

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

**July 14, 2004**

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Executive Committee** scheduled 4:00 p.m. to 5:00 p.m. on Wednesday, July 14, 2004, in the 2<sup>nd</sup> floor Café West Boardroom, 4330 Kingsway, Burnaby, B.C.

<b>ATTENDANCE:</b>		
<b>JURISDICTION:</b>	<b>LMTAC ELECTED REPRESENTATIVE:</b>	<b>LMTAC STAFF REPRESENTATIVE:</b>
Greater Vancouver RD	Mayor Ralph Drew ( <b>Chair</b> ) ( <b>departed 4:30 p.m.</b> )	Marino Piombini
Maple Ridge, District of	Councillor Candace Gordon ( <b>Vice Chair</b> )	
Burnaby, City of	Councillor Lee Rankin (departed 4:35 p.m.)	Kimberly Flick
Squamish, District of	Councillor Corinne Lonsdale (via teleconference) (departed 4:55 p.m.)	
Squamish-Lillooet RD	Director John Turner	
Sunshine Coast RD	Director Barry Janyk (via teleconference)	
West Vancouver, District of	Councillor Jean Ferguson	
<b>LMTAC STAFF ATTENDANCE:</b>		
Kirstie Pirie	LMTAC Manager	
Regan Schlecker	Aboriginal Affairs Analyst	
<b>PREPARATION OF MINUTES:</b>		
<u>Carrie Peacock</u>	Recording Secretary, Raincoast Ventures	

**Call to Order**

Chair Drew confirmed a quorum was in attendance and called the meeting to order at 3:55 p.m.

**1. AGENDA FOR ADOPTION**

**1.1 July 14, 2004**

**It was MOVED and SECONDED**

THAT the Agenda for the Regular Meeting of the LMTAC Executive Committee scheduled July 14, 2004, be adopted as presented.

**CARRIED UNANIMOUSLY**

**2. MINUTES FOR ADOPTION**

**2.1 June 9, 2004**

**It was MOVED and SECONDED**

THAT the Minutes of the Regular Meeting of the LMTAC Executive held June 9, 2004 be adopted as circulated.

**CARRIED UNANIMOUSLY**

**3. DELEGATIONS**

No delegations were received at the meeting.

**4. LMTAC REPORTS**

**4.1 Agricultural Land Reserve (ALR) and Treaty Negotiations Briefing Note Additions to Treaty Settlement Lands (TSL) and Treaty Negotiations Briefing Note**

a) *LMTAC Report regarding "Additions to Treaty Settlement Lands (TSL) and Treaty Negotiations Briefing Note" dated June 28, 2004 and related attachment:*

i) *LMTAC Briefing Note titled "Additions to Treaty Settlement Lands and Treaty Negotiations – Background Briefing Note to LMTAC First Principle #12".*

Regan Schlecker, Aboriginal Affairs Analyst, reviewed the concept of briefing notes to elaborate on First Principles that required further consideration.

The meeting was informed that the briefing note titled "Additions to Treaty Settlement Lands and Treaty Negotiations – Background Briefing Note to LMTAC First Principle #12" was intended to provide information regarding the approach proposed for Tsawwassen First Nation (TFN) negotiations. In response to a question relative to a municipality's authority over transferred lands, Chair Drew reviewed two classes of lands: Treaty Settlement Lands (TSL) to be transferred to the First Nation with governance and taxation; and lands that might be purchased by the First Nation that are not TSL. It was noted that a parcel purchased within another municipality would remain within the municipality's authority.

Regan Schlecker, Aboriginal Affairs Analyst, added that if a First Nation acquired land in an adjacent municipality after Final Agreement, there could be discussions with the municipality relative to whether the land could be incorporated into TSL; if the lands became part of the TSL, governance and taxation would accompany that decision. Members were referred to the statement in First Principle #12 "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". Previous provincial and federal government decisions to add private land to an existing reserve, without prior consultation with adjacent municipalities, were discussed.

It was noted that, as land packages were smaller than requested, expansion of the land base had been suggested by incorporating fee simple lands. Ms. Schlecker noted that any additions to TSL under the traditional approach would require municipal consent, however if the lands were not contiguous to the TSL, a municipality could be said to reasonably withhold its consent. It was further noted that identifying land parcels ahead of time, as proposed with the TFN "Specified Lands" approach, could potentially artificially inflate their values. Two approaches for additions to TSL with existing Agreements in Principle (AIP) were reviewed including the "Traditional Approach" and "Specified Lands" approaches.;

Regan Schlecker, Aboriginal Affairs Analyst, clarified the preference to avoid a patchwork of jurisdictions, and acknowledged that additions to TSL would need to be addressed on a case-by-case basis. It was further noted that although contiguous lands were preferred at the TFN table, they might not have been an option for other First Nations. A First Nations' ability to acquire fee simple lands within another jurisdiction was discussed. Members acknowledged that land provided to First Nations in the Final Agreement may be insufficient, to meet expanding population and community needs.

The meeting discussed considerations and criteria for adding to TSL after Final Agreement. It was noted that financial resources would be required to purchase lands. Ms. Schlecker added that TSL would be managed by the First Nation as community owned lands, noting that there would be a strict process within their constitution discouraging a First Nation government from selling lands for profit that would negatively affect their future.

A discussion ensued relative to the structure and design of the briefing note.

**4:30 p.m.**

Chair Drew departed the meeting and Vice Chair Gordon assumed the role as Chair.

**Action Item**

*It was requested that the Briefing Note titled "Additions to Treaty Settlement Lands and Treaty Negotiations – Background Briefing Note to LMTAC First Principle #12" be amended to include subsections for TFN and other First Nations, to accommodate information on a case-by-case basis..*

**4:35 p.m.**

Councillor Rankin departed the meeting.

#### 4.2 Fiscal Interests and Treaty Negotiations Briefing Note

- a) LMTAC Report regarding "Fiscal Interests and Treaty Negotiations Briefing Note" dated June 28, 2004; and related attachment:
  - i) LMTAC Briefing Note titled "Fiscal Interests and Treaty Negotiations" labeled "Draft" and dated June 2004.

Regan Schlecker, Aboriginal Affairs Analyst, acknowledged the potential for negative impacts on local economies, if First Nations had taxation abilities that differed from local governments. It was noted that municipal taxation rates varied, within certain parameters adopted by respective Councils. The need and intent for equity in regulations for local government and First Nations was acknowledged.

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

That the LMTAC Executive Committee

- a) receive the draft Briefing Note titled "Fiscal Interests and Treaty Negotiations Briefing Note", dated June 28, 2004; and
- b) recommend that the Board endorse the Briefing Note for LMTAC First Principle #36.

**CARRIED UNANIMOUSLY**

#### 4.3 Workplan 2004 Status Report

- a) LMTAC Report regarding "Workplan 2004 Status Report" dated July 2, 2004 and related attachment:
  - i) LMTAC Report titled "Workplan 2004: A Summary of Key LMTAC Milestones" dated July 2, 2004.

Kirstie Pirie, Manager, referenced the status of the previously identified action items as outlined in the report. Ms. Pirie added that the Intergovernmental Relations Technical Working Group process had been completed, and had achieved its objective to improve communications.

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

That the LMTAC Executive Committee receive for information the report titled "Workplan 2004 Status Report".

**CARRIED UNANIMOUSLY**

### 5. TABLE PROGRESS REPORTS

#### 5.1a) Katzie

No items were presented.

#### 5.1b) Musqueam

No items were presented.

#### 5.1c) Squamish

No items were presented.

#### 5.1d) Tsawwassen

- a) Report titled "Context Summary – LMTAC Executive Public Agenda – July 14, 2004"; and
- b) Sample letter sent to all Mayors and Chairs of LMTAC Member Jurisdictions regarding "Tsawwassen Treaty Negotiations – Intergovernmental Regions Technical Working Group – Workshops #2 and #3", dated July 2, 2004.

Kirstie Pirie, Manager, acknowledged letters sent directly to each Mayor and Chair of LMTAC member jurisdictions providing an update regarding the Intergovernmental Relations Technical Working Group (IGRTWG) workshops. The meeting commended the efforts of the consultant involved in the IGRTWG project and supported sharing the consultant's report with other groups, such as First Nations, engaged in negotiations.

5.1e) **Tsleil-Waututh**  
No items were presented.

5.1f) **Other**  
No items were presented.

**6. SUBCOMMITTEE REPORTS**

**6.1 Finance and Administration Sub-committee (FOSC)**

**6.1a) Audited Statement of LMTAC's 2003 Operating Revenues and Expenditures**

- a) *Auditors' Report from Ernst & Young, dated April 9, 2004 and related attachment:*
  - i) *Statement of Operating Revenues and Expenditures.*

Vice Chair Gordon, Chair, Finance and Administration Sub-committee, referenced the information presented and its positive indications.

**It was MOVED and SECONDED**

That the LMTAC Executive Committee receive for information the audited statement, and direct staff to forward the statement to the LMTAC Board.

**CARRIED UNANIMOUSLY**

**6.1b) Draft 2005 Budget Assumptions**

*Document titled "Preliminary LMTAC Budget 2005 Assumptions" labeled "Draft".*

Vice Chair Gordon, Chair, Finance and Administration Sub-committee, referenced the subject document, and welcomed comments in this regard. Clarification was offered regarding the list of expenditures.

**It was MOVED and SECONDED**

That the LMTAC Executive Committee endorse the list of 2005 Budget Assumptions as presented, and direct staff to forward the list to the LMTAC Board.

**CARRIED UNANIMOUSLY**

**6.1c) 2004 Annual LMTAC Member Survey**

*LMTAC Report regarding "2004 LMTAC Annual Member Survey".*

Kirstie Pirie, Manager, reviewed minor amendments to the Annual Member Survey. Vice Chair Gordon acknowledged upcoming LMTAC staff performance reviews, noting that members would be requested to submit feedback in this regard.

**It was MOVED and SECONDED**

That the LMTAC Executive Committee endorse the 2004 Annual LMTAC Member Survey for distribution at the September 29, 2004 LMTAC Board Meeting.

**CARRIED UNANIMOUSLY**

**4:55 p.m.**

Councillor Lonsdale departed the meeting.

**7. CHAIR AND STAFF REPORTS**

**7.1 Chair's Report**

No items were presented.

**7.2 Staff Report**

Kirstie Pirie, Manager, reminded members that the September LMTAC Board meeting had been rescheduled to September 29, 2004, and that the LMTAC Executive Committee meeting would be held September 15, 2004.

**8. MISCELLANEOUS REPORTS**

**8.1 UBCM**

No items were presented.

**8.2 Federal of Canadian Municipalities (FCM)**

No items were presented.

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

Kirstie Pirie, Manager, acknowledged an invitation received from the LMMA President, to their next annual general meeting.

**9. OTHER BUSINESS**

**9.1 Review of LMTAC First Principles (Status Update)**

Kirstie Pirie, Manager, provided an update on the process for reviewing LMTAC's First Principles noting that comments had been received in this regard, from some jurisdictions.

**9.2 Second Edition of the "Building Relations with First Nations Handbook"**

Kirstie Pirie, Manager, noted that that Technical Strategic Working Group (TSWG) met with LMTAC staff, UBCM and Fraser Basin Council staff, following a request from UBCM given the interest from local governments throughout BC for protocol agreements to initiate better relationships. As many agreements had been completed since the first edition of the "Building Relations with First Nations Handbook", it was noted that a jointly developed second edition (inclusive of analysis and process information) would be compiled.

**9.3 Potential Governance Models for First Nation – Regional District Relations Post-Treaty**

*On-table GVRD report regarding "A Review of Potential Governance Models for First Nation – Regional District Relations Post-Treaty" dated June 15, 2004.*

Marino Piombini, GVRD, noted that staff was requested by the Corporate and Intergovernmental Committee to develop a model for First Nation's participation with regional government. Information was provided regarding the overview and analysis of four potential governance models identified in the report.

It was recognized that in consideration of the First Nation–Regional District relationship, various regional issues would need to be addressed including servicing, environmental standards and regulations, land use planning, dispute resolution, consultations with the provincial government, and GVRD principles relative to treaty negotiations. Mr. Piombini acknowledged the Corporate and Intergovernmental Committee's review of the report, and subsequent recommendations.

Vice-Chair Gordon noted that First Nations may be keen to participate at more than one regional district, and further noted that a First Nations person residing in a municipality would be able to vote in both municipal and First Nations elections.

**10. INFORMATION**

**It was MOVED and SECONDED**

That the LMTAC Executive Committee receive for information the following items:

- 10.1 Correspondence;
- 10.2 Honarium and Expense Form; and
- 10.3 Meeting Dates 2004.

**CARRIED UNANIMOUSLY**

**11. CONCLUSION**

**It was MOVED and SECONDED**

THAT the Regular Meeting of the LMTAC Executive Committee held July 14, 2004 be concluded.

**CARRIED UNANIMOUSLY**

(Time: 5:07 p.m.)