

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

**April 27, 2005**

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Board** scheduled Wednesday, April 27, 2005 from 5:30 to 8:45 p.m. in the 2<sup>nd</sup> Floor Board/Committee Room, GVRD Offices, 4330 Kingsway, Burnaby, British Columbia.

<b>ATTENDANCE:</b>		
<b>JURISDICTION:</b>	<b>LMTAC ELECTED REPRESENTATIVE:</b>	<b>LMTAC STAFF REPRESENTATIVE:</b>
Greater Vancouver RD	Director Ralph Drew ( <b>Chair</b> )	Marino Piombini
Maple Ridge, District of	Councillor Candace Gordon ( <b>Vice Chair</b> )	
Belcarra, Village of	Councillor Colin Richardson	
Bowen Island, Municipality of	Mayor Lisa Barrett (departed 8:45 p.m.) Councillor Peter Frinton	
Burnaby, City of	Mayor Derek Corrigan (arrived 7:10 p.m./departed 8:25 p.m.)	Kimberley Flick
Coquitlam, City of		Sonia Santarossa
Langley, City of	Councillor Ted Schaffer	
Langley, Township of	Councillor Mel Kositsky	Frank Clark-Jones
Lions Bay, Village of	Councillor Lisa Turpin	
New Westminster, City of	Councillor Bob Osterman (departed 8:10 p.m.)	
North Vancouver, City of	Councillor Bob Heywood	Ken Tollstam
North Vancouver, District of	Councillor Alan Nixon	Dennis Back
Pitt Meadows, District of	Councillor Debra Eisel	Laurie Darcus
Port Coquitlam, City of	Councillor Mike Forrest (departed 8:45 p.m.)	
Port Moody, City of	Councillor Sandy Liles (departed 8:18 p.m.)	Kelly Kenney
Richmond, City of	Councillor Linda Barnes (departed 6:15pm)	Terry Crowe (arrived 6:30pm)
Squamish, District of	Councillor Corinne Lonsdale	
Squamish Lillooet RD	Director John Turner	
Sunshine Coast RD	Director Barry Janyk (departed 8:25 p.m.)	
Surrey, City of	Councillor Penny Priddy (departed 8:45 p.m.)	Rob Costanzo
Vancouver, City of	Councillor Ellen Woodsworth (arrived 6:00pm)	Rhys Williams
West Vancouver, District of	Councillor Jean Ferguson	
White Rock, City of	Councillor Mary Wade Anderson	
<b>LMTAC STAFF ATTENDANCE:</b>		
Kirstie Pirie, Manager		
Regan Schlecker, Aboriginal Affairs Analyst		
<b>PREPARATION OF MEETING MINUTES:</b>		
Carrie Peacock, Recording Secretary, Raincoast Ventures		

**CALL TO ORDER**

Chair Drew confirmed a quorum was in attendance and called the meeting to order at 5:35 p.m.

**1. AGENDA FOR ADOPTION**

**1.1 April 27, 2005**

**It was MOVED and SECONDED**

THAT the Agenda for the Regular Meeting of the LMTAC Board scheduled April 27, 2005, be adopted as circulated.

**CARRIED UNANIMOUSLY**

**2. MINUTES FOR ADOPTION / MINUTES FOR INFORMATION**

**2.1 February 23, 2005 Board**

**It was MOVED and SECONDED**

THAT the Minutes of the Regular Meeting of the LMTAC Board held February 23, 2005, be adopted as circulated.

**CARRIED UNANIMOUSLY**

**2.2 March 9, 2005 Executive Committee**

**March 23, 2005 Executive Committee**

**It was MOVED and SECONDED**

THAT the Minutes of the Regular Meetings of the LMTAC Executive Committee held March 9, 2005 and March 23, 2005, be received for information.

**CARRIED UNANIMOUSLY**

**3. DELEGATION**

No delegations were received.

**4. REPORTS**

**4.1 Review of LMTAC Principles**

**a) Overview of LMTAC's Policy Development**

*On-table printed copy of the overhead presentation titled "Review of LMTAC's First Principles, Overview of LMTAC's Policy Development, April 27, 2005".*

Kirstie Pirie, Manager, and Regan Schlecker, Aboriginal Affairs Analyst, provided an overhead presentation titled "Review of LMTAC's First Principles, Overview of LMTAC's Policy Development, April 27, 2005" and offered comments relative to the slides titled:

- LMTAC Policy Development;
- Overview of the Considerations Paper;
  - Objectives (Section 1.3);
  - Key Audiences of Paper (Section 1.4);
  - Methodology and Approach (Section 1.5);
  - Principles (Section 3.0);
  - Underlying Interests (Section 4.0);
  - Background Papers (separate papers);
  - Changes In Area Treaty Negotiations Since Last Version;
- First Principles Overview;
  - Briefing Papers (Elaboration) & Revisions To/Development of Principles;
  - Process to Revise First Principles (Approx 5-6 months); and
- First Principles Review.

**b) Review of Existing First Principles and Potential New Principles**

*LMTAC Report titled "Considerations; A Guide to Lower Mainland Area Local Government Interests in Treaty Negotiations", and related attachments:*

- a) *"Process to Review or Add LMTAC First Principles, Proposed Schedule to Revising LMTAC's First Principles"*
- b) *"Existing LMTAC First Principles Identified for Further Discussion";*
- c) *"Review of LMTAC Existing First Principles; Compiled Responses";*
- d) *"Suggested Potentially New Principles"; and*
- e) *"Review of LMTAC First Principles – Potential New Principles; Compiled Responses".*

Regan Schlecker, Aboriginal Affairs Analyst, directed participants' attention to the table titled "Existing LMTAC First Principles Identified for Further Discussion", before leading the meeting in a review of the document titled "Review of LMTAC Existing First Principles, Compiled Responses". Ms. Schlecker reviewed First Principles 1-39 and consensus was reached on the following revisions:

**First Principle #2: Local Governments Are Not Third Party Interests**

*(principle revision only)*

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 orders of government.

**First Principle #6: Resolution of Overlaps/Shared Territories**

*(principle and title revision)*

Final Agreements 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.

**First Principle #7: Need for Certainty**

*(principle revision only)*

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

**First Principle #11: Private and Local Government Lands and Assets Protected**

*(principle revision only)*

Privately owned fee-simple lands, Crown Corporation lands, and Local Government-owned lands and assets including those acquired through a Local Government process, must not be available for land selection. Lands and assets include, but are not limited to Local Government facilities, roads, rights-of-way, lands leased from other governments, Crown lands subject to a Local Government license/tenure, municipal and regional parks, conservation and protected areas, greenbelts, school board lands, and Local Government commercial operations (i.e. forest lands, park concessions).

**First Principle #12: Post-Treaty Additions to Treaty Settlement Lands**

*(principle and title revision)*

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.

**First Principle #13: Clarity and Consistency in Regulatory Jurisdiction Over Lands**

*(principle and title revision)*

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.

**First Principle #15: Resource Sustainability**

*(principle revision only)*

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 be collaboratively managed on a sustainable basis in order not to undermine the economic base of Local Governments and their communities.

**First Principle #16: Consistent Environmental Regulatory Controls**

*(title revision only)*

7:10 p.m.

Mayor Corrigan arrived at the meeting.

**First Principle #18: Protect Habitats**

*(principle and title revision)*

Locally, nationally and globally environmentally significant habitats in the Lower Mainland area must be recognized and protected.

**First Principle #19: Preserve Agricultural Lands**

*(principle revision only)*

- Local Government strongly supports the preservation of viable agricultural land;
- Treaty Settlement Land designated as Agricultural Land Reserve must remain under the jurisdiction of the Agricultural Land Commission; and
- Any removal of land from the Agricultural Land Reserve must follow the same procedures as for any other applicant.

**First Principle #20: Respect Local Government Leases and Licenses**

*(principle revision only)*

Local Government leases and licenses (including, but not limited to, park tenures and agricultural, mining, forest and range leases/licenses on Crown lands), and the economic and environmental viability of these agreements, as well as any provisions for their renewal, must be respected and preserved.

**First Principle #22: Protect Annual Allowable Cut**

*(principle and title revision)*

The Annual Allocable Cut (AAC) within the existing timber supply areas of Forest Districts must not be negatively impacted by treaty settlements.

**First Principle #26: Democracy and Accountability**

*(principle and title revision)*

Treaties should contain provisions for accountable democratically elected governing entities.

**First Principle #28: Delivery of Local Programs/Services**

This First Principle was deleted in its entirety.

**First Principle #29: Equivalent Standards**

*(principle and title revision)*

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

**First Principle #31: Consistency in Law Making Authorities**

*(principle and title revision)*

In the matters of Local Government, law making authorities granted to First Nations under treaty and related agreements must be consistent with those law making authorities exercised by Local Governments.

8:10 p.m.

Councillor Osterman departed the meeting.

**First Principle #33: Participation in and Delivery of Regional Programs/Services**

*(title and principle revision)*

Treaties must identify regional programs and services (such as, but not limited to, air quality, solid waste management, Regional Growth Strategies and Land and Resource

Management Plans) in which First Nations must participate, either through direct involvement in the existing programs/service or indirectly through a contract with Local Governments. This principle recognizes that some programs/services affect all area residents and that regional delivery enhances economies of scale. This principle also emphasizes the importance of the various interconnections between urban communities in the Lower Mainland area.

**First Principle #34: Recognize Fiscal Capacities**

*(principle revision only)*

Treaties must recognize the limited fiscal capacity of all levels of government and not impose any cost to Lower Mainland taxpayers, other than their contribution to treaty settlements through the cost-sharing Memorandum of Understanding between the Provincial and Federal Governments. Local Government involvement in the BC treaty process should be financed by the Province of British Columbia.

**First Principle #35: Honour Service Agreements**

*(principle and title revision)*

All existing and future service agreements must be honoured to ensure Local Governments receive financial contributions from all users of Local Government programs, services and infrastructure.

**First Principle #37: Fair Sharing of Costs**

*(principle revision only)*

In order to ensure that no one Local Government is unfairly or disproportionately burdened, all costs associated with treaty negotiations, including administrative costs associated with responding to the needs of a treaty negotiation table, must be the responsibility of the Provincial and Federal Government.

**8:18 p.m.**

Councillor Sandy Liles departed the meeting.

**First Principle #38: Flexible Cost Recovery Post-Treaty**

*(principle revision only)*

The *Provincial Local Government Act*, *Community Charter* and *Vancouver Charter* must enable Local Governments to develop flexible taxation and cost-recovery mechanisms when dealing with Aboriginal Governments in the post-treaty environment.

**First Principle #39: Respect Existing Financial Commitments**

*(principle revision only)*

Treaties must respect and recognize existing Federal and Provincial fiscal commitments to Local Governments.

**8:25 p.m.**

Director Janyk and Mayor Corrigan departed the meeting.

Ms. Schlecker referenced the table titled "Suggested Potentially New Principles", led the meeting in a review of the document "Review of LMTAC First Principles – Potential New Principles; Compiled Responses", and offered comments regarding each of the attached Potential New First Principles. It was noted that the new First Principles suggested for adoption by the Executive Committee were: A6, A8, B4 and C1. Consensus was reached regarding the addition of the following new First Principles:

**First Principle #A6: Local Government Involvement During Implementation**

The Province must continue to involve Local Government throughout all stages of the B.C. treaty process, including Stage 6 Implementation and any post-treaty reviews of treaty-related agreements, to ensure that Local Government participation and consultation does not end with the signing of a Final Agreement.



**First Principle #A8: First Nation Participation In Regional Governance**

Provincial legislation must be provided to enable First Nation participation in regional government structures. Self governing First Nations should be encouraged to participate in regional governance functions to the greatest extent possible. Any discussions of regional governance models must involve the direct participation of the respective Regional District members from the very outset.

**First Principle #B4: Support for the BC Treaty Process**

LMTAC supports the tripartite B.C. treaty process and does not support bilateral or unilateral actions on the part of senior governments.

**First Principle #C1: Assessment and Taxation Between Local Government Bodies**

First Nation governments participating in intergovernmental and/or regional governance structures, pre- or post-treaty, must comply with existing practice whereby member jurisdictions will not assess each other property taxes on utilities and related infrastructure, nor on the lands or rights-of-way on which they are located. Treaty negotiations must work to uphold this important intergovernmental policy.

8:45 p.m.

Mayor Barrett and Councillors Forest and Priddy departed the meeting.

**It was MOVED and SECONDED**

THAT the LMTAC Board recommend that the suggested revisions be forwarded to LMTAC's full member jurisdictions for their review and endorsement prior to July 2005.

**CARRIED UNANIMOUSLY**

**5. TABLE PROGRESS REPORTS**

**a) Katzie**

No items presented.

**b) Musqueam**

- a) *Musqueam Context Summary – LMTAC Board Public Agenda – April 27, 2005;*
- b) *News Release titled “Agreement Moves Treaty Process Forward for Musqueam”, dated April 4, 2005; and*
- c) *“Musqueam Framework Agreement” signed by the Musqueam Indian Band Chief; Minister of Indian Affairs and Northern Development; Parliamentary Secretary to the Minister of Indian Affairs and Northern Development; and the Attorney General and Minister Responsible for Treaty Negotiations.*

No additional items presented.

**c) Squamish**

No items presented.

**d) Tsawwassen**

*Tsawwassen Context Summary – LMTAC Board Public Agenda – April 27, 2005.*

No additional items presented.

**e) Tsleil-Waututh**

No items presented.

**f) Other**

No items presented.

**6. SUB-COMMITTEE REPORTS**

**6.1 Finance and Administration Sub-Committee (FASC)**

No items presented.

**7. CHAIR AND STAFF REPORTS**

**7.1 Chair's Report**

No items presented.

**7.2 Staff Report**

*Manager's Report dated April 14, 2005 regarding "March 15 – April 13, 2005 Activities".*

No additional items presented.

**8. MISCELLANEOUS REPORTS**

**8.1 Fraser Valley Treaty Advisory Committee (FVTAC)**

No items presented.

**8.2 Union of British Columbia Municipalities (UBCM)**

No items presented.

**8.3 Federation of Canadian Municipalities (FCM)**

No items presented.

**8.4 Lower Mainland Municipal Association (LMMA)**

The meeting was informed that the LMTAC Chair would be providing a presentation at the May 12, 2005 LMMA Annual General Meeting.

**9. OTHER BUSINESS**

**9.1 Next Meeting Dates**

It was noted in the Agenda, that the next meeting of the LMTAC Board was scheduled May 25, 2005.

**10. INFORMATION**

The LMTAC Board received for information the following items:

10.1 Correspondence: GVRD;

10.2 Correspondence: General

10.3 UBCM Memo Regarding Treaty Negotiations and Additions to TSLs;

10.2 Statistical Summary for LMTAC's Website;

10.3 Honorarium and Expense Form; and

10.4 2005 Meeting Schedule.

**11. CONCLUSION**

**It was MOVED and SECONDED**

That the Regular Meeting of the LMTAC Board held April 27, 2005 be concluded.

**CARRIED UNANIMOUSLY**

(Time: 8:50 p.m.)