

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

May 13, 2009

Minutes of the Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Executive Committee** scheduled 3:00–4:00 p.m. on Wednesday, May 13, 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	
North Vancouver, District of	Councillor Alan Nixon	
Richmond, City of	Councillor Linda Barnes	
Squamish, District of	Councillor Corinne Lonsdale	
SCRD	Director Lee Turnbull	
White Rock, City of	Councillor James Coleridge	
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 3:00 p.m.

1. AGENDA FOR ADOPTION

1.1 May 13, 2009

It was MOVED and SECONDED

THAT the Agenda for the Regular Meeting of the LMTAC Executive Committee scheduled May 13, 2009 be adopted as presented.

CARRIED UNANIMOUSLY

2. MINUTES FOR ADOPTION

2.1 April 8, 2009 Executive Committee

It was MOVED and SECONDED

THAT the Minutes of the Regular Meeting of the LMTAC Executive Committee held April 8, 2009 be adopted as circulated.

CARRIED UNANIMOUSLY

3. DELEGATION

No delegation was received.

4. LMTAC REPORTS

4.1 Summary of Results – Monthly Board Feedback Form

LMTAC Report regarding “Summary of Results – LMTAC Monthly Board Feedback Form, April 2009”, dated April 23, 2009.

The meeting was informed that a request had been received that LMTAC consider inviting Grand Chief Doug Kelly to an upcoming LMTAC Board Meeting to discuss the proposed *Recognition and Reconciliation Act*.

It was MOVED and SECONDED

THAT the LMTAC Executive Committee:

- a) receive for information the report regarding "Summary of Results – LMTAC Monthly Board Feedback Form, April 2009", dated April 23, 2009; and
- b) hold in abeyance (until legislation relative to the *Recognition and Reconciliation Act* had been drafted) the request to invite Grand Chief Doug Kelly to an LMTAC Board Meeting.

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

No items presented.

5.1e) Tsleil-Waututh

No items presented.

5.1f) Other – Hwlitsum

Document titled "Hwlitsum First Nation's Statement of Intent", and attached map titled "Traditional Territory of the Hwlitsum".

Marino Piombini, Metro Vancouver, referenced his discussions with various groups relative to the Metro Vancouver consultation process. While speaking with a representative from the Hwlitsum First Nation, he learned that the First Nation had 185 status members and 350 non-status members; and, was currently in Stage 2 of their treaty process. He added that the BC Treaty Commission would soon be providing an update regarding which negotiators had been assigned to the table.

6. SUB-COMMITTEE REPORTS

6.1 Finance and Administrative Sub-Committee (FASC)

6.1a) Proposed Revisions to LMTAC Operating Procedures

LMTAC Report regarding "Proposed Revisions to LMTAC Operating Procedures", dated May 4, 2009.

Councillor Lonsdale, Chair, Finance and Administrative Sub-Committee, referred the meeting to the report provided and the recommendations therein.

In response to questions raised, it was noted that the MOU to establish TAC groups explicitly references 'local government', implying that First Nations would not be eligible to sit as members on the LMTAC Board. Marino Piombini, Metro Vancouver, added that TFN staff was currently focused on overlap and other significant issues, and had not requested an opportunity to participate on LMTAC. TFN had been invited to sit on Delta's committees and commissions, but had not been able to attend many meetings due to their current workload. It was confirmed that while TFN wasn't part of LMTAC, they would receive copies of the public and in-camera LMTAC Board Meeting minutes as Metro Vancouver Board members.

Request for Action

It was requested that future issues relative to TFN be considered on LMTAC agendas under 'Miscellaneous Reports' in a new sub-section titled 'Treaty Implementation'.

Regan Schlecker, Managing Director, referenced discussions with the provincial negotiating team regarding local government's expectations relative to treaty implementation. She added that LMTAC had requested to be kept informed regarding specific chapters, and had also requested monitoring of other issues.

It was MOVED and SECONDED

THAT the LMTAC Executive Committee recommend for endorsement the proposed draft wording to LMTAC's Operating Procedures (as provided in the report titled Proposed Revisions to LMTAC Operating Procedures", dated May 4, 2009), related to:

- Reference to the new MOU (Sections 1a, 2a);
- Nomination Committee (Section 7.1a);
- Election Procedures (Section 7.1d); and
- Treaty Table Representation (Sections 7.2a, 8b).

CARRIED UNANIMOUSLY

6.1b) Electronic Agenda Distribution

LMTAC Report regarding "Electronic Agenda Distribution", dated April 1, 2009 and related attachment.

Councillor Lonsdale, Chair, Finance and Administrative Sub-Committee, reviewed the recommendation provided. Members requested that the three month trial period refer to months when LMTAC meetings were held.

It was MOVED and SECONDED

THAT the LMTAC Executive Committee endorse the following:

- i) no change to current Executive and Board agenda distribution methods in recognition of ongoing challenges related to ensuring reliable agenda distribution to all Executive and Board members and the potential risk of unauthorized electronic distribution of in-camera materials;
- ii) a three-month trial period (during months when LMTAC meetings are held) for LMTAC staff to provide an electronic copy of the public Board agenda to those members that expressed an interest to receive agenda packages electronically, and for staff to report back to FASC; and
- iii) the Managing Director to inquire about the possibility of archiving electronic LMTAC files within Metro Vancouver facilities.

CARRIED UNANIMOUSLY

7. CHAIR AND STAFF REPORTS

7.1 Chair's Report

Chair Drew acknowledged a presentation he provided at a recent *Lower Mainland Local Government Association (LMLGA)* conference, regarding the *Recognition and Reconciliation Act*. His presentation underscored the fact that local government should be aware of the significance of the proposed legislation.

Additionally, he reported that LMTAC had provided presentations to Maple Ridge, the City of Langley and Pitt Meadows Councils, and that other presentations were being scheduled.

7.2 Staff Report

Regan Schlecker, Managing Director, advised that Metro Vancouver had increased its fees for directors attending meetings. Councillor Lonsdale, Chair, Finance and Administration Sub-Committee, added that the increased fees had significant impacts on LMTAC's budget, and as such, required further discussion. Chair Drew provided background information regarding the LMTAC stipend structure, and confirmed that current reserves would be able to accommodate the recent increase, at this time.

Ms. Schlecker added that although LMTAC had requested the province's annual contribution be increased to \$80,000, assurances had been provided that LMTAC could count on \$40,000.

The meeting was informed that a Pacific Business and Law Institute Conference on "First Nations and Local Governments for Creating Mutual Benefits through Service Delivery" was scheduled October 6-7, 2009 in Vancouver. A session on "Challenging Urban Contexts" was scheduled on the second day of the conference, at which former LMTAC Executive Committee Member Harold Steves would be participating as a panelist. Based on the information provided, it was noted that the conference appeared to have an academic focus.

Request for Action

It was requested that staff contact the organizers of the Pacific Business and Law Institute Conference to request an invite to attend the conference.

It was MOVED and SECONDED

THAT the LMTAC Executive Committee request that the LMTAC Managing Director register and attend the Pacific Business and Law Institute Conference on "First Nations and Local Governments for Creating Mutual Benefits through Service Delivery" scheduled October 6-7, 2009, and further that 'Observer Status' be requested for the Managing Director at the proceedings.

CARRIED UNANIMOUSLY

8. MISCELLANEOUS REPORTS

8.1 Metro Vancouver Intergovernmental Relations Committee

Chair Drew acknowledged his understanding that there would be a First Nations Relations Subcommittee of the Metro Vancouver Intergovernmental Relations Committee. Marino Piombini, Metro Vancouver, added that although liaisons had been nominated for First Nations that Metro Vancouver would be working with on key projects in 2009, nothing further had yet been reported.

Request for Action

Chair Drew agreed to ask the Metro Vancouver CAO regarding the status of the First Nations Relations Subcommittee of the Metro Vancouver Intergovernmental Relations Committee.

A media release regarding the appeal of the Musqueam decision was referenced, which focused on the importance of consultation by the provincial government with local government. It was suggested that LMTAC members may be keen to see excerpts of the judgment. The appeal would go to full trial, while the initial decision was based on arguments presented to the two parties.

Request for Action

It was requested that LMTAC staff provide LMTAC Board Members and the UBCM Policy Analyst with electronic links to the judgments on the Musqueam decision, and the Comox Strathcona Regional District / Province of BC decision.

8.2 Fraser Valley Treaty Advisory Committee (FVTAC)

Councillor Kositsky reported that the May 2009 FVTAC Meeting had been cancelled. Highlights of the April 28, 2009 meeting with In-SHUCK-CH Nation had been compiled.

8.3 Union of British Columbia Municipalities (UBCM)

The meeting was informed that the agenda for the May 14, 2009 First Nations Relations Committee meeting included the *Recognition and Reconciliation Act* and the Common Table. It was noted that the UBCM received a copy of a legal opinion prepared by Sandra Carter on the *Recognition and Reconciliation Act*.

A member expressed concerns that the legal opinion obtained by UBCM was based on a discussion paper only, as the legislation did not yet exist. He added that the First Nations Summit had compiled a rebuttal to the Isaac and Clark opinion, which was now available on their website.

8.4 Federation of Canadian Municipalities (FCM)

No items presented.

9. OTHER BUSINESS

In response to questions raised, it was confirmed that recent court judgments related to regional districts and consultation would be brought to the UBCM table for potential discussion. It was noted that the UBCM played a big role in crafting the *Local Government Act*.

10. INFORMATION

It was MOVED and SECONDED

The LMTAC Executive Committee receive for information the following items:

- 10.1 Correspondence; and
- 10.2 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 June 10, 2009 (if required).

12. CONCLUSION

It was MOVED and SECONDED

THAT the Regular Meeting of the LMTAC Executive Committee held May 13, 2009 now conclude.

CARRIED UNANIMOUSLY

(Time: 4:05 p.m.)