

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

May 23, 2001

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Board** held at 6:20 p.m. on Wednesday, May 23, 2001, in the 2nd floor Boardroom, 4330 Kingsway, Burnaby, BC.

ATTENDANCE:		
JURISDICTION:	LMTAC REPRESENTATIVE:	ALTERNATE:
North Vancouver District	Mayor Don Bell (Chair) (departed at 7:50 p.m.)	Cameron Thorn
Greater Vancouver RD	Director Ralph Drew (Vice Chair)	Marino Piombini
Village of Anmore		Councillor Heather Anderson
Village of Belcarra	Councillor Jamie Ross	
City of Burnaby	Councillor Nancy Harris	Kimberly Flick
Corporation of Delta		Dave Ellenwood
Township of Langley		Frank Clark-Jones
Village of Lions Bay	Councillor Peter Stevenson	
District of Maple Ridge	Councillor Candace Gordon	Ron Riach
City of New Westminster		Jim Hurst
City of North Vancouver		Frederick Smith
District of Pitt Meadows	Councillor Janis Elkerton	
City of Port Moody	Councillor Megan Lahti	Jim McIntyre
Squamish-Lillooet RD	Director Susan Gimse	
City of Surrey		Robert Costanzo
City of Vancouver		Pat Wotherspoon
City of White Rock	Councillor Mary-Wade Anderson	
LMTAC STAFF ATTENDANCE:		
David Didluck	LMTAC Executive Director	
Kirstie Pirie	LMTAC Communications Coordinator	
Vivian Guthrie	Recording Secretary, Raincoast Ventures	
OBSERVERS:		
Tamara Little, Aboriginal Affairs Coordinator, Fraser Valley TAC		
GUESTS:		
Lorne Brownsey, Executive Director, Federal Treaty Negotiation Office		
Katherine Gordon, Chief Negotiator, BC Team South, Aboriginal Affairs		
Cory Herrera, BC Team South, Aboriginal Affairs		
Chris Kelly, Manager Self-Governance Policy, Federal Treaty Negotiation Office		
Harold Powell, Lands, Trusts and Services Canada		
Bill Seymour, Manager, Treaty Consultation, BC Team South, Aboriginal Affairs		

1. ADOPTION OF THE AGENDA

1.1 May 23, 2001 LMTAC Board Agenda

It was MOVED (Stevenson) and SECONDED (Drew)

THAT the Agenda for the Regular Meeting of the LMTAC Board scheduled May 23, 2001, be adopted as circulated.

CARRIED UNANIMOUSLY

2. **ADOPTION OF THE MINUTES**
2.1 **April 25, 2001 LMTAC**
2.2 **May 2, 2001 Communication Subcommittee Minutes**
May 3, 2001, Finance and Organizational Subcommittee Minutes

It was MOVED (Lahti) and SECONDED (Anderson)

THAT the Minutes of the Regular Meeting of the LMTAC Board held April 25, 2001, be adopted as circulated; and

THAT the Minutes of the meetings of the LMTAC Finance and Organizational Subcommittee and the Communications Subcommittee held May 3 and 2, 2001, be received for information.

CARRIED UNANIMOUSLY

3. **DELEGATIONS**

Discussion of Snuneymuxw Negotiations and First Nations Governance Initiative

- a) *Document dated May 23, 2001, titled, "Delegation Request Form";*
- b) *Letter dated March 19, 2001 from Mayor Ralph Drew, Vice-President, LMTAC, to Mr. Lorne Brownsey, Executive Director, Federal Treaty Negotiation Office, titled, "LMTAC Concerns with Snuneymuxw Treaty Negotiations";*
- c) *Memo dated March 22, 2001 from Marino Piombini, Senior Planner, GVRD, to Aboriginal Affairs and Electoral Area Committee, titled, "GVRD Comments to the Local Government Inter-jurisdictional Issues Study from the Snuneymuxw First Nation Treaty Process";*
- d) *Letter dated February 21, 2001, from Mayor Don Bell, Chair, LMTAC, to The Hon. Minister Zirnheld, Ministry of Aboriginal Affairs, titled, "Snuneymuxw Agreement-in-Principle and Fee Simple Lands";*
- e) *Letter dated March 8, 2001 from Katherine Gordon, Chief Negotiator, BC Team South, regarding "the potential impact on the Lower Mainland of the options proposed in the draft Snuneymuxw Agreement-In-Principle";*
- f) *Document dated February 8, 2001, titled, "Snuneymuxw Treaty Negotiations: Land, Brainstorming Item Parties Considering Approach" (Draft document for consultation purposes only.);*
- g) *Letter dated April 9, 2001, from Lorne Brownsey, Executive Director, Federal Treaty Negotiation Office regarding "...Canada's interests in treaty negotiations, particularly as they relate to treaty negotiations with the Snuneymuxw First Nation";*
- h) *Letter dated April 11, 2001, from Katherine Gordon, Chief Negotiator, BC South Team, regarding "LMTAC working group";*
- i) *On-table correspondence to chiefs and leaders;*
- j) *On-table Backgrounder/overview; and*
- k) *On-table consultants kit.*

Representatives of the Federal Treaty Negotiation Office, Lorne Brownsey, Executive Director, Chris Kelly, Manager, Self-Governance Policy, and Harold Powell, Policy Analyst, Lands, Trusts and Services, presented information on a federal key operational initiative titled "Communities/First Nations Governance".

Mr. Brownsey indicated that the purpose of the presentation was to help identify areas where further discussion should take place. Mr. Brownsey emphasized that the federal government supported strong inter-government communication implemented by a series of forums with other levels, especially First Nations and Local Governments. He described the treaty process as a timeline continuum, with Communities/First Nations Governance (Indian Act) at one end and Self-Governance at the other.

Mr. Powell explained that the initiative (the updating of the Indian Act) administers Indian Act provisions other than financial issues and provided background information concerning the development of the initiative. Additionally, Mr. Powell commented on specific items that the initiative would not address and concerning its scope and timeline.

The Board was informed that fiscal and political stabilization issues and a general consensus that the Indian Act was being dismantled by court decisions instigated the initiative. The Corbierre decision dramatically affected the governance issue under the Indian Act allowing Band members living off-reserve to have Band voting privileges which had repercussions for Band Elections & Referendums and instigated a need for broader electoral reform.

It was noted that the initiative would not administer:

- Land claims
- Treaty activities
- Taxation Issues
- Specific Claims
- Status of Land
- Band membership entitlement
- Rights and programs and services to members
- Analogous grounds to discrimination based on residency on or off-reserve (portable voting rights)
- Relationship between Crown and First Nations
- Treaties that have concluded; and
- Customs provisions of First Nations in selecting leadership.

The initiative timeline would target conclusion of:

- b) Initial consultations with First Nations by Fall 2001
- c) Parliamentary review and approval by April 2002
- d) Development and passage of any new regulations (consultations conducted by May 2002)
- e) Regulatory Stage by March 2003.

The scope of the initiative would include the following:

- b) First Nations legal status and capacity (e.g., how bands operate)
- c) Leadership selection and voting rights (term of office, residency issues)
- d) Accountability of First Nations governance in political & fiscal to members (formal type of redress).

In concluding the presentation, Mr. Powell referred to the initiative as a stepping-stone towards self-governance and indicated that it was an aim of the Minister of Indian Affairs and Northern Development to conclude the initiative during the current mandate of the federal government.

In response to a query regarding whether the consultation process would be more inclusive of local governments, Mr. Brownsey explained that the primary focus of the consultations has been with First Nations and that while an interface between communities would be appreciated, no process had been put in place for consultation with parties interested in sharing information. However, it was noted that it would be most beneficial for local government to provide input to Canada.

Discussion continued regarding the concerns of LMTAC regarding the impact of the decisions made by the provincial and federal governments and how generally it was felt that, in dealing with the federal government, local government issues were not considered. Interaction challenges with First Nations and governance issues were identified as major areas of concern. It was suggested that the federal government might create an uneven playing field by consulting with First Nations and not local governments.

Mr. Brownsey did not dispute that the decisions made by the First Nations would affect local government and that those decisions might impinge on the rights of local governments and reiterated that it was of utmost importance to provide information to the federal level.

Mr. Brownsey then addressed issues posed by the letter of March 19, 2001 from LMTAC's Vice Chair and explained that an aim of his department was consistency, that all negotiators have mandates from cabinet to maintain consistency and that some flexibility would be demonstrated at individual tables. It was noted that it would be beneficial to identify core subject matters that would

meet the mandate for consistency and that this would be an area for further discussion with local governments.

Comment was made that, historically treaty negotiations have occurred in non-urban areas of the country, some approaches have reflected the history of treaty making and that this may have brought approaches to the urban treaty environment that are more appropriate to rural treaties. Mr. Brownsey, advised that the federal government would enthusiastically receive new approaches and ideas for treaty negotiations in an urban context.

Mr. Brownsey addressed the jurisdictional mosaic and the way in which treaty settlement lands might be configured. Canada recognizes the importance of a contiguous land base post treaty and it appreciates that this is not always possible to achieve. He further noted that all cash settlements are not deemed desirable and that other issues, such as delivery of services, infrastructure, and planning harmonized governance, need to be addressed on an intra-community basis.

The federal position in regard to land claims has always been that first priority would be given to crown land and where crown land was not available a private seller would be considered. In no case would expropriation be exercised. It was commented that the sale of private property would raise issues around tax bases and tax loss.

Another area for further discussion was identified as the need for clear directives of jurisdiction and inter-jurisdictional consultation in regards to privately owned land to meet objectives of clarity, harmony and effective delivery of services.

Given the great amount of time to negotiate complex treaties it would be best to work together to develop steps that would advance the treaties. Mr. Brownsey suggested that pilot projects to different ideas might be initiated.

Vice Chair Drew summarized LMTAC's concerns and noted that, because consultation and dialogue with local governments was not in place to expedite understanding at the Snuneymuxw negotiations, the LMTAC had become alarmed. The right to debate issues and open lines of dialogue with the federal government would be of benefit. Representatives from all levels of government agreed that any jurisdictional mosaic would offer many challenges and it would be desirable to meet at more frequent opportunities.

Chair Bell reinforced the message from the members that LMTAC appreciated the improvement of relations with the Federal Government and welcomed their involvement and opportunity to meet about these issues in future.

Chair Bell announced that the LMTAC sponsored Governance Forum to be held June 7, 2001 had exceeded registration expectations, with representation from First Nations, Local Governments and BC Team South and that this would necessitate a change in format to smaller tables with a final plenary session. It was also announced that both the provincial and federal governments were exploring avenues for financial assistance.

Following the federal presentation to the LMTAC there was a discussion of the value of ensuring that the parties to treaty negotiations work with local government on issues of broader significance that go beyond specific treaty tables. Ms. Katherine Gordon, Chief Negotiator, BC Team South endorsed developing broader concepts and ideas, and stated that until we can look at those concepts and principles in the context of specific treaty tables in the lower Mainland, to a great degree we are "working in a vacuum". The focus should indeed be on measures that will successfully conclude a treaty in the Lower Mainland. We will therefore need to review the concepts and principles together over time in the case of each specific table, to ensure that solutions that work for that table, and the communities affected, are found. With regard to federal participation at TAC, Ms. Katherine Gordon fully endorsed LMTAC's initiative in encouraging the federal government to provide information on issues and to respond directly to question and concerns by attending TAC meetings. She also suggested separate workshops on tripartite

interests and commented on the great value of federal government representatives hearing LMTAC advice directly.

7:50 p.m.

Chair Don Bell departed the meeting. Vice Chair Ralph Drew assumed the chair.

4. REPORTS

4.1 LMTAC Fall Conference Event

Document dated May 2001 prepared by LMTAC Communications Sub-Committee, titled, "Greater Vancouver Urban Forum, Paddling Together – Economic, Environmental and Social Partnership in the Urban Setting".

David Didluck, Executive Director, introduced the workplan for the conference and recommended endorsement by the members.

Kirstie Pirie, Communications Coordinator, in an overhead presentation, outlined the theme and objectives of the proposed event "Paddling Together: Economic, Environmental and Social Partnerships in an Urban Setting" to be held October 19 and 20, 2001.

Mr. Didluck presented the event budget and invited members to suggest avenues for financing the 2-day event. The budget indicated that with the contribution of \$5,000 from the LMTAC Communications Subcommittee there was an estimated shortfall of \$13,900.

In discussion possible venues were suggested, including the Centre for Dialogue in Vancouver, and Grouse or Whistler Mountains. Members were asked to make further recommendations for a venue to staff.

It was MOVED (Lahti and SECONDED (Stevenson)

THAT the LMTAC Board endorse the proposed Greater Vancouver Urban Forum Workplan dated May 2001 as presented.

CARRIED UNANIMOUSLY

4.2 Fish Technical Review Group

Document dated May 15, 2001, titled "Local Government Fisheries Discussion Paper, Overview of Revisions (Draft)"

David Didluck, Executive Director, explained that it was the wishes of the Technical Review Group to defer consideration and endorsement of the discussion paper until the June meeting.

In debate it was generally felt that a key issue in many table discussions was the Federal timeline on fisheries related issues. Lorne Brownsey, Executive Director, Federal Treaty Negotiation Office responded that the federal government is in the process of negotiations at several different tables and that each negotiation was unique in terms of fisheries. The government would not currently contemplate any global statements.

It was MOVED (Gordon) and SECONDED (Harris)

THAT the LMTAC Board:

- a) defer consideration of the Local Government Fisheries Discussion Paper to its next meeting; and
- b) direct the Chair to send correspondence to the provincial and federal governments advising them of the upcoming publication of the Paper.

CARRIED UNANIMOUSLY

4.3 Review of LMTAC's Role and Mandate

Document dated May 3, 2001, from FOSC, titled "Report Flow Summary, Review of LMTAC's Role and Mandate (LMTAC Workplan Project 5)"

On Table Document dated May 14, 2001, from FOSC, titled "Report Flow Summary, Review of LMTAC's Role and Mandate (LMTAC Workplan Project 5)"

Councillor Candace Gordon, Finance and Organizational Subcommittee Chair, presented a recommendation for a strategic plan to develop a strong vision and purpose for the LMTAC.

It was MOVED (Lahti) and SECONDED (Stevenson)

THAT the LMTAC Board:

- a) in light of pending changes in the provincial government and the development of direct federal government relationships with First Nations on governance issues, direct that a two stage strategic planning session be organized with the full LMTAC membership as follows:
 - i) Stage 1 would be organized in June (post June 7th) for the purpose of fleshing out LMTAC's organizational role and mandate (e.g. developing a mission statement), developing two and five-year organizational goals;
 - ii) Stage 2, would be organized in August for the purpose of comparing LMTAC's newly developed organizational vision to existing LMTAC policy for consistency; and
- b) direct that the services of an independent consultant be utilized.

CARRIED UNANIMOUSLY

David Didluck, Executive Director asked members for recommendations of an independent consultant with relative experience. Mr. Didluck clarified that the participation of BC Team South would be welcome in this process.

5. STANDING REPORTS

5.1 Chair

There was no report from the Chair given at the meeting.

5.2 Executive Director

- a) *Document dated May 2001, titled "Workplan 2001 A Status Report on Key LMTAC Milestones".*
- b) *Document dated May 14, 2001, titled "Report Flow Summary, LMTAC Interest Tracking – Issue Specific"*
- c) *Document dated February 27, 2001, a memo to LMTAC Members, from David Didluck, LMTAC Executive Director, titled "LMTAC Interest Tracking – Issue Specific"*

David Didluck, LMTAC Executive Director, reported regarding his attendance at an Urban Aboriginal Strategy meeting at which he presented a LMTAC background report, and advised that he would be attending the upcoming FCM conference at which he will present a status report on LMTAC activities. Mr. Didluck also noted that he would not readily be available during the last week of May 2001 due to his completion of a training course.

5.3 Communications Subcommittee

No further reports from the Communications Subcommittee were received at the meeting.

5.4 Finance and Organizational Subcommittee

No further reports from the Finance and Organizational Subcommittee were received at the meeting.

5.5 Negotiation Table Reports

5.5.1 Katzie

Councillor Candace Gordon reported that the Katzie had held a consultation group meeting on May 17, 2001, while preliminary work on a local consultation group was being undertaken. Councillor Gordon felt it would be better to optimize a community consultation group rather than operate separate groups that overlapped interests.

5.5.2 Tsawwassen

Dave Ellenwood reported that work on treaty related measures continued.

5.6 Fraser Valley Treaty Advisory Committee

Tamara Little, Aboriginal Affairs Coordinator, Fraser Valley TAC advised of work on policy issues and a FVTAC meeting with Steven Owen, MP, Vancouver Quadra.

5.7 UBCM

No reports from the Union of British Columbia Municipalities (UBCM) were received at the meeting.

It was MOVED (Lahti) and SECONDED (Gordon)

THAT the LMTAC Board receive for information the reports pertaining to Items 5.1 to 5.7.

CARRIED UNANIMOUSLY

6.0 OTHER BUSINESS

6.1 LMTAC Board Development, Summer Event

Document dated May 2001, Registration Form titled "LMTAC Board Development Summer Event"

Kirstie Pirie, Communications Coordinator, extended an invitation to all members to attend an evening of traditional canoe paddling and First Nation's food on Thursday, July 5, 2001 from 6:00 p.m. to 8:00 p.m. and requested that members register by Friday, June 8, 2001.

It was MOVED (Gordon) and SECONDED (Lahti)

THAT the LMTAC Board receive for information the report pertaining to Item 6.1.

CARRIED UNANIMOUSLY

7.0 INFORMATION

It was MOVED (Gordon) and SECONDED (Harris)

THAT the LMTAC Board receive the following for information:

- 7.1 First Nations Governance – background information;
- 7.2 Updated LMTAC Operating Procedures;
- 7.3 Web Site Statistical Summary;
- 7.4 Correspondence – General;
- 7.5 Agenda Deadlines 2001;
- 7.6 Members Honorarium and Expense Form; and
- 7.7 Media Clippings.

CARRIED UNANIMOUSLY

8. CONCLUSION

It was MOVED (Lahti) and SECONDED (Elkerton)

That the LMTAC Board Regular meeting held May 23, 2001 be concluded.

CARRIED UNANIMOUSLY

(Time 8:21 p.m.)