

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

September 12, 2001

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Executive Committee** held at 3:03 p.m. on Wednesday, September 12, 2001, in the 2nd floor West Board Room, GVRD Offices, 4330 Kingsway, Burnaby, B.C.

ATTENDANCE:		
JURISDICTION:	LMTAC REPRESENTATIVE:	ALTERNATE:
North Vancouver District	Mayor Don Bell (Chair)	Steve Hardy
Greater Vancouver RD	Director Ralph Drew (Vice Chair) (arrived 3:09 p.m.)	Marino Piombini
Village of Anmore	Mayor Hal Weinberg	
City of Coquitlam	Councillor Louella Hollington	Robin Hicks
Corporation of Delta	Councillor Vicki Huntington	
Township of Langley	Councillor Mel Kositsky	
District of Squamish Squamish-Lillooet RD	Councillor Corrine Lonsdale Director Pam Tattersfield	
LMTAC STAFF ATTENDANCE:		
David Didluck	LMTAC Executive Director	
Kirstie Pirie	LMTAC Manager	
Vivian Guthrie	Recording Secretary, Raincoast Ventures	

Call to Order

Chair Don Bell confirmed a quorum was in attendance and called the meeting to order at 3:03 p.m.

1. ADOPTION OF THE AGENDA

**1.1 September 12, 2001 Executive Committee Agenda
It was MOVED (Kositsky) and SECONDED (Hollington)**

THAT the Agenda for the Regular Meeting of the LMTAC Executive Committee scheduled September 12, 2001, be adopted with the addition of Item 7.3, "Pacific Law Institute Forum".

CARRIED UNANIMOUSLY

2. ADOPTION OF THE MINUTES

**2.1 July 25, 2001 Executive Committee Minutes
It was MOVED (Weinberg) and SECONDED (Huntington)**

THAT the Minutes of the Regular Meeting of the LMTAC Executive Committee held July 25, 2001, be adopted as circulated.

CARRIED UNANIMOUSLY

3. DELEGATIONS

No Delegations were received at the meeting.

4. REPORTS

4.1 Services, Service Agreements and Treaty Negotiations

- a) *Memo from David Didluck, Executive Director dated August 20, 2001, introducing The Services, Service Agreements and Treaty Negotiations Report;*
- b) *Discussion Paper by David Didluck, dated August 21, titled "Services, Service Agreements and Treaty Negotiations, Background to First principle #35" including Appendix A, LMTAC Member Servicing Agreements Summary*

David Didluck, Executive Director, introduced the document as a contextual summary of servicing agreements with First Nations containing a catalogue of issues on which to base discussions with other levels of governments. While the paper speaks to the key concerns of LMTAC it is not to be construed as a values statement. The paper also highlights the long history of the provision of services to First Nations by local governments and explores possible relationships in future contractual agreements.

3:09 p.m.

Director Ralph Drew, Greater Vancouver Regional District arrived at the meeting.

Mr. Didluck continued the overview of the paper and commented on the following points:

- the legal entity of First Nations and the contract process;
- Burns Lake case study;
- local government receipt of payment;
- land use issues and linkages between servicing agreements and land use or future development;
- full versus partial participation in the provision of services;
- subsidies;
- the development of an evaluation format; and
- increased demand or capacity .

Points of discussion included shared services and negotiation for both hard and soft services. It was noted that it is often the case in determining service agreements that soft services such as libraries and recreational areas are not taken into consideration. For the purpose of taxation, an important point would be to distinguish between band lands occupied by non-Aboriginal Peoples and those occupied by Aboriginal Peoples. It was clarified that bands have the right to tax non-Aboriginal residents.

Mr. Didluck advised of additional issues identified in the paper:

- The province will be the signing authority for local governments and will speak on behalf of LMTAC in future disputes. It was advised to develop protocol before treaties are signed as the dispute resolution process may require memorandums of understanding.
- Future effective servicing agreements should clearly define the scope, purpose and level of service; the cost of the service; the control of the service with the allowance that each party have the ability to influence the contract; and, the termination agreement.

It was MOVED (Hal) and SECONDED (Drew)

THAT the LMTAC Executive Committee:

- a) receive the report for information; and
- b) recommend that the Board adopt the report as background to LMTAC First Principle #35.

CARRIED UNANIMOUSLY

In discussion it was strongly recommended that this paper be distributed to Regional Districts for consideration and to the Aboriginal Affairs Committees of the GVRD and the UBCM for comment.

4.2 Updated BC Response to LMTAC First Principles

Correspondence:

- a) from LMTAC to Katherine Gordon, Chief Negotiator, dated August 1, 2001, regarding "Updated Provincial Response to LMTAC First Principles"
- b) from Katherine Gordon, Chief Negotiator, dated August 9, 2001.

Chair Bell explained the intent of the letter to request a review of LMTAC First Principles as they pertain to the Province's new treaty negotiating instructions. The response from the government indicated that topics that were set aside pertained to First Principles numbered 11, 12 and 34 – 37 and was not considered by the LMTAC Executive to be sufficient.

Request of Staff

Staff was requested to

- a) ensure the documents appended to the agenda were clearly numbered; and

- b) *pursue a specific response on provincial provisions from the provincial negotiation team in respect to LMTAC First Principles 11, 12 and 34.*

5. STANDING REPORTS

5.1 Chair

Chair Don Bell reported on a meeting of FCM at which there was a motion brought forward to request that the federal government recognize municipalities as part of the federal negotiating team. Chair Bell commented on a possible conflict to the current protocol wherein LMTAC acts as an appendage of provincial governance.

5.2 Executive Director

On table Memorandum dated September 9, 2001, from David Didluck, titled "Projects Requiring LMTAC Staff Attention, Updated"

David Didluck, Executive Director, reported on the summary of transitional work and noted that there was a considerable amount of work to be completed.

It was MOVED (Weinberg) and SECONDED (Drew)

THAT the LMTAC Executive Committee express its appreciation to David Didluck, Executive Director, for his exemplary work and dedication to LMTAC throughout his employment.

CARRIED UNANIMOUSLY

5.3 Communications Subcommittee

Mayor Weinberg, CSC Chair, reported on the need to keep informed of progress of the future Municipal Charter.

5.4 Finance and Organizational Subcommittee

Kirstie Pirie, Manager, reviewed the proposed adjustments to the budget for 2002.

It was MOVED (Kositsky) and SECONDED (Lonsdale)

THAT the LMTAC Executive receive for information the reports relating to Items 5.1 through 5.4

CARRIED UNANIMOUSLY

6. OTHER BUSINESS

6.1 Urban Issues – Status Report

Letter from Robert D. Nault, P.C., M.P., Minister of Indian Affairs, dated August 7, 2001, regarding LMTAC report on Local Governments and Urban Aboriginal Issues.

Kirstie Pirie, Manager, reviewed the response to LMTAC inquiries and advised that staff is preparing a brief for presentation to the Senate Standing Committee on Aboriginal Affairs.

Request of Staff

Staff was requested to

- a) *schedule a meeting with Steven Owen, MP to brief him on urban issues; and*
b) *distribute an official definition of the term 'Status Indian'.*

6.2 Pacific Law Institute Forum

Chair Bell announced an upcoming Pacific Law Institute Forum, titled 'Solving Aboriginal Claims – A New Focus' at which he will be presenting 'Third Party Interests Decreasing The Conflict Of Negotiation' on September 28, 2001.

7. INFORMATION

It was MOVED (Tattersfield) and SECONDED (Kositsky)

THAT the LMTAC Executive Committee receive for information the following:

- 7.1 Agenda Deadlines 2001; and,
7.2 Honorarium and Expense Form.

CARRIED UNANIMOUSLY

It was announced that the next LMTAC Board meeting would be held on Wednesday, September 26, from 2:30 p.m. – 4:30 p.m. during the UBCM conference.

8. CONCLUSION

The Regular Meeting of the LMTAC Executive held September 12, 2001 concluded at 4:23 p.m.