

**LOWER MAINLAND TREATY ADVISORY COMMITTEE
REGULAR MEETING**

September 29, 2004

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC)** scheduled 5:30 p.m. to 6:15pm and 7:45pm to 8:30 pm on Wednesday, September 29, 2004, in the 2nd Floor Boardroom, GVRD Offices, 4330 Kingsway, Burnaby, BC

ATTENDANCE:		
JURISDICTION:	LMTAC ELECTED REPRESENTATIVE:	LMTAC STAFF REPRESENTATIVE:
Greater Vancouver RD	Director Ralph Drew (Co-Chair)	Marino Piombini
Maple Ridge, District of	Councillor Candace Gordon (Vice Chair) (departed 6:30 p.m.)	
Belcarra, Village of	Councillor Colin Richardson	
Bowen Island, Municipality of	Mayor Lisa Barrett (departed 8:00 p.m.)	
Burnaby, City of	Councillor Lee Rankin	Kimberley Flick
Coquitlam, City of	Councillor Maxine Wilson	
Langley, City of Langley, Township of	Councillor Ted Schaffer Councillor Mel Kositsky	Frank Clark-Jones
Lions Bay, Village of	Councillor Lisa Turpin	
North Vancouver, District of	Councillor Alan Nixon	
Pitt Meadows, District of	Councillor Janis Elkerton	
Port Coquitlam, City of	Councillor Darrell Penner	Jim Maitland
Port Moody, City of		Gerry vanderWolf
Richmond, City of	Councillor Linda Barnes	
Squamish, District of	Councillor Corinne Lonsdale	
Squamish/Lillooet RD	Director John Turner	
Sunshine Coast RD	Director Barry Janyk	
Surrey, City of		Robert Costanzo (departed 8:00 p.m.)
Vancouver, City of		Rhys Williams (arrived 6:04 p.m. and departed 8:00 p.m.)
West Vancouver, District of	Councillor Jean Ferguson	
White Rock, City of	Councillor Mary Wade Anderson (departed 8:00 p.m.)	
LMTAC STAFF ATTENDANCE:		
Kirstie Pirie, Manager		
Regan Schlecker, Aboriginal Affairs Analyst		
GUESTS:		
Bronwen Beedle, Chief Negotiator, Provincial Treaty Negotiations Office (departed 8:00 p.m.)		
Jerry Lambert, Business Council of British Columbia (departed 6:46 p.m.)		
Dave Kennedy, Business Council of British Columbia (departed 6:46 p.m.)		
PREPARATION OF MEETING MINUTES:		
Karen Miller, Recording Secretary, Raincoast Ventures		

CALL TO ORDER

Chair Drew confirmed a quorum was in attendance, called the meeting to order at 5:37 p.m and led the meeting in a round of introductions.

1. **AGENDA FOR ADOPTION**

1.1 **September 29, 2004**

It was MOVED and SECONDED

THAT the Agenda for the Regular Meeting of the LMTAC Board scheduled September 29, 2004, be adopted as circulated.

CARRIED UNANIMOUSLY

2. **MINUTES FOR ADOPTION**

2.1 **July 28, 2004**

It was MOVED and SECONDED

THAT the Minutes of the LMTAC Board Meeting held July 28, 2004, be adopted as circulated.

CARRIED UNANIMOUSLY

2.2 **MINUTES FOR INFORMATION**

September 15, 2004 FASC

September 15, 2004 Executive

It was MOVED and SECONDED

THAT the Minutes of the Finance and Administration Sub-committee Meeting held September 15, 2004; and the Minutes of the LMTAC Executive Committee held September 15, 2004, be received for information.

CARRIED UNANIMOUSLY

3. **DELEGATION**

3.1 **Business Council of British Columbia (BCBC)**

- a) *August 16, 2004 correspondence to BCBC Re: Invitation to Address the LMTAC Board;*
- b) *June 3, 2004 News Release – Business Council of British Columbia Releases Recommendations for BC Treaty Process;*
- c) *Backgrounder: The British Columbia Treaty Process: A Road Map for Further Progress; and*
- d) *Overhead presentation notes: titled “BC Treaty Process: A Road Map for Further Progress”.*

Jerry Lampert, President and Chief Executive Officer, Business Council of British Columbia (BCBC) led the meeting in a review of the paper titled “BC Treaty Process: A Road Map for Further Progress” which offered information regarding the BCBC’s 190 member companies and organizations, including major businesses from all sectors of the BC economy which represented one quarter of all jobs in the province. BCBC’s longstanding interest in the treaty process was acknowledged.

Mr. Lampert recognized a BCBC strategy session which determined the need to create four strategic committees (one of which pertained to First Nations policy). It was noted that two operating subcommittees had since been formed relative to treaty negotiations and economic development. He added that the paper included 26 specific recommendations covering nine dimensions of the BC treaty process, and addressed the issues of consultation and accommodation.

Dave Kennedy, Consultant, BCBC, provided comments regarding First Nations claims areas (traditional territories) and discussed statements of intent within the treaty process. The preference for governments to confirm valid claims relative to First Nations areas (eg. sacred sites and berry picking sites) was reviewed. It was noted that there were currently large areas of the province that were affected by a lack of assessment/validation of claims and that there were many overlaps.

An overhead presentation was provided, which outlined various dimensions of the treaty process defined in the paper relative to:

- Consultation and Accommodation;

- First Nation Claims;
- Government Focus and Resources;
- Federal/Provincial Matters;
- Certainty;
- Failure to Agree;
- Consultation with Business; and
- Business – First Nations Relationships.

6:04 p.m.

Rhys Williams arrived at the meeting.

Mr. Lampert noted that the BCBC was recommending a dispute resolution mechanism to provide mediation services, assist with avoiding court action and to provide an arbitration system to back up the mediation process. Appendix Two of the paper was referenced, which provided information relative to businesses developing positive relationships outside the treaty process (e.g. Lignum, Tolko, EnCana, Alcan).

Mr. Kennedy advised that private briefings of the paper were provided to federal and provincial representatives, the First Nations Summit and the BCTC. He added that the paper was released on June 3, 2004 publicly (which received positive media coverage), and that additional briefing meetings were being scheduled to review recommendations that could help facilitate the process.

The meeting discussed the appropriate government department for the BCBC's paper to be directed to. In response to questions raised at the meeting, representatives from the BCBC offered the following comments:

- discussions on specific sectoral issues (eg. forestry) have been pursued with the provincial government;
- clarity in the process, relative to the 'landlord' would be essential; and
- it has been difficult to provide comfort or clarity to businesses, regarding land selection and access issues.

Chair Drew acknowledged LMTAC's First Principles, offered comments on the key interests of local government, and referenced LMTAC 'Backgrounders' to further define the interests of local government.

Request for Action:

It was requested that staff forward a complete set of LMTAC Backgrounders and First Principles to BCBC.

The meeting commended BCBC for their development of a communications strategy and suggested other platforms be considered for further communications (i.e. radio talk shows).

6:30 p.m.

Vice-Chair Candace Gordon departed the meeting.

Mr. Lampert and Mr. Kennedy provided examples of success stories (training programs and joint ventures), and referenced studies by KPMG and Price Waterhouse indicating the positive benefits of treaty settlements.

6:46 p.m.

Dave Kennedy and Jerry Lampert departed the meeting.

Adjournment

It was MOVED and SECONDED

THAT the Regular meeting of LMTAC Board held September 28, 2004 be adjourned

CARRIED UNANIMOUSLY
(Time: 6:47 p.m.)

Reconvene

The meeting reconvened at 7:38 p.m. with the same persons in attendance.

3.2 Special Item: Appointment of Representatives to the Tsawwassen and Musqueam Tables

On-table correspondence to the Mayors and Chairs of LMTAC Jurisdictions advising of the resignation of Councillor Harold Steves, dated September 29, 2004.

It was MOVED and SECONDED

THAT the LMTAC Board endorse the recommendation of the LMTAC Executive Committee to appoint Councillor Lee Rankin as LMTAC representative to the Tsawwassen Treaty Table, and Vice-Chair Candace Gordon as his alternate.

CARRIED UNANIMOUSLY

The meeting was informed that the October 2004 agenda would include a discussion regarding the appointment of the Musqueam Table Representative.

Bronwen Beedle, Chief Negotiator, Provincial Treaty Negotiations Office, referenced correspondence relative to the resignation of Councillor Harold Steves from LMTAC and the Tsawwassen Treaty Table.

4. LMTAC REPORTS

4.1 Briefing Note – Fiscal Interests and Treaty Negotiations

- a) *Briefing note titled ‘Briefing Note for LMTAC First Principle #36: Cost Neutral Agreements for Local Governments’;*
- b) *On-table document titled ‘Synopsis of the Saskatchewan Treaty Land Entitlement Framework Agreement’;*
- c) *Report Flow Summary: Fiscal Interests and Treaty Negotiations Briefing Note; and*
- d) *Report to LMTAC Members dated September 16, 2004, regarding ‘Fiscal Interests and Treaty Negotiations Briefing Note’.*

Chair Drew advised that a model that addressed fiscal interests had been drafted and required further input from staff and members.

Regan Schlecker, Aboriginal Affairs Analyst, acknowledged that a draft of the briefing note titled “Briefing Note for LMTAC First Principle #36: Cost Neutral Agreements for Local Governments” was brought forward in July 2004 and that the province had requested further clarification of the term “compensation”. A joint BC and LMTAC Special Meeting held September 15, 2004 was referenced, which included a discussion with regard to current revenue sources, future prospects and lost opportunity costs.

A member suggested additional consideration of the potential impact on neighboring municipalities. Chair Drew offered that member jurisdictions would be polled for additional comments, to take advantage of LMTAC’s broad talents. He emphasized the importance, responsibility and timeliness of immediate feedback from all LMTAC members.

Ms. Schlecker distributed the case study entitled “Synopsis of the Saskatchewan Treaty Land Entitlement Framework Agreement”, and noted that a framework agreement was signed wherein Canada contributed 70% and the province contributed 30% to a 540 million fund wherein fee simple lands could be purchased on a willing seller/willing buyer basis. She referenced Article 12 of the case study, which referenced the formula of the rural municipal compensation fund. Ms. Schlecker indicated that this would be a starting point for consideration of how local governments could be compensated within the urban treaty context. It was suggested that this topic would be given further consideration by the TSWG, and that other resources from LMTAC’s jurisdictions (financial administrators) would be invited to participate, with the intent of developing a draft model by the end of October.

Request for Action

It was requested that a draft model that addressed fiscal interests, be presented for consideration at the LMTAC October 2004 Meeting.

It was MOVED AND SECONDED

THAT the LMTAC Board:

- a) receive the report titled "Fiscal Interests and Treaty Negotiations Briefing Note" dated September 16, 2004; and
- b) endorse the amended Briefing Note for LMTAC First Principle #36 in principle and circulate to member jurisdictions for information.

CARRIED UNANIMOUSLY

4.2 Briefing Note – Agricultural Land Reserve and Treaty Negotiations

- a) Briefing Note titled "Agricultural Land Reserve and Treaty Negotiations Background Briefing Note to LMTAC First Principle #19 – Preserve Agricultural Lands";
- b) Report Flow Summary: ALR Briefing Note; and
- c) Compilation of comments (received by August 4, 2004) to the LMTAC Briefing Note: Agricultural Land Reserve & Treaty Negotiations.

Regan Schlecker, Aboriginal Affairs Analyst, provided commentary regarding the Report Flow Summary.

It was MOVED and SECONDED

THAT the LMTAC Board endorse the Briefing Note: titled "Agricultural Land Reserve and Treaty Negotiations Background Briefing Note to LMTAC First Principle #19 – Preserve Agricultural Lands" as presented.

CARRIED UNANIMOUSLY

5. TABLE PROGRESS REPORTS

5.1 Negotiation Table Reports

5.1a) Katzie

Context Summary – Katzie, September 29, 2004

No additional items presented.

5.1b) Musqueam

No items presented.

5.1c) Squamish

No items presented.

5.1d) Tsawwassen

The meeting was advised that meetings had been scheduled on October 6, 2004 (including a Public Main Table meeting) at the TFN Band Office.

Request for Action:

It was requested that staff distribute via electronic mail to LMTAC Members, the schedule for the October 6, 2004 public TFN meeting.

Chair Drew advised the meeting that the LMTAC Executive Committee acknowledged the importance of expressing gratitude to Councillor Harold Steves for his significant commitment to LMTAC. The meeting discussed Councillor Steves' accomplishments and acknowledged his UBCM membership.

It was MOVED and SECONDED

THAT the LMTAC Board extend an expression of gratitude to Councillor Harold Steves in recognition of his commitment to LMTAC and the treaty negotiation tables.

CARRIED UNANIMOUSLY

5.1e) Tsleil-Waututh

No items were presented.

5.1f) Other

No items were presented.

8:00 p.m.

Councillor Mary-Wade Anderson, Mayor Lisa Barrett, Bronwen Beedle, Robert Costanzo and Rhys Williams departed the meeting.

6. SUB-COMMITTEE REPORTS

6.1 Finance and Administration Sub-Committee (FASC)

Kirstie Pirie, Manager, provided an overview of recent LMTAC presentations to member regional districts.

7. CHAIR & STAFF REPORTS

7.1 Chair's Report

Chair Drew provided an update regarding the Joint TAC Chairs' meeting held at the September 2004 UBCM Conference, and recognized issues and differences from rural and urban areas. An overview of the working group summary, regarding the development of local governance issues was provided, along with a timeline for submission of the report. A tabled letter on fiscal compensation and tight timelines was also referenced. It was noted that a letter to Minister Plant regarding additions to Treaty Settlement Lands would be sent.

Request for Action

It was requested that copies of the correspondence sent to Minister Plant, be forwarded to LMTAC members for information.

Chair Drew referenced the opportunity to meet with Minister Plant relative to funding issues; and noted that the same funding as last year should be expected. The meeting was reminded that issues focused on by LMTAC, would impact other areas of province.

7.2 Staff Report

September 20, 2004 Manager Report: July 20 – September 20, 2004 Activities

No other items were presented.

8. MISCELLANEOUS REPORTS

8.1 Fraser Valley Treaty Advisory Committee (FVTAC)

No items were presented.

8.2 Union of British Columbia Municipalities (UBCM)

No items were presented.

8.3 Federation of Canadian Municipalities (FCM)

No items were presented.

9. OTHER BUSINESS

Kirstie Pirie, Manager, requested members submit their completed "2004 LMTAC Member Surveys" to staff at the conclusion of the meeting.

10. INFORMATION

It was MOVED and SECONDED

THAT the LMTAC Board receive the following for information:

- 10.1 Correspondence – GVRD review of potential governance models for First Nation Regional Districts Relations Post-Treaty;
- 10.2 Correspondence – General;
- 10.3 Amendments to the Agricultural Land Commission Act, 2004;
- 10.4 GVRD Aboriginal Affairs Progress Report (June 2004);
- 10.5 Web Site Statistical Summary;
- 10.6 Honorarium and Expense Form; and
- 10.7 2004 Meeting Schedule.

CARRIED UNANIMOUSLY

11. ADJOURNMENT

It was MOVED and SECONDED

THAT the Regular Meeting of the LMTAC Board held September 29, 2004 be concluded.

CARRIED UNANIMOUSLY

(Time: 8:07 p.m.)