

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

**July 26, 2006**

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Board** scheduled Wednesday, July 26, 2006 from 7:00 p.m. to 8:30 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
Belcarra, Village of	Councillor Colin Richardson	
Bowen Island, Municipality of	Councillor Lisa Barrett	
Burnaby, City of	Councillor Sav Dhaliwal	
Coquitlam, City of	Councillor Barrie Lynch	
Delta, Corporation of	Mayor Lois Jackson	
Langley, City of	Councillor Ted Schaffer	
Langley, Township of	Councillor Mel Kositsky	
Lions Bay, Village of	Councillor Lisa Turpin	
Maple Ridge, District of	Councillor Ken Stewart	
New Westminster, City of	Councillor Bob Osterman	
North Vancouver, City of	Councillor Bob Heywood	Ken Tollstam
North Vancouver, District of	Councillor Alan Nixon	
Pitt Meadows, District of	Councillor Debra Eisel	
Port Moody, City of		Kelly Kenney
Richmond, City of	Councillor Harold Steves	
Squamish Lillooet RD	Director John Turner	
Sunshine Coast RD	Director Barry Janyk	
Squamish, District of	Councillor Corinne Lonsdale	
Surrey, City of		Rob Costanzo
Vancouver, City of	Councillor George Chow	Barbara Pearce
West Vancouver, District of	Councillor Jean Ferguson	
Whistler, Resort Municipality of	Councillor Ralph Forsyth	
White Rock, City of	Councillor Mary Wade Anderson	
<b>LMTAC STAFF ATTENDANCE:</b>		
Mark Kirsop, Research and Communications Coordinator		
Regan Schlecker, Managing Director		
<b>PREPARATION OF MEETING MINUTES:</b>		
Carrie Peacock, Recording Secretary, Raincoast Ventures Ltd.		

**CALL TO ORDER**

Chair Drew confirmed a quorum was in attendance and called the meeting to order at 6:30 p.m.

**1. AGENDA FOR ADOPTION**

**1.1 July 26, 2006**

**It was MOVED and SECONDED**

THAT the Agenda for the Regular Meeting of the LMTAC Board scheduled July 26, 2006, be adopted as circulated.

**CARRIED UNANIMOUSLY**

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

**2.1 May 24, 2006 Board Meeting**

**It was MOVED and SECONDED**

THAT the Minutes of the LMTAC Board Meeting held May 24, 2006 be adopted as circulated.

**CARRIED UNANIMOUSLY**

**2.2 June 28, 2006 Board Technical Workshop Meeting**

**It was MOVED and SECONDED**

THAT the Notes of the LMTAC Board Technical Workshop Meeting held June 28, 2006 be adopted as circulated.

**CARRIED UNANIMOUSLY**

**2.3 May 17, 2006 Executive Committee Meeting**

**It was MOVED and SECONDED**

THAT the Minutes of the LMTAC Executive Committee Meeting held May 17, 2006 be received for information.

**CARRIED UNANIMOUSLY**

**2.4 June 7, 2006 Finance and Administrative Sub-Committee Meeting**

**It was MOVED and SECONDED**

THAT the Minutes of the LMTAC Finance and Administrative Sub-Committee Meeting held June 7, 2006 be received for information.

**CARRIED UNANIMOUSLY**

**3. DELEGATION**

No delegations were received.

**4. LMTAC REPORTS**

**4.1 2006 Workplan Status Report**

- a) *LMTAC report regarding "2006 Workplan Status Report"; and*
- b) *LMTAC document titled "Workplan 2006 – A Summary of Key LMTAC Milestones".*

Regan Schlecker, Managing Director, reported that the majority of the activities indicated in the Workplan 2006 had been accomplished. She further noted that a communications strategy for final agreements was currently being considered and that the Finance and Administrative Sub-Committee would be considering items for inclusion in the 2007 Workplan.

**It was MOVED and SECONDED**

THAT the LMTAC Board receive for information the LMTAC report titled "2006 Workplan Status Report".

**CARRIED UNANIMOUSLY**

**4.2 Treaty Provisions for Resource Harvest Allocations**

*LMTAC report regarding "Treaty Provisions for Resource Harvest Allocations", dated June 9, 2006.*

Mark Kirsop, Research and Communications Coordinator, led the meeting in a brief review of the report. He added that treaty harvest allocations were based on the resource availability, not the population of the First Nation, and were subject to the authority of the Minister.

**It was MOVED and SECONDED**

THAT the LMTAC Board receive for information the LMTAC report titled "Treaty Provisions for Resource Harvest Allocations".

**CARRIED UNANIMOUSLY**

#### 4.3 Implications of *Haida* on Local Government Duties to Consult with First Nations

- a) LMTAC report regarding "Implications of *Haida* on Local Government Duties to Consult with First Nations", dated May 31, 2006;
- b) "Summary of BC Court of Appeal Decision in *Haida Nation v. Minister of Forests and Weyerhaeuser* and Implications for Local Governments; and
- c) "Summary of Supreme Court of Canada Decision in *Haida Nation v. British Columbia (Minister of Forests)* and Implications for Local Governments".

Mark Kirsop, Research and Communications Coordinator, referenced legal summaries prepared for UBCM by Bull, Housser & Tupper, regarding the implications for local government of the BC Court of Appeal decision in *Haida Nation v. Minister of Forests and Weyerhaeuser* and the Supreme Court of Canada decision in *Haida Nation v. British Columbia (Minister of Forests)*.

He reviewed the 'conclusion' portion of the LMTAC report, noting that the summaries of both rulings indicated that in most situations, which included land use regulation of fee-simple private property, the duty to consult and accommodate with First Nations generally rested with the province and not local government.

In response to a question raised, Mr. Kirsop noted that he was unaware of any court challenges that could preclude the courts decisions.

Regan Schlecker, Managing Director, added that she would follow up with the federal communications staff to inquire if workshops were being developed to advise local government regarding the duty to consult.

#### ***Request for Action***

*Staff was requested to schedule an evening LMTAC Board Workshop regarding the duty to consult with First Nations.*

#### **It was MOVED and SECONDED**

THAT the LMTAC Board receive for information the LMTAC report titled "Implications of *Haida* on Local Government Duties to Consult with First Nations".

**CARRIED UNANIMOUSLY**

#### 4.4 Potential Community-to-Community Forum Discussion Topics

LMTAC report regarding "Potential Community-to-Community Forum Discussion Topics", dated July 7, 2006.

Mark Kirsop, Research and Communications Coordinator, noted that the report provided a list of topics for future community-to-community forums, intended to bring together the staff and officials from First Nations and neighbouring municipal governments.

Chair Drew discussed a recent Lower Mainland Roundtable Forum with representatives from West Vancouver and the Squamish First Nation, regarding services and potential land development. A recent community-to-community forum held by the Sunshine Coast Regional District and the Squamish First Nation was referenced, and a similar forum anticipated in the fall of 2006 with Sechelt First Nation, was acknowledged.

Members referenced prior community-to-community forums held by West Vancouver, and noted that attendance at the District of North Vancouver's second forum had improved since the first event. Forum discussions regarding the need for long term relationships, were acknowledged.

#### **It was MOVED and SECONDED**

THAT the LMTAC Board receive for information the LMTAC report titled "Potential Community-to-Community Forum Discussion Topics".

**CARRIED UNANIMOUSLY**

### 5. TABLE PROGRESS REPORTS

- a) **Katzie**  
No items presented.
- b) **Musqueam**  
No items presented.
- c) **Squamish**  
No items presented.
- d) **Tsawwassen**  
No 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)

- a) *Report titled "LMTAC 2007 Budget Preparations – Discussions Points";*
- b) *Statement of Revenue and Expenditure Budget for the Years Ended December 31, 2007 and 2006; and*
- c) *Budget Details for the Years Ended December 31, 2007 and 2006.*

Councillor Lonsdale, Chair, Finance and Administrative Sub-Committee, referenced the Executive Committee's consideration of the LMTAC 2007 Budget at their July 12, 2006 meeting, resulting in a recommendation which covered the deficit position, provided a surplus of \$39, and maintained the treaty table fund at 5% of the operating budget to begin 2008. Additionally, it was noted that LMTAC would be invoicing members for a portion of their Board meeting meal costs.

The meeting was informed that letters would be sent to regional districts and the UBCM urging them to continue pressuring the province to fund TACs in the long term. A letter would also be sent to the Minister requesting multi-year funding to assist LMTAC in its planning efforts.

Chair Drew added that while the Chief Negotiator was supportive of LMTAC and recognized LMTAC's contributions to Ministry staff, the province had not yet responded to LMTAC's requests for funding.

During an ensuing discussion, members suggested:

- discussing the need for additional LMTAC funding with the Minister at UBCM, in recognition of the extraordinary and excessive amount of time spent by LMTAC staff and representatives in moving treaty negotiations forward;
- documenting staff and elected officials' devotion of time, and listing reference materials developed which contributed to the provincial treaty negotiations process;
- reallocating money from less active TACs to more active TACs; and
- informing MLA's regarding LMTAC's efforts and the need for funding.

Chair Drew added that member's suggestions could be incorporated in a September 2006 written request for a meeting with the Minister. He further referenced a letter sent to the Chair of the UBCM First Nations Relation Committee regarding the need for predictable provincial funding.

A member suggested that the funding provided to LMTAC in 2006, was negligible considering LMTAC's efforts. The provincial negotiators' recognition of LMTAC's role in assisting with the treaty process, was recognized as critical.

### **It was MOVED and SECONDED**

THAT the LMTAC Board adopt the recommendation of the LMTAC Executive Committee to

endorse:

- a) the amended Draft 2007 Budget (Option E) as the basis for preliminary regional district funding requests; and
- b) the implementation of LMTAC Board meal requisitions in the amount of \$7.50 for each participating official and/or staff member from each jurisdiction, to be pre-invoiced in January 2007.

**CARRIED UNANIMOUSLY**

## **7. CHAIR AND STAFF REPORTS**

### **7.1 Chair's Report**

- a) *Agenda for the June 8, 2006 Lower Mainland Roundtable on First Nations / Local Government Relations; and*
- b) *Terms of Reference – Advisory Committee, the District of West Vancouver and Squamish Nation Master Service Agreement Negotiations.*

Chair Drew reported that notes of the June 8, 2006 Lower Mainland Roundtable could be requested from the LMTAC office.

### **7.2 Staff Report**

*Managing Director Report dated July 19, 2006 regarding "May 17, 2006 – July 19, 2006 Activities".*

Regan Schlecker, Managing Director, referenced activities listed in the 'Managing Director Report', noting that the servicing workshop held in June had prompted positive feedback. She requested written responses and comments by member Councils and Boards in this regard, by early August for incorporation in a discussion paper being developed for consideration at the September 2006 LMTAC Board Meeting. She further requested that members promptly submit any outstanding expense claims.

## **8. MISCELLANEOUS REPORTS**

### **8.1 GVRD Aboriginal Relations Committee**

*GVRD Aboriginal Affairs Update Bulletin, dated April 2006.*

Marino Piombini referenced the Aboriginal Relations Committee meeting scheduled September 15, 2006.

### **8.2 Fraser Valley Treaty Advisory Committee (FVTAC)**

Councillor Kositsky referenced a June 2006 "Interest Identification Workshop" hosted by the FVTAC. He acknowledged a focus on certainty and finality of treaties, and discussions regarding how First Nations membership could participate on regional district boards.

### **8.3 Union of British Columbia Municipalities (UBCM)**

*On-table memorandum from Bull, Housser & Tupper regarding "Addition to Treaty Settlement Lands – Municipal Consent", dated June 10, 2006.*

Chair Drew referenced the on-table legal opinion received in response to a prior request of the First Nations Relations Committee that UBCM obtain a legal opinion regarding the specified lands approach, and what constituted 'reasonableness'.

#### ***Request for Action***

*It was requested that staff forward a copy of the memorandum from Bull, Housser & Tupper regarding "Addition to Treaty Settlement Lands – Municipal Consent", dated June 10, 2006 to member jurisdictions, via electronic mail.*

### **8.4 Federation of Canadian Municipalities (FCM)**

No items presented.

## **9. OTHER BUSINESS**

**9.1 Summary of Results – Monthly Board Feedback Form (April 26, 2006)**

Mark Kirsop, Research and Communications Coordinator, reviewed requests for information received in prior feedback forms, noting that efforts continued towards scheduling a delegation from an Agricultural Land Commission representative, and towards a federal treaty negotiations information session on fiscal finance agreements.

**10. INFORMATION**

**It was MOVED and SECONDED**

That the LMTAC Board receive for information the following items:

- 10.1 Correspondence;
- 10.2 BCTC Update Newsletter – June 2006;
- 10.3 Web Stats;
- 10.4 Honorarium and Expense/Monthly Board Feedback Form; and
- 10.5 2006 Meeting Schedule.

**CARRIED UNANIMOUSLY**

***Request for Action***

*It was requested that the October 25, 2006 meeting be cancelled, as it conflicted with a previously scheduled UBCM meeting.*

Chair Drew confirmed that the August 9, 2006 Executive Committee meeting had been tentatively scheduled.

**11. CONCLUSION**

**It was MOVED and SECONDED**

That the Regular Meeting of the LMTAC Board held July 26, 2006 be concluded.

**CARRIED UNANIMOUSLY**

(Time: 7:25 p.m.)