



Islands Trust

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File Number: GF/T-5-10

Ken Marr
President
Islanders for Self Government
Box 827
Salt Spring Island BC V8K 2W3

Dear Ken Marr:

Re: Delegation at the December 2007 Islands Trust Council Quarterly Meeting

Thank you for your December 6 presentation to the Islands Trust Council in Victoria regarding the need to amend legislation to ensure all municipalities within the Islands Trust Area are bound by the Trust's mandate and your support for increased provincial funding for the Islands Trust.

As noted by Bowen Island Trustee Peter Frinton and Gabriola Island Trustee Sheila Malcolmson following your presentation, Section 39.1 of the *Islands Trust Act* requires municipalities in the Islands Trust Area to have regard for the object of the Islands Trust in adopting bylaws and issuing permits. Unlike local trust committees (LTCs), island municipalities are not required to submit all of their bylaws to the Executive Committee for approval. However, Section 38 of the *Islands Trust Act* does require municipalities to submit Official Community Plan bylaws to the Executive Committee for approval prior to adoption. The municipal letters patent for Bowen Island Municipality reinforces this requirement. Section 38 also allows island municipalities an additional right of appeal (not available to LTCs) to the Minister of Community Services in the event that both the Executive Committee and Trust Council refuse to approve an OCP bylaw.

Trust Council was pleased to hear of your organization's support for increased provincial funding to the Islands Trust to ensure the Provincial Government's contribution to the preservation and protection of the Islands Trust Area in perpetuity. We encourage you and your members to act on that support by writing to the minister responsible, the Honourable Ida Chong, Minister of Community Services.

In regard to provincial funding levels, the Islands Trust Executive Committee and senior staff have made regular requests for increased funding in regular meetings with the Minister of Community Services. For the last six years, the ministry has made it clear that it intends to make its annual contribution to the Islands Trust using the same funding formula as it uses for other local governments of similar size. We note that this formula did result in increased provincial funding in the last fiscal year 2007-2008 and further projected increases in future years. Correspondence and meeting agendas related to this matter are attached for your information.

At the December Trust Council meeting, I expressed some concerns regarding inaccurate and misleading information in advertisements or other materials prepared by Islanders for Self-Government or its members in 2007. The following list provides some representative examples:

- ◆ April 15: Speech at ISG meeting by Ken Marr implied that suggestions by Salt Spring Island community members who participated in the Official Community Plan Review focus groups, were in fact proposed policies of the Salt Spring Island Local Trust Committee. This is not the case. The input from these focus groups is part of an extensive public consultation process which also includes meetings, town hall

Preserving Island communities, culture and environment

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

sessions, questionnaires, correspondence, discussions with stakeholder groups, local advisory committees, and other agencies. Community input is currently being analyzed and initial recommendations will be presented to the local trust committee for its consideration at the end of January. There will be a number of opportunities for the public to attend meetings and to provide further input into potential amendments to the OCP in the coming months.

- ◆ October 3: Driftwood article titled "Incorporation back on the table". Ken Marr stated that house size limits are "beyond the Trust's realm of authority". This statement is factually incorrect. The *Local Government Act* clearly provides local trust committees, regional districts, and municipalities with the authority to limit the floor area of buildings and structures through land use regulation. As with many local government jurisdictions elsewhere, the current Salt Spring Land Use Bylaw limits house sizes through maximum lot coverage and height restrictions. Although the Salt Spring Island Local Trust Committee has announced that it will not be pursuing a focus group suggestion to limit house size to 3000 sq.ft. during the OCP review process, it has requested staff to consider lot coverage ratios and the relationship of house size to energy efficiency standards. Further, the October 3 article indicated that Islands Trust staff and elected trustees are taking on initiatives that "go beyond their land use planning mandate", although no examples have been provided. The article also stated that the Islands Trust is "not a government". This statement indicates a lack of understanding and knowledge regarding the Islands Trust governance structure. Local trust committees and other corporate bodies within the Islands Trust are defined as local governments by numerous provincial acts (list attached). Local trust committees and other Trust entities work in close cooperation with regional districts and other agencies responsible for the delivery of a whole range of services, as mandated under Sections 3, 9, and 37 of the *Islands Trust Act*.
- ◆ October 31: Driftwood Viewpoint article by Ken Marr stated that there is a "proposed official community plan" that is "not a revision, it is a complete re-write" that "seriously affects employment, housing, property rights, culture and employment", that "the Trust must make some serious amendments to this document". These statements are factually incorrect and are very misleading. There is neither a draft OCP nor a proposed bylaw that would amend the current Salt Spring Island OCP under consideration. The current OCP is being reviewed, not re-written. No document suggesting draft amendments to the existing OCP has been prepared to date and the local trust committee has not provided its staff with direction on the extent of any amendments, pending the analysis of input referred to earlier in this letter and the presentation of initial recommendations to the local trust committee at the end of January.
- ◆ October 31: Driftwood Viewpoint article by Ken Marr stated that "the most important role of the chair is to cast the deciding vote in the event of a tie between our two locally elected trustees", and that "there is likely to be dissent between them when it comes time to making their final decision". These assertions were reinforced by an ISG advertisement in the same edition of the Driftwood which indicated that a meeting on November 1 could be the "only chance" for the public to express its opinion "to the tie breaking vote before the OCP draft is done". Yet draft amendments to the OCP have yet to be prepared, and Islands Trust advertisements and other materials have consistently indicated that there would be several opportunities for public input before and after creation of a draft document, including planned public meetings and a formal public hearing. The Chair of a local trust committee plays many roles, including representation of the interests of the Province and the Islands Trust Council (as reflected in the Islands Trust Policy Statement), within the context of the whole Islands Trust Area. As a matter of public record, most resolutions passed by local trust committees are unanimous. Split votes are rare. For example, in its term so far, the current Salt Spring Island Local Trust Committee has held approximately 30 public meetings and has voted on more than 400 resolutions. Only one resolution (regarding the issuance of one permit) was not unanimous. In this context the statements in the October 31 ISG article and advertisement indicate a lack of proper fact-checking and research. In addition, the statements are very misleading, inflammatory, and alarmist.
- ◆ November 7: ISG advertisement in the Driftwood provided incomplete information about property taxes. The advertisement indicates that if Salt Spring became a municipality, taxpayers would "no longer pay rural property taxes to the province". But the advertisement neglects to provide information about the new responsibilities and taxes which islanders would pay to an island municipality for roads, policing, municipal

administration, and other local services. The 2002 Salt Spring Island Local Government Restructure Study (Sussex Consultants Ltd.) estimated that property taxes for the average household on SSI could increase by up to \$200 per year and up to \$600 per year for the average business as a result of taking on these new responsibilities.

- ◆ November 7: ISG advertisement in the Driftwood indicated that "when Bowen Island incorporated in 1999 the new Council pledged not to increase taxes for 5 years". This statement is factually incorrect. It is our understanding that in formulating its first budget in 2000, the new Bowen Island Municipal Council set the general municipal rate for that first year so that it would not exceed the combined rates for the rural tax, GVRD electoral area services and Islands Trust taxes that would have been levied if Bowen had not incorporated. The Council's commitment was for one year, not for five years. The audited financial statements that are posted on the Bowen Island Municipality website indicate that for the years 2000 through 2004, general and parcel tax revenues collected by Bowen Island Municipality increased from \$2,297,562 to \$2,797,229 - an increase of approximately 21.5% over five years.

While the Islands Trust Council does not take a formal position on the issue of incorporation on islands within the Islands Trust Area, Council policies express the belief that community members can make the best decisions about governance topics if they are provided with accurate and complete information. In this regard, we have a duty to make sure that legitimate and community-minded intentions, processes, and actions undertaken by the Islands Trust Council, local trust committees, and community members who participate in public review processes such as that underway regarding the Salt Spring Island Official Community Plan are not misrepresented. We strongly believe it is important to conduct research and fact-checking before publishing and distributing information.

The Islands Trust Council is committed to improvements in governance within the current rural framework, with a particular focus on the Salt Spring Island Local Trust Area. Trust Council has requested the Province to increase the number of locally elected Salt Spring Island representatives from two to four, both on the Salt Spring Island Local Trust Committee and at the Islands Trust Council table. We understand that Islanders for Self Government opposes this change, but would urge you to reconsider this position. A larger local trust committee and more representation for Salt Spring at Trust Council would address a number of concerns raised specifically by ISG in delegations made to Trust Council in December 2004, March 2005, December 2005, and March 2006. Acceptance of Trust Council's request by the Province would allow for improvements in governance on Salt Spring Island but would not preclude Salt Spring Island from incorporating at a later date.

Thank you again for your interest in the Islands Trust and for your participation in the December meeting of the Islands Trust Council.

Yours truly,



Kim Benson
Chair, Islands Trust Council

pc: Salt Spring Island Local Trust Committee
Islands Trust website

Attachments:

Meeting agendas and correspondence regarding provincial funding of the Islands Trust
List of provincial acts which define a local trust committee

Definition of a local trust committee in provincial acts

Community Charter

"local authority" means

- (a) a municipality, including the City of Vancouver,
- (b) a regional district,
- (c) the trust council, a local trust committee and the trust fund board within the meaning of the *Islands Trust Act*, ...

Fish Protection Act

"local government" means

- (a) the council of a municipality,
- (b) the board of a regional district, and
- (c) a local trust committee of the Islands Trust or the executive committee of the Islands Trust acting as a local trust committee;...

Freedom of Information and Protection of Privacy Act

"local government body" means...

- (h) the trust council, the executive committee, a local trust committee and the trust fund board, as these are defined in the *Islands Trust Act*,

Private Managed Forest Land Act

"local government" means

- (a) in relation to land within a municipality, the municipal council,
- (b) in relation to land within an electoral area, the board of the regional district, and
- (c) in relation to land within a local trust area under the *Islands Trust Act*, the local trust committee or the executive committee acting as local trust committee for that area;

Land Title Act

"local authority",

- (a) in relation to land in a municipality, means the municipal council,
- (b) in relation to land not in a municipality, means the regional board of a regional district, and
- (c) in relation to land in a local trust area, means the local trust committee;

Agricultural Land Commission Act

"local government" means

- (a) in relation to land within a municipality, the municipal council,
- (b) in relation to land within an electoral area but not within a local trust area, the board of the regional district, and
- (c) in relation to land within a local trust area under the *Islands Trust Act*, the local trust committee or the executive committee acting as a local trust committee for that area;

Community Care and Assisted Living Act

"municipality" includes

- (a) a regional district, and
- (b) a local trust committee as defined in the *Islands Trust Act*;

Heritage Conservation Act

"local government" includes the council of a municipality, the board of a regional district, and the Trust Council and a local trust committee established under the *Islands Trust Act*;

Liquor Control and Licensing Act

"local government" means,

- (a) in relation to a regional district, the board of the regional district,
- (b) in relation to a municipality, the council of the municipality, and

(c)in relation to a local trust area under the *Islands Trust Act*, the local trust committee or the executive committee acting as local trust committee for that area;

Drinking Water Protection Act

"local government" means

- (a)the council of a municipality,
- (b)the board of a regional district, and
- (c)a local trust committee under the *Islands Trust Act*;

Financial Disclosure Act

"municipal official" means a person who

- (a)is a member of the council of a municipality, the board of a regional district or a local trust committee,

Islands Trust Regulation 119/90

4) For the purposes of the application of the *Community Charter* or the *Local Government Act* to the trust or a trust body, a reference to a local government corporate officer is to be considered a reference to the secretary.