

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

October 14, 2009

Minutes of the Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Executive Committee** scheduled 3:30 to 4:30 p.m. on Wednesday, October 14, 2009, in the 2nd Floor Meeting Room, 4330 Kingsway Burnaby, B.C.

ATTENDANCE:		
JURISDICTION:	LMTAC ELECTED REPRESENTATIVE:	LMTAC STAFF REPRESENTATIVE:
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 (departed 4:30 p.m.)	
Richmond, City of	Councillor Linda Barnes (departed 4:30 p.m.)	
Squamish, District of	Councillor Corinne Lonsdale	
SCRD	Director Lee Turnbull (via teleconference)	
SLRD	Director Jordan Sturdy	
White Rock, City of	Councillor Mary Wade Anderson	
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 3:42 p.m.

1. AGENDA FOR ADOPTION

1.1 October 14, 2009

It was MOVED and SECONDED

THAT the Agenda for the Regular Meeting of the LMTAC Executive Committee scheduled October 14, 2009 be adopted with the inclusion of on-table items:

- Item 8.3 – Draft Round 3 Application Form to UBCM; and
- Item 9.1 – Draft Letter to Minister George Abbott.

CARRIED UNANIMOUSLY

2. MINUTES FOR ADOPTION

2.1 September 23, 2009 Executive Committee

It was MOVED and SECONDED

THAT the Minutes of the Regular Meeting of the LMTAC Executive Committee held September 23, 2009 be adopted, with an amendment to replace the title of Agenda Item 5.1D 'Tsawwassen' to 'Hwlitsum'.

CARRIED UNANIMOUSLY

3. DELEGATION

No delegation was received.

4. LMTAC Reports

4.1 Summary of Results – Monthly Board Feedback Form

Summary of Results – LMTAC Monthly Board Feedback Form, September 2009

Mark Kirsop, Policy Analyst, confirmed that no comments or questions requiring Executive Committee consideration had been submitted at the last meeting. Annual LMTAC Board Survey submissions had been received and a summary report would be provided next month.

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) Hwlitsum

No items presented.

5.1e) Tsleil-Waututh

No items presented.

5.1f) Other

No items presented.

6. SUB-COMMITTEE REPORTS

6.1 Finance and Administrative Sub-Committee (FASC)

No items presented.

7. CHAIR AND STAFF REPORTS

7.1 Chair's Report

Chair Drew referenced the recent meeting with Minister Abbott regarding a range of issues. Regardless of the Province's prior funding commitment, it was noted that the Minister reported that funding was not available for LMTAC.

Members acknowledged potential opportunities to educate new provincial leaders regarding the importance of LMTAC (including its research efforts, etc.). A binder of various LMTAC documents was brought to the meeting with the Minister for information, to indicate LMTAC's contributions and value. The Minister did recognize LMTAC as a 'sounding board'.

Request for Action

It was requested that a letter be sent to Minister Abbott thanking him for the meeting, and reiterating: key messages on the value of LMTAC; and that LMTAC looked forward to remaining a sounding board for the Province.

7.2 Staff Report

Regan Schlecker, Managing Director, confirmed that she had cancelled the website maintenance contract effective January 1, 2010. The site could thereafter be hosted by the City of Surrey or otherwise. She advised that upcoming annual presentations to the regional districts had been scheduled. Additionally, a presentation to Whistler Council was scheduled on November 17, 2009.

It was MOVED and SECONDED

THAT the LMTAC Executive Committee receive for information the Chair and Staff Reports.

CARRIED UNANIMOUSLY

8. MISCELLANEOUS REPORTS

8.1 Metro Vancouver Intergovernmental Relations Committee

Marino Piombini reported that the next Intergovernmental Relations Committee meeting was scheduled October 15, 2009. It was noted that a number of Metro Vancouver Board members and the CAO had met recently with some provincial ministers and others, to discuss some issues of common interest. A presentation was provided at that meeting by the Metro Vancouver CAO relative to waste management issues.

It was MOVED and SECONDED

THAT the Metro Vancouver CAO be invited to attend the November 18, 2009 LMTAC Executive Committee meeting, to brief members or make the same presentation he provided at a recent meeting with the provincial ministers, relative to waste management issues.

CARRIED UNANIMOUSLY

8.2 Fraser Valley Treaty Advisory Committee (FVTAC)

Councillor Kositsky confirmed that the October 27, 2009 meeting had been cancelled due to lack of activity and budget constraints. The next meeting may be scheduled in November 2009.

8.3 Union of British Columbia Municipalities (UBCM)

Related items:

- a) *UBCM correspondence regarding "2009/10 Operational Funding for Treaty Advisory Committees", dated September 17, 2009; and*
- b) *On-table UBCM "Round 3 Application Form", for the Pilot Project Program for Local Governments, labeled "Draft".*

Regan Schlecker, Managing Director, referenced the on-table UBCM application form. UBCM was able to reopen a round of applications for supporting a treaty implementation program, to allow for one-time funding for TAC operations. The draft application provided would be finalized and submitted by LMTAC prior to the October 30, 2009 deadline. The maximum that could be provided for each active AIP treaty table was \$5,000 (intended for related staff time, travel, accommodation, meals and per diems). She reviewed her understanding that 70% of the approved funding would be provided in advance, and the remaining 30% would be provided following receipt of a final report in March 2010.

It was MOVED and SECONDED

THAT the LMTAC Executive Committee direct the Managing Director to submit the UBCM Round 3 Application Form, as presented.

CARRIED UNANIMOUSLY

8.4 Federation of Canadian Municipalities (FCM)

Councillor Kositsky reported that the FCM was organizing a November 18-21, 2009 Board Meeting in Ottawa. He acknowledged the opportunity to bring forward issues from the LMTAC Executive Committee for presentation to the federal minister at the FCM.

Chair Drew suggested that LMTAC's discussion paper *Local Government Consultation with First Nations – Issues and Concerns* (modified to include information regarding the protection of privacy and freedom of information) be brought forward to the FCM Board Meeting,

Request of Staff

It was requested that staff compile and provide an information package for presentation to the November 2009 FCM Board Meeting. Councillor Kositsky agreed to ask FCM to contact the LMTAC office in this regard.

8.5 Treaty Implementation

No items presented.

9. OTHER BUSINESS

9.1 Consultation with First Nations

Related items:

- a) *On-table draft letter to Minister George Abbott from the LMTAC Chair; and*
- b) *LMTAC Report regarding "Consultation with First Nations – Discussion Points for Next Steps" dated October 6, 2009.*

Chair Drew acknowledged revisions to the draft letter to Minister George Abbott, provided by the Corporation of Delta. It was noted that identification of the applicant had been protected in the revised draft.

During an ensuing discussion, it was noted that the applicant should have been advised that they did not require a permit or consent. Furthermore, when the referral was sent out, only the location of the application should have been specified. Better coordination by the Province was required, otherwise each future applicant would need to send applications out to multiple First Nations.

Chair Drew suggested that a provincial policy was needed that kept the requirement to consult with senior levels of government, with the Crown. Property owners and businesses should not be required to do so. He suggested that if efforts were made to ask the Province to not refer issues, they could potentially transfer the responsibility to local government. The implications of local government administrative staff, taking on this responsibility were acknowledged. Members suggested a 'degree' for consultation be determined (i.e. only major projects should require consultation).

It was confirmed that the letter was in response to correspondence from Tsleil-Waututh. The issue had now been raised with the Minister, and the letter was going forward with broad distribution. Additional concerns were expressed, that a staff person signing an application on behalf of a local government, had recently be identified as the 'applicant'.

Request for Action

It was requested that the draft letter to Minister Abbott be amended as follows:

- a) *replace the reference to Councillor Lonsdale in the carbon copy list, with the newly elected UBCM President;*
- b) *replace the reference to 'misleading' in the third paragraph to 'misrepresents';*
- c) *in the last sentence of the first paragraph on the second page:*
 - *replace 'location' with 'legal description or GPS coordinates'; and*
 - *conclude the sentence, after 'BC Archaeology Branch'.*

4:30 p.m.

Councillors Linda Barnes and Alan Nixon left the meeting.

It was MOVED and SECONDED

THAT the LMTAC Executive Committee direct staff to send the revised letter to Minister Abbott and others as indicated.

CARRIED UNANIMOUSLY

Member suggested speaking with the Ministry about shared territory versus overlaps. It was further noted that consulting with one body rather than multiple bodies, would be beneficial. Future discussions regarding 'degrees of consultation' were suggested.

Chair Drew referred the meeting to the LMTAC Report regarding "Consultation with First Nations – Discussion Points for Next Steps". He recognized two forthcoming initiatives: firstly, to forward LMTAC's Issues and Concerns Discussion Paper on Consultation for the federal government at the FCM; and secondly, to recognize the need to focus on the 'big picture' policy on consultation.

It was noted that the Assembly of First Nations (AFN) was in the process of compiling a legal analysis of federal interim guidelines. They were consulting with Regional Chiefs, and were monitoring Crown's behaviour as their consultation duties appeared to have been diluted down to 'engagement'. They were coordinating a National Policy Forum at which they would review and discuss their issues, prior to the end of the year.

It was MOVED and SECONDED

THAT the LMTAC Executive Committee adopt the following two initiatives as 'Next Steps':

- 1) providing the LMTAC Issues and Concerns Discussion Paper on Consultation (modified to include information regarding the protection of privacy and freedom of information) for presentation to the federal government at the November 2009 FCM Meeting; and
- 2) focusing on the broad policy issues related to Consultation with First Nations.

CARRIED UNANIMOUSLY

10. INFORMATION

The following items were provided for information:

- 10.1 Correspondence
- 10.2 LMTAC Financial Statement as of August 2009
- 10.3 Honorarium and Expense Form Expense

11. NEXT MEETING DATE

Members were informed that the next Regular Meeting of the LMTAC Executive Committee was scheduled November 18, 2009 (if required).

12. CONCLUSION

It was MOVED and SECONDED

THAT the Regular Meeting of the LMTAC Executive Committee held October 14, 2009 now conclude.

CARRIED UNANIMOUSLY

(Time: 4:45 p.m.)