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December 11, 2023

Re: Interpretation of the Trust Object

To the Islands Trust Executive Committee and Chair Gedye, Governance Committee

Following the public comment from Friends of the Gulf Islands last week to Trust Council meeting on December 6, 2023, we wish to follow-up with the Executive Committee and the Governance Committee on the matter of the recent interpretation of the Trust Object and the meaning of unique amenities. Specifically:

1. The process engaged in by Trust Council on September 26, 2023 at the Quarterly Trust Council meeting to consider and make a determination of "Consensus" on the interpretation of the Object and the words "unique amenities" in the Object.
2. The absence of any official public release of the document entitled "Islands Trust Statement on the Scope and Meaning of Section 3 of the Islands Trust Act (Object Clause)" agreed to by the Islands Trust Council on September 26, 2023. Few members of the public were aware that they could access this Statement through a hyperlink within an online draft document "Islands Trust Council Highlights September 26-28, 2023" in the October 11, 2023 Executive Committee agenda. <https://islandstrust.bc.ca/document/executive-committee-regular-meeting-agenda-50/> That link no longer works.
3. An apparent lack of consideration by Trust Council of the report "The Object Of The Islands Trust: Renewing The Consensus", a report that was endorsed by Trust Council on September 5, 1986, has the logo of the Ministry of Municipal Affairs on the report, and which clearly defines "unique amenities".

While this report was referenced in an excerpt in our public comment at Trust Council on December 6, I am attaching the full 1986 report. We would like to direct your attention to the following sections of the report:

- a. The review of the interpretation of the mandate that resulted in this 1986 report involved *"discussions among the elected trustees of the Islands Trust and the staff within the Ministry of Municipal Affairs ....and staff of other provincial agencies and regional districts having responsibilities within the Trust area"* (P. 2) - a consultation that seems, as far as we know, beyond what was undertaken this September by Trust Council.
- b. There are key phrases in this report that should inform the current issue of interpretation of the object such as:  
*- In recognition that insufficient direction of development was resulting in cumulative damage to the very amenities that make the area so valuable, the province established a special purpose agency in 1974 to manage the area.* (our emphasis) (P. 2)

- *Each phrase of the statement of the object is quoted separately and a specific interpretation of the statement is provided. (P. 3)*

- *The special amenities and environment of the Trust area derive from the combination of...* (P. 4) is followed by a detailed list which bears no resemblance to the "Consensus" on "unique amenities" in the Statement on the Scope and Meaning of Section 3 of the Islands Trust Act (Object Clause) of September 26, 2023.

Was this report referenced at any time by the Governance Committee and/or in the Trust Council in-camera meeting on the interpretation of the Object on September 26? Was this interpretation brought to Trust Council by the Governance Committee? It would appear that the recent reinterpretation of the Object has little to do with the purpose of the Islands Trust as it is articulated in this 1986 report.

We believe the public is entitled to know much more about the "Consensus" on the Object than has so far been revealed. It is unclear if it was a decision, if it was reached by consensus, or if a vote was taken during the closed meeting.

We believe the public is also entitled to a clearer explanation of the Council's rationale on such an important subject than what was announced in the Statement as the "results of our discussion". It seems Trust Council feels the public does not need to know how this "Consensus" was arrived at, which is quite apart from revealing the content of legal opinions or advice from legal counsel.

Transparency and accountability were words used in the December Trust Council meeting. We ask that these important principles be observed and acted upon in this matter.

Sincerely,

Jennifer Margison, President  
Friends of the Gulf Islands Society  
Galiano Island