

**Delegation submission to Council from Michael Sketch
for an electronic quarterly meeting,
1:00 P.M. session on Wednesday, 1 December, 2021**

**Constructive criticism of the current implementation of
Islands Trust governance, with remedy for compliance
with the federation structure established in the Act**

Councilors – Until recently a defining sentence similar to: ‘The Islands Trust is a federation of special purpose local governments’ was prominently published.

The provincial government website concurs; introducing the Islands Trust as: “The Islands Trust is a federated body ...”

But on today’s trust website, the word “federation” has been omitted and the Islands Trust is described as a special purpose government. Some say the simpler language is in the public interest, lest the public be confused.

But why would the public be confused? Surely an Islands Trust communications specialist could devote an explanatory paragraph to the federal governance so clearly established in the Act. Then explanation as to how the trust implements federal governance. Before answering, an introduction to federal governance.

The overview is that Islands Trust governance takes its statutory lead from both i) Canadian national and ii) provincial regional district, federal governance models.

A federal governance is two level and hierarchical.

Loosely put; for Canada, Ottawa and the provinces.

For British Columbia, regional districts and the municipalities.

For the Islands Trust, trust council and the local trust areas.

That’s the statute. Now for Islands Trust implementation.

I argue that over decades, the trust hasn’t embraced federal governance at all. I’ll call it a ‘reverse federal governance’. Governance is upside down.

What have we said to provinces who assert independence from the Canadian federation, or to provincial municipalities who would dictate terms of a regional growth plan to the regional district board?

For the trust, land use planning administration for local trust areas has come to take precedence over trust council and the trust area services administration. Witness the local planning service accounts for 75% of the trust budget. Witness the pattern of local planning service initiatives agreed by Council without serious deliberation. Witness that the staff person responsible for current Council's trust area policy statement bylaw 17 is the director of local planning services, not the director of trust area services.

The consequence of 'reverse federal governance' is that the checks and balances attributed to hierarchical federal governance are lost. The extremes of conflicting interests in local planning services are unlikely to be softened by trust area services. Absent effective trust area oversight, the potential for delivery of in house, arms length, expert advice from trust area staff to the local planning service is lost.

How has the trust got the federal governance model so wrong today? I think history was definitive. In the trust beginnings, land use planning was done by the regional district, then the trust, then the minister and finally back to the trust. Once land use planning was securely in house, the local planning service grew ever more influential, while a trust area service remained in the wings.

It was 1989 before the trust policy statement was legislated. The trust object and policy statement are the instruments of federation so there was a clear flag for the trust to shoulder its federal governance responsibility under the Act.

In that historical context, land use planning administration was the focus. Implementation of the federal governance hasn't been a pillar to support effective delivery of trust area policies to local trust areas.

Failure of the current and proposed trust policy statement to effectively implement trust area policies in day to day local area trust business, is exacerbated by the lack of trust area service oversight; the lack of federal governance. For remedy of failure in the current draft policy statement, the appendix to my oral delegation submission for your Sep2021 quarterly meeting is a draft policy statement which is consistent with the Act.

For remedy of the lack of federal governance structure, policies 1.1.2 and 1.1.3 (see the appendix) in my draft trust policy statement specify an effective trust area service consistent with federal governance. The senior staff person in a revised trust area services should be a deputy chief administrative officer, with education and experience in both governance and rural environmental land use planning.

Councilors; yours should be a watershed term for trust governance. There is a palpable resolve to correct the path of the trust; to make right the wrongs which have hampered effective realization of the potential of the Act. The two elephants at the trust area policy table are:

- i) Rewrite the draft policy statement given by the trust in order that the bylaw directly informs the day to day business of trust bodies with trust area policies and
- ii) Implement the two level, hierarchical federal governance established by the Act, with oversight of local area land use planning by expert staff in the necessary disciplines which guide rural environmental land use planning on islands, as opposed to planning for mainland urban growth.

Cooperating, the elephant trunks have been far too effective at vacuuming trust area policies before they could do their job of preserving and protecting.

In anticipation, thank you for deliberating and addressing these matters so important to effective trust area governance.

Michael Sketch
North Pender Island

Postscript

As I began studying trust governance, I was puzzled by the local planning service emphasis on autonomy for local trust areas. Trust area policies and therefore the trust object – the instruments of federation - were so often an afterthought in land use changes. From the public perspective, the trust leaned more to confederation than to a federation. That is the trust appeared to be a union of independent local trust areas, a confederation unfettered by trust area policy and the trust object.

Therefore in submissions to Council, I incorrectly described trust governance as a combination of federation and confederation. I don't think I've been alone in my confusion.

Herein corrected.

Appendix – Federal governance policies 1.1.2 and 1.1.3 from the draft policy statement bylaw, version 3.5, 09Sep2021, submitted as an appendix to the oral delegation submission from M. Sketch to Council on 21Sep2021.

1.1.2 Federal governance to be implemented. Council shall ensure that the trust staff administrative structure implements a two level hierarchical federal governance intended by the Act. The trust area services federal administrative level shall include sufficient assessment expertise that all proposals for changes in land use can be effectively evaluated and monitored in the entire staff process from receipt of applications for changes in land use to bylaw adoption and that relevant guidance and instruction be given to the local planning service for local trust areas in order to carry out the object of the trust.

1.1.3 Adherence to trust area policies is first in council’s federal oversight responsibilities for local trust areas. Council shall ensure that island municipalities have regard for the trust object and trust policy statement in respect of all actions of the municipality.

End of appendix and this delegation submission to Council for 01Dec2021.