

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

November 25, 2009

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Board** scheduled Wednesday, November 25, 2009 from 7:00 p.m. to 8:30 p.m. in the 2nd Floor Boardroom, Metro Vancouver Offices, 4330 Kingsway, Burnaby, British Columbia.

ATTENDANCE:		
JURISDICTION:	ELECTED REPRESENTATIVES TO LMTAC:	STAFF REPRESENTATIVES TO LMTAC:
Metro Vancouver (RD)	Director Ralph Drew (Chair)	Marino Piombini
Squamish, District of	Councillor Corinne Lonsdale (Vice Chair)	
Anmore, Village of	Councillor John McEwen	
Belcarra, Village of	Councillor Colin Richardson	Linda Floyd
Bowen Island, Municipality of	Councillor Peter Frinton	
Burnaby, City of	Councillor Dan Johnston	David Clutton
Coquitlam, City of	Councillor Brent Asmundson (departed 8:27 p.m.)	Jay Gilbert
Delta, Corporation of	Councillor Anne Peterson	
Langley, City of	Councillor Jack Arnold	
Langley, Township of	Councillor Mel Kositsky	
Lions Bay, City of	Councillor Joanne Ronsley	
Maple Ridge, District of	Councillor Craig Speirs	
New Westminster, City of	Councillor Betty McIntosh	
North Vancouver, City of	Councillor Bob Fearnley	Ken Tollstam
North Vancouver, District of	Councillor Alan Nixon	
Port Coquitlam, City of	Councillor Mike Forrest	
Port Moody, City of	Councillor Gerry Nuttall (departed 8:38 p.m.)	Colleen Rohde (departed 8:38 p.m.)
Richmond, City of	Councillor Linda Barnes	
Squamish Lillooet, RD	Director Jordan Sturdy	
Sunshine Coast RD	Director Lee Turnbull (departed 8:12 p.m.)	
Surrey, City of	Councillor Barbara Steele	Robert Costanzo
Vancouver, City of	Councillor Ellen Woodsworth	Tilo Driessen
Whistler, Resort Municipality	Councillor Ralph Forsyth (departed 8:38 p.m.)	
White Rock, City of	Councillor Mary Wade Anderson	
LMTAC STAFF:		
Regan Schlecker, Managing Director		
Mark Kirsop, Policy Analyst		
GUESTS:		
Director Dennis Adamson, Fraser Valley Treaty Advisory Committee		
PREPARATION OF MEETING MINUTES:		
Vivian Guthrie, Recording Secretary, Raincoast Ventures Ltd.		

Chair Drew confirmed a quorum was in attendance and called the meeting to order at 7:48 p.m.

1. AGENDA FOR ADOPTION

1.1 November 25, 2009

It was MOVED and SECONDED

THAT the Agenda for the Regular Meeting of the LMTAC Board scheduled November 25, 2009 be adopted as circulated.

CARRIED UNANIMOUSLY

2. MINUTES FOR ADOPTION / MINUTES FOR INFORMATION

2.1 Board, September 23, 2009

It was MOVED and SECONDED

THAT the Minutes of the Regular Meeting of the LMTAC Board held September 23, 2009, be adopted as circulated.

CARRIED UNANIMOUSLY

2.2 Executive Committee, September 23, 2009

It was MOVED and SECONDED

THAT the Minutes of the LMTAC Executive Committee meeting held September 23, 2009 be received for information.

CARRIED UNANIMOUSLY

3. DELEGATION

No delegation was received.

4. REPORTS

On-table related document, Recommendations from Executive Committee, November 18, 2009.

4.1 2009 Workplan Status Report

LMTAC 2009 Workplan Status Report dated November 3, 2009 with Workplan 2009, A Summary of Key LMTAC Milestones showing status of activities.

Regan Schlecker, Managing Director, advised that a review of the Workplan indicated LMTAC activities to be 100% complete or ongoing.

It was MOVED and SECONDED

That the LMTAC Board receive the LMTAC 2009 Workplan Status Report dated November 3, 2009 for information.

CARRIED UNANIMOUSLY

4.2 Draft 2010 Workplan

LMTAC Draft Workplan 2010.

Regan Schlecker, Managing Director, discussed new 2010 Workplan items and standing activities. She flagged the submission of a report to UBCM for grant funding related to the LMTAC representation at the Katzie and Tsleil-Waututh Nation Tables.

In discussion the following comments were offered:

- were there any anticipated projects related to the review of the Regional Growth Strategy;
- there still remained the quandary of the Federal and Provincial governments as well as other authorities issuing different guidelines for consultations;
- consultation would require some focus in 2010;
- Metro Vancouver consults with up to 71 aboriginal groups depending on the project;
- the 70/30 split formula used by UBCM in grant funding was not acceptable; LMTAC should be working towards getting a greater amount (90/10); as well, there might be opportunity to apply for any monies left in the fund;
- LMTAC does a lot of work on behalf of UBCM and should receive a bigger proportion of the grant; and

- an example of relation building would be the LMTAC handbook of protocol agreements and the update of it.

It was MOVED and SECONDED

That the LMTAC Board endorse the Draft LMTAC 2010 Workplan as presented.

CARRIED UNANIMOUSLY

4.3 Revised Operating Procedures

Related items:

- Memo from Regan Schlecker, Managing Director regarding Proposed Revisions to LMTAC Operating Procedures dated November 3, 2009; and,*
- Lower Mainland Treaty Advisory Committee Operating Procedures dated June 24, 2009 with proposed amendments.*

Regan Schlecker, Managing Director, explained the proposed amendments to the LMTAC Operating Procedures, which reflected a streamlining of operations as directed by motion of the Board.

It was MOVED and SECONDED

That the LMTAC Board consider and endorse the revised Operating Procedures as presented.

CARRIED UNANIMOUSLY

4.4 2009 Annual Board Survey Results

Related items:

- Memo from Mark Kirsop, Policy Analyst regarding 2009 LMTAC Annual Member Survey Results dated November 5, 2009*
- Document titled Results: 2009 Annual LMTAC Member Survey*

Mark Kirsop, Policy Analyst, summarized the findings of the 2009 Annual Board Survey. 15 were completed (11 by elected and 4 by staff representatives), highlights included:

- LMTAC effectiveness remains high;
- suggestion to consider electronic agendas; and
- future workshop topic on local government engagement with First Nations (and guidelines on consultations).

Members were reminded of the bimonthly board feedback form contained in the agenda package.

Members discussed the suggestion contained in the survey that LMTAC staff and the Chair respond to media on First Nations affairs as they pertained to local governments, and considered how this might raise the profile of LMTAC. Chair Drew noted that the Executive Committee discussed and acted upon all media opportunities of which they were aware.

It was MOVED and SECONDED

That the LMTAC Board receive the LMTAC 2009 Annual Board Survey Results for information.

CARRIED UNANIMOUSLY

4.5 Updated Draft Discussion Paper – Local Government

Related item: Memo from Regan Schlecker, Managing Director dated November 5, 2009 regarding the “Updated LMTAC Discussion Paper – Local Government Consultation with First Nations – Issues and Concerns” with the paper (Updated October 2009) attached.

Regan Schlecker, Managing Director, provided an overview on the proposed updates to the Discussion Paper requiring the approval of the Board.

It was MOVED and SECONDED

That the LMTAC Board receive for information the LMTAC report regarding "Updated LMTAC Discussion Paper – Local Government Consultation with First Nations – Issues and Interests", dated November 5, 2009, and endorse the updated Discussion Paper as presented.

CARRIED UNANIMOUSLY

In the ensuing discussion the following comments were offered:

- the Corporation of Delta has received correspondence from Minister Abbott indicating that names will not be identified;
- TSWG was working on the provision of additional information and a proposal to add frequently asked questions (FAQ);
- discussion should be held with the Minister to clarify LMTAC issues and concerns;
- the provincial protection of privacy should not be used as a convenience in order that people not sign off on issues;
- the legal description of property is often not enough; however, anyone can use GPS coordinates to locate property;
- there is a need to identify traditional territory versus consultation area;
- Integrated Land Management Bureau (ILMB) clarified that anyone can request to be on a consultation list; however the Province establishes through legal avenue, the strength of claim for consultation duties and prioritizes; the Province did not create the consultation area;
- until the Tsleil-Waututh put this to rest the onus will be on the government to disallow the consultation area;
- LMTAC has repeatedly asked government to resolve the issue; and

8:12 p.m.

Councillor Turnbull departed the meeting.

5. TABLE PROGRESS REPORTS

a) Katzie

Katzie Context Summary – LMTAC Board In-Camera Agenda – November 25, 2009, labeled "Confidential".

Councillor Mel Kositsky, LMTAC Representative to the Katzie Table, announced that a public assembly would be held at the BCIT research forest in a witness ceremony for the Katzie Proclamation of Stewardship of the Blue Mountain Provincial Forest on November 26, 2009.

b) Musqueam

No items presented.

c) Squamish

No items presented.

d) Hwlistum

No items presented.

e) Tsleil-Waututh

Councillor Alan Nixon, LMTAC Representative to the Tsleil-Waututh, advised that Main Table Working meetings were scheduled December 8 and 9, 2009.

- f) **Other**
No items presented.

6. CHAIR AND STAFF REPORTS

6.1 Chair's Report

6.1a) Memorandum re Adoption of a Council/Board Policy on Consultation Fees

On-table related items:

- a) *Recommendations from Executive Committee, November 18, 2009; and,*
b) *Memo from Mayor Ralph Drew, LMTAC Chair and Regan Schlecker, Managing Director dated November 10, 2009 titled Adoption of a Council/Board Policy on Consultation Fees.*

Chair Drew provided an update regarding the development of a policy of the non payment of fees by local governments to First Nations for consultation. In discussion, it was noted that some LMTAC member jurisdictions had already adopted such a policy. It was recommended that there be consistency of approach by LMTAC's membership.

It was MOVED and SECONDED

That the LMTAC Board:

- i. receive the amended report (attached) from the LMTAC Chair and Managing Director regarding "Adoption of a Council/Board Policy on Consultation Fees", dated November 19, 2009; and
- ii. endorse the distribution of the memorandum to LMTAC Member Councils and Boards, requesting that they consider adopting a policy regarding non-payment of fees for consultation.

CARRIED UNANIMOUSLY

B] Tsleil-Waututh Nation Proposal for Developing an Online Consultation Tool

Related items:

- a) *Letter to Mayor Ralph Drew from Leah D. George-Wilson, Director, Treaty Land and Resources, Tsleil-Waututh Nation dated November 2, 2009, regarding A Proposal for Developing an Online Consultation Tool with a description of the pilot project attached; and*
b) *On-table Request for Action: Executive Committee, November 18, 2009.*

Chair Drew noted the Integrated Land Management Bureau (ILMB) has been tasked with developing a response for provincial agencies to use in response to Tsleil-Waututh Nation (TWN) in regard to their proposal for developing an online consultation tool, and consequently the Executive Committee felt that there was no need for local governments to respond to the request. It was proposed that he convey this to Mayors and administrators, with note that they could acknowledge receipt of the letter and reference that the responsibility for the matter of consultation mechanisms remain with the Crown.

In ensuing discussion the following comments were offered:

- a consolidated response would send a strong message;
- member Councils and Boards seek guidance from LMTAC on this matter;
- sometimes no response is the best response and sometimes you give credence to a matter by responding;
- recommend to the Mayors and Councils that they are not required to respond;
- 60 copies of the TWN letter/pilot project proposal were sent; there has been some expressions of interest from private companies;
- a consolidated approach would be that the Board agrees that nobody responds;
- the LMTAC office didn't receive a copy of the letter directly and should not respond directly to TWN;
- a response by LMTAC should be a response to its member Councils and Boards only,
- local government supports improvements to existing provincial databases and information systems; and

- in the letter sent to the Mayors and Councils from LMTAC it should be clear that capacity funding is a Crown responsibility and there is a New Relationship Trust fund for such consultation.

8:27 p.m.

Councillor Asmundson departed the meeting.

Chair Drew summarized that most had suggested that LMTAC respond to Mayors and Councils and administrators of local governments and that a draft letter indicating that they could choose to respond or not to the TWN request would be circulated to the Executive Committee for review.

8:38 p.m.

Councillors Forsyth and Nuttall and Ms. Rohde departed the meeting.

6.2 Staff Report

Report from Regan Schlecker, Managing Director dated November 18, 2009 regarding "Activities from March 19, 2009 – April 15, 2009".

Regan Schlecker, Managing Director, advised that in addition to the items contained in the written report, reappointment letters would be forthcoming. Staff would attend and provide an update on the upcoming Fasken Martineau seminar on *Recent Developments in Aboriginal Law* on November 27 and free to those interested to attend.

It was MOVED and SECONDED

That the LMTAC Board receive the Managing Director Report dated November 18, 2009 for information.

CARRIED UNANIMOUSLY

7. MISCELLANEOUS REPORTS

7.1 Metro Vancouver Intergovernmental Relations Committee

No report presented.

7.2 Fraser Valley Treaty Advisory Committee (FVTAC)

Director Dennis Adamson, Fraser Valley Treaty Advisory Committee (FVTAC), reported that he would be attending a review of the Yale First Nation table November 26, 2009.

7.3 Union of British Columbia Municipalities (UBCM)

Councillor Kositsky reported that new appointees to the UBCM First Nations Relations Committee were Murray Krause (Chair), Mayor Barry Janyk, Councillor Rhona Martin, Chair James Atebe; former UBCM President Robert Hobson and the LMTAC Chair, Mayor Ralph Drew.

7.4 Federation of Municipalities (FCM)

No report presented.

7.5 Treaty Implementation

No report presented.

8. OTHER BUSINESS

No further business.

9. INFORMATION

It was MOVED and SECONDED

The LMTAC Board received for information the following items:

- 9.1 Correspondence;
- 9.2 Aboriginal Law Update – *BCSC Rules on Scope of Consultation When There are Conflicting Views Among Different Groups Within a First Nation* (November 2009 McCarthy Tetrault);
- 9.3 Website Statistical Summary;

- 9.4 2010 Meeting Schedule, and
- 9.5 Honorarium and Expense / Feedback Form.

CARRIED UNANIMOUSLY

10. CONCLUSION

The Board was informed that the next meeting was scheduled January 27, 2010; the agenda to include Elections and Inaugural Board.

It was MOVED and SECONDED

That the Regular Meeting of the LMTAC Board held November 25, 2009 be concluded.

CARRIED UNANIMOUSLY

(Time: 8:44 p.m.)