

**LOWER MAINLAND TREATY ADVISORY COMMITTEE
EXECUTIVE COMMITTEE
REGULAR MEETING**

March 23, 2005

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Executive Committee** scheduled at 2:00 p.m. on Wednesday, March 23, 2005, in the 11th Floor North Meeting Room, GVRD Offices, 4330 Kingsway, Burnaby, B.C.

ATTENDANCE:		
JURISDICTION:	LMTAC ELECTED REPRESENTATIVE:	LMTAC STAFF REPRESENTATIVE:
Greater Vancouver RD	Mayor Ralph Drew (Chair)	Marino Piombini
Maple Ridge, District of	Councillor Candace Gordon (Vice Chair) (arrived 2:36 p.m.)	
Bowen Island, Municipality of	Mayor Lisa Barrett (via teleconference)	
Richmond, City of		Terry Crowe (departed 3:07 p.m.)
Squamish, District of	Councillor Corinne Lonsdale (arrived 2:26 p.m.)	
Squamish Lillooet RD	Director John Turner	
Surrey, City of	Councillor Penny Priddy (arrived 2:22 p.m.)	
West Vancouver, District of	Councillor Jean Ferguson	
LMTAC STAFF ATTENDANCE:		
Kirstie Pirie	LMTAC Manager	
Regan Schlecker	Aboriginal Affairs Analyst	
PREPARATION OF MINUTES:		
Karen Miller	Recording Secretary, Raincoast Ventures	

CALL TO ORDER

Chair Drew confirmed a quorum was in attendance and called the meeting to order at 2:18 p.m.

1. AGENDA FOR ADOPTION

1.1 March 9, 2005

It was MOVED and SECONDED

THAT the Agenda for the Regular Meeting of the LMTAC Executive Committee scheduled March 23, 2005, be adopted with amendment to consider Item 9.1 prior to Item 4.

CARRIED UNANIMOUSLY

2. MINUTES FOR ADOPTION

2.1 March 9, 2005 LMTAC Executive Committee Meeting

It was MOVED and SECONDED

THAT the Minutes for the Regular Meeting of the LMTAC Executive Committee held March 9, 2005, be adopted as circulated.

CARRIED UNANIMOUSLY

3. DELEGATIONS

No delegations were received at the meeting.

9 OTHER BUSINESS

9.1 Memorandum of Understanding Regarding Garden City Property

- a) *Fisheries and Oceans Canada/Richmond Backgrounder dated March 18, 2005; and*
- b) *On Table Memorandum of Understanding Regarding Garden City Property Between Musqueam Indian Band, City of Richmond, Canada Lands Company CLC Limited, and Department of Fisheries and Oceans.*

Terry Crowe provided an overview and advised that a press release and backgrounder were available on the City of Richmond website. It was acknowledged that there was no inter-linkage between the Garden City Property and the casino, and that the Province had added extra consultation rules after the casino was finished.

2:22 p.m.

Councillor Penny Priddy arrived at the meeting.

Mr. Crowe reviewed the discussed amendments to the Gaming Policy, and advised that a work plan was taken to Council and a consultation process involving surrounding municipalities and the Musqueam Band was initiated to determine whether they were materially affected. It was noted that the Musqueam had taken the position that they were materially affected and had requested an interest in the casino (land or revenue). The balance of other interests was also referenced.

2:26 p.m.

Councillor Corinne Lonsdale arrived at the meeting.

Choices for a win/win situation were noted relative to suspension of court action and tone of agreement between parties, with details and next steps still to be finalized.

The meeting expressed concern relative to Canada having pursued the Memorandum of Understanding (MOU) while sitting at the treaty table, noting that it could be perceived to have prejudiced the treaty process.

In response to questions, Mr. Crowe noted that the intense work in the fall with meetings twice a week with all parties at the table had resulted in a MOU in less than one year.

Chair Drew advised that LMTAC had become aware of the MOU on March 16, 2005 as a result of a telephone briefing from the Richmond Mayor.

2:36 p.m.

Vice-Chair Candace Gordon arrived at the meeting.

The incentive for First Nations to participate in treaty tables was queried. Concern was expressed that LMTAC was not involved in the MOU process although it had implications to the treaty process. It was recognized that settlements involving land and money were taking place, which could be a disincentive to First Nations participating in active treaty tables. Local governments could then be put in the position of answering questions from the public, without being involved in the process.

Land transfers in the Pemberton/Squamish area were commented on relative to the potential for impact on the treaty process. It was suggested that implications should be discussed with the federal and provincial treaty negotiation offices. A broader discussion on the meaning of this issue to LMTAC work was suggested for a future meeting within the review of additional First Principles.

Mayor Barrett advised the meeting that David Burke wrote extensively about the land transfer detail (including maps) in the Whistler Question of March 17, 2005.

4. LMTAC REPORTS

4.1 Musqueam Indian Band Assessment and Taxation

- a) *Draft correspondence dated March 23, 2005 to Minister Andy Scott and Minister Geoff Plant;*
- b) *Memorandum dated March 16, 2005 to LMTAC from Marino Piombini, Senior Planner*
- c) *Correspondence dated March 2, 2005 from Johnny Carline, Commissioner, GVRD to Chief Ernie Campbell, Musqueam Indian Band;*

- d) *Correspondence dated February 10, 2005 from Johnny Carline, Commissioner, to GVS&DD Board of Directors and related attachment: Correspondence dated January 27, 2005 to J. Carline, CAO, GVRD, from Thomas Howe, Director - Lands and Trust Services, BC Region, INAC.*

The meeting recognized that taxes accrued on the right-of-way for the main trunk connector from Vancouver were contrary to the local operating agreements in various municipalities, as local governments had agreed not to tax each other for infrastructure permits. The Greater Vancouver Sewerage and Drainage District (GVS&DD) had resolved to pass this on to LMTAC with the request to have it made a treaty issue. The Corporate and Intergovernmental Committee was advised that a request to the Attorney General, Minister Plant would then have to be made; and it was proposed that LMTAC write and forward the request emphasizing the importance of the taxation issue with respect to government relations.

Draft correspondence to Andy Scott, Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-status Indians; and to Geoff Plant, Attorney General and Minister Responsible for Treaty Negotiations, was reviewed and consensus was reached on the following amendments:

- the second paragraph, first sentence should be underlined and should read: "The issues raised within the context of these agenda items are of great significance to local governments, regional districts and their agencies throughout British Columbia";
- the third paragraph, third sentence should read: "In this forum, members adhere to a policy whereby jurisdictions will not assess each other with property tax for infrastructure and the land it is on and the right of way"; and the term "post-treaty" should be struck from the fourth sentence;
- the concluding paragraph could include the statement: "Therefore, on behalf of the municipalities, regional districts, and their agencies, it is requested that property taxes not be assessed on utilities and related infrastructure in its broadest context, the land and the rights of way that they are on"; and
- the letter should be addressed to both Ministers and include the full complement of cc's as shown on the individual draft letters.

Request for Action

It was requested that the LMTAC Staff circulate a revised draft letter to the Executive to polish the verbage and phraseology.

The meeting suggested that this issue should be included in the taxation chapters of the treaty negotiation process in general. It was noted that the GVRD was attempting to stay within the defined process by forwarding the taxation issue to the LMTAC, consistent with the First Principles. It was acknowledged that taxation was a public issue, and that the GVRD had published a press release relative to resisting payment of the tax, which had initiated action by Canada to cancel the permit.

3:07 p.m.

Terry Crowe departed the meeting.

Infrastructure grants in lieu were discussed within the context of whether or not First Nations would become a member of the applicable corporation and GVS&DD.

4.2 Review of LMTAC First Principles

a) Overview by LMTAC Staff

Table: Existing LMTAC First Principles Identified for further discussion; and Review of LMTAC Existing First Principles Compiled Responses.

b) Recommendation from the TSWG, March 18, 2005

Suggested Potentially New Principles; and Review of LMTAC First Principles – Potential New Principles Compiled Responses.

c) LMTAC First Principles with Related Underlying Interests and/or Background Documents

Kirstie Pirie, LMTAC Manager, suggested that the Executive go step-by-step through the First Principles and consider revisions. It was noted that the First Principles review was a workplan item and that any revisions would be presented to the Board for a final decision prior to circulation to all member jurisdictions.

Regan Schlecker, Aboriginal Affairs Analyst, provided a detailed context review of the LMTAC First Principles. She recognized that it would be valuable to finish the review and amendments to the First Principles before municipal elections in November and possible turnover in LMTAC membership. Ms. Schlecker advised that of the 39 existing First Principles, 16 had suggested revisions (10 technical and six substantive with respect to clarity in the wording).

Ms. Schlecker reviewed First Principles 1-29 and consensus was reached on the following revisions:

All Principles: for consistency the term "Local Government(s)" should be capitalized.

Principle #2: Local Government shall be recognized in the treaty process as an independent, responsible and accountable order of government, with interests distinct from those of other levels of government.

Principle #6: Title: Resolution of Overlaps/Shared Territory
Final Agreements (Stage 5) shall not be completed until all conflicting land, water and resource issues (of those Aboriginal peoples who qualify under the BC Treaty Process) have been resolved. Final Agreements shall include the details of the overlap/shared territory resolution agreement.

Principle #7: Local Governments strongly support the need for final treaty settlements to provide certainty with respect to Aboriginal rights and title.

Principle #12: Title: Post Treaty Additions to Treaty Settlement Lands
Lands to be added *after* the treaty is signed must remain subject to Local Government jurisdiction and taxation unless otherwise agreed to by Local Governments through a community consultation process.

Principle #13: Title: Clarity and Consistency in Regulatory Jurisdiction over Lands
Lands received by a First Nation, as part of a treaty settlement and under the jurisdiction of a First Nation government should be subject to the same provincial and federal legislation that is applicable to Local Government lands.

Principle #15: Sustainability of local economies is a regional priority in the post-treaty environment. Lower Mainland area renewable, natural resources (including, but not limited to, forests, water and fish) must continue to be managed on a sustainable basis in order not to undermine the economic base of Local Governments and their communities.

Principle #16: Change to Title: Consistent Environmental Regulatory Controls

Principle #19: Title: Preserve Agricultural Land Reserve Process
Lands in the Agricultural Land Reserve (ALR) must remain under the jurisdiction of the Agricultural Land Commission (ALC).

Principle #22: Title: Protect Annual Allowable Cut
Annual Allowable Cut (ACC) within the existing timber supply areas and Forest Districts must not be negatively impacted by treaty settlements.

Principle #26: Change to Title: Democracy and Accountability

Treaties should contain provisions for accountable, democratically elected governing entities.

Principle #28: It was agreed that this First Principle be deleted. It was requested that staff consider ways to indicate the deletion of a principle.

Principle #29: Title: Equivalent Standards

Standards and regulations (including enforcement provisions) that apply to treaty settlement lands must be at least equivalent to established standards set by Federal, Provincial and Regional Governments for issues including, but not limited to: environmental protection, public health, labour, safety, fire protection, building codes, air quality and solid waste.

The remaining existing First Principles and potential new principles will be reviewed at the next Executive meeting.

5. TABLE PROGRESS REPORTS

5.1a) Katzie

Vice-Chair Gordon reported that, at a meeting held Friday, March 18, 2005, Katzie had commented on regional governance and a BCTC staff person in attendance had queried whether there was any merit in BCTC looking at a forum on regional governance. In discussion, Ms. Gordon had advised that LMTAC principles and interests were being represented at the negotiations table; and that it had been recommended that individual jurisdictions talk directly to First Nations on issues that affect them.

5.1b) Musqueam

No items were presented.

5.1c) Squamish

No items were presented.

5.1d) Tsawwassen

No items were presented.

5.1e) Tsleil-Waututh

No other items were presented.

5.1f) Other

No items were presented.

6. SUBCOMMITTEE REPORTS

No items were presented.

7. CHAIR AND STAFF REPORTS

7.1 Chair's Report

No items were presented.

7.2 Staff Report

Kirstie Pirie, LMTAC Manager, advised that the Board meeting scheduled March 23, 2005 had been cancelled. She commented on tax and fiscal information provided by a federal delegation at an earlier LMTAC Board meeting, noting that context setting was missing from the last presentation as not all LMTAC members had an understanding of the current federal government fiscal taxation.

Given that a future meeting would be scheduled as an information session Ms. Pirie suggested that an April/May information workshop session be scheduled to receive a federal delegation. Members were supportive of this suggestion.

Chair Drew added that there was a standing invitation for all alternates and staff to attend LMTAC Board meetings.

8. MISCELLANEOUS REPORTS

No items were presented.

9. OTHER BUSINESS

Councilor Penny Priddy suggested that LMTAC consider the development of a strategy for providing information on LMTAC including its need for financial support, and requesting an introductory meeting with the new provincial Minister responsible for treaty negotiations after May 17, 2005.

10. INFORMATION

No items were presented.

11. CONCLUSION

It was MOVED and SECONDED

THAT the Regular Meeting of the LMTAC Executive Committee held March 23, 2005 be concluded.

CARRIED UNANIMOUSLY

(Time: 5:00 p.m.)