

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

March 11, 2009

Minutes of the Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Executive Committee** scheduled 2:30 – 3:50 p.m. on Wednesday, March 11, 2009, in the 2nd Floor Meeting Room, 4330 Kingsway Burnaby, B.C.

ATTENDANCE:		
JURISDICTION:	ELECTED REPRESENTATIVES TO LMTAC:	STAFF REPRESENTATIVES TO LMTAC:
Greater Vancouver RD	Mayor Ralph Drew (Chair)	Marino Piombini
Delta, Corporation of	Councillor Anne Peterson	
Langley, Township of	Councillor Mel Kositsky	
Richmond, City of	Councillor Linda Barnes	
Squamish, District of	Councillor Corinne Lonsdale	
SLDR	Director Lee Turnbull (via conference call)	
White Rock, City of	Councillor James Coleridge (arrived 2:47 p.m.)	
LMTAC STAFF ATTENDANCE:		
Regan Schlecker	Managing Director	
Mark Kirsop	Policy Analyst	
PREPARATION OF MINUTES:		
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 2:35 p.m.

1. AGENDA FOR ADOPTION

1.1 March 11, 2009

It was MOVED and SECONDED

THAT the Agenda for the Regular Meeting of the LMTAC Executive Committee scheduled March 11, 2009 be adopted, with the inclusion of the on-table documents related to Items 4.2 and 9.1.

CARRIED UNANIMOUSLY

2. MINUTES FOR ADOPTION

2.1 February 18, 2009 Executive Committee

It was MOVED and SECONDED

THAT the Minutes of the Regular Meeting of the LMTAC Executive Committee held February 18, 2009 be adopted as circulated.

CARRIED UNANIMOUSLY

3. DELEGATIONS

No delegations were received.

4. REPORTS

4.1 Summary of Results – Monthly Board Feedback Form

LMTAC Report regarding “Summary of Results – LMTAC Monthly Board Feedback Form, February 2009”, dated March 2, 2009.

It was MOVED and SECONDED

THAT the LMTAC Executive Committee receive for information the report titled “Summary of Results – LMTAC Monthly Board Feedback Form, February 2009”, dated March 2, 2009.

CARRIED UNANIMOUSLY

4.2 Update – Responses Received re: Summary of LMTAC Interests Regarding Common Table Negotiations

Related items:

- a) *LMTAC Report regarding “Update – Responses Received from LMTAC Member Jurisdictions re Summary of LMTAC Interests Regarding Common Table Negotiations”, dated March 4, 2009; and related items; and*
- b) *On-table correspondence from the Ministry of Aboriginal Relations and Reconciliation dated February 5, 2009 to the Chair, First Nations Relations Committee, UBCM.*

Mark Kirsop, Policy Analyst, noted that the subject report provided an update on the responses received to the “Summary of LMTAC Interests”. He reviewed the ten responses received from Lower Mainland local governments, and a resolution presented by the Metro Vancouver Intergovernmental Relations Committee. No concerns were received relative to the summary.

Regan Schlecker, Managing Director, noted that the on-table correspondence item, referenced the Ministry of Aboriginal Relations and Reconciliation’s receipt of the summary.

It was MOVED and SECONDED

THAT the LMTAC Executive Committee:

- a) receive for information the report titled “Update – Responses Received from LMTAC Member Jurisdictions re Summary of LMTAC Interests Regarding Common Table Negotiations”, dated March 4, 2009; and
- b) direct staff to forward the report to the LMTAC Board for information.

CARRIED UNANIMOUSLY

5. STANDING REPORTS

5.1 Negotiation Table Reports

5.1a) Katzie

No items presented.

5.1b) Musqueam

No items presented.

5.1c) Squamish

No items presented.

5.1d) Tsawwassen

Regan Schlecker, Managing Director, referred the meeting to the TFN Land Use Plan document which was available on TFN’s website. It was noted that by mid-March 2009 an announcement and invitations regarding April 3, 2009 treaty effective date celebrations were expected.

5.1e) Tsleil-Waututh

No items presented.

5.1f) Other

No items presented.

6. OTHER BUSINESS

6.1 Finance and Administrative Sub-Committee (FASC)

Councillor Lonsdale, Chair, Finance and Administrative Sub-Committee, confirmed that the next meeting of the Finance and Administrative Sub-Committee was scheduled April 8, 2009.

7. CHAIR AND STAFF REPORTS

7.1 Chair's Report

No items presented.

7.2 Staff Report

Regan Schlecker, Managing Director, referenced a treaty workshop and orientation session LMTAC would be providing to the Te'mexw TAC on March 21, 2009. She confirmed that Tsleil-Waututh representatives would be providing a presentation on the *Tsleil-Waututh Nation Stewardship Policy*, during the public portion of the March 25, 2009 LMTAC Board Meeting.

The meeting was further informed that the annual audit process, would soon conclude.

2:47 p.m.

Councillor Coleridge arrived at the meeting.

8. MISCELLANEOUS REPORTS

8.1 Metro Vancouver Intergovernmental Relations Committee

Chair Drew reported that he provided overviews at the last Metro Vancouver Intergovernmental Relations Committee meeting relative to: Common Table issues (during the public portion of the meeting); and Katzie Table issues (during the closed portion of the meeting). Their next meeting was scheduled April 9, 2009.

8.2 Fraser Valley Treaty Advisory Committee (FVTAC)

Minutes of the January 27, 2009 Fraser Valley Treaty Advisory Committee Meeting.

Councillor Kositsky referred the meeting to the Minutes of the January 27, 2009 FVTAC Meeting. He noted that an update was provided regarding all the treaty tables and their activities. The next meeting was scheduled March 24, 2009.

8.3 Union of British Columbia Municipalities (UBCM)

Chair Drew confirmed that he and Vice Chair Lonsdale would be attending the next meeting of the UBCM First Nations Relations Committee, scheduled March 12, 2009.

8.4 Federation of Canadian Municipalities (FCM)

Councillor Kositsky referenced FCM meetings held in Victoria in early March.

9. OTHER BUSINESS

9.1 Proposed Indigenous Rights Recognition Act

Related items:

- a) *Vancouver Sun Article titled "Liberals and Native Leaders Press 'Recognition' Agenda", dated February 26, 2009;*
- b) *Vancouver Sun Article titled "Park Visitors, Nature Threaten Ancient Rock Carvings; Lack of Money Makes it Difficult to Preserve First Nations Heritage", dated February 27, 2009;*
- c) *Globe & Mail Article titled "Province to Introduce Act to Define Method to Make Decisions Over Lands and Resources", dated February 28, 2009;*
- d) *On-table items:*
 - *Proposed recommendation from the LMTAC Chair;*
 - *Memorandum from the LMTAC Chair to the LMTAC Executive Committee, dated March 11, 2009;*
 - *Document titled "Discussion Paper on Instructions for Implementing the New Relationship", labeled "Confidential – Without Prejudice" and dated February 19, 2009;*
 - *Draft correspondence from the LMTAC Chair to the Minister of Aboriginal Relations and Reconciliation, regarding "Proposed Indigenous Recognition and Reconciliation Act", dated March 12, 2009;*

- *Correspondence from the LMTAC Chair to the Minister of Aboriginal Relations and Reconciliation, regarding "Proposed Indigenous Recognition and Reconciliation Act", dated March 9, 2009; and*
- *Vancouver Sun article regarding "Business Leaders Don't Like Liberal Plans for Native Recognition Act", by Vaughn Palmer, dated March 11, 2009.*

Chair Drew referred the meeting to the on-table information items provided, and specifically to the Discussion Paper the Province had tabled with the First Nations Summit and the Union of BC Indian Chiefs (which local government had not been consulted on).

He recalled that LMTAC had reminded the Minister of Aboriginal Relations and Reconciliation (MARR) in March 2008, of local government's interest in being consulted. LMTAC sent a subsequent letter on March 9, 2009, reminding the Province of its commitment to consult with local government. He added that the Discussion Paper had been posted by the Province on the internet. The Chair reviewed input offered by LMTAC staff relative to the paper.

He recognized the need to respond urgently, noting that there had been suggestions that the Minister of Aboriginal Relations and Reconciliation intended to table draft legislation before April 2, 2009. A March 6, 2009 *Vancouver Sun* article quoted the Minister relative to his intentions regarding the legislation.

Chair Drew referred the meeting to the memorandum provided by staff, which included a series of questions, raised by the Discussion Paper. The Chair reviewed his understanding that UBCM may have received a private briefing on the matter. Members expressed concerns that MARR's briefing with the UBCM Executive Committee, could be considered consultation.

Request for Action

It was requested that the following changes be made to the list of questions intended to accompany the letter to the Minister:

- a) *Page 3: omit the word "following" from the first bulleted question listed under the sub-section titled "General";*
- b) *Page 3: append to the first bulleted question listed under the sub-section titled "General", the following question: "Should there be no specific authority, how will the province achieve such legislation with the support of the federal government";*
- c) *Page 4: add the question: "How will the proposed legislation affect local government infrastructure located on crown lands, landfills, water lines, reservoirs, dykes, etc." after the third question in the "Shared Decision Making" section;*
- d) *Page 4: following the new question added to the "Shared Decision Making" section relative to infrastructure, add the question: "Will the proposed legislation add an additional layer of approval for local government applications to use or secure Crown lands required for local government purposes"; and*
- e) *Throughout the list of questions use the phrase "including but not limited to" where appropriate.*

It was further requested that the following changes be made to the letter to the Minister:

- a) *Add to the list of 'carbon copy' recipients at the end of the letter, the Deputy Minister of Community Development and the Deputy Minister of the Attorney General's office;*
- b) *Replace "received" in the second paragraph of the letter with "obtained"; and*
- c) *The letter could convey the message that "it is unfortunate that LMTAC had to find the document, rather than receiving it directly from MARR. LMTAC located it on the MARR website".*

Mark Kirsop, Policy Analyst, clarified that the on-table map (indicating an aggregation of BC First Nations) was a product of the Union of BC Indian Chiefs and was not supported by all First Nations.

Members questioned why the Province appeared to be rushing the legislation. Their actions had raised angst in the business and industrial communities, which was spreading rapidly through local government.

It was MOVED and SECONDED

THAT the LMTAC Executive Committee direct staff to send the letter to the Minister of Aboriginal Relations and Reconciliation as revised, along with the revised list of questions requesting:

- a) the Minister meet directly with the LMTAC Executive Committee to initiate consultation on the proposed legislation; and
- b) that Ministry staff present an in-camera briefing on the proposed legislation to the LMTAC Board at its March 25, 2009 meeting.

CARRIED UNANIMOUSLY

Chair Drew confirmed that the Discussion Paper and the letter to the Minister would be forwarded electronically to all LMTAC members (and their staff representatives), TAC Chairs, and the UBCM, before the end of the day.

Members were encouraged to review items available on the MARR website including an overhead presentation and a report from the First Nations Summit.

In response to questions raised, Chair Drew advised that in the past he'd been able to communicate quickly with the Executive Committee, if a prompt decision was required. He acknowledged that LMTAC bylaws allowed the Chair and Executive Committee to act in certain circumstances without Board endorsement.

It was suggested that the UBCM be encouraged to seek a legal opinion on how the legislation may affect or impact local government issues. Chair Drew confirmed that an electronic update regarding the situation would be circulated to the Executive Committee within the week.

10. INFORMATION

It was MOVED and SECONDED

The LMTAC Executive Committee receive for information the following items:

- 10.1 Fasken Martineau Aboriginal Law Bulletin;
- 10.2 Media Articles – Business in Vancouver (March 3-9, 2009); and
- 10.3 Honoraria and Expense Form.

CARRIED UNANIMOUSLY

11. NEXT MEETING DATE

Members were informed that the next Regular Meeting of the LMTAC Executive Committee was scheduled March 25, 2009 (if required).

12. CONCLUSION

It was MOVED and SECONDED

THAT the Regular Meeting of the LMTAC Executive Committee held March 11, 2009 now conclude.

CARRIED UNANIMOUSLY

(Time: 4:00 p.m.)