

Islands Trust

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July 20, 2007

File Number: GF/T-5-7

The Honourable Ida Chong
Minister of Community Services
PO BOX 9056, STN PROV GOVT.
Victoria BC V8W 9E2

Dear Minister Chong:

**Re: Islands Trust Governance Review
Requests for Legislative and Regulatory Changes**

Further to our meeting in October 2006 when we discussed the Islands Trust's on-going review of governance, I am writing to provide you and your staff with an update regarding our progress and to convey the related requests of the Islands Trust Council. The materials used in the development of these requests are included with this letter.

BACKGROUND

As you will recall, the Islands Trust Council identified "Excellence in Governance" as a key priority in its Strategic Plan for the 2005-8 term of office (attached). Specifically, we seek a sustainable and fair form of political representation within the Islands Trust Area. We also wish to provide good value to our communities, to ensure that taxes and fees are fair, and to seek new funding sources to support special initiatives. To these ends, the Islands Trust Council created a Governance Task Force early in 2006 that includes 13 trustees from our 26-member Council. The Governance Task Force has provided a focus for our governance work by coordinating public consultation and the development of recommendations to the Islands Trust Council.

PROGRESS

Shortly after its creation, the Governance Task Force decided to focus on those governance topics that could lead to requests for changes to provincial legislation. It did this in order to forward any proposed changes to your ministry in sufficient time for development and consideration during the Spring 2008 legislative session. In consultation with your staff, we have now completed two important steps to determine what, if any changes we should request to the legislation and regulations that affect governance in the Islands Trust Area.

In December 2006, we contracted with Neilson-Welch Consulting Inc. to undertake an Islands Trust Governance Review, partially funded by a Restructure Planning Grant from your Ministry. The resulting Governance Review Report examines specific governance concerns in the Islands Trust Area and assesses a variety of options for addressing them. The Report did not make final recommendations; rather, it was intended to improve the public's understanding of the Islands Trust and its governance and to encourage thinking and discussion.

Following release of the Governance Review Report in April 2007, we conducted an extensive public consultation process to receive public comment about options for governance in the trust area, as identified in the Governance Review Report. We developed our public consultation process to encourage participation from all those with interests in the Islands Trust Area. The consultation process included extensive advertising and notification of residents and non-residents,

Preserving Island communities, culture and environment

11 community meetings throughout the Trust Area and in the Lower Mainland, an on-line survey and a broad invitation to participate. We have included a summary of public input, prepared by Leftside Partners Inc., with this letter.

At the close of the public consultation process, the Governance Task Force considered a number of factors, including its own analyses of issues and circumstances in the Islands Trust Area, the Governance Review Report, and the public input received. At its meeting in May 2007, the Governance Task Force determined a series of recommendations for consideration by the Islands Trust Council. Trust Council endorsed each of the recommendations by resolution at its recent business meeting on June 15, 2007.

REQUESTED CHANGES TO LEGISLATION AND REGULATIONS

The attached table outlines in detail the changes to provincial legislation and regulations that the Islands Trust Council requests and some brief points to explain the rationale behind each request. The first two requests relate to political representation and are the most significant. Three other requests are of a minor nature, and are intended to facilitate fair, open and effective governance in the Islands Trust Area.

To summarize, the Islands Trust Council's requests for changes to political representation in the Islands Trust Area are as follows:

1. Change to the size of the Salt Spring Island Local Trust Committee

We request amendments to the Islands Trust Act that would cause four local trustees to be elected to sit on the Salt Spring Island Local Trust Committee.

We believe this change would permit more effective and accountable representation of the largest community in the Islands Trust Area and would provide a broader and more responsive forum for local land use decision-making.

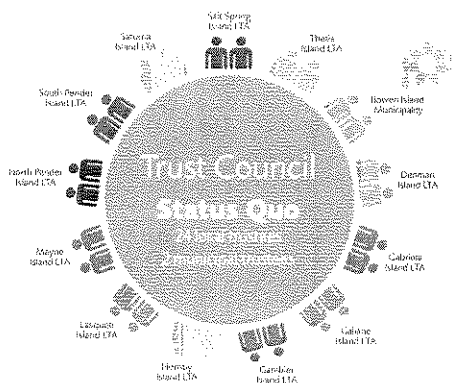
All members of the Salt Spring Island Local Trust Committee support this request and the Islands Trust Council has strongly endorsed it.

2. Change to representation from Salt Spring Island on the Islands Trust Council

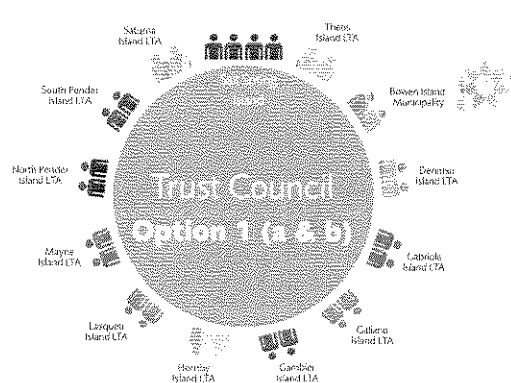
We request amendments to the Islands Trust Act that would cause four local trustees from the Salt Spring Island Local Trust Area to sit as full voting members of the Islands Trust Council.

We believe that this particular request is the most significant. It was, therefore, the subject of the greatest discussion and debate at the Governance Task Force, at the Islands Trust Council, and in our communities. This request would change the structure of the Islands Trust Council as illustrated in the following diagrams:

EXISTING COUNCIL STRUCTURE



PROPOSED COUNCIL STRUCTURE



We believe this change to the structure of the Islands Trust Council would maintain the important 'regional perspective' of the Islands Trust Council, while recognizing the anomalous nature of the Salt Spring Island Local Trust Area. The Salt Spring Island Local Trust Area represents 40% of our population, 25% of our land area and 40% of our tax base (these characteristics are displayed in graphs attached to this letter).

The Governance Task Force considered an option where only two Salt Spring Island trustees would sit at the Islands Trust Council, even if four were elected locally. Based on public input that strongly supported the 'dual role' of trustees and the experience of trustees, this option was rejected due to significant concerns about creating two 'classes' of trustees. Trustees strongly believe that the regional perspective they gain at the Trust Council table is essential to their role at the local level and vice versa. They believe that all elected trustees in the Islands Trust Area are most effective as full members of the Islands Trust Council.

All members of the Salt Spring Island Local Trust Committee support this request and the Islands Trust Council strongly endorsed it.

The Islands Trust Council's other requests for changes to provincial legislation and regulations are:

3. Change to permit the Islands Trust Council to determine the size of its Executive Committee

We request changes to the Islands Trust Act that would enable the Islands Trust Council to determine the size of its Executive Committee.

Decisions regarding the size of the Islands Trust Executive Committee currently rest with the Lieutenant Governor in Council, responding to recommendations of the Islands Trust Council. We believe that the Islands Trust Council can determine the most effective size of its Executive Committee and should be empowered to make such decisions, which are internal to the working of the Islands Trust.

The Islands Trust Council unanimously supports this request.

4. Change to permit Islands Trust bodies to hold electronic meetings

We request the necessary changes to provincial legislation and regulations to permit Islands Trust bodies to hold meetings through electronic or other communication facilities.

Given the dispersed nature of the Islands Trust Area, the Islands Trust Council and its committees, Local Trust Committees and the Islands Trust Fund Board could conduct their business more openly, more effectively and more efficiently if they could conduct meetings through electronic or other communication facilities, with appropriate facilities in place to enable the public to hear the proceedings. We hope to expand our use of technology in holding meetings and to enhance the ability of our constituents to observe and participate in the meetings that affect them. We also hope to reduce some of the travel costs and impacts that result from personal attendance of committee members in meetings.

The Islands Trust Council unanimously supports this request.

5. Change to confirm that Islands Trust bodies may conduct business outside of their area of jurisdiction.

We request that 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.

As this topic has been raised in regards to municipalities and regional districts, and as Local Trust Committees and the Islands Trust do currently hold meetings and hearings outside of their area of jurisdiction, often to enhance convenience for the public, we would like confirmation that this practice is indeed permitted, through legislative or regulatory change if necessary. Advice from our legal counsel confirms the need for clarity in this matter.

The Islands Trust Council unanimously supports this request.

We would also like to confirm that we are seeking legislative and regulatory change only where we feel we cannot address issues internally. In addition to our requests to your ministry, the Islands Trust Council has several internal initiatives underway to promote "Excellence in Governance" in the Islands Trust Area. For example, we are working with the Capital Regional District in a pilot project on Salt Spring Island, to enhance coordination and communication regarding land use planning and service delivery. Further, we are examining a number of options to ensure a fair balance between taxes and services, we are improving our land use application and community planning services, we are examining how we administer our elections, and we are examining planning new tools for inclusive decision-making. We have undertaken a corporate services review and are implementing its recommendations.

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The Islands Trust Council believes that support for the Islands Trust and its provincial object has continued to grow in recent years as the public recognizes the importance of sustainable environments and healthy communities. We are moving forward with renewed confidence to address the significant challenges we expect in the 21st century.

We appreciate the assistance and advice that you and your ministry have provided to date in the Islands Trust governance review process. It is our hope that your ministry will advance our requested changes as presented and that changes to political representation in the Islands Trust Area will take effect in time to prepare for the next Local General Elections in November 2008.

The Islands Trust Executive Committee would appreciate an opportunity to meet with you or your senior staff in the near future to outline Trust Council's requests, provide supporting information, and answer any questions you may have. We are prepared to be available on any dates that you or your staff may be able to accommodate us.

Yours truly,



Kim Benson, Chair
Islands Trust Council

Attachments:

Characteristics of Local Trust Areas
Islands Trust Strategic Plan – Update June 2007
Islands Trust Fact Sheet – Governance Task Force – April 2007
Islands Trust Governance Review Report – Neilson-Welch Consulting Inc. – April 2007
Islands Trust Governance Review – Summary of Public Input – Leftside Partners Inc. – May 2007

pc: Trust Area MLAs
Dale Wall, Assistant Deputy Minister -- MCS
Gary Paget, Executive Director, Governance and Structure -- MCS
Felicity Adams, Senior Planning Analyst -- MCS
Islands Trust Trustees
Linda Adams, Chief Administrative Officer – Islands Trust
Islands Trust website – Chair Correspondence



Islands Trust

REQUESTED LEGISLATIVE AND REGULATORY CHANGES
JUNE 2007

TABLE 1 -- AMENDMENTS RELATED TO POLITICAL REPRESENTATION

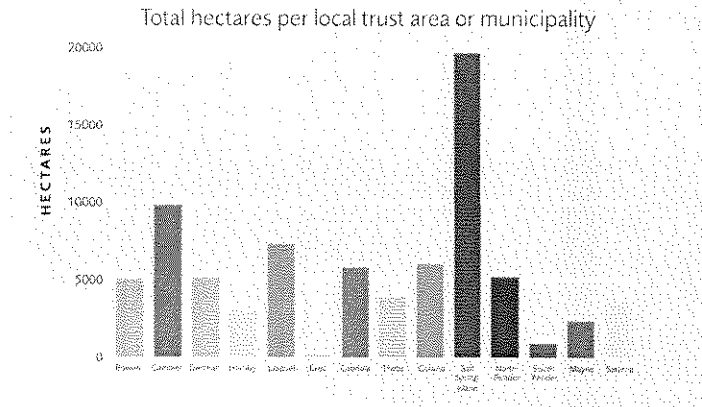
TOPIC AREA	REQUESTED CHANGE	RATIONALE	COMMENTS
Size of Salt Spring Island Local Trust Committee	<p>Amendments that would:</p> <ul style="list-style-type: none"> cause four local trustees to be elected from the Salt Spring Island Local Trust Area to sit on the Salt Spring Island Local Trust Committee 	Permits more effective representation of the larger community, and a broader forum for decision-making	This request is not intended to affect s. 7 of the ITA, which specifies the number of municipal trustees appointed from an island municipality
Representation at Trust Council from Salt Spring Island	<p>Amendments that would:</p> <ul style="list-style-type: none"> cause four local trustees from the Salt Spring Island Local Trust Area to sit as full members on the Islands Trust Council. base the above changes on the combination of factors (i.e. population, land area, tax contribution) that makes the SSILTA an anomaly within the Islands Trust Area. 	<p>Recognizes the anomalous nature of the SSILTA without significantly affecting the regional dynamic of decision-making at Trust Council.</p> <p>Maintains the 'dual role' of trustees, thus avoiding the creation of two classes of trustees.</p> <p>Ensures that all trustees gain a regional perspective to inform local decision-making and vice versa.</p>	75% of the Islands Trust budget and resources is allocated to the delivery of Local Planning Services in Local Trust Areas. 40% of planning resources (including planner time, applications processing, and bylaw enforcement) take place within the Salt Spring Island Local Trust Area. Budget and allocation of resources is a Trust Council matter.

TABLE 2 -- MINOR AMENDMENTS

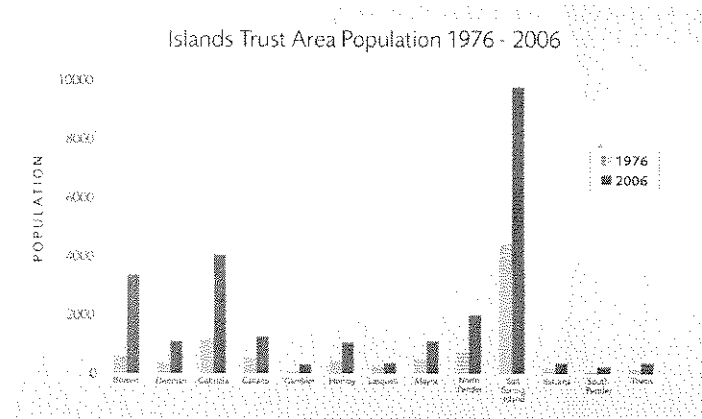
TOPIC AREA	REQUESTED CHANGE	RATIONAL	COMMENTS
Size of Executive Committee	Amendments that permit the Islands Trust Council to determine the size of the Islands Trust Executive Committee.	Places discretion about the most effective size of the Executive Committee with Trust Council, rather than with the province.	
Electronic Meetings	Amendments to apply s. 128 of the Community Charter (electronic meetings) to Trust bodies, including committees of Council.	Permits Trust bodies and Council Committees to hold electronic meetings, subject to procedures bylaws.	
Public Hearings	Amendments to clarify that Trust bodies can conduct meetings and public hearings outside of the Islands Trust Area.	Confirms the validity of meetings, public hearings and other business that are conducted outside of a local trust area or outside of the Islands Trust Area. (Note: While this concern is not confirmed, greater legal the clarity regarding the validity of these meetings is desirable)	This is of particular importance where the most appropriate or convenient meeting space is located outside the local trust area or the Islands Trust Area.

CHARACTERISTICS OF LOCAL TRUST AREAS

Area



Population



Revenue Contribution by Local Trust Area

