

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

April 28, 2004

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Board** scheduled Wednesday, April 28, 2004 from 7:15 p.m. to 8:30 p.m. in the 2nd Floor Board/Committee Room, GVRD Offices, 4330 Kingsway, Burnaby, British Columbia.

ATTENDANCE:		
JURISDICTION:	LMTAC ELECTED REPRESENTATIVE:	LMTAC STAFF REPRESENTATIVE:
Greater Vancouver RD	Director Ralph Drew (Chair)	Marino Piombini
Maple Ridge, District of	Councillor Candace Gordon (Vice Chair)	
Anmore, Village of	Councillor Ken Juvik	
Belcarra, Village of	Councillor Colin Richardson	
Burnaby, City of	Councillor Lee Rankin (departed 7:50 p.m.)	
Coquitlam, City of	Councillor Maxine Wilson	
Langley, Township of	Councillor Mel Kositsky	Frank Clark-Jones
New Westminister, City of	Councillor Bob Osterman	
North Vancouver, District of	Councillor Alan Nixon (departed 8:10 p.m.)	
Pitt Meadows, District of	Councillor Debra Eisel	
Port Coquitlam, City of	Councillor Mike Forrest	
Port Moody, City of		Gerry vanderWolf
Richmond, City of	Councillor Harold Steves	
Squamish, District of	Councillor Corinne Lonsdale	
Sunshine Coast RD	Director Barry Janyk	
Surrey, City of	Councillor Penny Priddy	
West Vancouver, District of	Councillor Jean Ferguson	
LMTAC STAFF ATTENDANCE:		
Kirstie Pirie, Manager		
Regan Schlecker, Aboriginal Affairs Analyst		
GUESTS:		
Bronwen Beedle, B.C. Treaty Negotiations Office Cory Herrera, B.C. Treaty Negotiations Office Ian Batey, B.C. Treaty Negotiations Office Tanyss Munro, Federal Treaty Negotiations Office Alison McNeil, UBCM		
PREPARATION OF MEETING MINUTES:		
Carrie Peacock, Recording Secretary, Raincoast Ventures		

CALL TO ORDER

Chair Drew confirmed a quorum was in attendance and called the meeting to order at 7:35 p.m.

1. AGENDA FOR ADOPTION

1.1 April 28, 2004

It was MOVED and SECONDED

THAT the Agenda for the Regular Meeting of the LMTAC Board scheduled April 28, 2004, be adopted as circulated.

CARRIED UNANIMOUSLY

2. MINUTES FOR ADOPTION / MINUTES FOR INFORMATION

2.1 March 24, 2004 Board

It was MOVED and SECONDED

THAT the Minutes of the Regular Meeting of the LMTAC Board held March 24, 2004, be adopted as circulated.

CARRIED UNANIMOUSLY

2.2 April 14, 2004 Executive Committee

2.3 March 31, 2004 Finance and Administration and Sub-committee

It was MOVED and SECONDED

THAT the Minutes of the Regular Meeting of the LMTAC Executive Committee held April 14, 2004 and the Minutes of the Meeting of the Finance and Administration Sub-committee held March 31, 2004, be received for information.

CARRIED UNANIMOUSLY

3. DELEGATION

Update from the UBCM Aboriginal Affairs Committee

"Aboriginal Affairs Update" from UBCM, Senior Policy Analyst addressed to All Treaty Advisory Committee Members and Administrators, dated April 2, 2004.

3.1 2004 Community Excellence Awards Program

Alison McNeil, Senior Policy Analyst, Union of BC Municipalities, referenced the UBCM Community Excellence Awards Program, noting that the focus for 2004 was local government and First Nation partnerships, intended to recognize parties working together on a joint venture or initiative with outstanding results. The schedule for submissions and awards presentations was reviewed.

3.2 Treaty Negotiations Update – Governance and Resource Revenue Sharing

Ms. McNeil advised that the UBCM Aboriginal Affairs Committee had identified issues relative to governance, and had been briefed by the treaty negotiations office regarding their approach to Aboriginal self-governance. Key governance issues were identified including representation of non-members on Treaty Settlement Lands (TSL), relationship structuring, dispute resolution processes, and First Nation lawmaking authorities on First Nation settlement lands. The meeting was informed that the UBCM Aboriginal Affairs Committee had tasked a Governance Technical Team to examine and compare post-treaty governance issues of First Nations and local governments, noting that concerns identified would be subsequently addressed.

Participation at a February 6, 2004 workshop regarding Resource Revenue Sharing was discussed, noting that concerns expressed at the workshop could be considered at the next Province-Wide Treaty Advisory Group Meeting. It was noted that as local governments previously received resource revenues from the province, there could be potential opportunities for others (forestry was provided as an example of resource revenue sharing). It was suggested that communities should benefit from resources leaving their communities.

3.3 Regional Community-to-Community Forums

Ms. McNeil referenced information available regarding regional community-to-community forums, noting that funds would be available for meetings of local government and First Nations at which issues of common concern were discussed. It was noted that 29 funded events had occurred during the previous year, and that UBCM was seeking additional funding from the federal and provincial governments and Indian and Northern Affairs Canada (INAC) for these events. The intent to build government-to-government relationships was acknowledged.

7:50 p.m.

Councillor Rankin departed the meeting.

3.4 Communities in Cooperation – A Guide to Alternative Dispute Resolution

Ms. McNeil noted that the objective of the Communities in Cooperation Guide was to find effective ways to resolve disputes between local governments and First Nations. It was further noted that a

series of workshops were being scheduled regarding the negotiation of servicing issues. Ms. McNeil noted that the Treaty Negotiations Office provided UBCM with regular updates regarding interim measures, which the UBCM further distributed to its membership. Chair Drew noted that municipalities had expressed an interest in structuring agreements and protocols and suggested that LMTAC had taken the initiative to collect and compile example agreements for member jurisdictions .

3.5 Other Treaty-Related Updates

Ms. McNeil referenced the amendments to the *Agricultural Land Commission Act*, noting that upon initial review, the *Act* did not appear to include requirements for referral to local government or public hearings.

Ms. McNeil noted that the amendment appeared to allow a First Nation (with proposed treaty settlement lands and an AIP) to apply to the Agricultural Land Commission (ALC) for withdrawal of land from the ALR, as the future owner of the land. If the ALC approved the withdrawal of land from the ALR, it would not be effective until final agreement, at which time the First Nation would be the owner and jurisdiction of the land. It was noted that the intent of the *Act* was to make First Nations equal to local governments, relative to their abilities and powers. Bronwen Beedle, Treaty Negotiations Office, clarified that finalization of a withdrawal of land from the ALR, would occur at the effective date not final agreement, and acknowledged the intent for a public hearing requirement. Ms. McNeil noted that the UBCM was analyzing the document and would provide comments later in this regard.

Ms. McNeil referenced the Westbank First Nation's Self-Government Agreement, noted that the agreement was initiated in the nineties, and that non-member representation was apparently addressed in the final agreement. Members were further informed that the bilateral agreement, was confusing for the assumed trilateral process. It was noted that the agreement occurred outside the BC Treaty process, as it pre-dated the treaty process. A member questioned the province's efforts to convey concerns relative to the lack of consideration of the province's issues during the process, and particularly relative to non-member representation.

8:10 p.m.

Councillor Nixon departed the meeting.

Ms. Beedle referenced difficulties from a negotiations perspective regarding land base and other resources, noting that the agreement provided Westbank First Nation with self-government.

Tanyss Munro, Federal Treaty Negotiations Office, added that of the ten self-government agreements in Canada, Westbank First Nation's was the first in the province. Another agreement - Meadow Lake First Nation -, was referenced, which was expected to be completed within the year and included provincial involvement. Ms. Munro acknowledged that there was no intent to initiate any new self-government agreements in the province. Members questioned whether the province had offered comments, and if their comments regarding the agreement were ignored. It was suggested that concerns be extended, regarding Canada's involvement relative to the agreement with the exclusion of the province, to the FCM Aboriginal Affairs Committee. Chair Drew requested Ms. Munro to convey LMTAC's concerns regarding the process, to the FTNO.

4. LMTAC REPORTS

4.1 Workplan 2004 Status Report

Memorandum from LMTAC Manager regarding the "Workplan 2004 Status Report" dated April 2, 2004, and accompanying report.

Kirstie Pirie, Manager referenced the Workplan 2004 Status Report provided for information.

It was MOVED and SECONDED

That LMTAC Board receive for information the "Workplan 2004 Status Report".

CARRIED UNANIMOUSLY

4.2 Update on the Canada-BC Agreement on Resource Revenue Sharing for First Nations Treaties

Report from LMTAC Manager regarding "Canada-BC Agreement on Resource Revenue Sharing for First Nations" dated April 15, 2004 and the following related attachments:

- a) *Correspondence addressed to the Chair, UBCM Aboriginal Affairs Committee, from the Chair, LMTAC regarding "Canada-BC Agreement on Resource Revenue Sharing for First Nations Treaties" dated December 11, 2003; and*
- b) *Report on the Province-Wide Treaty Advisory Group's "Resource Revenue Sharing Discussion" held February 6, 2004.*

Chair Drew encouraged members to review the comments submitted by LMTAC and the printed copies of the overhead presentation provided at the February 2004 meeting.

It was MOVED and SECONDED

That LMTAC Board receive for information the report titled "Canada-BC Agreement on Resource Revenue Sharing for First Nations" and the related attachments.

CARRIED UNANIMOUSLY

5. TABLE PROGRESS REPORTS

a) Katzie

Katzie Context Summary and related attachment:

- a) *Document titled "Record of Decision, Katzie First Nation Treaty Negotiations, Main Table Working Group, April 1 and 2, 2004".*

No additional items were presented.

b) Musqueam

None items were presented.

c) Squamish

None items were presented.

d) Tsawwassen

Tsawwassen Context Summary and related attachments:

- a) *Sample correspondence from the Chair, LMTAC regarding "Tsawwassen Treaty Negotiations – Final Agreement Negotiations Update" dated April 15, 2004;*
- b) *Tsawwassen First Nation Final Agreement Negotiations, Main Table Working Group Report labeled "Without Prejudice";*
- c) *Document labeled "Without Prejudice, Draft" titled "Tsawwassen Treaty Negotiation, Intergovernmental Relations Technical Working Group Concept" dated March 23, 2004; and*
- d) *Sample correspondence from Chair, LMTAC regarding "Tsawwassen Treaty Negotiations – Intergovernmental Relations Technical Working Group (IGRTWG)" dated April 14, 2004.*

No other items were presented.

e) Tsleil-Waututh

None items were presented.

f) Other

None items were presented.

6. SUB-COMMITTEE REPORTS

**6.1 Finance and Administration Sub-Committee (FASC)
Revised 2004 LMTAC Budget**

- a) Document titled "Report Flow Summary – Revised 2004 LMTAC Budget" dated April 14, 2004;
- b) Report from LMTAC Manager regarding the "Revised 2004 LMTAC Budget" dated April 2, 2004; and
- c) LMTAC Statement of Revenue and Expenditure Budget for the 12 months ended December 31, 2004.

Vice-Chair Gordon acknowledged the need to revise the budget in recognition of the provincial funding received relative to the Intergovernmental Relations Technical Working Group contract.

It was MOVED and SECONDED

That the LMTAC Board endorse the revisions to the 2004 LMTAC Budget based on recent funding received from the Province, and additional expenditures required for work associated with the Intergovernmental Relations Technical Working Group.

CARRIED UNANIMOUSLY

7. CHAIR AND STAFF REPORTS

7.1 Chair's Report

No items were presented.

7.2 Staff Report

Report dated April 19, 2004 from Kirstie Pirie, Manager regarding "March 16 – April 19, 2004 Activities".

No other items were presented.

8:20 p.m.

Tanyss Munro, Federal Treaty Negotiations Office and Alison McNeil, UBCM departed the meeting.

8. MISCELLANEOUS REPORTS

8.1 Fraser Valley Treaty Advisory Committee (FVTAC)

Fraser Valley Treaty Advisory Committee's Summary of Current Issues, dated March 31, 2004.

Kirstie Pirie, Manager referenced the report provided by the FVTAC.

8.2 Union of British Columbia Municipalities (UBCM)

No items were presented.

8.3 Federation of Canadian Municipalities (FCM)

Excerpt from FCM's "Summary of Board Outcomes and Committee Meetings" held March 4-6, 2004.

Kirstie Pirie, Manager referenced the information provided in the excerpt, relative to Municipal-Aboriginal relations.

9. OTHER BUSINESS

9.1 Update on LMTAC Process to Review the First Principles

Electronic mail item from LMTAC Manager to LMTAC Elected and Staff Representatives, regarding "LMTAC Request for Feedback – Review of First Principles" dated April 20, 2004

Instructions included in the request for feedback, were reviewed.

9.2 Lower Mainland Municipal Association AGM – LMTAC Participation

Kirstie Pirie, Manager, noted that LMTAC would be providing a display and an afternoon presentation on May 13, 2004 at the LMMA AGM.

Councillor Kositsky requested confirmation relative to LMTAC's presentation speakers, and encouraged all LMTAC members to pre-register and attend the conference.

10. INFORMATION

It was MOVED and SECONDED

THAT the LMTAC Board receive for information the following:

- 10.1 Correspondence;
- 10.2 Web Site Statistical Summary;
- 10.3 Honorarium and Expense Form; and
- 10.4 2004 Meeting Schedule

CARRIED UNANIMOUSLY

It was MOVED and SECONDED

That the LMTAC Board send separate letters to the Federal Minister, Provincial Minister, FCM and UBCM communicating LMTAC's concerns regarding the bilateral Self-Government Agreement between Westbank First Nation and the federal government.

CARRIED UNANIMOUSLY

11. CONCLUSION

It was MOVED and SECONDED

THAT the Regular Meeting of the LMTAC Board held April 28, 2004 be concluded.

CARRIED UNANIMOUSLY

(Time: 8:30 p.m.)