

Trustee Notebook *By Sam Borthwick*

Happy International Worker's Day, May Day, and Beltane to any and all who observe such annual markers today, and a joyous revelry in a Spring well and truly sprung regardless.

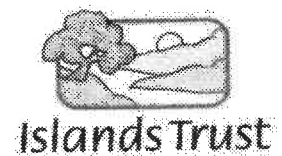
Since David Graham's Trustee Notebook for last month, we've had; a Local Trust Committee (LTC) meeting, which had a record-settingly light agenda, weighing in at a paltry 48 pages (usually there's a zero on the end of that page count, at least in my term); a Trust Programs Committee (TPC) meeting, where I was pleased to support the Baynes Sound-Lambert Channel Ecosystem Forum's request for support via the Trust's Secretariat Service program (I won't wax lyrical about it's many merits here, but would like to highlight the tireless advocacy and dedication that the Ecoforum derives from the efforts of Dorrance Woodward and Gail Dugas, with whom I'm glad to sit on the Steering Committee); *will* have had; a special Regional Planning Committee (RPC) meeting on the hotly-anticipated new draft of the Policy Statement, which at time of writing, is still out for referral with First Nations (as such, not even Trustees have had a chance to see what's in the new draft yet); and will be *about* to have a Special LTC meeting to discuss the next steps of the Housing project.

If you are, at this point in the article, planning to criticize my gross use of run-on sentences, let me just assure you that the point has been made to me before, and will, no doubt, be levelled at me again.

All of that being said, I want to take this opportunity to address something that has been surfacing time and again since last September, regarding a supposed reinterpretation of the Trust mandate, which I think has itself been misinterpreted, and blown out of proportion to some degree.

Before I wade into this, however, I want to say that I think that no small portion of the blame for this misinterpretation stems from the Trust itself, and is primarily a question of having not reported properly on the discussion that was undertaken.

For those who are new to this situation, at the September Trust Council, in conjunction with broader strategic visioning exercises, Trust Council had an in-camera discussion scheduled to discuss the summary of a number of legal opinions that Council had received over the preceding decades with regard to the interpretation of the Trust Mandate, which reads as follows; "The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia in cooperation with municipalities, regional districts, improvement districts, First Nations, other



persons and organizations and the government of British Columbia."

The chief article of debate, in not only this term, but the preceding one too, is the precise definition of "amenities".

There are varying schools of thought on what that definition should be, and most pertinently, whether or not the people who live on the islands can, or should, be considered a "unique amenity". A harder-line conservative (here meaning ferns, not fiscal) perspective might highlight that human occupation is not unique to these islands, and thus the human inhabitants of the islands and their works cannot technically be considered unique.

Another perspective would argue that the communities of these islands are intrinsically linked to what makes these islands unique, and thus must be included for preservation and protection, per the mandate.

This point of divergence ultimately seems to boil down to whether or not the Trust is bound to consider the needs of healthy, sustainable community when it makes policy and legislation.

On this specific point the opinions that we received unequivocally stated that in all decision-making, Trustees, Local Trust Committees, and Trust Council, are bound to consider three foundational aspects in all decision making, the Trust Area, its unique amenities, and its unique environment. The aforementioned amenities were further determined to be broad-ranging, including both the environment and our communities.

No decision can or should be made which forsakes these tenets, but, depending on context, their relative weight may vary, and this weight is what falls to the Trustees to arbitrate on behalf of the Trust, and their communities. During these in-camera sessions we categorically did not debate nor vote to adopt some radical new interpretation of the mandate, and the briefing was held in camera purely because we were receiving legal definitions directly from contracted legal advisors.

At the time, we, as Trustees, were assured that there would be an adequate rise-and-report from the Executive Committee, and my hope would have been that a thoughtful and accessible debrief of the topic might have dispelled the subsequent concerns, which, were we secretly conspiring to re-write the mandate- I would myself fully endorse.

In any case, I know this summary will not be sufficient to satisfy some, and encourage those persons to seek me out if they would like to discuss the matter further.

Hope you all enjoy the last bit of Spring, and I look forward to seeing you out and about on the bus.