



Trust Programs Committee Minutes of a Special Meeting

Date: August 26, 2022
Location: Electronic Meeting

Members Present: Deb Morrison, North Pender Island Local Trustee (Chair)
Timothy Peterson, Lasqueti Island Local Trustee (Vice Chair)
Paul Brent, Saturna Island Local Trustee
Scott Colbourne, Gabriola Island Local Trustee
David Critchley, Denman Island Local Trustee
Doug Fenton, Thetis Island Local Trustee
Kees Langereis, Gabriola Island Local Trustee
Dan Rogers, Gambier Island Local Trustee (EC Representative)
Benjamin McConchie, North Pender Island Local Trustee
Steve Wright, South Pender Island Local Trustee
Peter Luckham, Islands Trust Council Chair (Ex Officio)

Members Regrets: Grant Scott, Hornby Island Local Trustee

Members Absent: Michael Kaile, Bowen Island Municipal Trustee

Staff Present: Clare Frater, Director, Trust Area Services
Stefan Cermak, Director, Local Planning Services
David Marlor, Director, Legislative Services
Dilani Hippola, Senior Policy Advisor
Robert Barlow, Legislative Services Clerk/Recorder

Others Present: No members of the public were present.

1. CALL TO ORDER

The meeting was called to order at 9:02 a.m. Chair Morrison acknowledged that participants of the meeting were on the traditional and treaty territories of several First Nations.

2. AGENDA

2.1 Review of Agenda

The following late item was presented for consideration:

- Addition to agenda item #7.1 - Correspondence from the Ministry of Municipal Affairs staff in regards to the Policy Statement content and structure.

2.2 Approval of Agenda

ADOPTED

By general consent the agenda was approved as amended.

3. PUBLIC COMMENT PERIOD

No member of the public was present.

4. DELEGATIONS

None.

5. CORRESPONDENCE

5.1 August 4, 2022 - WSÁNEĆ Leadership Council

Senior Policy Advisor Hippola indicated that the letter had arrived later than other letters from First Nations which have been posted to the website.

TPC-2022-013

It was MOVED and SECONDED,

that Trust Programs Committee forward the letter of August 4, 2022, from WSÁNEĆ Leadership Council staff to all Local Trust Committees (LTCs) in their territory.

CARRIED

TPC-2022-014

It was MOVED and SECONDED,

that Trust Programs Committee forward the letter of August 4, 2022, from WSÁNEĆ Leadership Council staff to Islands Trust Council (TC).

CARRIED

TPC-2022-015

It was MOVED and SECONDED,

that Trust Programs Committee request staff to engage with WSÁNEĆ Leadership Council to request permission to address the correspondence of August 4, 2022, with the Province.

CARRIED

6. ADMINISTRATIVE COORDINATION

6.1 Draft Minutes of Previous Meeting

6.1.1 Trust Programs Committee (TPC) minutes of July 8, 2022

By general consent the minutes were approved as presented.

6.2 Resolutions Without Meeting

None.

6.3 FUAL

Director Frater reviewed the items that were in progress.

TPC-2022-016

It was MOVED and SECONDED,

that Trust Programs Committee remove item #1 (Ministry of Transportation and Infrastructure MOUs) from November 5, 2020, from the FUAL and refer it to the Executive Committee (EC).

CARRIED

It was noted that the intention of item #2 (Amend TC Policy 1.2.1, Policy Statement Amendment Policy) from November 5, 2020, is to create regular reviews of the Policy Statement to avoid a backlog of potential amendments.

By general consent Trustee Peterson's name is removed from the description of item #2 (Amend TC Policy 1.2.1, Policy Statement Amendment Policy) from November 5, 2020, as staff will be responsible for moving this item forward with the Committee.

TPC-2022-017

It was MOVED and SECONDED,

that Trust Programs Committee remove item #1 (Discuss with the province and report to Trust Council on a process to identify potential governance and/or operational change that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area) from February 5, 2021, on the FUAL and refer it to the Governance Committee.

CARRIED

Trustee Critchley left the meeting at 10:10 a.m. as a result of internet connection issues. Committee recessed at 10:10 a.m. and returned at 10:15 a.m.

7. BUSINESS - WORK PROGRAM ITEMS

7.1 TPC Recommendations to Trust Council on Revisions & Next Steps for the Policy Statement Amendment Project (PSAP) - RFD

Senior Policy Advisor Hippola introduced, as a late item, the correspondence from the Ministry of Municipal Affairs staff in response to TPC's request regarding potential Policy

ADOPTED

Statement (PS) required or desired content and structure, indicating that the Ministry doesn't have any specific requirements for the Policy Statement.

Committee discussion included:

- the potential impact of the Supreme Court of Canada decision in regards to Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65
- Islands Trust is special government whose goal is to support the non-human residents as well as the human residents
- Islands Trust has obligations to constituents and to the province
- the need to be able to clearly articulate reasons for decisions to meet criteria of reasonableness
- whether the precautionary principle is considered reasonable.

TPC-2022-018

It was MOVED and SECONDED,

that Trust Programs Committee forward the correspondence of August 25, 2022, from the BC Ministry of Municipal Affairs, and the associated briefing, to the Executive Committee for inclusion in the September Trust Council meeting.

CARRIED

Senior Policy Advisor Hippola introduced the Request for Decision (RFD), indicating that the purpose was to provide potential recommendations from TPC to Trust Council for language that could be included in the next draft of the Policy Statement.

Committee discussion included:

1. Structural Revisions:

- concern about fettering local trust committee discretion may not be required as all trustees are members of Trust Council (TC)
- need to honour precautionary principle and cumulative impacts
- policies can be recommended or directive
- the only check or balance in the governance structure is that Executive Committee (EC) cannot approve Official Community Plans (OCPs) and Land Use Bylaws (LUBs) if they are found to be contrary to or at variance with the Policy Statement
- only new amendments to OCPs and LUBs are reviewed by the Executive Committee
- local trust committees and Bowen Island Municipality can be more proactive than what the PS directs
- EC cannot approve a bylaw for other reasons such as not having conducted appropriate First Nation engagement
- providing more explanation for items 1.1 and 1.2 in the draft RFD to TC.

Trustee Brent left the meeting at 11:00 a.m.

2. Content Revisions:

- the draft commitment/coordination policies advocating for authority to regulate tree cutting are not directive policies but rather a recommended policy and the broad "support tree cover" policies remain

ADOPTED

- the request of the Province is to allow LTCs some regulatory tree cutting powers
- LTCs can create their own Development Permit Areas
- TC direction is to simplify the proposed Policy Statement
- referring to a “forestry management plan” rather than a “tree cutting regulation” may support community buy-in
- the current PS includes “forest cover protection”
- inclusion of background information on the tree cutting recommendation and the 2050 factsheet in regards to forest stewardship in the draft RFD

Trustee Critchley returned to the meeting at 11:20 a.m.

- the precautionary principle is difficult to determine if it is being adhered to or not

TPC-2022-019

It was MOVED and SECONDED,

that Trust Programs Committee request staff to draft a recommendation to Trust Council regarding inclusion of the precautionary principle in the Trust Policy Statement draft.

CARRIED

- the importance that criteria be clear and be applied consistently when assessing whether a OCP or LUB adheres to, or is contrary with, the PS
- Trustees are bound to the Islands Trust Object whether they are acting in a LTC, island municipality or TC
- TC Policy 1.3.1, Policy Statement Implementation, is the policy under which LTCs can justify why they are not going to follow a directive policy; structural recommendations suggest considering whether this should be included as part of the bylaw
- the importance to have clarification of the precautionary principle as it may not be helpful to add it without a clear definition.

Committee recessed at 11:49 a.m. and returned at 11:56 a.m.

3. Additional Content :

- Senior Policy Advisor Hippola indicated that the additional content is largely in response to feedback from First Nations in regards to further refinements to the PS that they would like to see
- clarification is needed in regards to #3.1 as to where or how this material would be provided
- First Nations want to be involved in decision making process and reconciliation means sharing political power

TPC-2022-020

It was MOVED and SECONDED,

ADOPTED

that Trust Programs Committee amend 3.2 of the Trust Policy Statement RFD by adding the words “and all decision making” at the end.

CARRIED

- As necessary, staff may be discussing with the Executive Committee in September a potential budget adjustment to obtain more capacity funding in this fiscal year for the PSAP in order to continue to work with First Nations
- 4. Coordination with Referral Agencies :**
 - the draft language is about coordination rather than advocacy which is to reflect the aim of asking other agencies to act on their respective responsibilities and coordinate activities with Islands Trust rather than advocating that other agencies do something different or extra

Trustee Langereis left the meeting at 12:11 p.m.

- 5. Engagement, Reviews and Next Steps:**
 - there is no legislation that compels Islands Trust Council to conduct public engagement on Islands Trust Policy Statement amendments
 - need for language and training about what public engagement means

TPC-2022-021

It was MOVED and SECONDED,

that Trust Programs Committee amend the Trust Policy Statement Request for Decision to edit 5.2 to include “and consultation” after the word “engagement” and at the end of the sentence to add “early in the term”.

CARRIED

TPC-2022-022

It was MOVED and SECONDED,

that Trust Programs Committee request staff to amend the Policy Statement RFD to include “5.5 that Trust Council request staff to prepare a Policy Statement Amendment Project communications strategy for the consideration of the Trust Council and Executive Committee in early 2023”.

CARRIED

TPC-2022-023

It was MOVED and SECONDED,

that Trust Programs Committee forward the attached Policy Statement Amendment Project Request for Decision as amended to Executive Committee for inclusion in the September 2022 Trust Council agenda package.

CARRIED

8. BUSINESS - OTHER

8.1 Trust Programs Committee Budget and Work Program for FY2023/24 - RFD

Director Frater introduced the Request for Decision, indicating that the purpose was to support development of the 2023/24 draft budget by identifying potential business cases.

TPC-2022-024

It was MOVED and SECONDED,

that Trust Programs Committee request Executive Committee include funding for an enhanced communications strategy within the 2023/24 business case for the Policy Statement Amendment Project.

CARRIED

TPC-2022-025

It was MOVED and SECONDED,

that Trust Programs Committee forward to the Financial Planning Committee, for inclusion in the Fiscal Year 2023/24 Budget, the business case for \$20,000 for stewardship education.

CARRIED

TPC-2022-026

It was MOVED and SECONDED,

that Trust Programs Committee forward to the Financial Planning Committee, for inclusion in the Fiscal Year 2023/24 Budget, the business case for \$15,000 for secretariat services.

CARRIED

8.2 Draft letter from Chair Morrison to next term's TPC – Discussion

Chair Morrison introduced the draft letter, and requested suggested edits or additions.

Committee discussion included the following suggestions:

- highlight the emerging nature of Reconciliation and what TPC does in relation to this
- describe the challenges of being the Chair of TPC
- mention that the pandemic was challenging and that in-person meetings are important to support sharing of ideas

Chair Morrison indicated that she will incorporate the suggestions and will send a revised letter to staff to be included in the next TPC agenda

9. BUSINESS – NEW

None.

10. WORK PROGRAM

ADOPTED

Director Frater introduced the current work program.

TPC-2022-027

It was MOVED and SECONDED,

that Trust Programs Committee forward the Work Program to Trust Council.

CARRIED

11. NEXT MEETING

The next scheduled meeting is Friday, November 25, 2022, from 9:00 a.m. to 2:00 p.m.

12. ADJOURNMENT

By general consent the meeting adjourned at 1:17 p.m.

Deb Morrison, Chair

Certified Correct:

Robert Barlow, Legislative Services Clerk/Recorder