and then request a delegation on one or more of the matters on the agenda.

The regional district bylaws authorize the Corporate Secretary to add the delegations to the agenda, with rules around how many and how to select, and those that should not be added to the agenda. There is an appeal process to the Board if a person disagrees with the Corporate Secretary’s decision not to place a delegation on the agenda.

The Islands Trust meeting procedures bylaw on deadlines has a longer lead-time due to the necessity of all Trust Council agenda items being approved by the Executive Committee.

If Trust Council wanted to allow the public to review the agenda and then request to be a delegation in relation to one or more of the items on the agenda, the bylaw would need to be amended to establish a deadline that is after agenda release and before the start of the meeting. The bylaw or policy would need to be established to handle the approval process for delegations on matters on the agenda, as these would be late items. For this to work Trust Council bylaw 101 could be amended to:

1. Establish a different deadline for delegations for matters on the agenda, and such a deadline would need to be after the release of the agenda to the public and before the start of the Trust Council meeting
2. Establish approval authority and timing for adding delegations regarding matters on the agenda
3. Establish a maximum number and/or time limit for all such delegations to maintain the integrity of the published agenda.
4. Provide clear criteria for rejection of delegation, with a clear appeal process to Trust Council and the type of vote required of Trust Council to approve a rejected delegation (majority vote, 2/3 majority vote or unanimous vote).

Note that while not covered by Trust Council meeting procedures bylaw, Trust council has a practice of allowing for a public input session for those in attendance. This is a first come, first served approach and is subject to time availability. This reduces the need for accepting late delegations regarding matters on the agenda. This approach could be added to the meeting procedures bylaw to make it a more formal part of the agenda, and include some criteria on timing, subject matter and what would not be acceptable.

Time limits

Trust Council permits 10 minutes per delegation and does not establish a maximum number of delegations. Therefore, the Executive Committee, based on the number of delegations received,

determines each meeting time requirements. The Executive Committee has the authority to approve or reject delegations as part of its delegated role of approving Trust Council's agendas.

Trust Council meeting procedures bylaw could be amended to include a limit on the number of delegations permitted. This may be more restrictive and not flexible given that Trust Council only meets four times per year. If Trust Council adds the option of accepting late delegations to allow the public to be a delegate in relation to an item on the agenda, then a limit on the number of these type of delegations should be established to maintain the integrity of the published agenda.

Disposition of Delegations

Only the RDN meeting procedures bylaw addresses disposition of delegations by including that as an agenda item in the bylaw. It appears from reading the minutes that it operates much the way Islands Trust disposition of delegations operates; that is, to request action in relation to a delegation.

The Islands Trust bylaw is silent on disposition of delegations; however, it has been practice to have this item on each Trust Council agenda. As there is no policy to guide Trust Council, the quality of resolutions asking for action in response to a delegation varies. Because Trust Council meets quarterly, there is usually a time limit that cannot wait for staff to provide a report at the next meeting, so often resolutions request action without staff advice.

Trust Council could update the meeting procedure bylaw and add a policy on "disposition of delegations" that:

1. Requires delegations to specify the action they are asking of Trust Council
2. Establishes that resolutions in relation to disposition of delegations will allow time for staff to provide advice
3. If time is of the essence, the resolution will delegate a response to the Executive Committee

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

There are no organizational implications

FINANCIAL:

There are no financial implications

POLICY:

There are no policy implications

IMPLEMENTATION/COMMUNICATIONS:

Staff forward the resolution to the Executive Committee, and work with the Executive Committee in developing draft language for amendments to the meeting procedures bylaw. In doing so, Staff would further consider implications of the options and recommendations.

FIRST NATIONS RELATIONS:

There are no First Nations Relations implications

OTHER:

There are no other implications

4 RELEVANT POLICY(S):

[Meeting Procedures Bylaw 101](#)

[Trust Council Policy 2.2.2 \(Council Meeting Preparation\)](#)

5 ATTACHMENT(S):

None.

RESPONSE Options

Recommendation:

That Trust Council request Executive Committee to recommend amendments to Trust Council's Meeting Procedure Bylaw 101 that:

1. requires delegations to specify the action they are asking of Trust Council;
2. establishes that resolutions in relation to disposition of delegations will allow time for staff to provide advice;
3. if time is of the essence, the resolutions in relation to disposition of delegations will delegate a response to the Executive Committee;
4. establishes approval authority for receipt of delegations and establishes a different deadline for receipt of delegations for matters on the agenda, and such a deadline would need to be after the release of the agenda outline to the public and before the start of the Trust Council meeting;
5. establishes a maximum number and/or time limit for all delegations to maintain the integrity of the published agenda; and
6. provides clear criteria for rejection of delegations, with a clear appeal process to Trust Council and 2/3 majority vote required of Trust Council to approve a rejected delegation.

Alternative:

Trust Council could decide to add, or alter the items recommended by the Executive Committee to be considered in a draft bylaw. This could be done by a resolution to amend the recommendation.

Trust Council could ask that the Governance Committee to consider amendments for delegations in the meeting procedures bylaw as part of the Governance Committee larger discussion on Trust Council meeting procedures and Trust Council policies. Doing so would likely result in a deeper coordinated review of the issues generally, but could take some time given the volume of policies that the Governance Committee would need to consider and prioritize for review.

Prepared By: David Marlor, Director, Legislative and Information Services

Reviewed By/Date: Interim Chief Administrative Officer/September 4, 2024
Executive Committee/September 11, 2024

At its regular meeting on July 24, 2024, the Executive Committee resolved:

Staff to take the draft code of conduct back to Trust Council with a request for decision of the work done to date, and ask Trust Council to provide further direction on the development of a new code of conduct.

To date, staff has reviewed the existing Trust Council Standards of Conduct policy against the Provincial guidelines released in 2022 for development of a Code of Conduct. Staff drafted a revised Code of Conduct for the Islands Trust Council, its committees and local trust committees largely based on the Provincial guidelines. Staff presented a Request for Decision dated April 24, 2024 to the Executive Committee; this document provide an overview of the major changes to the existing Standards of Conduct policy (see Attachment 1).

A Code of Conduct is intended to be a guide to good governance for trustees, and provide the expectations on respect and etiquette to be applied in all dealings with other trustees and staff. As such, the document must be owned, monitored, and enforced by Trust Council, and therefore, it is important that all trustees are involved in the development of the Code of Conduct. For this reason, staff continue to recommend that the document go to a Committee of the Whole so that Trust Council members can have a more free-form discussion on the substance of the draft policy, and to make recommendations for changes (additions/deletions/rewording) to the draft policy.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

There are no organizational implications.

FINANCIAL:

There are no financial implications beyond cost of holding an electronic Committee of the Whole meeting.

POLICY:

There are no policy implications.

IMPLEMENTATION/COMMUNICATIONS:

Committee of the Whole meeting would be established and advertised as per meeting procedures bylaw and policy.

FIRST NATIONS RELATIONS:

There are no First Nations Relations implications.

OTHER:

There are no other implications.

4 RELEVANT POLICY(S):

Trust Council Policy 2.1.2 Standards of Conduct

5 ATTACHMENT(S):

1. April 24, 2024 Request for Decision to Executive Committee
2. Draft Code of Conduct

RESPONSE OPTIONS

Recommendation: That Trust Council schedule a Committee of the Whole meeting to discuss the draft Code of Conduct.

Alternative:

1. That Trust Council establish a Select Committee to undertake work on a Code of Conduct and report back to Trust Council.
This option would require election of a Select Committee, establishment of a terms of reference for the Select Committee, and assignment of staff to administer the Select Committee meetings, and to provide subject matter advice. Given the number of committees currently operating for Trust Council, adding more could be a resourcing challenge.
2. That Trust Council assign the Code of Conduct to an existing Standing Committee for its review and recommendations.
The most obvious standing committee is the Governance Committee and it has already considered the Code of Conduct and has recommended the creation of a Select committee to undertake further work.
3. That Trust Council not proceed with updating its Standards of Conduct policy with a new Code of Conduct consistent with Provincial guidelines.
Council already has a Standards of Conduct policy. It is lacking in various areas, such as social media and enforcement to name a few. Trust Council could decide to not amend it and leave it to the next Trust Council to consider beginning in late 2026.

Prepared By: David Marlor, Director, Legislation and Information Services
Reviewed By/Date: Interim Chief Administrative Officer/Aug 15, 2024
Executive Committee/Aug 21, 2024



REQUEST FOR DECISION

To: Executive Committee **For the Meeting of:** April 24, 2024
From: David Marlor, Director,
Legislative Services **Date Prepared:** April 17, 2024
SUBJECT: Code of Conduct

RECOMMENDATION:

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

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

Trust Council's Standards of Conduct policy has been amended but is not consistent with updated (2022) guidelines provided by the Province. This recommendation establishes a robust code of conduct to facilitate the efficient operation of Islands Trust decision making bodies.

1 PURPOSE:

To provide the Executive Committee with an overview of the Islands Trust Code of Conduct and how it compares to guidelines provided by the Provincial Government.

2 BACKGROUND:

At its regular meeting on April 12, 2023, the Executive Committee requested Staff to provide a briefing with respect to options for better understanding of the policy regarding Code of Conduct for vice-chairs, trustees and the public. The Executive Committee amended this in November 2023 to ask Staff to review against Provincial guidelines and provide recommendation for any amendments.

Islands Trust Code of Conduct

Islands Trust Policy 2.1.2 Standards of Conduct was adopted in December 1997, and was updated June 2000, December 2003, December 2010, December 2017 and November 2021. The policy establishes that ethical principles shall govern conduct of elected trustees and groups them into four categories: Performance of Duties, Organisational Responsibility, Personal Interests, and Meetings. The policy establishes an internal review process.

Provincial Government Guidelines on Code of Conduct

In October 2022, the Working Group on Responsible Conduct, put together jointly by the Local Government Management Association (LGMA), Union of British Columbia Municipalities (UBCM)

and the Province of British Columbia, released a model code of conduct entitled “Getting Started on a Code of Conduct for your Council/Board (the Guide)”.

What is a code of conduct? The guide states that “a code of conduct is a written document that sets shared expectations for conduct or behaviour”, and that “responsible conduct of elected official is not optional; it is essential to good governance”.

The model code of conduct reflect foundational principles of integrity, respect, accountability and leadership and collaboration. For each, it provides model conduct that reflects the foundational principle. The Guide also indicates that local governments may: add examples of specific behaviour to further elaborate the standards of conduct; add additional standards that address specific topics important to the local government; and include provisions to support compliance, such as a complaint and resolution process.

Staff has review the existing Standards of Conduct against the model code of conduct and has concluded that the current standards of conduct could do with an update to bring them in line with the recommended model code of conduct.

Attached is a revised draft code of conduct for consideration by the Executive Committee and Trust Council. This code of conduct applies to all elected trustees and appointed members of the Islands Trust Conservancy Board. Staff has added in the foundational principles and conduct that exemplifies that behaviour at the start, followed by specific codes of conduct covering personal interests, conduct in meetings, collection and handling of information, interactions with staff and advisory bodies, use of social media, and interactions with public and media.

Staff has revised the enforcement process to make it clear that the Chair and CAO are not adjudicating the dispute, but are only there to ensure a process is followed. Complaints under this policy, as per the model, are only permitted from staff, trustees or Islands Trust Conservancy Board appointees.

There is no mechanism for public complaints under this policy. Public complaints regarding trustees are dealt with under the Trust Council’s Handling of Administrative Fairness Complaints Policy.

The Guide recommends that Council owns the code of conduct, as it is essential for the success of adhering to the code. This may be obtained by allowing Trust Council initially time to review and comment on the code of conduct, discuss the code of conduct in a Committee of the Whole meeting, before finally adopting it as policy. Beyond that, the policy’s foundational principles, and the behaviours should be front and centre on every agenda or meeting. Inclusion of a session on the code of conduct during new term orientation, and a commitment by Trust Council to hold learning sessions on good conduct behaviours throughout the term is another means to ensure ownership and understanding of the code of conduct.

The draft has the following changes:

- **Policy Name** - changed from “Standards of Conduct” to “Code of Conduct”
- **Section A** – from existing policy with minor edits
- **Section B** - definitions added for “Confidential Information”, “Member”, “Officer”, “Personal Information”, “Staff”, and “Trust Body”.
- **Section C Introduction** – NEW – adapted from the Guide
- **Section D Scope** – NEW – adapted from the Guide
- **Section E Foundational Principles of Responsible Conduct** – NEW – adapted from the Guide
- **Sections F.1 Integrity, F.2 Respect, F.3 Accountability and F.4 Leadership and Collaboration** – NEW – adapted from the Guide.
- **Section F.5 Personal Interest** – from existing policy with some edits
- **Section F.6 Meetings** – from existing policy with some edits

- **Sections F.7 Collection and Handling of Information, and F.8 Staff and Advisory Bodies** – an amalgamation of some existing policies with mostly new language adapted from District of Saanich and other municipalities’ codes of conduct.
- **Section F.9 Social Media** – NEW – adapted from other local municipalities codes of conduct.
- **Section F.10 Public and Media** – NEW – adapted from District of Saanich code of conduct.
- **Section G Enforcement** – NEW – adapted from District of Saanich code of conduct.

Recommended Process:

- **April 2024** – review by Executive Committee and forward to Trust Council Committee of the Whole.
- **June 2024** – Trust Council Committee of the Whole reviews and makes recommendations to Trust Council. Staff to revise policy based on Committee of the Whole discussion.
- **September 2024**– Trust Council to consider adoption of amended Code of Conduct Policy.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

No organizational implications

FINANCIAL:

No financial implications

POLICY:

Revised Code of Conduct policy.

IMPLEMENTATION/COMMUNICATIONS:

Placed on next Trust Council Committee of the Whole agenda. No other communications required at this stage.

FIRST NATIONS:

No First Nations implications.

OTHER:

No other implications.

4 RELEVANT POLICY(S):

Trust Council Policy 2.1.2 Standards of Conduct

5 ATTACHMENT(S):

Draft revised Trust Council Policy 2.1.2 Code of Conduct

RESPONSE OPTIONS

Recommendation:

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

Alternative:

The Executive Committee may request Staff to edit the draft Code of Conduct before sending to Trust Council Committee of the Whole for discussion.

Prepared By: David Marlor, Director, Legislative Services

Reviewed By/Date:

DRAFT



| | |
|---------------------------|--|
| Policy: | 2.1.2 |
| Approved By: | Trust Council |
| Approval Date: | 1992-09-12 |
| Amendment Date(s): | 1997-12-06 2000-06-17 2003-12-05 2010-12-08 2017-12-06 2021-11-30 2024-__-__ |
| Policy Holder: | Chief Administrative Officer |

CODE OF CONDUCT

A. Purpose:

Elected trustees, and Islands Trust Conservancy Board appointees, by their declaration, are obliged to execute the duties of their office. The purpose of this policy is to set minimum standards of conduct to guide elected officials and appointed board members 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.

B. Definitions:

Confidential Information includes information that could reasonably harm the interests of individuals or organizations, including the Islands Trust, if disclosed to persons who are not authorized to access the information, as well as information to which section 117 of the *Community Charter* applies.

Member means a trustee and a person appointed to the Islands Trust Conservancy Board by the Provincial Government.

Officer means a member of staff designated as an officer under s.17 of the *Islands Trust Act*, and includes deputy officers.

Personal Information has the same meaning as in the *Freedom of Information and Protection of Privacy Act*.

Staff means an employee or contract employee of the Islands Trust, and includes staff that supports advisory bodies.

Trust Body means any one or more of Trust Council, Executive Committee, local trust committees, and the Islands Trust Conservancy Board, all as defined in the *Islands Trust Act*.

Trustee means local trustees and municipal trustees as defined in the *Islands Trust Act*.

DRAFT

C. Introduction:

- C.1. We recognize that responsible conduct is essential to providing good governance for the Islands Trust.
- C.2. We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.
- C.3. In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being an active participant in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other members, staff, and the public.

D. Scope:

- D.1. This code of conduct applies to the members of Trust Council, local trust committees, and Islands Trust Conservancy Board. It is each member's individual responsibility to uphold both the letter and the spirit of this code of conduct in their dealings with other members, staff, and the public.
- D.2. Members must conduct themselves in accordance with the law. This code of conduct is intended to be developed, interpreted and applied by members in a manner that is consistent with all applicable federal and provincial laws, as well as the bylaws and policies of the Trust Bodies, the common law and any other legal obligations which apply to members individually or as a collective council, committee or board.

E. Foundational Principles of Responsible Conduct:

- E.1. **Integrity** – means conducting oneself honestly and ethically.
- E.2. **Respect** – means valuing the perspectives, wishes, and rights of others.
- E.3. **Accountability** – means an obligation and willingness to accept responsibility or to account for one's actions.
- E.4. **Leadership and Collaboration** – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts.

F. Standards of Conduct:

- F.1. **Integrity:** Integrity is demonstrated by the following conduct:
 - F.1.1. Members will be open and truthful in all local government dealings, while protecting confidentiality where necessary.

DRAFT

- F.1.2. Members will behave in a manner that promotes public confidence, including actively avoiding any perceptions of conflicts of interest, improper use of office, or unethical conduct.
 - F.1.3. Members will act in the best interest of the public and community.
 - F.1.4. Members will ensure actions are consistent with the shared principles, values, policies, and bylaws collectively agreed to by the council or board.
 - F.1.5. Members will demonstrate the same ethical principles during both meetings that are open and closed to the public.
 - F.1.6. Members will express sincerity when correcting or apologizing for any errors or mistakes made while carrying out official duties.
- F.2. **Respect:** Respect is demonstrated through the following conduct:
- F.2.1. Members will treat elected officials, staff, and the public with dignity, understanding, and respect.
 - F.2.2. Members will acknowledge that people’s beliefs, values, ideas, and contributions add diverse perspectives.
 - F.2.3. Members will create an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as offensive or derogatory.
 - F.2.4. Members will refrain from any form of discriminatory conduct against another elected official, staff, or the public.
 - F.2.5. Members will honour the offices of local government and fulfill the obligations of Chair and trustees dutifully.
 - F.2.6. Members will recognize and value the distinct roles and responsibilities of local government staff.
 - F.2.7. Members will call for and expect respect from the community towards elected officials and staff.
 - F.2.8. Members will ensure that public statements and social media posts that concern other elected officials, staff, and the public are respectful.
- F.3. **Accountability:** Accountability is demonstrated through the following conduct:
- F.3.1. Members will be transparent about how they carry out their duties and how council, committees and the Islands Trust Conservancy Board conducts business.

DRAFT

- F.3.2. Members will ensure any information and decision-making processes are accessible to the public while protecting confidentiality where necessary.
- F.3.3. Members will correct any mistakes or errors in a timely and transparent manner.
- F.3.4. Members will accept and uphold that the council, committees and the Islands Trust Conservancy Board are collectively accountable for local government decisions, and that individual elected officials are responsible and accountable for their behaviour and individual decisions.
- F.3.5. Members will listen to and consider the opinions and needs of the community in all decision making and allow for public discourse and feedback.
- F.3.6. Members will act in accordance with the law, which includes, but is not limited to, the statutes, bylaws, and policies that govern local government.
- F.4. **Leadership and Collaboration:** Leadership and collaboration is demonstrated through the following conduct:
 - F.4.1. Members will demonstrate behaviour that builds public confidence and trust in the Islands Trust.
 - F.4.2. Members will provide considered direction on Islands Trust policies and support colleagues and staff to do the same.
 - F.4.3. Members will educate colleagues and staff on the harmful impacts of discriminatory conduct, and take action to prevent this type of conduct from reoccurring if necessary.
 - F.4.4. Members will create space for open expression by others, take responsibility for one's own actions and reactions, and accept the decisions of the majority.
 - F.4.5. Members will advocate for shared decision-making and actively work with other members, staff, the public, and other stakeholders to achieve common goals.
 - F.4.6. Members will foster positive working relationships between members, staff, and the public.
 - F.4.7. Members will commit to building mutually beneficial working relationships with First Nations with interest in the Islands Trust Area to further advance reconciliation efforts.
 - F.4.8. Members will positively influence others to adhere to the foundational principles of responsible conduct in all Islands Trust dealings.
- F.5. **Conduct Related to Personal Interests:**

DRAFT

- F.5.1. Members will avoid lobbying activities toward any Trust body for personal interests or profit and/or for any other person.
 - F.5.2. Members will declare to the relevant chair and/or Chief Administrative Officer 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.
 - F.5.3. Members will 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.
 - F.5.4. Members will avoid situations, related to their duties, which could result in securing special privileges, favours or exemptions for themselves, or any other person.
 - F.5.5. Members will not commit organizational resources of any kind for activities that are not directly related to the official business of the Islands Trust.
 - F.5.6. Members will 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.).
 - F.5.7. Members will 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.
- F.6. **Conduct in Meetings:**
- F.6.1. Members must prepare for and regularly attend meetings of trust bodies to which they have been elected or appointed. Members have an obligation to attend meetings and the expectation is that members 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 members.
 - F.6.2. Members will recognize the importance of the role of the chair of meetings, and treat that person with respect at all times.
 - F.6.3. During meetings, members shall listen courteously and attentively to all discussions before the body, and focus on the issues and facts.

DRAFT

- F.6.4. The diverse perspectives of each member, as they reflect the interest of their own communities, will be respected.
- F.6.5. When making decisions, members must consider all relevant facts, opinions, debate and analyses of which they should be reasonably aware.
- F.6.6. Disagreements will be seen as a natural part of Council, committee and board work. Such disagreements will not be taken personally, nor made personal.
- F.6.7. Members can expect courteous behaviour from each other. Members 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.
- F.6.8. When speaking publicly and at trust body meetings, members shall avoid inflammatory language. They are expected to speak in an objective manner.

F.7. **Conduct in Collection and Handling of Information:**

- F.7.1. Members must collect and use personal information in accordance with *Freedom of Information and Protection of Privacy Act* legislation and policies and guidelines regarding protection of privacy as established by the Islands Trust Council.
- F.7.2. Members must protect information that is specifically marked confidential, that is personal information and other material identified or understood to be confidential in nature.
- F.7.3. Members must refrain from discussing or disclosing any confidential information with persons outside the organization except as authorized.
- F.7.4. Members must refrain from discussing or disclosing any personal information with or to other members, officials, Staff, or with persons outside the organization except in a manner consistent with the duty to protect personal information under the *Freedom of Information and Protection of Privacy Act*.
- F.7.5. Members must take reasonable care to prevent the examination of confidential material or access to personal information by unauthorized individuals.
- F.7.6. Members must not use confidential information except for the purpose for which it is intended to be used.

DRAFT

- F.7.7. Members must only release information in accordance with established Islands Trust policies and procedures and in compliance with the *Freedom of Information and Protection of Privacy Act* (British Columbia).
- F.7.8. Members must not disclose decisions, resolutions or report contents forming part of the agenda for or from an in-camera meeting until a corporate decision has been made for the information to become public.
- F.7.9. No members shall disclose or release to 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 relevant Trust Body to do so.
- F.7.10. No members shall disclose the substance of deliberations of an in-camera meeting or details of in-camera deliberations or specific details on whether individual members voted for or against an issue, until the relevant Trust Body discusses the information at a meeting that is open to the public or releases the information to the public.
- F.7.11. When dealing with personal information, members must comply fully with the provisions of the *Freedom of Information and Protection of Privacy Act*. All reasonable and necessary measures must be taken to ensure that the personal or private business information of individuals is protected. Personal information includes information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.
- F.8. Conduct in Interactions with Staff and Advisory Bodies:**
- F.8.1. Members are to contact staff according to the procedures authorized by Trust Council and/or the Chief Administrative Officer regarding the interaction of trustees, board members and staff.
- F.8.2. Members are to direct enquiries regarding Trust Council or Trust-wide issues or questions to the Chief Administrative Officer or the Director of the appropriate department and refrain from contacting other staff without first discussing the issue with the relevant Director.
- F.8.3. Members are to direct enquiries regarding local trust committee business or issues to the Director, Planning Services, to the appropriate Regional Planning Manager, or to the designated Island Planner, and must refrain from contacting other staff without first discussing the issue with the Director, Regional Planning Manager or Island Planner.

DRAFT

- F.8.4. Members are not to issue instructions to any of the Islands Trust's contractors, tenderers, consultants or other service providers.
- F.8.5. Members must not make public statements attacking or disparaging staff or advisory body members and shall show respect for the professional capacities of staff. Members must not involve staff in matters for political purposes.
- F.8.6. Members must not publish or report information or make statements attacking or reflecting negatively on staff or advisory body members except to the Chief Administrative Officer as appropriate to bring a complaint to the attention of the Chief Administrative Officer for follow up.
- F.8.7. Significant information provided to any member of a Trust Body, which is likely to be used in a meeting or in political debate, should also be provided to all other members of the relevant Trust Body, and to the Chief Administrative Officer.
- F.8.8. Members must treat the public, other members, advisory body members and staff appropriately, and without bullying, abuse or intimidation in order to preserve a workplace free from harassment.

F.9. **Conduct in Use of Social Media:**

- F.9.1. It is not the role of members to report directly on Islands Trust related business. Members will use caution in reporting decision-making by way of their social media profiles and websites ensuring that any material they publish is accurate, precise and communicates the intent of the relevant Trust Body.
- F.9.2. Members will include an "in my opinion", or similar disclaimer, either within the banner of their individual social media site(s) or separately when making follow-up posts to the Islands Trust social media postings and when creating original posts pertaining to Islands Trust related business. (Sample Disclaimer – "Opinions expressed are my own and do not reflect the view or opinions of the [Islands Trust Council] [Islands Trust Conservancy Board] [____ Island Local Trust Committee]").
- F.9.3. Members will refrain from using or permitting use of their social media accounts for purposes that include generating or recirculating:
- defamatory remarks, obscenities, profane language or sexual content;
 - negative statements disparaging other members of a Trust Body;
 - negative statements disparaging staff or calling into question the professional capabilities of staff;

DRAFT

- content that endorses, promotes, or perpetuates discrimination or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation;
- statements that indicate an actual attitudinal bias in relation to a matter that is to be the subject of a statutory or other public hearing;
- promotion of illegal activity; and
- information that may compromise the safety or security of the public or public systems.

F.9.4. Members must regularly monitor their social media accounts and immediately take measures to remove messages or postings by others that violate this Code of Conduct.

F.10. Interactions with the Public and the Media:

F.10.1. Members will accurately communicate the decisions of the relevant Trust Body, even if they disagree with the majority decision, and by so doing affirm the respect for and integrity in the decision-making processes of Council.

F.10.2. When discussing the fact that they did not support a decision, or voted against the decision, or that another member did not support a decision or voted against a decision, a member will refrain from making disparaging comments about other members or about the relevant Trust Body's processes and decisions.

G. Enforcement Process:

This section is for internal use only. Members and staff within the Islands Trust can use this section to lodge a complaint against a member in relation to their own interactions with that member.

G.1. Council officials are to abide by the requirements of the *Community Charter* and this Code of Conduct, and shall endeavour to resolve interpersonal disputes in good faith, recognizing that interpersonal rancour does not facilitate good governance.

G.2. Alleged breaches of this Code of Conduct by members shall be submitted in a written complaint addressed to the Trust Council Chair and the Chief Administrative Officer within six (6) months of the last alleged breach. In the event that the Chair is the subject of, is in a conflict of interest related to the complaint or is implicated in the complaint, the complaint shall be addressed to the a Vice-Chair unless that individual is the subject of, or implicated in the complaint. In the event that the Chief Administrative Officer is the

DRAFT

subject of, is in a conflict of interest related to the complaint or is implicated in the complaint, the complaint shall be addressed to the Director, Legislative Services unless that individual is the subject of or implicated in the complaint.

- G.3. Upon receipt of a complaint under section G.2 the Chair or designated Vice-Chair, and the Chief Administrative Officer or designate (Director, Legislative Services) shall review the Policy and the details of the alleged breach. The role of the Chair and Chief Administrative Officer (or designates) is to be the keeper of the process, not to adjudicate the complaint. Their role is to facilitate and seek a mutually beneficial resolution between the parties. Information from both parties should be obtained, reviewed and options for resolution canvassed. There is no ability for the Chair / Chief Administrative Officer or designates to give advice about the processing or quality of resolution of the complaint.
- G.4. The parties may come to an informal agreement on a resolution, which may include:
- dismissal of the complaint; or
 - public censure of the member for misbehaviour or a breach of this Code of Conduct;
 - a recommendation that a member apologize to any person adversely affected by a breach of this Code of Conduct;
 - counselling of a member; and/or
 - such other recommendations as are deemed appropriate by the parties.
- G.5. If the situation is not able to be resolved through the informal process within thirty (30) days, the Chair and the Chief Administrative Officer or designates will work to appoint an independent third party. Numerous third party investigators will be identified. The Complainant(s) and Respondent(s) will be provided with the resumes of the identified parties. The Complainant(s) and Respondent(s) have the ability to agree or disagree that the proposed parties have the necessary professional skills, knowledge and experience to investigate the complaint (the "Third Party Investigator"). The Complainant(s) and Respondent(s) will notify the Chair and Chief Administrative Officer or designate if they have a conflict of interest with any of the proposed Third Party Investigators. The Third Party Investigators will then be contacted and the individual with the next available opening in their schedule will be appointed to the matter.
- G.6. If the parties cannot agree on the choice of investigator, a nominee of the Complainant(s) and the Respondent(s) shall jointly select a suitable Third Party Investigator.
- G.7. If the Complainant(s) or Respondent(s) refuse to participate in a formal investigation, the investigation may continue without that individuals' participation. The Third Party Investigator will make their determination based on the information they are provided.

DRAFT

Not participating in the processes as outlined in sections G.4G.5 and G.6 may also be considered grounds for a complaint under the policy.

G.8. Throughout both the informal or formal investigation, either party can have legal counsel present to assist them. This legal counsel will be required to follow any rules of in-camera or procedural bylaw process that are applicable.

G.9. As confidentiality is key, information provided to the Respondent(s) will be limited to the written complaint completed by the Complainant.

G.10. The Third Party Investigator:

G.10.1. May conduct a preliminary assessment of the complaint, at the conclusion of which the investigator may determine to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond jurisdiction or unlikely to succeed; if the Third Party Investigator determines to continue the complaint, the Third Party Investigator shall:

G.10.1.1. 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.

G.10.1.2. Provide an investigation update, within ninety (90) days of his or her appointment, to the Chair and the Chief Administrative Officer or designates, as applicable, and to the Complainant and the Respondent.

G.10.1.3. Provide a written, confidential report (the "Report") of the findings of the investigation, including findings as to whether there has been a breach of this Code of Conduct, to the Chair and the Chief Administrative Officer or designates, as applicable.

G.10.1.4. Provide recommendations regarding if a copy of or selected sections of the final Report should be provided to the Complainant and the Respondent.

G.10.1.5. Provide recommendations in the Report as to the appropriate resolution of the complaint, which recommendations may include:

- dismissal of the complaint; or
- public censure of the member for misbehaviour or a breach of this Code of Conduct;

DRAFT

- a recommendation that a member apologize to any person adversely affected by a breach of this Code of Conduct;
- counselling of a member; and/or
- such other recommendations as are deemed appropriate in the professional judgment of the Third Party Investigator.

G.11. The Chair and the Chief Administrative Officer or designates shall consider whether the Report or an executive summary of the Report should be presented to Trust Council.

G.12. The Director, Legislative Services will receive and retain all reports prepared related to the complaint.

G.13. At the conclusion of the process the Third Party Investigator will destroy all notes that were taken or documents that were provided throughout the process of the investigation.

G.14. Where a member alleges a breach of this Code of Conduct by a fellow member, all members shall refrain from commenting on such allegations at open meetings pending the conclusion of the Report and any decision of Trust Council on the Report.

G.15. Members who retain legal counsel to represent them in proceedings under this section may request in writing that the Islands Trust Council indemnify them for their reasonable costs of representation, subject to limitations in Trust Council Bylaw 145.

G.16. Staff who retain legal counsel to represent themselves in proceedings under this section may request, in writing, reimbursement of reasonable costs from the Islands Trust subject to limitations in Trust Council Bylaw 145.

H. Legislated References:

H.1. Policy and Procedures Manual:

- Statutory Rules of Conduct (2.1.1)
- Governance Principles (2.1.3)

H.2. Local Trust Committee Procedural Bylaw

H.3. Trust Council Procedural Bylaw

1. FINANCIAL PLANNING COMMITTEE

In support of the Financial Planning Committee (FPC) we have completed work on the following standard annual areas of work:

- ~ **2023/24 Statement of Financial Information:** The SOFI is complete and has been reviewed by FPC and forwarded to Trust Council for their approval. This is a legislated report that will be submitted to the Minister in accordance with the Financial Information Act. The report provides supplementary information to the audited financial statements related primarily to annual expenses.
- ~ **2024/25 First Quarter Financial Report:** We have completed the June 30, 2023 first quarter financial report which tracks actual financial performance against budget for the first three months of the fiscal year. This report showed that overall Islands Trust is spending largely as expected, at 23% of budget spent in the first quarter.
- ~ **2025/26 Draft Budget Assumptions, Principles, Guidelines:** FPC has proposed 2025/26 budget assumptions, principles, and guidelines for Trust Council's review and approval.
- ~ **2025/26 Budget Consultation:** In keeping with the last two years, Financial Planning Committee has chosen not to undertake public consultation on the draft 2025/26 budget.
- ~ **Policy 6.3.2 Special Property Tax Requisitions:** Financial Planning Committee received the amended policy prior to its forwarding to Trust Council. The major policy update is to provide clarity on the use of unspent property tax requisition funds for ongoing projects, along with minor administrative amendments.

2. FINANCE

In addition to day-to-day operations associated with financial functions at Islands Trust such as accounts payable, accounts receivable, and financial bookkeeping and record-keeping, the team continues to dedicate time to financial reporting, cash flow and investment management, assisting staff with procurement processes, and orienting new staff to expense claim submissions, travel policies, and procurement practices.

With the budget cycle kicked off, the finance team has been updating templates for the 2025/26 budget year, reviewing general ledger accounts to determine if any revisions are needed, and starting estimate calculations for operational budgets.

The accounting system used by the Islands Trust finance team is due for an upgrade, as the current version of the system is at the end of its supportable life. The finance and information services team have worked together to review available options, and are now working to schedule the upgrade and related testing. In concert with this work, the team is taking time to re-examine the support model for the system, contemplating moving from a billed-as-used model to a subscription-based model.

Islands Trust Conservancy (ITC) staff have reached out to finance for support with the tracking of their Opportunity Fund and Restricted Fund transactions. This will free-up some time for the ITC manager, and make internal records more user-friendly for internal or external accountants when preparing the ITC financial statements. Finance has

agreed to take on the data entry of bank and investment transactions, and will continue conversations with ITC staff should more support be requested.

Finance continues to be involved in two Trust Council specifically funded operational projects:

1. Cityview Implementation:

Finance has taken responsibility for monitoring that payments are correctly recorded in the Cityview system, and is reviewing processes for issuing refunds and receiving security deposits. Staff have identified the need for a custom Cityview report outlining application processing milestones and related file refund potentials, to support proper accounting under the new revenue recognition accounting standards. Staff are working with Cityview technicians to develop this report and once implemented, it will streamline financial reporting related to these transactions. Finance is supporting planning staff by developing documentation and how-to guides for the Cityview processes involving receipt of cash.

2. Expense Claim System Upgrade:

This project will bring the Islands Trust expense claim system to a supported platform and will modernise the expense claim process to be fully electronic. The external contractor has completed their design of the interface based on user input. The Information Systems team is currently working to get the electronic approval workflows in place to support the paperless system. When this is complete, finance will work with the IS team to test the new system before rolling it out to both staff and trustees.

3. PROCUREMENT & CONTRACT ADMINISTRATION

As part of the regular course of business, finance has processed 55 service contract requests and 49 purchase orders so far this fiscal year.

The following procurement processes were advanced in the last quarter, in conjunction with provincial procurement staff:

- ~ Invitation to Quote (ITQ) for virtual machine host server replacement and for backup server replacement. The ITQ closed July 15, 2024 and a vendor selected.
- ~ Request for Proposal (RFP) for housing needs reports, assessing current and anticipated housing needs for Islands Trust local trust areas. This RFP closes September 3, 2024.
- ~ Request for Proposal for a Thetis Island property clean up. This RFP closes September 10, 2024
- ~ Request for Proposal for the Salt Spring Island OCP amendment and public engagement program. This RFP is being drafted by staff and is expected to be posted in the next few weeks.
- ~ Request for Proposal for contracted tech support for the Information Services team. This RFP is being worked on and expected to be posted in the coming weeks after internal reviews are completed.

Staff are please to report that the newly-implemented Direct Award approval template is being well-utilised by staff. This new template provides a corporate standard for requesting a direct award, ensures approvers of procurement direct awards are given the appropriate information required to make an informed decision, and ensures proper documentation of corporate decisions made.

4. EMPLOYEE SERVICES/HUMAN RESOURCES (HR)

We have completed several hiring actions and internal position updates over the last quarter, resulting in the following changes to the Islands Trust team:

- ~ Anthony Fotino, Island Planner for the Salt Spring Island team was extended in his Island Planner temporary assignment for the southern team until September 12, 2024.
- ~ Bruce Belcher, Planning Technician for the southern team was extended in his Planner 1 temporary assignment for the Salt Spring Island team until September 20, 2024.
- ~ Bhumika Joshi, Office Administrative Assistant for the Salt Spring Island team started the position on July 22, 2024. Bhumika holds a Bachelor of Science degree as well as many years of strong administrative experience. Welcome Bhumika!
- ~ Carolyn Stewart, Acting Islands Trust Conservancy Manager started the position on June 17, 2024. Carolyn brings over 25 years of experience working in parks and protected areas planning and management in British Columbia. Early in her career, she held the ITC Manager role. Some highlights during her career relate to building relationships with and working with First Nations community members, Gulf Island community members, and others in the conservation field. Carolyn has a Bachelor of Environmental Studies in Planning and a Master of Arts in Resource Management (Geography & Planning). Welcome Carolyn!
- ~ Chris Buchan, Planner 2 for the Salt Spring Island team has been extended as Island Planner for the Salt Spring Island office until March 14, 2025.
- ~ Emily McLean, Co-op student for the Islands Trust Conservancy completed her term August 23, 2024.
- ~ Gillian Nicol, Program Coordinator for Trust Area Services resigned her position effective August 16, 2024. Gillian accepted a position with the City of Victoria as a Planning Analyst. We wish Gillian all the best in her new role.
- ~ Jackie O'Neil has been extended in the Spatial Data Analyst temporary assignment until October 31, 2024.
- ~ Jeffrey Lloyd, Senior Technical Analyst started the position with Information Services on June 25, 2024. Jeffrey holds a Commerce Diploma from John Abbott College in Montreal, Quebec, and brings extensive experience as a technical lead, service delivery administrator, and project manager. Welcome Jeffrey!
- ~ Joan Wandolo, Planning Co-op student for the Regional Planning team finished her term on August 23, 2024.
- ~ Julia Mobbs, Director of Administrative Services started her interim appointment as Chief Administrative Officer effective July 1, 2024.
- ~ Louisa Garbo, Island Planner for the Salt Spring Island team has accepted a temporary assignment as a Senior Planning Analyst for the Ministry of Municipal Affairs. We look forward to welcoming Louisa back in March of 2025.
- ~ Milad Panahifar, auxiliary Planner 1 for the Salt Spring Island joined the team on June 17, 2024. Milad holds a Master of Community Planning degree from Vancouver Island University as well as a Bachelor of Architecture degree from Iran. Welcome Milad!

We are currently in the process of hiring for several vacant, soon-to-be-vacant, and/or new positions:

- ~ Manager, Finance and Accounting: We are currently in the resume screening process for this competition.

- ~ GIS Coordinator: We are currently in the testing process for this competition.
- ~ Program Coordinator: This position has been posted and is set to close on September 12, 2024.
- ~ Director of Administrative Services: We hope to secure someone into this temporary role soon.
- ~ Biologist: We are preparing to post this newly created position for the Planning Services team.
- ~ Chief Administrative Officer: The recruitment agency is screening applicants.

Our summer All Staff Meeting took place in person on June 26, 2024. Staff participated in a boat tour through the Salish Sea passages with information provided by planning and conservancy staff about key areas of interest historically or currently. Islands of interest on the tour included the following (where Indigenous place names are provided, they are done so in the SENĆOŦEN language): Piers Island (SQEQOTE), Knapp Island (TXITEN), Pym Island, Portland Island (SXEĆOŦEN), Moresby Island (ŁO,LEĆEN), Gooch Island (XEXÁTEM), Domville & Rubly Islands, Forrest Islands (PWÁÁN), Sidney Island (KELTEMÁ,EKS), D'Arcy Island (ĆTESEW), James Island (ŁEL,TOS), Fernie Island, Harlock Island, Kolb Island, Goudge and Coal Island (ŁEKTINES). Mid way through the trip staff docked at Sidney Island to have lunch and conduct regular staff meeting business. The CAO provided staff with updates on Trust Council, staff arrivals and departures, and presented staff awards and recognition for the previous quarter. Staff appreciated the opportunity to get together in person to learn more about the islands we preserve and protect.

The annual Performance Management Development Plan (PMDP) process was rolled out in early July. Performance management and development is a way of recognizing staff contributions. Performance management and development plans also help staff ensure they have the skills to succeed in their current roles and have the opportunity to prepare for future roles. Regular feedback contributes to an employee's understanding of their contribution to the overall goals of the Islands Trust and as a result helps employees to feel engaged in their work.

The [Pay Transparency Act](#) came into effect in May 2023 to address systemic discrimination in the workplace. The obligations placed on employers under this new act apply to Islands Trust. Effective November 1, 2026, Islands Trust will be required to post pay transparency reports. Staff have inquired to the Public Service Agency if Islands Trust information will be included in provincial reporting, or if we will be required to produce our own district reports to satisfy this obligation under the new Act. Islands Trust is already compliant with the obligations of the new Act associated with job postings, which include showing the pay scales in job advertisements, and refraining from asking job applicants what they earn in their current roles.

The Occupational Health and Safety (OHS) Committee continues working hard to keep everyone safe in the various workplaces of Islands Trust. This quarter the Committee focused on the following activities:

- ~ Work is underway on updating our Emergency Response plans for all offices.
- ~ The Committee discussed temperature control concerns while working in non-air conditioned offices during heat waves. Research was conducted and shared with applicable office managers to share awareness of what temperatures are considered unsafe, and to share tools to monitor and cool work spaces if required.
- ~ Information was shared with staff regarding the launch of B.C.'s [Racist Incident Helpline](#). The helpline is a non-emergency public support for people in B.C. who witness or experience a racist incident or hate crime. Callers receive support and guidance, including referrals to local community support services such as counselling, or help with reporting incidents to law enforcement.
- ~ The Committee continues to receive updates on the activities associated with Islands Trust's obligations under the [Accessible BC Act](#).
- ~ Ergonomics assessments were conducted for staff in the northern office. Ergonomics in the workplace is about the interactions between the worker and their environment. A well-designed environment means the worker can be more comfortable and productive and is less likely to experience musculoskeletal symptoms in the workplace. Ergonomic

assessments are conducted for all new staff, and then periodically throughout their career with Islands Trust as needed.

The Islands Trust is pleased to acknowledge the formation of the Islands Trust Staff Social Committee! This volunteer, staff-led committee meets and organizes activities during non-working hours. Since its official launch in March 2024, the Committee has organised the following activities for the benefit of Islands Trust staff:

- ~ Embracing a May 2024 theme of “blooms”, the Committee organised a ‘walk and learn’ at the Victoria and Gabriola Island office locations over work day lunch breaks to educate interested staff on local flora.
- ~ The June 2024 theme was “bike to work”, kicked off with the provincial [Go By Bike initiative](#). The Committee promoted staff participation in the event by offering incentives for participation and organizing social group rides for interested staff. The Committee also encouraged walking to work for those who don’t cycle, allowing for greater participation across all staff demographics.
- ~ The July 2024 theme was “lunch hour fitness”, which saw the Committee organise group walks during workday lunch hours and break times.

The August 2024 theme was “lunch hour games”, which encouraged a fun form of mid-day stress relief. The Committee encouraged staff to bring basic board games to each office lunch room, so staff might enjoy a brain break over their lunchtime with their colleagues.

An active Social Committee has a positive impact on staff’s connection to their place of work and to one another. It can increase job satisfaction, which influences staff productivity and retention. We are grateful for the staff who have volunteered to serve on the Islands Trust Social Committee and look forward to many social activities in future!

To: Trust Council **For the Meeting of:** September 24, 2024
From: Financial Planning Committee **Date Prepared:** August 16, 2024
SUBJECT: JUNE 30, 2024 FINANCIAL REPORT

RECOMMENDATION:

That Trust Council approve the June 30, 2024 Financial Report.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

The first quarter financial report indicates that Islands Trust is generally following the financial plan for 2024/25.

1 PURPOSE:

To summarize the findings of the June 30, 2024 first quarter financial report.

2 BACKGROUND:

Islands Trust *Policy 2.3.1 Council Committee Systems* requires the Financial Planning Committee (FPC) to report to Trust Council on the organization's financial management practices. Quarterly financial reports are prepared by staff, reviewed by FPC, and forwarded to Trust Council as part of this requirement.

Financial Report Findings

The benchmark for non-tax revenue sources and operational expenditures after three months of operations can be estimated at 25% of the annual budget.

As at June 30, 2024 Islands Trust has consumed a net 23% of the annual approved budget, slightly below benchmark for this time of year. Individual areas may experience minor overspending or underspending based on activities in the year to date. Individual revenue and expense items that vary significantly from the 25% benchmark set (where significance is determined as more or less than 10%, and more or less than \$5,000) are discussed in this report.

Revenues

Total Revenue is lower than the benchmark by \$2,207,000 (21%) due to the following:

- ~ *Fees* are lower than benchmark by \$59,000 (21%). This is due primarily to the implementation of the new accounting standard impacting the timing of revenue recognition associated with application fees. Specifically, fees revenue is recorded when milestones in processing applications are completed, as opposed to when fees are received by Islands Trust. The amount of fees revenue received in the first quarter that has not yet been recognised is \$27,000, partially accounting for the amount below the quarter one benchmark.
- ~ *Provincial Grant - Unrestricted* is higher than benchmark due to the full value of the unrestricted operating grant received in the first quarter of the year.

- ~ *Federal and Provincial Grants – Restricted* is below benchmark by \$29,000 (4%) due to projects funded by these grants taking time to ramp up in the first quarter of the fiscal year. Projects funded by these grants include: Islands Trust Conservancy (ITC) Species at Risk programming, Salt Spring Island OCP/LUB Update, Trust Area Housing Needs Assessments, First Nations Engagement, and the hiring of temporary Registered Professional Biologist to staff.
- ~ All revenues from taxation (*General Property Tax Levy, Special Property Tax Requisition, and Bowen Tax Levy*) report at nil as levies are received in the second quarter of the year, in accordance with customary timelines.
- ~ *Investment Income* is lower than the benchmark by \$17,000 (7%) due to the draw down of surplus funds to pay for first quarter operations in advance of receipt of the 2024/25 property taxes. Investment income is expected to increase later in the year when property taxes are received and invested.

Expenses by Service Area

Council Services

Council Services expenses include costs related to three main areas: Trust Council; Executive Committee; and Trust Area Services; plus an allocation of general administrative expenses. Inclusive of the general admin allocation, these expenses report at \$391,000 (23% of budget) which is lower than the 25% benchmark by \$38,000 (2%).

- ~ Trust Council spending is \$14,000 (3%) above benchmark due primarily to slight overspending on the June Trust Council meeting mainly as a result of a hired consultant for Trust Council’s strategic planning session (\$8,000) and overruns in hotel, catering, and travel costs for meeting attendees. The total cost for the June TC meeting came in at \$44,000 versus the \$31,500 meeting budget.
- ~ Trust Area Services spending is \$40,000 (6%) below benchmark due primarily to staff vacancies and programming for Stewardship education and secretariat services planned for later in the fiscal year. Staff vacancies have been as follows: Senior Indigenous Relations Advisor (1 month), Senior Policy Advisor (1 week), and Program Coordinator (3 months) which was partially offset by spending for a temporary contract worker into this position..

Local Trust Committee (LTC) Services

LTC Services expenses include costs related to five main areas: Local Trust Committees (LTCs); planning services projects; planning services staff; facilities; and bylaw enforcement; as well as an allocation of general administrative expenses. Inclusive of the general admin allocation, these expenses report at \$1.9M (24% of budget) which is lower than benchmark by 113,000 (1%). Individual expense lines within LTC services that deviate from benchmark are as follows:

- **Local Trust Committees (LTC) costs** are comprised of rent, phone, internet and office service for on-island trustee offices, the trustee portion of insurance costs, general legal costs, bylaw enforcement legal costs, legal litigation costs, statutory notices, EC travel expenses to chair LTC meetings; trustee-incurred expenses, LTC and APC meeting expenses, LTC communications, special project expenses, LTC statutory notices and the LTC portion of trustee remuneration and benefits.

Total LTC spending to June 30, 2024 is \$259,000 (31% of budget), higher than benchmark by \$52,000 (6%), due primarily to increased legal costs associated with the following:

- ~ Bylaw Enforcement legal costs are over benchmark by \$25,000 (33%) due to three files, one each on North Pender, Thetis Island, and Salt Spring Island. Trust Council’s approved budget intentionally

- approved reduced legal budgets with the understanding that overages would be funded by surplus. This was a move to reduce tax increases in the Trust Area.
- ~ Litigation costs are over benchmark by \$40,000 (94%) due primarily to two significant legal files, one on Gabriola Island and the other on Galiano Island. Trust Council's approved budget intentionally approved reduced legal budgets with the understanding that overages would be funded by surplus. This was a move to reduce tax increases in the Trust Area.
- **Planning Projects** costs are comprised of all LTC and Regional Planning Committee projects, including the housing strategy, housing needs assessments and building footprint data updates, as well as coordination and project work undertaken by the Salt Spring Island Watershed Protection Alliance (SSIWPA). Planning projects report at \$27,000 (12% of budget), which is less than benchmark by \$94,000 (13%). Straight-line benchmarking is less appropriate for project work as project plans often see work advancing in uneven portions throughout the years. Underspending on planning projects is due primarily to a combination of the following:
 - ~ **LTC Major and Minor Projects:** Spending on LTC major and minor projects is less than benchmark by \$110,000 (20%). This is primarily due to planned completion of projects later in the fiscal period:
 - Denman Island LTC Housing Review – no spending on this \$15,000 project in the first quarter. The LTC is examining potential changes to identified project milestones.
 - Gabriola Island LTC OCP/LUB – no spending on this project in the first quarter, though planning is underway. A significant portion (65%) of this project's \$77,000 budget is allocated to a water study for which a request for proposal is currently being prepared for circulation.
 - Hornby Island LTC First Nations Relationship Building– no project charter has been approved for this project, and no spending on this project has been incurred to date. The Hornby Islands LTC is currently reevaluating how best to spend these funds. The approved budget for this work is \$31,500.
 - Mayne Island Housing – no spending on this project in the first quarter. The majority of the \$10,000 approved budget for this work will be spent on legal review later in the fiscal year.
 - North Pender Housing Access & Affordability – no spending on this project in the first quarter. The majority of the \$15,000 approved budget for this work will be spent on legal review later in the fiscal year.
 - Salt Spring OCP/LUB Review – the budget of \$222,000 reports at 11% spent to the end of first quarter. The complete communities assessment portion of this project is underway and expected to be complete this fiscal year. These project funds are scheduled to be spent during the remainder of the fiscal year on both the complete communities assessment work and the hiring of a consultant.
 - Salt Spring Ganges Village Area Planning – no spending against the \$86,500 project budget in the first quarter. The SSI LTC has decided to forgo work on this project his fiscal and instead has directed staff to reallocate the \$86,500 from this approved project to enhance the work on the SSI OCP/LUB review project.
 - SSIWPA Plan Coordination – no spending against the \$55,000 budget for SSIWPA coordination has taken place in the first quarter. This work has not advanced due to the LTC directing staff resources to other political priorities in the face of reduced staff capacity.
 - Salt Spring Island Groundwater Sustainability Strategy – no spending against the \$16,500 budget for this project has taken place in the first quarter.
 - ~ **Other projects** – Underspending on other planning projects is less than benchmark by \$94,000 (13%). Underspending on other projects is as indicated below:
 - Housing Strategy – the budget of \$30,000 reports at zero spent to the end of the first quarter. Development of a strategy to undertake this project is underway and will be discussed with the Regional Planning Committee in September.

- Housing Needs Assessments – the budget of \$127,000 reports at zero spent to the end of the first quarter. A request for proposal has been posted to BC Bid and work will be completed by the end of quarter three.
 - Building Footprint: Data Update – the budget of \$10,000 reports at zero spent to the end of the first quarter. This project has not advanced yet.
 - This underspending is offset by unanticipated spending that took place on the following pieces of work: Regional Freshwater Management (\$7,000), Groundwater Recharge Mapping (\$3,000) and the LTC Development Approvals Program (13,000) totaling \$27,000.
- **Planning Staff** costs include employee salaries, benefits, training and travel costs, as well as any contracted human resources associated with planning work. Spending to June 30, 2024 reports at \$839,000, (26% of budget) which is slightly above benchmark by 21,000 (1%).
Both the southern and northern office planning teams were fully staffed in quarter one. The Salt Spring planning team was understaffed due to partial vacancies in the Island Planner (2 weeks), Planner 2 (3 months), and Office Administrative Assistant positions (2 months). Savings from planning staff vacancies are offset due to overtime incurred relating to the Cityview implementation and training that took place in quarter one.
 - **Bylaw Enforcement** costs include staff salaries and benefits, training, mobile devices, travel costs and the Cityview Bylaw Portal project. Spending to June 30, 2024 reports at \$115,000 (22% of budget), which is lower than benchmark by \$17,000 (3%). This is due primarily to no spending in quarter one on the Cityview Bylaw Portal project, which is planned for later in the fiscal year.

Islands Trust Conservancy Services

Total ITC expenses include costs related to three main areas: Board expenses; Operations expenses; and Property management expenses; as well as an allocation of administrative expenses. Inclusive of the general admin allocation, these expenses were lower than benchmark by \$52,000 (3%). Individual expense lines within ITC services that deviate from benchmark are as follows:

- ~ Property Management costs include ITC property management expenses, ITC conservation planning and land securement expenses, First Nations engagement planning, and legal costs. Property management expenses report at \$17,000 (8% of budget), lower than benchmark by \$36,000 (17%). This is due primarily to the following:
 - Property Management – Lack of staff capacity limited the ability to advance property management contracts in quarter one. With many contracts now issued for this work, it is expected these costs will be incurred in the remainder of the year.
 - Conservation Planning & Land Securement – The ITC Board is taking a cautious approach to new land securement projects, due to new conservation acquisitions and covenants requiring individual Ministerial approval, and due to the limited capacity of property management staff to take on new work. There are currently three covenant projects and one land acquisition project underway, however these await landowner completion of various items to proceed. Expenditures will be incurred later in the fiscal period related to this work.
 - First Nations Engagement Plan - In early 2024, the Minister directed ITC to undertake further First Nations Engagement for the required ITC Five Year Plan and Trust Council approved funding to assist in this engagement. Due to staff capacity issues and leaves of absence of the ITC Manager this work has not yet begun. The temporary/acting manager situation and capacity issues continue to limit the ability to begin this project. It is expected that the project will be initiated in the fall/winter 2024-25.

General Administration

Total general administrative expenditures include costs related to six main areas: Executive office; Administrative services; Office Operations; Information systems; Computer, Furniture and Equipment; and

Amortization expense. General administration costs are allocated to the three service areas of the Trust (Council, LTC, and ITC) based on their relative dollar magnitudes for the period. In aggregate these expenses are reported at \$651,000 (23% of budget), which is lower than benchmark by \$59,000 (2%).

Admin Services costs include contractors hired to take on work displaced by staff vacancies, staff salaries, benefits, training, and travel costs. These costs report at \$142,000 (22% of budget), 3% lower than benchmark primarily due to delayed hiring of the new Manager of Finance and Accounting position.

Information Systems costs include all software support and licensing, technical support, meeting streaming services, mobile devices salaries, benefits, training, and travel costs associated with information systems staff. Information Systems costs report at \$188,000 (22% of budget), 3% below benchmark. This is primarily due to vacancy in the senior technical analyst position (3 months).

~ **Consolidated Expenses by Object**

Public Sector Accounting Standards determine that financial reporting for government entities be reported “by function” (i.e.: service area) in the Statement of Financial Operations as presented in the earlier section of this report. Expenses “by object” (i.e.: type) are reported in accompanying financial statements notes. For purposes of greater transparency and understanding of Islands Trust financial results, December 31, 2022 expenses by object are shown as follows:

| Object | 3 months ending June 30, 2023 | 2023/24 Approved Budget | 3 months ending June 30, 2024 | % of Budget Consumed |
|---------------------------------|----------------------------------|----------------------------|----------------------------------|----------------------------|
| Staff Salaries and benefits | 1,462,573 | 6,652,424 | 1,655,718 | 25% |
| Office Operations | 283,598 | 1,377,327 | 317,057 | 23% |
| Council and trustee costs | 261,275 | 1,092,218 | 278,050 | 25% |
| Programs | 45,471 | 1,342,277 | 131,430 | 10% |
| Legal - General | 37,527 | 96,101 | 12,262 | 13% |
| Legal - Bylaw Enforcement | 28,088 | 75,701 | 43,681 | 58% |
| Legal - Litigation | 24,837 | 41,801 | 49,653 | 119% |
| Legal - Statutory Notices | 5,044 | 17,000 | 9,725 | 57% |
| Travel/training and recruitment | 70,792 | 284,370 | 71,613 | 25% |
| Subtotal | 2,219,205 | 10,979,219 | 2,569,188 | 23% |
| Amortization | 43,023 | 224,000 | 27,940 | 12% |
| Total Expenses | 2,262,228 | 11,203,219 | 2,597,129 | 23% |

Staff salaries and benefits costs are tracking exactly as planned.

Office Operations costs are slightly below benchmark due primarily to a lack of communications spending in the first quarter of the year, whereby planned spending is geared more heavily towards the latter portion of the year.

Council and trustee costs are tracking as planned.

Programs costs are less than the benchmark due primarily to project costs planned for later in the fiscal year, and in some instances projects not advancing as planned.

Total Legal expenses for general, bylaw, litigation, and statutory notices are at 50% of budget spent to the end of the first quarter, 25% above benchmark, due primarily to increase legal costs incurred for bylaw enforcement and litigation.

Traveling/training and recruitment costs are tracking as expected

Amortization expense is tracking as expected.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: None.

FINANCIAL: None. Expenditures to June 30, 2024 are within the overall Islands Trust annual approved budget.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: None. Managing staff will continue to receive financial reporting on their respective areas of oversight throughout the year.

FIRST NATIONS: None.

OTHER: None.

4 RELEVANT POLICY(S):

[Islands Trust Policy 2.3.1](#) Council Committee System

Bylaw 193 Islands Trust Financial Plan Bylaw, 2024-2025

5 ATTACHMENT(S):

June 30, 2024 Financial Report

RESPONSE OPTIONS

Recommendation:

That Trust Council approve the June 30, 2024 Financial Report.

Alternative: None.

Prepared By: Finance Officer

Reviewed By: Director, Administrative Services

Islands Trust
Detailed Statement of Operations
For The 3 Months Ending June 30, 2024

Expected % of Budget Received/Used as at Report date = 25%
 Exceptions: Grant revenue, property tax levies, other revenues, project spending
 Variances > +/- 10% and +/- \$5000 include explanations

| | 2024/25 Approved Annual Budget | 3 months ending June 30, 2023 | 3 months ending June 30, 2024 | Portion of Annual Budget Consumed (%) | Budget remaining (\$) |
|---|--------------------------------------|-------------------------------------|-------------------------------------|--|--------------------------|
| REVENUE: | | | | | |
| Fees | 275,500 | 105,966 | 9,727 | 4% | 265,773 |
| Provincial Grant - Unrestricted | 180,000 | 180,000 | 180,000 | 100% | - |
| Federal and Provincial Grants - Restricted | 653,919 | 76,618 | 134,318 | 21% | 519,601 |
| General Property Tax Levy - All LTAs | 8,555,040 | - | - | 0% | 8,555,040 |
| Municipal Property Tax Levy - Bowen Island Municipality | 391,260 | - | - | 0% | 391,260 |
| Investment Income | 260,000 | 40,753 | 48,004 | 18% | 211,996 |
| Total Revenue | 10,315,719 | 403,337 | 372,049 | 4% | 9,943,670 |
| EXPENSES: | | | | | |
| Trust Council Services | | | | | |
| Trust Council | 432,309 | 119,007 | 121,658 | 28% | 310,651 |
| Executive Committee | 138,171 | 23,738 | 32,826 | 24% | 105,345 |
| Trust Area Services | 714,456 | 128,333 | 138,848 | 19% | 575,608 |
| General Admin Allocation - 15% | 434,408 | 91,681 | 98,093 | 23% | 336,315 |
| Total Council Expenses | 1,719,344 | 362,759 | 391,426 | 23% | 1,327,918 |
| Local Trust Committee Services | | | | | |
| Local Trust Committees | 830,937 | 237,011 | 259,434 | 31% | 571,503 |
| Projects - Note 1 | 733,837 | 26,579 | 89,661 | 12% | 644,176 |
| Planning Staff | 3,270,446 | 702,868 | 838,693 | 26% | 2,431,753 |
| LPS Facilities | 574,518 | 94,794 | 102,365 | 18% | 472,153 |
| Bylaw Enforcement | 529,432 | 118,931 | 115,359 | 22% | 414,073 |
| General Admin Allocation - 72% | 2,017,442 | 399,151 | 470,015 | 23% | 1,547,427 |
| Total Local Planning Services Expenses | 7,956,612 | 1,579,333 | 1,875,528 | 24% | 6,081,084 |
| Trust Conservancy Services | | | | | |
| Board | 11,450 | 855 | 2,201 | 19% | 9,249 |
| Conservancy Staff and Associated Costs | 916,120 | 227,092 | 228,517 | 25% | 687,603 |
| Property Management | 212,690 | 11,280 | 16,714 | 8% | 195,976 |
| General Admin Allocation - 13% | 387,003 | 80,909 | 82,743 | 21% | 304,260 |
| Total Trust Conservancy Expenses | 1,527,263 | 320,136 | 330,175 | 22% | 1,197,088 |
| General Administration Services | | | | | |
| Senior Management | 614,239 | 122,722 | 162,738 | 26% | 451,501 |
| Admin Services | 649,529 | 127,612 | 141,843 | 22% | 507,686 |
| Office Operations | 329,450 | 69,911 | 83,679 | 25% | 245,771 |
| Information Systems | 834,935 | 177,254 | 187,610 | 22% | 647,325 |
| Computer/Furniture & Equipment | 186,700 | 33,481 | 47,041 | 25% | 139,659 |
| Amortization Expense | 224,000 | 40,760 | 27,940 | 12% | 196,060 |
| General Admin Recovery | (2,838,853) | (571,741) | (650,852) | 23% | (2,188,002) |
| Total General Administration Expenses | - | (0.0) | - | | |
| Total Expenses | 11,203,219 | 2,262,227 | 2,597,129 | 23% | 8,606,090 |
| YTD Surplus (Shortfall) | (887,500) | (1,858,891) | (2,225,080) | | |
| Amortization Adjustment | (224,000) | n/a | n/a | | |
| Capital adjustment | n/a | 33,481 | 47,041 | | |
| Adjusted surplus (shortfall) | \$ (663,500) | \$ (1,825,410) | \$ (2,178,039) | | |
| Funded by: | | | | | |
| Transfer from (to) General Revenue Surplus Fund | 371,500 | 1,821,912 | 2,146,899 | | |
| Transfer from (to) LTC Project Reserve Fund | 219,000 | 3,498 | 31,141 | | |
| Transfer from (to) Special Tax Requisition Fund | 73,000 | - | - | | |
| Net Unfunded Balance | - | (0) | (0) | | |

**Detailed Statement of Operations
For The 3 Months Ending June 30, 2024**

Expected % of Budget Received/Used as at Report date = 25%
 Exceptions: Grant revenue, property tax levies, other revenues, project spending
 Variances > +/- 10% and +/- \$5000 include explanations

| Description | 2024/25 Approved Annual Budget | 3 months ending June 30, 2023 | 3 months ending June 30, 2024 | Portion of Annual Budget Consumed (%) | Budget remaining (\$) |
|---|--------------------------------------|-------------------------------------|-------------------------------------|--|--------------------------|
| Note 1: LTC & Planning Services Project Spending | | | | | |
| LTC Projects | | | | | |
| LTC Projects funded by Reserve Fund | 1,001 | - | - | 0% | 1,001 |
| Denman Housing Review | 15,000 | 110 | 47 | 0% | 14,953 |
| Denman Farming Regulations Review | 500 | - | - | 0% | 500 |
| Denman TUP Review | 2,500 | - | - | 0% | 2,500 |
| Gabriola OCP/LUB | 77,000 | 76 | 78 | 0% | 76,922 |
| Gabriola Ecological Protection Zone | 2,000 | - | - | 0% | 2,000 |
| Galiano Groundwater Strategy Implementation | 1,500 | - | - | 0% | 1,500 |
| Gambier Keats Island Shoreline Protection Review | 5,000 | 1,185 | 4,077 | 82% | 923 |
| Hornby OCP/LUB | - | 260 | - | 0% | - |
| Hornby Community Heritage Register | 1,500 | - | - | 0% | 1,500 |
| Hornby First Nations Relationship Building | 31,500 | - | - | 0% | 31,500 |
| Lasqueti OCP/LUB | 4,000 | - | - | 0% | 4,000 |
| Mayne Island Housing | 10,000 | 274 | - | 0% | 10,000 |
| Mayne LUB Minor Amendments | 2,000 | - | 1,241 | 62% | 759 |
| North Pender OCP/LUB | - | 1,392 | - | 0% | - |
| North Pender Raptor Nest DPA update | 5,000 | - | - | 0% | 5,000 |
| North Pender Housing Access & Affordability | 15,000 | - | 180 | 1% | 14,820 |
| Salt Spring OCP/LUB | 222,000 | - | 25,000 | 11% | 197,000 |
| Salt Spring Ganges Village Area Planning | 86,500 | - | - | 0% | 86,500 |
| Salt Spring Housing Action Program | 5,000 | 201 | - | 0% | 5,000 |
| SSIWPA Plan Coordination | 55,000 | - | - | 0% | 55,000 |
| Salt Spring Groundwater Sustainability Strategy | 16,500 | - | - | 0% | 16,500 |
| Salt Spring Proof of Water - Subdivision | 1,500 | - | - | 0% | 1,500 |
| Saturna Minor Housing Review | 2,000 | - | - | 0% | 2,000 |
| South Pender LUB Minor Amendments | 3,500 | - | 517 | 15% | 2,983 |
| Thetis Unzoned Marine Area LUB Amendment | 1,000 | - | - | 0% | 1,000 |
| Total All LTC Projects | 566,501 | 3,498 | 31,141 | 5% | (535,360) |
| Regional Freshwater Management | - | 7,161 | 5,300 | 0% | (5,300) |
| Housing Strategy | 30,000 | - | - | 0% | 30,000 |
| Groundwater Recharge Mapping | - | 2,800 | - | 0% | - |
| LG Development Approvals Program | - | 13,120 | 53,220 | 0% | (53,220) |
| Housing Needs Assessments | 127,336 | - | - | 0% | 127,336 |
| Building Footprint: Data Update | 10,000 | - | - | 0% | 10,000 |
| Total All Projects | 733,837 | 26,579 | 89,661 | 12% | (644,176) |

(ii) a consolidated total of all other payments made to suppliers of goods or services during that fiscal year.”

Islands Trust finance prepares this report annually. Following review by the CAO and Financial Planning Committee, and approval by Trust Council, the report is submitted to the Ministry to fulfill the legislated requirement.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: None.

FINANCIAL: None.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: The SOFI will be submitted to the Ministry by September 30, 2024, to ensure compliance with legislated deadlines, and will be posted to the Islands Trust website.

FIRST NATIONS: None.

OTHER: None.

4 RELEVANT POLICY(S): None.

5 ATTACHMENT: 2023/24 Statement of Financial Information

RESPONSE OPTIONS

Recommendation:

That Trust Council approve the 2023/24 Statement of Financial Information.

Alternative: None.

Prepared By: Finance Officer
Reviewed By: Director, Administrative Services



Islands Trust

STATEMENT OF FINANCIAL INFORMATION APPROVAL

The undersigned represents the Trust Council of Islands Trust and approves all the statements and schedules included in this Statement of Financial Information, produced under the *Financial Information Act*.

Peter Luckham
Chair, Islands Trust Council



The Financial Statements contained in this Statement of Financial Information under the Financial Information Act (“the Act”) have been prepared by management in accordance with generally accepted accounting principles or stated accounting principles, and the integrity and objectivity of these statements are management’s responsibility. Management is also responsible for all the statements and schedules, and for ensuring that this information is consistent, where appropriate, with the information contained in the financial statements.

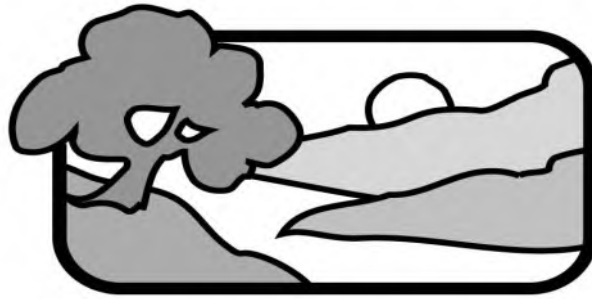
Management is also responsible for implementing and maintaining a system of internal controls to provide reasonable assurance that reliable financial information is produced.

The Islands Trust Council is responsible for ensuring that management fulfils its responsibilities for financial reporting and internal control and exercises this responsibility through the Audit Committee of Trust Council. The Audit Committee meets with management and the external auditors two times a year.

The external auditors, KPMG, conduct an independent examination, in accordance with generally accepted auditing standards, and express their opinion on the financial statements. Their examination does not relate to the other schedules and statements required by the Act, including the Statement of Financial Information. Their examination includes a review and evaluation of the corporation’s system of internal control and appropriate tests and procedures to provide reasonable assurance that the financial statements are presented fairly. The external auditors have full and free access to the Audit Committee of Trust Council and meet with it twice each year.

On behalf of Islands Trust,

Director, Administrative Services



Islands Trust

SCHEDULE OF GUARANTEE AND INDEMNITY AGREEMENTS

Islands Trust has not given any guarantees or indemnities under the Guarantees and Indemnity Regulation.

STATEMENT OF SEVERANCE AGREEMENTS

There were no severance agreements made between Islands Trust and its non-unionized employees during fiscal year ending March 31, 2024.

Prepared under the Financial Information Regulation, Schedule 1, Subsection 6 (7).

On behalf of Islands Trust,

Director, Administrative Services



SCHEDULE OF REMUNERATION & EXPENSES FOR TRUSTEES

For the year ended March 31, 2024

Prepared as required by Financial Information Regulation, Schedule 1, section 6

| ELECTED OFFICIAL | | POSITION | TOTAL REMUNERATION & TAXABLE BENEFITS | EXPENSES |
|------------------|-------------|-----------------------------|--|------------------|
| Adams, | Linda | ITCB Provincial appointee | \$ 500 | \$ - |
| Allen, | Alexander | Trustee | 13,795 | 2,785 |
| Bernardo | Joe | Trustee | 14,357 | 991 |
| Boland | Mairead | Trustee | 12,103 | 960 |
| Borthwick | Sam | Trustee | 13,829 | 1,960 |
| Campbell | Aaron | Trustee | 17,206 | - |
| Dodds | Jeanine | Trustee | 13,951 | 398 |
| Elliott | Tobi | Trustee, Council Vice Chair | 67,680 | 10,383 |
| Evans | Kristina | Trustee | 11,654 | 2,066 |
| Falck | Dag | Trustee | 10,204 | 244 |
| Fast | Sue Ellen | Trustee | 4,464 | 678 |
| Gauvreau | Lisa | Trustee | 14,947 | 983 |
| Gedye | Judith | Trustee | 5,014 | 1,414 |
| Graham | David | Trustee | 14,129 | 999 |
| Harris | Jaime | Trustee | 40,583 | 244 |
| Hunter | Ken | Trustee | 11,268 | 173 |
| Kahn | Charles | ITCB Provincial appointee | 750 | 767 |
| Lironi | Mikaila | Trustee | 11,134 | 3,292 |
| Luckham | Peter | Trustee, Council Chair | 67,433 | 10,170 |
| Mabberley | Benjamin | Trustee | 13,847 | 383 |
| Maude | David | Trustee, Council Vice Chair | 57,523 | 10,906 |
| Middleton | Lee | Trustee | 11,653 | - |
| Morrison | Deborah | Trustee | 16,806 | 447 |
| Patrick | Laura | Trustee | 41,133 | 4,444 |
| Peterson | Timothy | Trustee, Council Vice Chair | 55,505 | 22,445 |
| Scott | Grant | Trustee | 12,995 | 1,545 |
| Smith | Risa | ITCB Provincial appointee | 1,550 | 1,427 |
| Stamford | Kate-Louise | Trustee | 13,107 | 933 |
| Thomson | Kenneth | ITCB Provincial appointee | 450 | - |
| Yates | Susan | Trustee | 24,209 | 546 |
| TOTAL | | | \$ 593,778 | \$ 81,582 |

Disclosure of contracts with Elected Officials:

There were no contracts with Elected Officials relevant to the requirements of the Community Charter

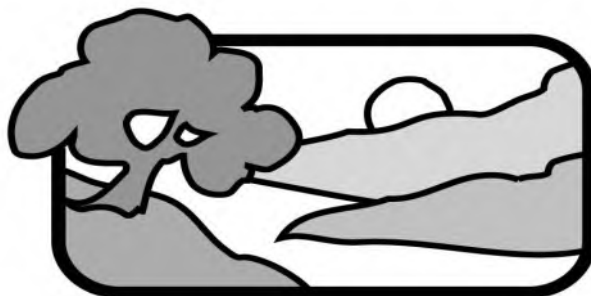


SCHEDULE OF REMUNERATION & EXPENSES FOR EMPLOYEES

For the year ended March 31, 2024

Prepared as required by Financial Information Regulation, Schedule 1, section 6

| EMPLOYEE | POSITION | TOTAL REMUNERATION & TAXABLE BENEFITS | EXPENSES |
|-------------------------------|---|--|-------------------|
| Beeston, David | Information Systems Coordinator | \$ 95,830 | \$ - |
| Cermak, Stefan | Director, Local Planning Services | 130,413 | 5,728 |
| Chadwick, Narissa | Island Planner | 101,144 | 5,451 |
| Dingman, Warren | Bylaw Enforcement Manager | 90,904 | 10,243 |
| Emmings, Kate | Manager, Islands Trust Conservancy | 104,054 | 1,959 |
| Fotino, Anthony | Island Planner | 88,316 | 1,275 |
| Frater, Clare | Director, Trust Area Services | 130,765 | 4,337 |
| Green, Jemma | Covenant Management and Outreach Specialist | 75,821 | 8,972 |
| Hotsenpiller, Russel | Chief Administrative Officer | 196,742 | 5,489 |
| Hutton, Chris | Regional Planning Manager | 101,683 | 1,681 |
| Jamurat, Renee | Regional Planning Manager | 104,323 | 6,332 |
| Kojima, Robert | Regional Planning Manager | 111,974 | 1,224 |
| Marlor, David | Director, Legislative Services | 128,940 | 2,283 |
| Martell, Kathryn | Ecosystem Protection Specialist | 75,098 | 1,516 |
| McCargar, Marlis | Island Planner | 84,236 | 2,769 |
| Mobbs, Julia | Director, Administrative Services | 132,696 | 3,076 |
| Murphy, Nuala | Property Management Specialist | 75,466 | 5,999 |
| Oneil, Jacqueline | GIS Technician | 81,603 | 447 |
| Roggers, Nancy | Finance Officer | 81,955 | 423 |
| Shaed, Daphne | Applications Programmer and Support Analyst | 76,803 | 687 |
| Shulba, William | Senior Freshwater Specialist | 89,606 | 1,707 |
| Smith, Bradley | Island Planner | 107,571 | 6,285 |
| Stockdill, Kimberly | Island Planner | 98,707 | 2,705 |
| Thomaidis, Margot | Island Planner | 75,558 | 1,240 |
| TOTAL OVER \$75,000 | | 2,440,206 | 81,828 |
| TOTAL \$75,000 OR LESS | | 2,153,214 | 60,926 |
| GRAND TOTAL | | \$ 4,593,420 | \$ 142,754 |



Islands Trust

RECONCILIATION OF EMPLOYEE REMUNERATION AND EXPENSES TO THE FINANCIAL STATEMENTS

For the year ended March 31, 2024

The variance between the Schedule of Employee Remuneration and Expenses (“the Schedule”) to the Annual Financial Statements is attributable to a number of factors including:

- The Schedule is prepared on a cash basis whereas the Financial Statements are prepared on an accrual accounting basis.
- The Schedule includes amounts paid for gross salary and wages, unused vacation payouts, and taxable benefits only.
- The Financial Statements includes employer-related payroll costs such as remittances for Canada Pension Plan, Employment Insurance, Employer Health Tax, pension plan contributions, etc.

On behalf of Islands Trust,

Director, Administrative Services



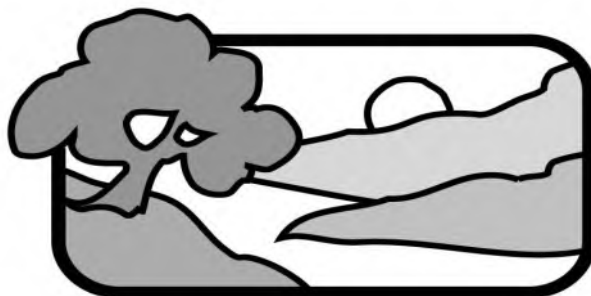
Islands Trust

SCHEDULE OF PAYMENTS TO SUPPLIERS

For the year ended March 31, 2024

Prepared as required by Financial Information Regulation, Schedule 1, section 7

| SUPPLIERS NAME | AMOUNT PAID |
|---|---------------------|
| 1322146 BC LTD | \$ 117,450 |
| AON REED STENHOUSE INC | 53,027 |
| BC HYDRO CAD | 54,005 |
| BLACKMAN SUPPORT SERVICES LTD | 131,563 |
| CAORDA SOLUTIONS INC | 56,079 |
| CITYVIEW, A DIVISION OF N HARRIS COMPUTER CORP | 153,247 |
| COAST VICTORIA | 25,143 |
| COLLIERS MACAULEY NICOLLS INC | 320,141 |
| ESRI CANADA LTD | 28,800 |
| INSTITUTE OF MULTI-DISCIPLINARY ECOLOGICAL RESEARCH | 34,149 |
| K'OMOKS FIRST NATIONS | 30,700 |
| KPMG | 25,728 |
| MADRONE ENVIRONMENTAL SERVICES | 27,877 |
| MINISTER OF FINANCE - EMPLOYEE BENEFITS | 1,187,812 |
| MINISTER OF FINANCE - KINGS PRINTER | 30,409 |
| MUNICIPAL INSURANCE ASSOCIATION OF BC | 177,287 |
| PACIFIC BLUE CROSS | 63,837 |
| RECEIVER GENERAL - TRUSTEE REMUNERATION REMITTANCE | 117,450 |
| SHAW BUSINESS SOLUTIONS | 38,437 |
| SHI CANADA | 63,810 |
| TELUS MOBILITY | 29,065 |
| YOUNG ANDERSON | 400,705 |
| ZOOM VIDEO COMMUNICATIONS INC | 30,156 |
| TOTAL PAYMENTS OVER \$25,000 | 3,196,877 |
| TOTAL PAYMENTS \$25,000 OR LESS | 489,861 |
| GRAND TOTAL | \$ 3,686,738 |



Islands Trust

RECONCILIATION OF PAYMENTS FOR GOODS AND SERVICES TO THE FINANCIAL STATEMENTS For the year ended March 31, 2024

The variance between the Schedule of Payments to Suppliers of Goods and Services (“the Schedule”) to the Annual Financial Statements is attributable to a number of factors including:

- The Schedule is prepared on a cash basis whereas the Financial Statements are prepared on an accrual accounting basis.
- The schedule includes disbursements for purchases of capital assets, which are not included in expenses in the Financial Statements.
- The Schedule includes GST paid to suppliers, where applicable, whereas the annual Financial Statements do not.
- The Schedule excludes disbursements for staff and trustee remuneration, as well as non-cash amortization expense, whereas these items are included in the Financial Statements.

On behalf of Islands Trust,

Director, Administrative Services

Islands Trust**Description of Vendor Services reported in SOFI 2024/25***For trustee information only. Not to be included in official SOFI report.*

| | | |
|--|------------------|---|
| 1322146 BC LTD | \$ 117,450 | <i>Office Lease and associated costs - Gabriola</i> |
| AON Reed Stenhouse | 53,027 | <i>Insurance</i> |
| BC Hydro CAD | 54,005 | <i>Office Lease and associated costs - Salt Spring Island</i> |
| Blackman Support Services | 131,563 | <i>Technical support/computer hardware and software purchases</i> |
| Caorda Solutions Inc | 56,079 | <i>Technical support/website support/expense claim system</i> |
| Cityview A Division of N Harris Computer Corp | 153,247 | <i>LGDPA project</i> |
| Coast Victoria | 25,143 | <i>December Trust Council</i> |
| Colliers MaCauley Nicolls | 320,141 | <i>Office Lease and associated costs - Victoria</i> |
| ESRI Canada Ltd | 28,800 | <i>Mobile data collection for mapping</i> |
| Institute for Multi-disciplinary Ecological Research | 34,149 | <i>Xetthecum Eco-cultural Mapping project</i> |
| K'omoks First Nations | 30,700 | <i>First Nations Engagement Agreements</i> |
| KPMG | 25,728 | <i>Audit Fees</i> |
| Madrone Environmental Services | 27,877 | <i>Western Screech Owl Project (SAR) and John Osland Nature Reserve Wetland and Beaver Assessment (SAR)</i> |
| Minister of Finance - Employee Benefits | 1,187,812 | <i>Employee benefit costs paid to BCPSA</i> |
| Minister of Finance - Kings Printer | 30,409 | <i>BC Mail services and off-site storage/movement of files</i> |
| Municipal Insurance Association of BC | 177,287 | <i>Insurance</i> |
| Pacific Blue Cross | 63,837 | <i>Trustee extended benefits premiums</i> |
| Receiver General - Trustee Remunerations | 117,450 | <i>Remittances on Trustee remuneration (CPP, Income Tax)</i> |
| Shaw Business Solutions | 38,437 | <i>Internet and connectivity costs - all offices</i> |
| SHI Canada ULC | 63,810 | <i>Software Licenses for Windows and other renewals</i> |
| Telus Mobility | 29,065 | <i>Mobile phones and internet sticks</i> |
| Young Anderson | 400,705 | <i>Legal fees</i> |
| Zoom Video Communications Inc | 30,156 | <i>Zoom Licenses</i> |
| TOTAL PAYMENTS OVER \$25,000 | 3,196,877 | |

organization's ability to deliver on its plans, they will raise the issue with Trust Council in December and seek amendments to the approved guidelines.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Staff and FPC will draft a 2025/26 budget based on TC's direction in the 2025/26 Budget Assumptions, Principles, and Guidelines.

FINANCIAL: No financial resources required to advance the draft of next year's budget based on the BAPG. Impact of TC's direction in the BAPG will be reflected in the draft budget for next fiscal year.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: Staff will receive TC's approved BAPG to ensure draft budgets embrace TC's direction for the draft budget.

FIRST NATIONS RELATIONS: None. However, any budget amounts for next fiscal associated with advancing reconciliation and engagement in the Trust Area may enhance relationship with First Nations.

OTHER: None.

4 RELEVANT POLICY:

[Policy 6.3.1 Budget Process](#)

5 ATTACHMENT:

Draft 2025/26 Budget Assumptions, Principles, and Guidelines

RESPONSE OPTIONS

Recommendation:

That Trust Council approve Financial Planning Committee's recommended draft 2025/26 Budget Assumptions, Principles, and Guidelines as presented.

Alternative:

That Trust Council approve Financial Planning Committee's recommended draft 2025/26 Budget Assumptions, Principles, and Guidelines as amended.

Trust Council may by resolution amend or add to the BAPG, should additional guidelines be desired.

Prepared By: Director, Administrative Services

Reviewed By/Date: Interim Chief Administrative Officer



Islands Trust

ISLANDS TRUST

2024/25 Draft Budget Assumptions, Principles, Guidelines

September 2024

Draft Budget Development Process:

During the budget cycle, each line of the detailed draft budget is reviewed by the responsible Director or manager, giving consideration to previous years' spending and future work programs and services (including Trust Council's Strategic Plan initiatives). Planning staff review planning project needs with Local Trust Committees and identify top priorities and senior staff review project recommendations with Trust Council's committees and Executive Committee. The Islands Trust Conservancy Board requests budget funding levels appropriate to support the goals in its Regional Conservation Plan and other fiscal initiatives. Directors review their respective Committee work programs, policy requirements and operational needs to ensure activities are appropriately funded. The finance team compiles the detailed budget for the year. The draft budget detail is reviewed by the Islands Trust management team prior to being submitted to the Financial Planning Committee for review and consideration. A first draft of the budget is forwarded to Trust Council in December of each year, or in the case of election years, the following January.

| REVENUES | | | |
|-----------------|--|--|--|
| | ITEM | ASSUMPTION/PRINCIPLE/GUIDELINE | DATA SOURCE(S) |
| 1 | Fees and Sales | Budgeted fees revenue for year will be based on the following: <ul style="list-style-type: none"> - Estimated application volumes, by type and by LTA, based on historical volume trends. - Estimated application fees by type and by LTA, as determined by LTC fees bylaws. - New accounting standards will likely reduce planned application fees received that are recognised as revenue in the year. Staff will estimate ratios of fees received versus recognised in fiscal 2024 and early fiscal 2025 to inform this budget line. | Historical application volume levels seen in non-pandemic-impacted fiscal years. Approved LTC Fees Bylaws. Historical ratios of fees received to earned. |
| 2 | Provincial Grant Funding - Unrestricted | Unrestricted grants are given without restrictions dictating how the funds must be spent. The Provincial grant funds received by Islands Trust annually are unrestricted. These grants are recorded as revenue when they are received. Assumed that unrestricted grant funding from the Province will be received, and that the value will remain consistent with prior years. Although there is a Trust Council resolution to request more funds from the Province, no work has progressed on this task and progress is unlikely in the short term. As such, no increase in funds is anticipated at this time. | Prior year funding levels. |

| REVENUES | | | |
|----------|---|---|---|
| | ITEM | ASSUMPTION/PRINCIPLE/GUIDELINE | DATA SOURCE(S) |
| 3 | Provincial Grant Funding – Restricted | <p>Restricted grants have restrictions dictating how the grant funds must be spent by the receiver. These grants are recorded as revenue only when eligible expenses have been incurred.</p> <ul style="list-style-type: none"> • First Nations Engagement: IT has been awarded a \$150,000 grant to support First Nations Engagement in the Trust Area. Of this amount, \$26,000 is expected to be spent and recognised as revenue next fiscal year. <p>The planned spending in the fiscal year will be reflected as revenue in the draft budget, along with the related expenses the grant will pay for.</p> | <p>Grant approval from the Province of BC.</p> <p>Other grants as approved in the budget cycle.</p> |
| 4 | Federal Grant Funding – Restricted | <p>Restricted grants have restrictions dictating how the grant funds must be spent by the receiver. These grants are recorded as revenue only when eligible expenses have been incurred:</p> <ul style="list-style-type: none"> • ITC Species at Risk: ITC has been awarded a multi-year grant for work related to Species at Risk in the Trust Area. The grant amount for next fiscal year is \$220,000. • IT Registered Professional Biologist: IT has been awarded a grant to fund a temporary staff position, which was approved by Trust Council in 2024. <p>These amounts are recognised as revenue in the draft budget, along with the related expenses the grant will pay for. Related expenses are included in their appropriate area of spending and are not shown separately as their own line item.</p> | <p>Signed grant agreement between ITCB and Environment and Climate Change Canada.</p> <p>Signed grant agreement between IT and Environment and Climate Change Canada.</p> |
| 5 | Property Taxes - General | <p>Assumed property tax revenue will be required to balance the Islands Trust budget. Assumed the full balance requisitioned will be received by Islands Trust under normal timelines.</p> <p>Financial Planning Committee recommended Guideline:</p> <p><i>That Trust Council establish a 2025/26 budget guideline directing staff to prepare options for reducing the discretionary budget line items by 1% and 2% of the proposed tax increase or higher.</i></p> | <p>Draft budget expenditures less amortization expense, less other revenue sources.</p> |
| 6 | Property Taxes - Non-Market Change (NMC) in Tax Base | <p>The property tax base within the Islands Trust Area will grow due to new development activity and changes in use. Assumed that jurisdictions 763 and 764 remain an appropriate representation of the NMC within the total Trust Area.</p> | <p>Draft 1, Version 1 of the budget retains the previous budget's NMC values.</p> |

| REVENUES | | | |
|----------|---|---|--|
| | ITEM | ASSUMPTION/PRINCIPLE/GUIDELINE | DATA SOURCE(S) |
| | | | BC Assessment report provided in December each year indicates non-market growth for the Trust Area and is updated in the draft budget at that time. |
| 7 | Property Taxes – Special Requisitions | Assumed LTC's will request by way of resolution, a special levy for specific local services as they deem necessary. | Trust Council Policy 6.3.2 Special Property Tax Requisitions |
| 8 | Property Taxes – Bowen Island Municipality | Assumed relevant policy regarding this requisition will remain unchanged. | Trust Council Policy 7.2.6 Municipal Tax Requisition Calculation |
| 9 | Investment Income | Assumed interest income will drop slightly in line with anticipated interest rate reductions. Assumed Islands Trust will continue to invest in conservative investments in line with legislation. Assumed sustainable investment vehicles will be secured for a portion of invested funds to align with Trust values. | Islands Trust Act, Community Charter , current interest rate trends and investment advisor information. |
| 10 | Other Grant Funding | Islands Trust will continue to monitor grant opportunities available for corporate work, but does not expect significant new inflows of revenue from this source. Any budgeted revenue from grant funds for projects will be offset by a budgeted expense for the same amount, to ensure appropriate conservatism in the budget. | Current grant programs available to Islands Trust and historical inflows of grant funding, adjusted for change in staff hours dedicated to the grants function in light of job description revamp associated with this position. |

| EXPENSES | | | |
|----------|------------------------|--|---|
| | ITEM | ASSUMPTION/PRINCIPLE/GUIDELINE | DATA SOURCE |
| 11 | Inflation | <p>The cost of goods and services will rise in line with inflation. Application of this assumption is not applied in a direct manner whereby all expenses are increased by a percentage. Rather, where real spending trends are analysed for purposes of generating a budget figure, historical averages are most frequently rounded upwards, with special considerations given to expenditure types experiencing higher than typical increases, including standard rates for contractors where work is most often completed by external parties (i.e.: strategic plan projects).</p> | <p>Consumer Price Index (CPI) for Victoria, as reported for the month of December by BC Statistics (based on Statistics Canada data), to assess if current inflation accommodations are appropriate.</p> <p>Draft 1, Version 1 of the budget will include CPI rates available as at the date of this budget draft, with final update happening in December.</p> |
| 12 | Staffing Levels | <p>Assumed Island Trust management will bring forward funding requests for additional staff positions as needed, or revised staffing complements that result in budget increases. Assumed requested for any new staff positions will be presented via business case to FPC/TC.</p> <p>Decreased staffing levels may result in a reduced level of services, functions, or quality of work.</p> <p>New functions or services may require either additional staffing or the deletion of some existing functions or service levels.</p> <p><i>Financial Planning Committee recommended Guideline:</i></p> <p><i>That Trust Council establish a 2025/26 budget guideline that resource requests for additional operating budgets (including one time projects) and new tax-funded personnel will only be considered where critical capacity issues can be clearly demonstrated or where upfront investment will result in longer term savings as outlined in a business case.</i></p> | <p>Current staffing levels, plus potential forthcoming new staff requests, including the following:</p> <ul style="list-style-type: none"> - Executive Committee has expressed support for adding resources that would enhance service delivery in the areas of TC and LTC advocacy and coordination, and agreement monitoring and development. Such a staff resource could also support things such as policy research and development, legislative monitoring, indicator reporting. EC will discuss this as part of their budget requests. <p>Trust Council direction.</p> |

| EXPENSES | | | |
|----------|---------------------------------------|--|---|
| | ITEM | ASSUMPTION/PRINCIPLE/GUIDELINE | DATA SOURCE |
| 13 | Staffing Salaries and Benefits | <p>Assumed that staff will continue to be appointed subject to the <i>Public Services Act</i> and the <i>Public Service Labour Relations Act</i>, in accordance with the <i>Islands Trust Act</i>.</p> <p>Assumed costs for staff salaries and benefits will rise in accordance with relevant legislation and union agreements.</p> <p><i>Financial Planning Committee recommended Guideline:</i></p> <p><i>That Trust Council establish a 2025/26 budget guideline that funding for salary and benefits costs arising from job descriptions changes must be provided within existing budgets.</i></p> | <p>Public Service Labour Relations Act (all staff). Public Service Act and PSA Policy on salary administration for management employees (exempt staff). BCGEU union agreement (union staff). Public Service Agency (benefits costs/rate, all staff) – based on prior year benefit rate in the absence of information from PSA whose timing is delayed due to provincial budget delays.</p> <p>Trust Council direction.</p> |
| 14 | Trustee Remuneration | <p>Assumed that no changes will be made to the guiding policy for Trustee Remuneration.</p> <p>Assumed that the number of meetings requiring payment to trustees for Trust Council Committees (FPC, TPC, RPC, GC) will remain similar to prior year figures.</p> | <p>TC Policy 7.2.1 Trustee Remuneration. (census information 2021) stats Canada CPI information, Folio information from BC Assessment)</p> |
| 15 | Office Facilities | <p>Assumed that office locations for staff will remain in Victoria, on Salt Spring Island and on Gabriola Island. Islands Trust has signed office leases for these spaces which will guide budget amounts for the next fiscal year.</p> <p>Assumption that the SSI office will be relocated by fiscal year end with no lingering cost requirements related to this move.</p> <p>Discussion regarding current leased space on Galiano will take place with Galiano trustees to determine if retaining the office space is of value.</p> | <p>TC Policy 7.4.4 On-Island Trustee Offices.</p> <p>Existing multi-year office leases.</p> |

| EXPENSES | | | |
|----------|------------------------------------|--|--|
| | ITEM | ASSUMPTION/PRINCIPLE/GUIDELINE | DATA SOURCE |
| 16 | Planning Services | <p>Assumed that Islands Trust Council will continue to provide sufficient funding for LTCs to carry out their primary function of land-use planning and regulatory activities within their local trust area, as permitted by the <i>Islands Trust Act</i>.</p> <p>OCP and LTC project budgets are distributed between LTCs as they seek funding for various projects. Smaller projects with estimated costs less than \$5,000 continue to be funded by the lump sum budget for LTC project work, which LTCs can draw from throughout the year.</p> <p>The following principles will guide decisions on LTC projects in the budget cycle:</p> <ul style="list-style-type: none"> • OCP and LTC projects with estimated costs greater than \$5,000 will require a funding request from the LTC, for consideration by Trust Council. • Similar projects (e.g., OCPs) will be consolidated for efficiencies where feasible. • Proposed projects will not be funded unless there are sufficient staff resources to implement them. | <p>Local Planning Services Review 2018</p> <p>Trust Council Strategic Plan 2024-2028 (in draft, to be approved by Trust Council in September)</p> <p>TC Policy 5.9.1 Best Management Practices for Delivery of Local Planning Services to Local Trust Committees</p> |
| 17 | Planner Resource Allocation | <p>Assume planner resource allocation will be allocated in accordance with Trust Council policy 6.2.1 (Priority Setting/Review Guidelines) and Trust Council 6.7.1 (Work Program, FUAL, and Priorities Report)</p> | <p>LPS Review 2018</p> <p>TC's Strategic Plan 2018-2022 Implementation</p> <p>TC Policy 6.2.1 Priority Setting/Review Guidelines and TC Policy 6.7.1 Work Program, Follow-up Action List and Priorities Report</p> |
| 18 | Strategic Plan Projects | <p>It is assumed projects underway that were endorsed at June 2023 TC, as part of the current strategic plan will be seen through to completion, potentially requiring funding next fiscal year.</p> <p>It is assumed Trust Council will adequately resource any work that is approved and prioritised in its 2024-2028 strategic plan.</p> <p><i>Financial Planning Committee recommended Guideline:</i></p> <p><i>That Trust Council establish a 2025/26 budget guideline that consider any resourcing needs for strategic initiatives from the 2024-2028 Strategic Plan.</i></p> | <p>Trust Council Strategic Plan 2024-2028 (in draft, to be approved by Trust Council in September)</p> <p>Trust Council direction.</p> |

| EXPENSES | | | |
|----------|--|--|--|
| | ITEM | ASSUMPTION/PRINCIPLE/GUIDELINE | DATA SOURCE |
| 19 | Elections | No Election in the year. | |
| 20 | First Nations Reconciliation | <p>The principle of reconciliation should be embraced across all levels of work at Islands Trust. To facilitate this in the budget cycle, all business cases will include consideration of First Nation engagement needs and opportunities to advance reconciliation.</p> <p><i>Financial Planning Committee recommended Guideline:</i></p> <p><i>That Trust Council establish a 2025/26 budget guideline that consider resourcing needs to update an] implement the Reconciliation Action Plan.</i></p> | <p>Business cases submitted during the budget cycle.</p> <p>Trust Council direction.</p> |
| 21 | Community Communications and Engagement | <p>The principle of communication with community and public engagement are important to Islands Trust, as such all business cases will include consideration of public engagement and communication needs.</p> <p><i>Financial Planning Committee recommended Guideline:</i></p> <p><i>That Trust Council establish a 2025/26 budget guideline that consider resourcing needs to implement the Communications Strategy</i></p> | <p>Business cases submitted during the budget cycle.</p> <p>Trust Council direction.</p> |
| 22 | Department Budget Submissions | <p>Department budgets are prepared by Directors each budget cycle that incorporate funds needed for operations and regular programming (such as stewardship education and secretariat functions). These budget form a significant portion of the draft budget each year. Trust Council may wish to apply guidelines to the drafting of these budget submissions, as occurs in some other jurisdictions.</p> <p><i>Financial Planning Committee recommended Guideline:</i></p> <p><i>That Trust Council establish a 2025/26 budget guideline that resource requests for additional operating budgets (including one time projects) and new tax-funded personnel will only be considered where critical capacity issues can be clearly demonstrated or where upfront investment will result in longer term savings as outlined in a business case.</i></p> | Trust Council direction. |
| 23 | Significant Unusual Circumstances | Assumed significant unusual circumstances identified in the budget development cycle will be addressed as required. | None identified. |

| SURPLUS | | | |
|---------|---|---|---|
| | ITEM | ASSUMPTION/PRINCIPLE/GUIDELINE | DATA SOURCE |
| 24 | General Surplus | Assumed that general surplus will be used to reduce tax burden leaving the general revenue surplus at the minimum level under Trust Council Policy. | <i>TC policy 6.5.1 Reserves and Surplus</i> , section D.6, amended, recommends a minimum level of General Revenue Surplus as “2.4 months (or 20%) of expenses net of 2.4 months of revenue, excluding revenue from property taxes or the provincial grant”. |
| 25 | LTC-Specific Reserve Fund | Assumed Trust Council will continue to make use of the LTC-Specific Reserve Fund. | Estimate from Direct, Planning Services based on known and anticipated projects. |
| 26 | Special Property Tax (SSIWPA) Surplus Fund | Unknown at this time if the SSI LTC unspent special property tax balance will be requested for spending next fiscal. | LTC resolution, if requested, & Trust Council approval. |

and consequently requested a review of the policy be undertaken. SSI LTC did not undertake work requiring the use of SSIWPA surplus funds in the 2020/21 fiscal year, but did receive approval for use of these funds for local projects in fiscal 2021/22.

Staff have reviewed *Policy 6.3.2 Special Property Tax Requisition*, updating it to provide clarity that special requisition surplus funds must be applied to the local program or service for which the requisition was approved, and only at the completion of the project or program will any unspent surplus funds be permitted for other uses by the LTC. This clarity aligns the intent of the policy authors at the time it was written, as recalled by staff involved in amending the policy in 2013. This is also in alignment with typical local government use of local area taxes as described in the [Community Charter](#) Part 7, Division 5, section 216 (5) which reads: *“Revenues from a local service tax may only be expended for the local area service in relation to which it is imposed.”* While Section 216(5) of the *Community Charter* does not apply specifically to the Islands Trust, expenditure of special tax requisitions that were levied in one local trust area for a specific purpose should be expended for the benefit of the local trust area from which they were received.

Staff have noted during review that relevant sections of legislation in the Community Charter governing the Islands Trust’s use of reserve funds is not appropriately reflected in the policy. In particular, updates to the policy have been made to reflect the content of [Community Charter](#) Part 6, Division 4, section 189 (1) and (2) which read:

“(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.”

In addition to clarifying the use of special requisition surplus funds for multi-year initiatives, staff have taken the opportunity to update other portions of the policy in areas such as: defining terminology used in the policy; ensuring consistent wording, updating process instructions for LTCs wishing to propose a special requisition in their local trust area; and updated references to related policies. These latter-noted amendments are administrative in nature and do not alter the nature, substance, or intent of the policy in any significant manner.

The FPC reviewed the draft amendments at its regular meeting on October 12, 2022, and resolved the following:

FPC-2022-033

that Financial Planning Committee recommend that TC Policy 6.3.2 Special Property Tax Requisitions section 3.1 be amended to read “The Islands Trust Council will evaluate and consider including a Local Trust Committee’s local initiative program or service or program in the preliminary Islands Trust’s general budget based on the following criteria:”.

FPC-2022-034

that Financial Planning Committee forward the proposed amendments to TC Policy 6.3.2 Special Property Tax Requisitions to Trust Council.

The amendments have not previously advanced to Trust Council due to the timing of the local elections. Staff has updated s.3.1 in the attached draft policy amendments to reflect this direction from the Financial Planning Committee and now advance proposed amended policy to Trust Council.

This RFD was returned to the FPC on August 28, 2024, for information.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Clearer process outlining access to special requisition funding will allow LTCs to better plan and manage requests for funding each year.

FINANCIAL: No dollar implications. Clarity of policy will ensure appropriate use of special requisitioned funds in accordance with applicable legislation, regulations, and policy.

POLICY: Policy 6.3.2 Special Property Tax Requisition

IMPLEMENTATION/COMMUNICATIONS: If approved by Trust Council, the policy will be updated and included on the Islands Trust website. Communication to LTCs via Regional Planning Managers and the Director, Planning Services. Finance staff will support FPC in making sure policy is adhered to annually as part of the budget process.

FIRST NATIONS: None.

OTHER: None.

4 RELEVANT POLICY(S): Policy 6.3.2 - Special Property Tax Requisition

5 ATTACHMENT(S):

- Attach 1: Policy 6.3.2 Special Property Tax Requisition – Amendment

RESPONSE OPTIONS

Recommendation: That Trust Council approve the amendments to Policy 6.3.2 Special Property Tax Requisition as presented [amended].

Alternative: Other policy amendments as directed by Trust Council.

Prepared By: Director, Administrative Services
Director, Planning Services
Director, Legislative and Information Services

Reviewed By/Date: Interim Chief Administrative Officer/August 22, 2024
Financial Planning Committee/August 28, 2024

DRAFT



| | |
|---------------------------|---|
| Policy: | 6.3.2 |
| Approved By: | Trust Council |
| Approval Date: | December 10, 2004 |
| Amendment Date(s): | June 16, 2005; September 11, 2013; <u>September 24, 2024</u> |
| Policy Holder: | Director, of 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

n/a

[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;](#)

[Section 10 of the *Islands Trust Act* enables the Islands Trust Council to delegate additional powers to a LTC and to require that related operations be funded by a special property tax requisition in respect of the relevant local trust area;](#)

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 \[bylaw\]\(#\).](#)

DRAFT

A proposed special requisition related to a local trust area must be incorporated into the annual Islands Trust budget ~~Financial Plan~~ Bylaw and approved by the Islands Trust Council and the Minister.

2. Budget Submission

- 2.1 “Additional operations” of a LTC are those ~~activities and 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~~ and
 - 2.1.3 Beyond the capacity of the base budget.
- 2.2 LTCs wishing to propose and undertake a LTC program or service project valued at \$5,000 or higher ~~a specific “additional operation” must ascertain and must~~ develop a business case to support the budget program 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 operation service requiring special requisition for funding under this policy.
- 2.3 The proposed program or service ~~program or activity~~ 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 ~~the Islands Trust~~ Council policies 2.1.6 Legal Advice Policy, 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.
- ~~3.1 The Islands Trust Council will evaluate and include a LTC’s local initiative or program in the preliminary Islands Trust’s general budget if any of the following criteria apply:~~
- ~~3.1.1 the program is considered to be a base service of the LTC;~~

DRAFT

~~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 5.10](#) 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](#)~~LTC~~.

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*~~Policy~~.

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.](#)

~~4.23~~ [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.](#)

~~4.234~~ 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.

~~4.54~~ [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.

DRAFT

- 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 proposal~~ must be accompanied by a completed Special Property Tax Requisition Checklist outlined in section 7 ~~below~~.
- 5.4 The special requisition(s) will be included in the Islands Trust ~~budget bylaw~~ 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~~ budget 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 ~~the 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 ~~to~~:
 - 6.3.1 ~~For~~ For any purpose for which the requisition was approved;
 - 6.3.2 ~~To rR~~ To reduce the amount of the special requisition for the initiative program or service in the next fiscal _____ year;
 - 6.3.3 ~~To cC~~ To complete the previously approved initiative or program or service; or; or
 - 6.3.4 ~~2~~ In the event the previously approved initiative program or service is complete, to undertake a new program within the local trust area at the request of the LTC. Subject to a further resolution of the LTC to do so.
- 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.

DRAFT

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: | | |
| <u>LTCs request staff to develop additional budget funding proposals. Planning staff communicate to finance staff base funding assumptions for FPC and TC information / awareness.</u> | <u>July - September</u> | |
| Required: | | |
| <u>Local</u> Planning Services staff assigned to LTCs develop <u>“additional operations”</u> budget <u>funding</u> proposal on behalf of LTC’s <u>approval prior to December Trust Council meeting</u> and submit them to <u>Financial Planning Committee (FPC)</u> for review <u>prior to December Trust Council meeting</u> . | <u>October or November FPC meeting</u> | |
| Director of <u>Local</u> Planning Services presents <u>“additional operations”</u> budget <u>funding</u> proposals to Financial Planning Committee, with input from LTCs, indicating whether any of the proposed ‘additional operations’ are related to delegated powers, and therefore must be funded through a special property tax requisition. | <u>October or November FPC Meeting & December Trust Council meeting</u> | |
| Financial Planning Committee makes recommendations to Trust Council regarding budget <u>funding</u> proposals made by LTCs, identifying: <ul style="list-style-type: none"> 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. <p>Director of <u>Local</u> Planning Services provides additional information to Trust Council about LTC proposals, as needed.</p> | <u>November FPC Meeting & December Trust Council meeting</u> | |

DRAFT

| | | |
|---|---|--|
| <p>If December Trust Council does not approve the LTC “additional operations” budget <u>funding</u> proposal for inclusion in the general Islands Trust budget <u>at their December meeting</u>, or if the LTC additional operations are related to delegated powers that must be funded through a special property tax requisition, <u>each of the following is required to receive approval of a special property tax requisition</u>:</p> | | |
| <ul style="list-style-type: none"> <u>If not previously done</u>, LTC passes resolution to pursue special property tax requisition to fund the “additional operations” budget <u>proposed program</u>: | <p><u>Mid-December – early-January</u> <u>January</u></p> | |
| <ul style="list-style-type: none"> - <u>Copy of resolution attached</u> | | |
| <ul style="list-style-type: none"> LTC requests staff to conduct <u>the required</u> public consultation on the <u>program proposed under the</u> special tax requisition (<u>see Section 4 of Policy 6.3.2</u>)-<u>proposal</u>: | <p><u>Before consultation begins in late January to</u> Mid- <u>February</u></p> | |
| <ul style="list-style-type: none"> - <u>Copy of advertisement attached</u> | | |
| <ul style="list-style-type: none"> - <u>If a public meeting is held regarding the proposed program or service</u>, minutes of the <u>meeting and related</u> discussion attached | | |
| <ul style="list-style-type: none"> - <u>Written summary of public feedback attached</u> | | |
| <ul style="list-style-type: none"> Staff prepare Request for Decision (RFD) proposed by LTC for <u>the</u> March Trust Council <u>meeting binder</u>, requesting a bylaw to authorize a special property tax requisition. The RFD will include an assessment of organizational and other implications, <u>and</u> a completed copy of this checklist along with any attached documentation <u>noted throughout the checklist</u>. | <p>February FPC meeting (<u>mid-February</u>)</p> | |

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 \(2\)](#)

[Islands Trust Council Delegation Bylaw 154, 2013](#)

[Islands Trust Council Policy 6.3.2 – Special Property Tax Requisition](#)

DRAFT

[Islands Trust Council Policy 6.5.1 – Reserves and Surplus](#)

[Islands Trust Council Policy 7.2.6 – Municipal Tax Requisition Calculation](#)

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

~~n/a~~ [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](#)



REQUEST FOR DECISION

To: Trust Council

For the Meeting of: June 18, 2024

From: Trustee Morrison

Date Prepared: May 24, 2024

SUBJECT: Dark Sky Principles Adoption Advocacy

RECOMMENDATION FOR IMMEDIATE ACTION:

1. That Trust Council communicate to all Local Trust Committees to notify Trustee Morrison of interest to collectively engage in conversations around Dark Sky Principles Adoption with relevant Regional Districts.
2. That Trust Council encourages Trustees to work with their communities to develop and build awareness of the principles of Dark Sky International and encourage voluntary adoption of the principles of Dark Sky International.

RECOMMENDATIONS FOR FUTURE CONSIDERATION:

3. The Trust Council clarify its jurisdiction to control nighttime illumination in all contexts within the Trust Area for Official Community Plan and Bylaw adoption and enforcement across the Trust Area.
4. The Trust Council adopt and promote the principles of Dark Sky International.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

PURPOSE:

To protect and promote public and ecological health, safety, and welfare, quality of life, and the ability to view the night sky.

BACKGROUND:

“Over lighting” from dusk on into the darkness is a growing problem as it interferes with/pollutes the night sky, poses an annoying and invasive nuisance to neighbours, is harmful to wildlife who depend on darkness, and is a waste of electricity. May come from freighters in the region or from residential, industrial, or other land use related lighting not directed at ground or properly shielded.

Critical considerations with resources:

- Night skies are an important natural resource requiring protection. Action is being taken across a variety of contexts and scales globally, many of which are simple to enact.
 - [Dark Sky International Principles](#)
 - [How can you help preserve the night sky?](#)
 - [Model Lighting Ordinance](#)
 - [Vancouver Bylaw 10.2.2.10 Lighting in Residential Buildings](#)
- Night skies promote healthy humans and wildlife.
 - [Let's Talk Science – Light Pollution](#)
- Within the Trust Area, action has also been taken.
 - Example of regulation: [Bowen Island Municipality Bylaw No. 272, 2010 re protection of night sky](#)

The outstanding question is: How can non-municipal jurisdictions of the Trust Area provide protection for Night Skies?

Some regulation may be considered around:

- External lighting of buildings, gardens and driveways that is left on all night.
- External lighting of any building or grounds when it is not downward cast.
- Indoor lighting in accessory buildings not shaded that is left on during some or all of night.
- Indoor lighting of residences facing neighbouring residences that is not shaded.

Such regulation might involve regulation on:

- the type of lighting that is appropriate (e.g. energy efficient),
- the strength of light (low lighting versus high wattage lighting)
- the direction of lighting so as not to throw light off to neighbours or animals (e.g. downward cast)
- the length of time for certain types of lighting to be used (to depend on purpose with a view to limiting unnecessary or excessive accessory uses in particular), and
- means of enforcement of any regulations

In our role as a coordinator of jurisdictional overlapping authorities within the Trust Area, we need to get into conversation with multiple levels of government on this issue to provide clarity and enforcement on this issue as desired within communities and to support the mandate of preserving and protecting the unique amenities and environment of the Trust Area.

IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL:

FINANCIAL:

POLICY:

IMPLEMENTATION/COMMUNICATIONS:

FIRST NATIONS:

OTHER:

Circulated to MLA Adam Olsen and MP Elizabeth May.

RELEVANT POLICY(S):

ATTACHMENT(S):

RESPONSE OPTIONS

Recommendation:

Alternative:

Prepared By: Trustee Morrison in consultation with and at the request of community members.

Reviewed By/Date:



REQUEST FOR DECISION

To: Trust Council **For the Meeting of:** Trust Council, September 24-26, 2024

From: Tiny House Working Group, Regional Planning Committee **Date Prepared:** September 5, 2024

SUBJECT: Update on work to date on Action 26 (*Advocate to Province for changes at the Provincial and regional level to support tiny homes on wheels*) of the Islands Trust Housing Strategic Action Plan

RECOMMENDATIONS:

1. **THAT implementation of the Islands Trust Housing Action Plan be included in the 2025-2028 Strategic Plan, and that Trust Council prioritize implementation of Actions 23, 24 and 26, with a focus on enabling Tiny Homes On Wheels in the Trust Area. (RPC resolution 2024-020)**
2. **THAT Trust Council allocate \$20,000 (of the \$30,000 budgeted in fiscal 2024-2025 to advance the Housing Strategy and Housing Options Toolkit) to support coordination of roundtables and technical workshops with a focus on enabling Tiny Homes in the Trust Area. (RPC Resolution 2024-021)**

DIRECTORS COMMENTS: The Regional Planning Committee recommends that Trust Council approve prioritizing advancing initiatives related to advocating to legalize tiny homes on wheels. Staff can report back to the Regional Planning Committee and Trust Council at a future meeting on how the prioritization will impact the implementation plan of the Housing Strategy Action Plan. In general, staff support adapting the implementation plan and allocating fiscal resources as needed to capture momentum related to actions listed within the Housing Strategic Action Plan.

1. PURPOSE:

This Request for Decision updates Trust Council on the findings of the Tiny House working group (Regional Planning Committee). The group focused first on research into the barriers to enabling Tiny Homes on Wheels (THOWs) as a legal form of housing, then mapped out options that could be needed for an appropriate regulatory framework for the Islands Trust Area.

Regional Planning Committee met September 4, 2024 and endorsed the baseline work done on the *Tiny Homes On Wheels (THOW) Guide* (RPC Resolution 2024-019). RPC further recommended

that Trust Council a) prioritize actions from the Housing Strategic Action Plan (HSAP) that support strategic inter-agency cooperation on addressing housing affordability and add them to the Islands Trust 2025-2028 Strategic Plan, and b) allocate resources to further work to enable THOWs to become a legal and regulated form of housing.

2. **BACKGROUND:** At its May 24, 2024 meeting, RPC discussed the Implementation of Trust Council's Housing Strategic Action Plan (HSAP). Trustees decided to form a Tiny House working group to develop an approach for Action 26: *Advocate to Province for changes at the Provincial and regional level to support tiny homes on wheels*, under Objective I) Advocate for Policy Changes that will Address Housing Challenges on the Islands. Trust Council endorsed the HSAP at its December 2023 quarterly meeting.

A Tiny House working group comprised of Trustees Boland, Campbell and Elliott met over the summer and developed a map on the systems mapping platform **Plectica.com** in order to understand the maze of regulatory barriers and changes needed to allow Tiny Homes on Wheels (THOWs) as a legitimate housing form in the Trust Area. A working draft of the "THOW (Tiny Homes on Wheels) Guide" can be viewed here: <https://www.plectica.com/maps/QZ77PAEBW>. Please contact Trustees Boland or Elliott if you have trouble navigating the interface, as it takes some getting used to.

Rationale for the THOW Guide: A Map through the Maze

One purpose of the THOW Guide is to identify potential pathways for legalizing and regulating the use of THOWs as full-time permanent dwellings in the Trust Area. The draft THOW Guide provides a fairly comprehensive overview of the four areas decision makers would need to address in order to regulate Tiny Homes on Wheels: Servicing, Zoning, Certification/Standards and Tenure. For anyone undertaking a Housing Project or OCP Review, the THOW Guide can provide a map through the maze of obstacles and barriers to regulating THOWs as affordable, low-impact forms of housing, by addressing commonly asked questions and providing definitions and frameworks to support a conversation.

Ample research exists already on the challenges and issues around increasing housing options in the Islands Trust Area in a manner that upholds the Object of the Trust. Extensive documentation and reporting also exists on the regulatory obstacles and possibilities of legalizing THOWs. The group's work was to examine the many useful conclusions and proposals that already exist, talk with experts with insight into regulatory frameworks in which legal THOWs already function, and then attempt to map out pathways through that landscape to provide options for Islands Trust decision makers to discuss with other agencies (i.e. Regional Districts and Provincial Agencies).

The reality is that many people are living in Tiny Homes on Wheels (THOWs) and trailers in the islands, but many live "under the radar" because these homes are not recognized as a "dwelling" by Regional Districts and Health Authorities. Because THOWs are not considered legal dwellings, people living in them often experience increased housing insecurity, and risk bylaw enforcement because their dwellings are not compliant with Land Use Bylaws.

Adopting a generally universal standard specific to THOWs is critical to upholding health and safety standards. Most of the obstacles—some real, and some perceived—arise because THOWs are challenging to define and categorize as *they are designed to be both moveable (as a vehicle) and as a dwelling for full time living (as a house)*. They do not generally fit Recreational Vehicle standards, and have limits to how closely they conform to BC Building Code. Most, if not all, Building Permitting Authorities will not issue a permit on a "house" of any size if it is on a movable chassis. See Figure 1 next page for examples.

A common framework of understanding among agencies is needed in order to identify barriers

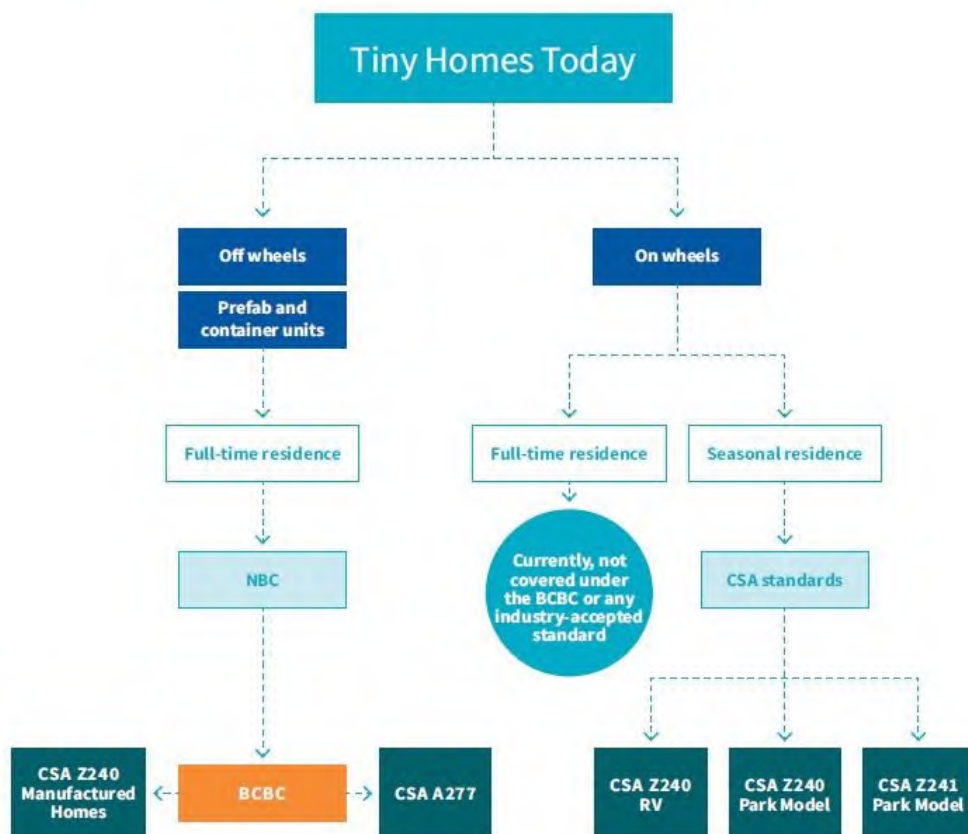
and solutions and come to agreement on actions, which is why this THOW Guide came to be. This THOW Guide pulls together information from a number of valid sources:

- 2022 report completed for the Salt Spring Island Housing Action Task Force “Should Tiny Homes be Allowed/Encouraged on Saltspring? A subjective study for the Housing Action Program Taskforce (HAPTF)” by Maïkan (Forest) Bordeleau;
- the Islands Trust’s **Housing Options Toolkit (Tool 3)**, with examples of zoning models such as Tiny Home Villages
- 2021 report by BC Housing Research Centre *Tiny Homes—An Alternative to Conventional Housing*;
- BC Building Code (BCBC), Volumes 1 and 2
- Nova Scotia Building Code (Tiny Homes)

The most useful document for our group’s work was Bordeleau’s 50-page report for the Salt Spring Island Housing Action Task Force. Bordeleau analyzed the BC Building Code and listed some alternative solutions that could achieve the performance defined by the code’s objectives and functional statements. These could be acceptable to building permitting authorities. Bordeleau also compared the relative environmental costs and benefits of conventional homes vs tiny homes and concludes THOWs typically cause less impact environmentally (20% of the impact and resources required by conventional homes), and require less soil disturbance as they do not require an excavated foundation. These factors prompt the question: “Is ‘density’ the best descriptor to use when describing more and less desirable forms of housing, if it doesn’t take into account the relative impact?”

The 2021, the BC Housing Research Centre report *Tiny Homes—An Alternative to Conventional Homes*, found that tiny homes—although currently challenged by existing codes, standards, financing and insurance—can be a viable typology for the “missing middle” and for individuals who aspire to attain detached single-family homeownership.

FIGURE 1. TINY HOMES TODAY: CODES AND STANDARDS THAT CURRENTLY EXIST AND AREAS TO FOCUS ON WITH FUTURE CODES AND STANDARDS



Next Steps: Prioritize Actions 23, 24 and 26 of the Housing Strategic Action Plan (HSAP)

Trust Council’s Housing Strategic Action Plan (approved December 2023) lists the following Objectives and Actions relevant for advancing this potential housing solution, which RPC requests Trust Council consider prioritizing and including in the 2025-2028 Strategic Plan:

Objective H) Develop Partnerships to Improve Existing and Deliver New Housing

Action 23: Establish regional interagency cooperation such as round tables to coordinate servicing and zoning requirements, and remove funding and legislative barriers, in support of the development of affordable housing; and

Action 24: Work with Regional Districts to facilitate the development and implementation of affordable housing strategies for the islands, and

Objective I) Advocate for Policy Changes that will Address Housing Challenges on the Islands

Action 26: Advocate to Province for changes at the Provincial and regional level to support tiny homes on wheels.

RPC determined that roundtables and workshops to bring together technical expertise and regional partners to facilitate inter-agency cooperation to develop a regulatory framework for THOWs would be an appropriate use of Housing Strategic Plan budget. Technical professionals, representatives of First Nations, regulatory agencies, and experts from the construction and building industry would be invited to participate in roundtable discussions that focus on advancing solutions, agreement on a regulatory framework and specific actions that would enable THOWs in

the Islands Trust.

The foundation material for these workshops would be the “THOW (Tiny Homes on Wheels) Guide” (working draft viewed here: <https://www.plectica.com/maps/QZ77PAEBW>). The specifics of the work scope would be discussed at the Regional Planning Committee (November 2024) and could include:

- \$10,000 for a contracted coordinator to pull together professionals, materials and supporting documentation
- \$2,500 (x2) for venues (Northern and Southern Gulf Islands)
- \$2,500 (x2) for related communications materials.

An extensive briefing and the original recommendations of the working group can be found on p. 132 [Agenda for Regional Planning Committee Sept 4th](#). Resolutions carried at that meeting:

RPC 2024-019

THAT Regional Planning Committee endorse the baseline work done on the Tiny Homes On Wheels (THOW) Guide to date, and request the Tiny House working group to continue work developing tools for advocacy and communications to enable Tiny Homes On Wheels in the Trust Area.

RPC 2024-020

THAT Regional Planning Committee recommend to Trust Council that implementation of the Islands Trust Housing Action Plan be included in the 2025-2028 Strategic Plan and that Trust Council prioritize implementation of Objectives 23, 24 and 26, with a focus on enabling Tiny Homes On Wheels in the islands.

RPC 2024-021

THAT Regional Planning Committee recommends to Trust Council that it allocate the budget of \$20,000, allocated to advance the Housing Strategy and Housing Options Toolkit, in order to support coordination for forums with a focus on enabling Tiny Homes in the Trust Area.

3. IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

FINANCIAL: For fiscal 2024/25, \$30,000 was approved for Regional Planning Committee to advance its Housing Strategy and Housing Options Toolkit, based on endorsement of both RPC and Trust Council in November/December 2023. This request is that \$20,000 of that budget be allocated to arranging interagency roundtables and technical workshops with experts, advisors, planners and Regional District representatives to advance this goal.

POLICY: This project is tied to the Islands Trust Council [Strategic Plan 2018-2022](#) Objective 4.4: “Strengthen Housing Affordability throughout the Islands Trust Area”. Trust Council’s Housing Strategic Action Plan (approved December 2023) lists the following relevant Objectives:

H) Develop Partnerships to Improve Existing and Deliver New Housing Action 23: *Establish regional interagency cooperation such as round tables to coordinate servicing and zoning requirements, and remove funding and legislative barriers, in support of the development of affordable housing* and Action 24: *Work with Regional Districts to facilitate the development and implementation of affordable housing strategies for the islands,* and Objective I) **Advocate for Policy Changes that will Address Housing Challenges on the Islands**, Action 26: *Advocate to Province for changes at the Provincial and regional level to support tiny homes on wheels.*

IMPLEMENTATION/COMMUNICATIONS: The Housing Strategy Action Plan, Housing Options Toolkit and (draft) Tiny Home on Wheels (THOW) Guide have numerous feasible deliverables including: refining the suitable land analysis, refining definitions of housing and density in OCPs, developing tools to support decision makers in identifying housing options and strategies, hosting regional roundtables, developing communication and advocacy materials. All of these materials help elected officials to strengthen housing affordability throughout the Islands Trust Area as per the Strategic Plan. As the body responsible for Advocacy and Communications, Executive Committee would be asked to direct further development of communications materials, and to coordinate inter-governmental advocacy efforts.

FIRST NATIONS: First Nations representatives should be invited to review the THOW Guide, and to participate and share their perspectives on housing in the Islands Trust Area at any future Forums. A reconciliation lens on housing would support forms of housing and development that reduce or minimize the impacts on lands and First Nations soils, and prioritize access for housing for First Nations and Indigenous Peoples.

OTHER:

4. **RELEVANT POLICY(S):**

5. **ATTACHMENT(S):**

[Agenda for Regional Planning Committee Sept 4th.](#)
[Housing Affordability Strategic Plan Dec 2023](#)

RESPONSE OPTIONS

Recommendations:

1. **THAT implementation of the Islands Trust Housing Action Plan be included in the 2025-2028 Strategic Plan, and that Trust Council prioritize implementation of Objectives 23, 24 and 26, with a focus on enabling Tiny Homes On Wheels in the Trust Area. (RPC resolution 2024-020)**
2. **THAT Trust Council allocate the budget of \$20,000 – budgeted in fiscal 2025-2026 to advance the Housing Strategy and Housing Options Toolkit – to support coordination for forums and technical workshops with a focus on enabling Tiny Homes in the Trust Area (RPC Resolution 2024-021).**

Alternative: No Alternatives

Prepared By: Trustee Boland, Trustee Campbell, Trustee Elliott

Reviewed By/Date:

There are some big changes coming for how fisheries are managed, I have summarized the Shellfish Aquaculture 2025 Licence Reissuance and Review and Update of Conditions of Licence.

Fisheries Management Report

Introduction

This report outlines identified gaps in current fisheries management practices and the proposed changes to address these concerns. The focus is on ensuring the effective management and protection of aquatic species and their habitats while maintaining compliance with relevant regulations.

1. Identification of On-Site Personnel

Identified Gap:

Fishery Officers are facing challenges in consistently confirming the identity of personnel present on-site during inspections and operations.

Proposed Change:

- Introduce a new condition requiring all personnel acting under the authority of a licensee to carry government-issued identification.
 - Personnel must produce this identification upon request by a Fishery Officer.
-

2. Species Reference in Licences

Identified Gap:

Existing licence conditions inadvertently exclude seals when referring to individual species of pinnipeds, such as sea lions.

Proposed Change:

- Update the licence conditions to ensure that all references to pinnipeds include seals.
 - Replace specific species references with the broader term "all pinnipeds" to encompass all relevant species.
-

3. Biotoxin Monitoring and Disease Concerns

Identified Gap:

Some licences currently include species for which the Canadian Food Inspection Agency has identified constraints related to biotoxin monitoring and disease concerns.

Proposed Change:

- Remove Geoduck Clam and Giant Rock Scallop from the list of species included in select licensed facilities where these concerns have been identified.
-

4. Unapproved Infrastructure Modifications

Identified Gap:

Licence holders have been adding or relocating infrastructure without submitting harmonized applications to all relevant agencies, including the Province of BC and Transport Canada.

Proposed Change:

- Remove Appendix II, which refers to Standard Infrastructure requirements.
 - Emphasize the need for licence holders to submit harmonized applications to ensure all infrastructure modifications are approved by the relevant authorities.
-

5. Shellfish Transfer Regulations

Current Requirements:

- Licence holders are permitted to transfer live shellfish (excluding geoduck, sea cucumber, sea urchin, or varnish clam) under the following conditions:
 - The species being transferred are authorized by the licence.
 - The receiving area has a valid aquaculture licence for the species.
 - The conditions for transfer meet the restrictions outlined in the licence for each area and species.
 - Shellfish must not have visible signs of diseases or infectious agents.
 - All Canadian Shellfish Sanitation Program requirements must be met.
 - The shellfish must not come into contact with any growing waters while in transport.
 - The shellfish and their transport materials must not carry aquatic invasive species.

Additional Requirements:

- In cases where these conditions cannot be met, licence holders are required to obtain a separate Introductions and Transfers Licence.
 - This licence must accompany the transfer of any shellfish and be available for inspection by a Fishery Officer or Guardian.
-

6. DFO's Priorities for Fish and Habitat Protection

Focus Areas:

The Department of Fisheries and Oceans (DFO) has outlined key priorities to guide the current conditions of licences, which include:

- **Preventing Marine Plastic Pollution/Debris:** Efforts to reduce plastic waste and other debris that could harm marine life.
- **Avoiding Harmful Alteration, Disruption, or Destruction of Fish Habitat:** Measures to protect the habitats that are crucial for the survival and reproduction of fish species.
- **Mitigating Against the Death of Wild Fish:** Strategies to minimize the impact of aquaculture on wild fish populations.
- **Protecting Against Harmful Substance Deposits:** Ensuring that no harmful substances are released into waters frequented by fish and other aquatic organisms.

Regulatory Framework:

- **The Fisheries Act:** Contains provisions for the protection of fish and fish habitats, applying to all aquaculture operations.
- **Pacific Aquaculture Regulations:** Establish conditions of licence to ensure proper management, control of fisheries, and the conservation of fish species.
- **Shellfish Conditions:** Include specific protections for fish and fish habitats during aquaculture activities.


Consistency Across Aquaculture Sectors:

DFO is committed to ensuring that conditions of licence are consistent across different aquaculture sectors to maintain the conservation and protection of fish populations and their habitats.

Conclusion

This report has identified several key gaps in fisheries management practices and proposed changes aimed at enhancing the protection of aquatic species and their environments. By implementing these changes, the Department of Fisheries and Oceans will be better equipped to manage fisheries effectively and ensure the sustainability of Canada's aquatic resources.

**DRAFT Islands Trust Council Quarterly Meeting Schedule
December 3-5, 2024**

| Tuesday, December 3 | Wednesday, December 4 | Thursday, December 5 |
|---|---|---|
| 10:00 Executive Committee Meeting | 9:00 Legislative & Information Services Consent Agenda Item(s) Decision/Discussion Items | 9:00 Closed Meeting Public are welcome to attend all sessions excluding the Closed Meeting Rise and Report |
| 12:00 Lunch | 10:30 Break | 10:00 Break |
| 1:00 Land Acknowledgement Call to Order and Approval of Agenda Territorial Welcome General Business Arising Consent Agenda Item(s) Islands Trust Active Priorities Chart Committees Work Programs (EC, GC, FPC, RPC, TPC, ITCB) | 10:45 Trust Area Services Consent Agenda Item(s) Decision/Discussion Items | 10:15 San Juan County / Islands Trust Joint Session |
| 2:00 Trustee Roundtable Emerging issues and island updates | | |
| 3:30 Break | 12:00 Lunch | 12:00 Lunch |
| 3:15 Delegations/Public Comment | 1:00 Administrative Services Consent Agenda Item(s) Decision/Discussion Items Draft Budget for FY 2025/26 | 1:00 New Business Trustee-Initiated Requests for Decision |
| | 3:30 Break | 2:15 Disposition of Delegations |
| 4:30 Executive Office Consent Agenda Item(s) Decision/Discussion Items 2025/26 Trust Council Meeting Schedule - RFD | 3:45 Planning Services Consent Agenda Item(s) Decision/Discussion Items | 2:30 Correspondence |
| | | 2:45 Meeting Wrap-up |
| | | 3:00 Adjournment (approx.) |
| 5:30 Adjourn for the Day (approx.) | 5:30 Adjourn for the Day (approx.) | |
| *times are provided for information and may vary | |  Islands Trust Visit the meeting webpage: https://islandstrust.bc.ca/event/trust-council-quarterly-meeting-2-2-2/ ~ to view the agenda package ~ to join the meeting electronically, view livestream or attend by phone-in |