

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

January 26, 2005

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Board** scheduled Wednesday, January 26, 2005 from 5:30 to 6:30 and from 8:00 p.m. to 8:30 p.m. in the 2nd Floor Board/Committee Room, GVRD Offices, 4330 Kingsway, Burnaby, British Columbia.

ATTENDANCE:		
JURISDICTION:	LMTAC ELECTED REPRESENTATIVE:	LMTAC STAFF REPRESENTATIVE:
Greater Vancouver RD	Director Ralph Drew (Chair)	Marino Piombini
Maple Ridge, District of	Councillor Candace Gordon (Vice Chair)	
Anmore, Village of	Councillor Ken Juvik	
Belcarra, Village of	Councillor Colin Richardson (departed 7:50 p.m.)	
Bowen Island, Municipality of	Mayor Lisa Barrett (departed 6:52 p.m.)	
Burnaby, City of	Mayor Derek Corrigan (departed 6:25 p.m.)	Kimberley Flick
Coquitlam, City of	Councillor Diane Thorne (arrived at 6:18 p.m.)	
Langley, Township of	Councillor Mel Kositsky	Frank Clark-Jones
Lions Bay, Village of	Councillor Lisa Turpin (departed 7:45 p.m.)	
New Westminster, City of	Councillor Bob Osterman	
North Vancouver, District of	Councillor Alan Nixon	Dennis Back
Pitt Meadows, District of	Councillor Janis Elkerton	Laurie Darcus
Port Moody, City of	Councillor Sandy Liles	Colleen Rhodes
Richmond, City of	Councillor Linda Barnes (departed at 6:13)	
Squamish, District of	Councillor Corinne Lonsdale	
Squamish Lillooet RD	Director John Turner	
Surrey, City of	Councillor Penny Priddy (arrived 6:10 p.m.)	
Vancouver, City of	Councillor Ellen Woodsworth	Rhys Williams (departed 8:30 p.m.)
West Vancouver, District of	Councillor Jean Ferguson	Rick Beauchamp
White Rock, City of	Councillor Mary Wade Anderson	
LMTAC STAFF ATTENDANCE:		
Kirstie Pirie, Manager		
Regan Schlecker, Aboriginal Affairs Analyst		
Jean Baird, LMTAC Staff		
GUESTS:		
Bronwen Beedle, B.C. Treaty Negotiations Office		
Cory Herrera, B.C. Treaty Negotiations Office		
Joanne Gauci, UBCM		
PREPARATION OF MEETING MINUTES:		
Carrie Peacock, Recording Secretary, Raincoast Ventures		

CALL TO ORDER

Chair Drew confirmed a quorum was in attendance and called the meeting to order at 5:47 p.m.

INTRODUCTIONS / LMTAC OVERVIEW

1. Welcome and Roundtable Introductions

LMTAC document titled "Voting Members List".

Chair Drew welcomed attendees, and led the meeting in a roundtable of introductions.

2. Overview of LMTAC

Document titled "LMTAC Mission Statement, Roles and Project Screening Guidelines" updated May 28, 2003.

Chair Drew provided information regarding LMTAC, and informed the meeting that LMTAC was constituted as a committee of the Union of B.C. Municipalities (UBCM).

3. 2004 Year in Review

Document titled "Workplan 2004 - A Summary of Key LMTAC Milestones".

The meeting was informed that the "2004 Year in Review" was provided for information.

4. 2005 Workplan / Looking Ahead

Document titled "Workplan 2005 – A Summary of Key LMTAC Milestones".

Chair Drew noted that the Workplan 2005 was adopted at the previous meeting.

2005 ELECTIONS

5. Elections – Annual Election of LMTAC Representatives

LMTAC documents titled:

- a) *"Annual Election Procedures";*
- b) *"Information Sheet – LMTAC Executive Committee";*
- c) *"Information Sheet – LMTAC Finance and Administration Sub Committee (FASC);"*
- d) *"Finance and Administration Sub Committee Terms of Reference", dated January 28, 2004;*
- e) *"Information Sheet – LMTAC Observer to Fraser Valley TAC (FVTAC);"*
- f) *"Information Sheet – LMTAC Technical and Strategic Working Group (TSWG);" and*
- g) *Technical and Strategic Working Group – Terms of Reference".*

Kirstie Pirie, Manager and Chief Election Officer, reviewed the Elections Procedures, and welcomed comments from attendees in this regard.

LMTAC Chair

Ms. Pirie called for nominations for the position of LMTAC Chair.

Mayor Ralph Drew was nominated, and consented to the nomination.

Ms. Pirie called a second and third time for nominations. Given that no further nominations were received, the call for nominations was closed, and Mayor Drew was acclaimed to the position of LMTAC Chair for a one-year term.

LMTAC Vice Chair and Finance and Administration Sub Committee (FASC) Chair

Ms. Pirie called for nominations for the position of LMTAC Vice Chair and Finance and Administration Sub Committee (FASC) Chair.

Councillor Candace Gordon was nominated, and consented to the nomination.

Ms. Pirie called a second and third time for nominations. Given that no further nominations were received, the call for nominations was closed, and Councillor Candace Gordon was acclaimed to the position of LMTAC Vice Chair and Finance and Administration Sub Committee (FASC) Chair for a one-year term.

LMTAC Executive Committee – Two At Large Members

Ms. Pirie called for nominations for the two at large positions on the LMTAC Executive Committee.

Mayor Lisa Barrett was nominated, and consented to the nomination. Councillor Priddy was also nominated but was not present to accept the nomination.

Ms. Pirie called a second and third time for nominations. Given that no further nominations were received, the call for nominations was closed, and Mayor Lisa Barrett was acclaimed to one of the two at large positions on the LMTAC Executive Committee for a one-year term.

Finance and Administration Sub Committee (FASC) Vice Chair

Ms. Pirie called for nominations for the position of Finance and Administration Sub Committee Vice Chair.

Director Turner was nominated, and consented to the nomination. Councillor Corrine Lonsdale was nominated but declined the nomination.

Ms. Pirie called a second and third time for nominations. Councillor Alan Nixon was nominated, and consented to the nomination. Given that no further nominations were received, the call for nominations was closed, an election was held by secret ballot, resulting in the election of Director John Turner, to the position of Finance and Administration Sub Committee Vice Chair for a one-year term.

It was MOVED and SECONDED

THAT the ballots used in the election process for the position of LMTAC Finance and Administration Sub Committee Vice Chair be destroyed, and that the account sheet used in the election process for the position of LMTAC Finance and Administration Sub Committee Vice Chair be retained for viewing in the LMTAC office until February 28, 2005, at which time it will be destroyed.

CARRIED UNANIMOUSLY

Finance and Administration Sub Committee (FASC) – Three At Large Members

Ms. Pirie called for nominations for the three at large member positions on the LMTAC Finance and Administration Sub Committee.

Councillors Corinne Lonsdale, Mary Wade Anderson and Alan Nixon were nominated, and consented to the nominations.

Ms. Pirie called a second and third time for nominations. Given that no further nominations were received, the call for nominations was closed, and Councillors Corinne Lonsdale, Mary Wade Anderson and Alan Nixon were acclaimed to the three at large member positions on the LMTAC Finance and Administration Sub Committee.

6:10 p.m.

Councillor Penny Priddy joined the meeting.

LMTAC Observer to Fraser Valley TAC

Ms. Pirie called for nominations for the position of LMTAC Observer to the Fraser Valley TAC.

Councillor Candace Gordon was nominated, and consented to the nomination.

Ms. Pirie called a second and third time for nominations. Given that no further nominations were received, the call for nominations was closed, and Councillor Gordon was acclaimed to the position of LMTAC Observer to Fraser Valley TAC.

Technical and Strategic Working Group (TSWG) Appointments – General Call to Staff

Ms. Pirie referenced the 2004 TSWG Participant List and welcomed additional volunteers to participate on LMTAC's Technical and Strategic Working Group.

LMTAC Executive Committee – One At Large Member

Ms. Pirie called for nominations for the one remaining at large member position on the LMTAC Executive Committee.

Councillor Penny Priddy was nominated, and consented to the nomination.

Ms. Pirie called a second and third time for nominations. Given that no further nominations were received, the call for nominations was closed, and Councillor Priddy was acclaimed to the one remaining at large member position on the LMTAC Executive Committee for a one-year term.

LMTAC Table Representatives / Regional District Representatives

A list of LMTAC Table Representatives and Regional District Representatives was displayed at the meeting.

Recess

The meeting adjourned at 6:13 p.m. and reconvened at 8:27 p.m.

1. AGENDA FOR ADOPTION

1.1 January 26, 2005

It was MOVED and SECONDED

THAT the Agenda for the Regular Meeting of the LMTAC Board scheduled January 26, 2005, be adopted as circulated.

CARRIED UNANIMOUSLY

2. MINUTES FOR ADOPTION / MINUTES FOR INFORMATION

2.1 November 24, 2004 Board

It was MOVED and SECONDED

THAT the Minutes of the Regular Meeting of the LMTAC Board held November 24, 2004, be adopted as circulated.

CARRIED UNANIMOUSLY

**2.2 December 8, 2004 FASC Meeting
December 8, 2004 Executive Committee
January 12, 2005 Executive Committee
It was MOVED and SECONDED**

THAT the Minutes of the Finance and Administration Sub Committee Meeting held December 8, 2004, and the Minutes of the Regular Meetings of the LMTAC Executive Committee held December 8, 2004 and January 15, 2005, be received for information.

CARRIED UNANIMOUSLY

3. DELEGATION

No delegations were received.

4. REPORTS

4.1 **Aboriginal Seminar – The Supreme Court of Canada Decisions Haida and Taku: The Final Word on the Duty to Consult**

LMTAC Report titled "Update: The Supreme Court of Canada Decisions Haida and Taku: The Final Word on the Duty to Consult" and related attachments:

- a) *Fasken Martineau Aboriginal Bulletin, November 2004 Edition; and*
- b) *Summary of Supreme Court of Canada Decision in Haida Nation v. British Columbia (Minister of Forests) and Implications for Local Governments, prepared for UBCM, dated December 14, 2004.*

Regan Schlecker, Aboriginal Affairs Analyst, informed the meeting that the report was based on a seminar that she and Marino Piombini had attended regarding the Supreme Court of Canada Decisions relative to the Haida and Taku River cases. It was noted that the Court held that:

- the duty to consult with Aboriginal people remained a Crown duty;
- there was no third party duty to consult;
- the duty of consultation did not provide a veto to Aboriginal people; and
- accommodation was required, as appropriate, on a case-by-case basis.

Ms. Schlecker referenced a legal opinion obtained by the UBCM in September 2002, which was summarized in the subject report. It was further noted that UBCM had sought a follow-up legal opinion in 2004, which reiterated the legal opinion received in 2002.

8:30 p.m.

Rhys Williams departed the meeting.

It was MOVED and SECONDED

THAT the LMTAC Board receive for information the LMTAC Report titled "Update: The Supreme Court of Canada Decisions Haida and Taku: The Final Word on the duty to Consult".

CARRIED UNANIMOUSLY

4.2 **Servicing Interests and Treaty Negotiations Background Briefing Note**

- a) *LMTAC Report Flow Summary Chart – Servicing Interests and Treaty Negotiations Background Briefing Note;*
- b) *LMTAC Report titled "Servicing Interests and Treaty Negotiations Background Briefing Note; and*
- c) *Document titled "LMTAC Servicing Interests and Treaty Negotiations - Background Briefing Note to LMTAC First Principle #35: Respect Service Agreements", labeled "DRAFT" and dated January 2005.*

Regan Schlecker, Aboriginal Affairs Analyst, acknowledged a review of LMTAC First Principles intended to identify those requiring elaboration. It was noted that the briefing note presented addressed servicing interests, and was received by the Executive Committee at its January 12, 2005 Meeting.

It was MOVED and SECONDED

THAT the LMTAC Board:

- a) receive the report titled "Servicing Interests and Treaty Negotiations Background Briefing Note"; and
- b) consider endorsement of the Background Briefing Note for LMTAC First Principle #35, at the February 23, 2005 LMTAC Board Meeting.

CARRIED UNANIMOUSLY

Kirstie Pirie, Manager, clarified that the briefing note was intended as a generic document, and was not specific to any particular treaty table.

5. TABLE PROGRESS REPORTS

a) Katzie

Katzie Context Summary – LMTAC Board Public Agenda – January 26, 2005

No additional items presented.

b) Musqueam

Musqueam Context Summary – LMTAC Board Public Agenda – January 26, 2005

No additional items presented.

c) Squamish

Squamish Context Summary – LMTAC Board Public Agenda – January 26, 2005

No additional items presented.

d) Tsawwassen

Tsawwassen Context Summary – LMTAC Board Public Agenda – January 26, 2005

No additional items presented.

e) Tsleil-Waututh

Tsleil-Waututh Context Summary – LMTAC Board Public Agenda – January 26, 2005

No additional items presented.

f) Other

No items presented.

6. SUB-COMMITTEE REPORTS

6.1 Finance and Administration Sub-Committee (FASC)

Chair Drew advised that FASC members would receive information regarding the next meeting scheduled February 2, 2005, via electronic mail.

7. CHAIR AND STAFF REPORTS

7.1 Chair's Report

No items presented.

7.2 Staff Report

Manager's Report dated January 17, 2005 regarding "November 16, 2004 – January 17, 2005 Activities".

Kirstie Pirie, Manager, informed the meeting that she would continue to provide monthly summaries of various activities of the LMTAC office, and welcomed comments and inquiries from members in this regard.

8. MISCELLANEOUS REPORTS

8.1 Fraser Valley Treaty Advisory Committee (FVTAC)

No items presented.

8.2 Union of British Columbia Municipalities (UBCM)

Kirstie Pirie, Manager, acknowledged the recent UBCM First Nations Relations Meeting, and the upcoming joint Joint TAC meeting coordinated by UBCM.

Request for Action

Staff was requested to ask the UBCM to forward a meeting package to Councillor Candace Gordon, prior to the monthly First Nations Relations Meetings.

8.3 Federation of Canadian Municipalities (FCM)

No items presented.

8.4 Lower Mainland Municipal Association (LMMA)

Councillor Mel Kositsky advised that the next LMMA Annual Meeting was scheduled May 11-13, 2005, and welcomed LMTAC to consider providing a presentation and/or booth at the event.

9. OTHER BUSINESS

9.1 Next Meeting Dates

Chair Drew advised that the next LMTAC Board Meeting was scheduled February 23, 2005.

10. INFORMATION

The LMTAC Board received for information the following items:

10.1 Correspondence:

- Minister Plant to the LMTAC Chair, dated November 24, 2004;
- LMTAC Chair to Minister Plant, dated December 1, 2004;
- Minister Plant to the LMTAC Chair, dated December 9, 2004;
- UBCM to Ministers Plant and Coell, dated December 20, 2004 and attached notes of the December 15, 2004 UBCM Meeting with Ministers Plant and Coell;
- LMTAC Chair to various MLAs regarding the Tsawwassen Treaty Table;
- LMTAC Chair to the Chief Negotiator, BCTNO, dated December 22, 2004;
- Minister Plant to UBCM, dated January 3, 2005;
- Chief Negotiator, BCTNO to LMTAC Chair, dated January 4, 2005; and
- Minister Plant to LMTAC Chair, dated January 12, 2005;

10.2 Media Clippings:

- Vancouver Sun Article: "A Natural Leader", dated December 30, 2004;
- Burnaby Now Article: "GVRD Looks to Future", dated January 5, 2005; and
- South Delta Leader Article: "Delta's Lawsuit Inappropriate", dated January 7, 2005;

10.3 Statistical Summary for LMTAC's Website;

10.4 Honorarium and Expense Form; and

10.5 2005 Meeting Schedule.

11. CONCLUSION

It was MOVED and SECONDED

That the Regular Meeting of the LMTAC Board held January 26, 2005 be concluded.

CARRIED UNANIMOUSLY

(Time: 8:40 p.m.)