Trust Council
Minutes of Regular Meeting

Date: **December 6-8, 2022**
Location: **Electronic Meeting/Islands Trust Boardroom**
200 - 1627 Fort Street, Victoria, BC

Executive Present:

1. **Peter Luckham, Chair, Thetis Island** (Victoria boardroom)
2. **Tobi Elliott, Vice-Chair, Gabriola Island**
3. **David Maude, Vice-Chair, Mayne Island**
4. **Tim Peterson, Vice-Chair, Lasqueti Island**

Trustees Present:

5. **Sam Borthwick, Denman Island**
6. **David Graham, Denman Island**
7. **Dag Falck, South Pender Island**
8. **Ken Hunter, Thetis Island**
9. **Deb Morrison, North Pender Island**
10. **Joe Bernardo, Keats/Gambier Island**
11. **Kate-Louise Stamford, Gambier Island**
12. **Susan Yates, Gabriola Island** (Victoria boardroom)
13. **Alex Allen, Hornby Island**
14. **Kristina Evans, South Pender Island**
15. **Sue Ellen Fast, Bowen Island Municipality**
16. **Grant Scott, Hornby Island** (regrets)
17. **Mikaila Lironi, Lasqueti Island**
18. **Laura Patrick, Salt Spring Island**
19. **Mairead Boland, Saturna Island**
20. **Lee Middleton, Saturna Island**
21. **Ben Mabberley, Galiano Island**
22. **Aaron Campbell, North Pender Island**
23. **Jamie Harris, North Pender Islands Trust**
24. **Lisa Gauvreau, Galiano Island**
25. **Judi Gedye, Bowen Island Municipality**
26. **Jeanine Dodds, Mayne Island**

Staff Present:

Chief Administrative Officer, Russ Hotsenpiller (Victoria boardroom)
Director, Legislative Services, David Marlor (Victoria boardroom)
Director, Trust Area Services, Clare Frater (Victoria boardroom)
Director, Administrative Service, Julia Mobbs
Director, Planning Services, Stefan Cermak
Senior Policy Advisor, Dilani Hippola
Executive Coordinator/Recorder, Lori Foster (Victoria boardroom)

Tuesday, December 6, 2022

The meeting was conducted electronically from the Victoria boardroom where the public could see and hear the proceedings which were recorded, livestreamed and made available for electronic attendance.

It was noted there were 87 total livestream views on Tuesday, December 6, which included the 7:00 p.m. Delegations/Public Comment evening session.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 1:01 p.m. stating gratitude to work and live on Coast Salish First Nations traditional and treaty territory. He recognized the work of Maynard Johnny Jr., Indigenous artist, whose work adorned the shirt he was wearing and Forbes Hall on Thetis Island, depicting stories of Thunderbird, Wolf and Human.

Chair Luckham conducted a roll call, there were 25 trustees present offering First Nations land acknowledgements.

Trustee Scott sent regrets, that he would be unable to attend the 3-day meeting.

2. APPROVAL OF AGENDA

Discussion ensued on:

- That the minutes of the November Trust Council meeting were not on the agenda,
- Allowing more time for disposition of delegations,
- Addition of Governance Committee elections late item 4.5 circulated.

By general consent, the agenda approved, with the addition of late item 4.5 Governance Committee elections.

3. GENERAL BUSINESS ARISING

3.1 Trust Council Follow Up Action List

Receive for information.

3.2 September Trust Council draft minutes

It was noted that these are last term's council's minutes.

By general consent, the September Trust Council draft minutes were adopted as presented.

3.3 Trustee Round Table

Trustees spoke in anticipation of holding their first local trust committee meetings and the work ahead in the coming new year.

4. EXECUTIVE

4.1 Council Committee Ratification for 2022-2026 - RFD

Chair Luckham spoke to the ratification of the council committee appointments as presented in the request for decision (RFD).

Chair Luckham called for further expressions of interest to the standing committees.

Trustees Boland, Lironi and Morrison expressed interest in appointment to the Regional Planning Committee.

TC-2022-137
It was Moved by Trustee Luckham and Seconded by Trustee Yates,
THAT Trust Council ratify the following appointments to Trust Programs Committee, Regional Planning Committee and Financial Planning Committee:

1. **Trust Programs Committee (TPC):** Sam Borthwick, Kristina Evans, Alex Allen, Jamie Harris, Tim Peterson (EC appointment), Sue Ellen Fast, Chair Luckham (ex-officio)
2. **Regional Planning Committee (RPC):** Laura Patrick, Aaron Campbell, Alex Allen, David Graham, Sam Borthwick, Tobi Elliott (EC appointment), Chair Luckham (ex-officio), Mairead Boland, Mikaila Lironi, Deb Morrison.
3. **Financial Planning Committee (FPC):** Mairead Boland, Joe Bernardo, David Graham, TPC representative (vacant), RPC representative (vacant), David Maude (EC) Tim Peterson (EC), Tobi Elliott (EC), Peter Luckham (EC).

CARRIED

4.2 Notice of Motion from Previous Meeting

4.2.1 Report on potential new Reconciliation Committee - Trustee Elliott - RFD

Trustee Elliott spoke to the request for decision (RFD) as presented.

TC-2022-138
It was Moved by Trustee Elliott and Seconded by Trustee Yates,
That Trust Council request staff to prepare a report regarding options for resourcing and supporting a new Select Committee on Reconciliation, with recommendations as to how the Select Committee on Reconciliation's terms of reference, composition and purpose would be determined.

TC-2022-139
It was Moved by Trustee Morrison and Seconded by Trustee Patrick,
That motion **TC-2022-138** be amended to include "by the March 2023 Trust Council meeting" after the word report.

CARRIED

TC-2022-140
It was Moved by Trustee Morrison and Seconded by Trustee Boland,
That the discussion on amended motion **TC-2022-138** be postponed until after the reconciliation discussion tomorrow.

CARRIED

4.2.2 In-person Trust Council meetings in 2023-24 - Trustee Yates - RFD

Trustee Yates spoke to the request for decision (RFD) as presented. Discussion ensued.

TC-2022-141
It was Moved by Trustee Yates and Seconded by Trustee Maude,
That Trust Council ensure that the 2023/24 Budget allows for four in-person Council meetings.

CARRIED

The meeting recessed at 3:05 p.m. and reconvened at 3:15 p.m.

By general consent, item 5.1 was addressed next.

5.1 Policy Statement Amendment Project Overview - Session Outline

Senior Policy Advisor Hippola presented a PowerPoint titled "Islands 2050 Policy Statement Amendment Project Orientation Session for Trust Council 2022-2026.

Trustee Morrison, last term's Chair of Trust Programs Committee, encouraged all trustees to review the current project charter.

By general consent, item 6. was addressed next.

6. BUSINESS

Director of Administrative Services Mobbs spoke to the following items as presented.

6.1 Financial Planning Committee Work Program

TC-2022-142
It was Moved by Trustee Peterson and Seconded by Trustee Yates,
That Trust Council approve Financial Planning Committee's work program as presented.

CARRIED

6.2 Q2 Financial Report to September 30, 2022 – RFD

TC-2022-143
It was Moved by Trustee Yates and Seconded by Trustee Boland,
That Trust Council approve the September 30, 2022, Financial Report as presented.

CARRIED

6.3 Q2 Financial Forecast – BRF

The Financial Forecast as at September 30, 2022 was received for information.

6.4 Draft 2023/24 Budget Review

DAS Mobbs spoke to the budget as presented in the following items.
6.4.1 Budget Session Outline
6.4.2 Budget Assumptions and Principles - Briefing
6.4.3 Summary of Budget Amendments by FPC – BRF

Questions and answers followed.

At 5:00 p.m., Trustee Allen left the meeting.

Discussion ensued on the budget process, strategic planning, public engagement and a zero percent increase in taxes.

The meeting recessed for a break at 5:17 p.m.

The meeting reconvened at 7:00 p.m.

There were 12 members of the public attending electronically.

7. DELEGATIONS / PUBLIC COMMENT

The following delegation presentations, as presented in the agenda package, were heard:

7.1 David Dunnison - A review of carbon storage and carbon storage potential within the Islands Trust Area

7.2 Mielle Chandler - Democracy, peace and the bylaw enforcement system

7.3 Mary Beth Rondeau - Reducing our carbon footprint and promoting resilience and adaptability

7.4 Michael Sketch – Trust Policy Statement Rewrite

7.5 Public Comments

Chair Luckham opened the floor to public comments.

Maxine Leichter made seven recommendations on how to control the budget 1. not adding further staff positions 2. implementation of only one project per local trust committee 3. hold only two in-person council meetings 4. cut the budget on public engagement 5. strict limits on the number of advocacy items 6. don’t add another committee for First Nations 7. conduct a management review on more ways to save money.

Dori Howard spoke in support of Mielle Chandler's delegation presentation on bylaw enforcement and halting bylaw enforcement.

Jennifer Margison spoke in support of Michael Sketch's delegation regarding the Policy Statement amendment project.

Dale Chandler spoke in support of a public inquiry into bylaw enforcement practices and halting all bylaw enforcement.

By general consent, the meeting was recessed for the day at 8:30 p.m.

<u>**Wednesday, December 7, 2022**</u>

It was noted there were 87 livestream views on December 7th and four electronic attendees.

Chair Luckham reconvened the meeting at 9:01 a.m. noting a quorum of 24 trustees present. Trustees Bernardo and Scott sent regrets.

Chair Luckham continued with agenda item 6.4.4.

Director of Administrative Services (DAS) Mobbs reviewed and spoke to the following items, and answered trustee questions.

6.4.4 <u>Draft 2023/24 Budget Overview - BRF</u>

6.4.5 <u>Budget Detail, Numeric</u>

6.4.6 <u>Strategic Plan Projects - Budget Requests</u>

6.4.7 <u>LTC Projects - Budget Requests and Feasibility</u>

6.4.8 <u>Operational Projects & Staffing - Budget Requests</u>

6.4.9 <u>ITC Board - Budget Request</u>

6.4.10 <u>Business Cases Not Advanced</u>

By general consent, item 8.2 was addressed next.

8.2 First Nations Session / Reconciliation Action Plan - Session Outline

Reece Harding, legal council with Young Anderson, presented a PowerPoint titled "Local Governments and Indigenous Peoples: Some Foundational Legal Principles" which was made available to trustees.

The meeting recessed for a break at 11:05 a.m. and reconvened at 11:15 a.m.

A question and answer session followed. Comments followed on capacity funding, the referral process, fee simple lands and Crown land.

The meeting recessed for lunch at 11:52 a.m. and reconvened at 12:50 p.m.

By general consent, item 4.5 was addressed next.

4.5 Election of Chair of the Governance Committee - RFD

Chair Luckham spoke to the request for decision which was circulated as a late item.

Discussion followed.

TC-2022-144
It was Moved by Trustee Luckham and Seconded by Trustee Yates,
That Trust Council adopt amended Trust Council Policy 2.3.1 [Council Committee System] dated December 6, 2022 that specifies that the Chair of the Governance Committee be elected by Trust Council from amongst its membership.

DEFEATED

By general consent, item 8.5 was addressed next.

8.5 Governance Committee Election - Session Outline

Director of Legislative Services (DLS) spoke to the election process.

By general consent, item 8.5 was deferred until Trustee Bernardo could join the meeting.

By general consent, Chair Luckham continued with a speakers list addressing budget business cases under item 6.4.4.

At 2:00 p.m., Trustee Bernardo joined the meeting.

DLS Marlor continued with the elections process for the Governance Committee.

DLS Marlor called three times for nominations which were recorded as follows:

Nominee	Moved by:	Seconded by:	Accepted (Yes/No)
Bernardo	Morrison	Campbell	Yes
Stamford	Peterson	Yates	Yes
Evans	Falck	Fast	Yes
Harris	Boland	Dodds	Yes
Morrison	Mabberley	Bernardo	Yes
Gedye	Fast	Yates	Yes
Middleton	Evans	Mabberley	Yes
Patrick	Elliott	Yate	Yes
Falck	Campbell	Dodds	Yes
Peterson	Allen	Boland	Yes
Campbell	Falck	Boland	Yes

TC-2022-145
It was Moved by Trustee Luckham and Seconded by Trustee Morrison,
That Trustee Maude be appointed scrutineer for this ballot.

CARRIED

The meeting recessed for a break at 3:10 p.m. and reconvened at 3:25 p.m.

Chair Luckham announced that the electronic ballots for the election of the Governance Committee were now distributed and called on trustees to vote.

DLS Marlor and Trustee Maude met in a separate electronic meeting to count the votes for the election of the Governance Committee.

By general consent, Trust Council continued discussing budget business cases as presented.

TC-2022-146
It was Moved by Trustee Middleton and Seconded by Trustee Boland,
That the draft budget be referred back to Financial Planning Committee with a request they re-draft the budget to the status quo for presentation back to the March Trust Council.

TC-2022-147
It was Moved by Trustee Middleton and Seconded by Trustee Campbell,
That **TC-2022-146** be amended by replacing the words status quo with "to reflect approved fiscal 2022/23 spending levels, plus an amount for inflation as represented by the Statistics Canada December CPI report."

CARRIED

Chair Luckham called the vote on **TC-2022-146** as amended.

TC-2022-146 (as amended)
That the draft budget be referred back to Financial Planning Committee with a request they re-draft the budget to reflect approved fiscal 2022/23 spending levels, plus an amount for inflation as represented by the Statistics Canada December CPI report.

DEFEATED

By general consent, Trust Council addressed the Governance Committee election results next.

DLS Marlor announced that there was a tie for the seventh position, therefore a further election would be held between two tied candidates to determine a winner. He further advised thatballots had been emailed to all trustees which would be counted by the scrutineer and himself.

Chair Luckham asked trustees to vote on the tie-breaker, the results pending.

By general consent, Trust Council continued with budget discussions.

TC-2022-148
It was Moved by Trustee Graham and Seconded by Trustee Peterson,
That Trust Council direct Staff to draw a further $79,000 from General Revenue Surplus Fund to reduce the shortfall in the draft 2023/2024 budget, and that this surplus draw be allocated to the cost of the Accessibility Plan Development ($2,500), with the remainder allocated to non-planning staff salaries to acknowledge the higher than anticipated increase to union staff salaries in the new BCGEU agreement.

CARRIED

TC-2022-149
It was Moved by Trustee Morrison and Seconded by Trustee Yates,
That Trust Council direct Financial Planning Committee to approve a revised draft budget and process for public engagement.

CARRIED

Trustee Allen left the meeting at 5:15 p.m.

By general consent, Trust Council addressed the results of the Governance Committee next.

DLS Marlor announced the following seven trustees were elected to the Governance Committee: Stamford, Bernardo, Gedye, Harris, Middleton, Peterson and Patrick.

By general consent, the meeting recessed for the day at 5:39 p.m.

Thursday, December 8, 2022

Chair Luckham reconvened the meeting at 9:00 a.m. 24 trustees present. It was reported there were 56 livestream views on December 8.

By general consent, Trust Council postponed orientation sessions 8.1 Standards of Conduct/Conflict of Interest/ FOI - Session Outline, 8.3 Strategic Plan Review - Session Outline, and 8.4 Planning Services/ Local Trust Committee Session.

8.6 ELI MINA AND ROBERT'S RULES OF ORDER - SESSION OUTLINE

Eli Mina, Certified Parliamentarian, presented a PowerPoint titled “Robert’s Rules and Responsible Governance” as a companion to the 14 page insert at 8.6 of the agenda package.

The meeting and presentation recessed for break at 10:50 a.m. and reconvened at 11:00 a.m.

Eli Mina presented Part 2 of the PowerPoint.

Questions and answers followed.

By general consent, at 11:48 a.m. Trust Council resumed with remaining and reordered business items.

4.2.1 Report on potential new Reconciliation Committee - Trustee Elliott - RFD

Chair Luckham addressed motion **TC-2022-140** then called the vote on deferred motion **TC-2022-138** as amended.

TC-2022-138 (as amended)
That Trust Council request staff to prepare a report by the March 2023 Trust Council meeting regarding options for resourcing and supporting a new Select Committee on Reconciliation, with recommendations as to how the Select Committee on Reconciliation's terms of reference, composition and purpose would be determined.

CARRIED

4.2.2 In-person Trust Council meetings in 2023-24 - Trustee Yates - RFD

TC-2022-150
It was Moved by Trustee Yates and Seconded by Trustee Evans,
That Trust Council schedule at least two of the in-person Council meetings to take place on the Islands our mandate pertains to.

CARRIED

4.3 Proposed Trust Council Schedule 2023 – RFD

TC-2022-151
It was Moved by Trustee Patrick and Seconded by Trustee Fast,
That Trust Council adopt the following meeting dates for its 2023 schedule: March 7-9, June 27-29, September 26-28, and December 5-7.

CARRIED

TC-2022-152
It was Moved by Trustee Fast and Seconded by Trustee Yates,
That Trust Council adopt the following meeting locations and for its 2023 schedule: March (in-person, Nanaimo), June (pending), September (pending), December (in-person, Victoria).

CARRIED

4.4 June Trust Council Provincial Review – Briefing

TC-2022-153
It was Moved by Trustee Peterson and Seconded by Trustee Gauvreau,
THAT item 4.4 be postponed to a future Trust Council meeting for consideration.

TC-2022-154
It was Moved by Trustee Morrison and Seconded by Trustee Patrick,
That motion **TC-2022-153** be amended replacing the words "a future" with the words "the March 2023".

CARRIED

Chair Luckham called the question on motion **TC-2022-153** as amended.

TC-2022-153 (as amended)
THAT item 4.4 be postponed to the March 2023 Trust Council meeting for consideration.

CARRIED

TC-2022-155
It was Moved by Trustee Morrison and Seconded by Trustee Graham,
That Trust Council refer item 4.4 to the Governance Committee for discussion prior to the March 2023 meeting.

CARRIED

5.2 NAPTEP Certificate Completion Extension SSI LTA- RFD

TC-2022-156
It was Moved by Trustee Yates and Seconded by Trustee Patrick,
That the Islands Trust Council extend the timeline for issuing the Natural Area Exemption Certificate for Natural Area Protection Tax Exemption Program application SS-NAP-2020.3 (Salt Spring Island) until December 2024.

CARRIED

5.3 Recommended Islands Trust Council Representative and Alternate Attendee for DFO Shellfish Aquaculture Management Advisory Committee – RFD

TC-2022-157
It was Moved by Trustee Fast and Seconded by Trustee Allen,
That item 5.3 be postponed to the March 2023 Trust Council meeting.

CARRIED

6.4.11 Special Tax Requisition Request – RFD

TC-2022-158
It was Moved by Trustee Peterson and Seconded by Trustee Patrick,
That Trust Council approve, in concept, the Salt Spring Island Local Trust Committee's request for a 2023/24 special tax requisition to fund work associated with delegated powers under Bylaw No. 154, in the amount of $75,500, and that the project be put forward for public consultation.

CARRIED

9. DISPOSITION OF DELEGATIONS

The following actions were requested regarding the delegation presentations as shown:

Re: Item 7.1 David Dunnison - A review of carbon storage and carbon storage potential within the Islands Trust Area

TC-2022-159
It was Moved by Trustee Boland and Seconded by Trustee Graham,
That Trust Council requests staff work with the delegate (David Dunnison) on his assertion with respect to Carbon Storage numbers, and respond to Trust Council on findings and next steps such as further peer review and revision to Islands Trust communications on Carbon Storage facts.

TC-2022-160
It was Moved by Trustee Bernardo and Seconded by Trustee Dodds,
That motion **TC-2022-159** be amended to remove the words "work with" and replace with the word "engage."

CARRIED

Chair Luckham called the question on **TC-2022-159** as amended.

TC-2022-159 (as amended)
That Trust Council requests staff engage the delegate (David Dunnison) on his assertion with respect to Carbon Storage numbers, and respond to Trust Council on findings and next steps such as further peer review and revision to Islands Trust communications on Carbon Storage facts.

CARRIED

TC-2022-161
It was Moved by Trustee Harris and Seconded by Trustee Peterson,
That Islands Trust Council request staff to promptly inform the Province that it no longer wishes to proceed with its request that 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, and also request staff to remove the task from Trust Council's follow-up action list.

TC-2022-162
It was Moved by Trustee Morrison and Seconded by Trustee Gedye,
That Trust Council postpone motion **TC-2022-161** to the March Trust Council meeting.

CARRIED

TC-2022-163
It was Moved by Trustee Morrison and Seconded by Trustee Harris,
That Executive Committee and staff do not pursue conversations with the Province around tree cutting until after the March 2023 meeting.

CARRIED

Re Item: 7.2 Mielle Chandler - Democracy, peace and the bylaw enforcement system

TC-2022-164
It was Moved by Trustee Morrison and Seconded by Trustee Borthwick,
That Trust Council requests that Executive Committee include a session on bylaw enforcement policy and practice in the March 2023 Trust Council meeting agenda.

CARRIED

Trustee Campbell gave notice of his intention to propose a motion at the March Trust Council meeting that Trust Council suspend the proactive enforcement model and all associated files pending a full review of bylaw enforcement by a non partisan third party that is at arms length from the trust to ensure that complaints are free of bias of predetermined guilt, including a right to appeal, and a neutral body to appeal to, and that any complaint driven enforcement be vetted through the local trust council to ensure fairness in keeping with each island uniqueness with the goal of creating a new model bylaw enforcement based on fairness and democratic principle.

Re: Item 7.3 Mary Beth Rondeau - Reducing our carbon footprint and promoting resilience and adaptability

Trustee Morrison asked the minutes record that the "Declare a Climate Emergency and Intensify Islands Trust Climate Action Request for Decision" from the March 12, 2019 meeting of Trust Council was trustee written authored by herself in collaboration with former Trustee Scott Colbourne. Staff provided editing and revision.

10. CORRESPONDENCE

10.1 M. Gang re: need for review and restructure email dated November 10, 2022

TC-2022-165
It was Moved by Trustee Boland and Seconded by Trustee Elliott,
That item 10.1 M. Gang re: need for review and restructure email dated November 10, 2022, be forwarded to the Governance Committee for their consideration.

CARRIED

11. NEW BUSINESS - None

12. NEXT MEETING

The next meeting is scheduled to be held in-person March 7, 8 and 9 in Nanaimo.

13. ADJOURNMENT

By general consent, the meeting was adjourned at 1:54 p.m.

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Peter Luckham, Chair

Certified Correct

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Lori Foster/Executive Coordinator