

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

May 24, 2006

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Board** scheduled Wednesday, May 24, 2006 from 7:55 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
Anmore, Village of	Councillor Ken Juvik	
Belcarra, Village of	Councillor Colin Richardson	
Bowen Island, Municipality of	Councillor Lisa Barrett	
Burnaby, City of	Councillor Sav Dhaliwal	
Coquitlam, City of	Councillor Barrie Lynch	
Langley, Township of	Councillor Mel Kositsky	Frank Clark-Jones
Lions Bay, Village of	Councillor Lisa Turpin	
North Vancouver, City of		Ken Tollstam
North Vancouver, District of	Councillor Alan Nixon	
Pitt Meadows, District of	Councillor Debra Eisel	Laurie Darcus
Port Coquitlam, City of	Councillor Darrell Penner	
Port Moody, City of		Kelly Kenney
Richmond, City of	Councillor Harold Steves	
Squamish Lillooet RD	Director John Turner	
Sunshine Coast RD	Director Barry Janyk	
Squamish, District of	Councillor Corinne Lonsdale	
Vancouver, City of	Councillor George Chow	
West Vancouver, District of	Councillor Jean Ferguson	
Whistler, Resort Municipality of	Councillor Ralph Forsyth	
White Rock, City of	Councillor Mary Wade Anderson	
LMTAC STAFF ATTENDANCE:		
Mark Kirsop, Research and Communications Coordinator		
Regan Schlecker, Managing Director		
PREPARATION OF MEETING 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 7:56 p.m.

1. AGENDA FOR ADOPTION

1.1 May 24, 2006

It was MOVED and SECONDED

THAT the Agenda for the Regular Meeting of the LMTAC Board scheduled May 24, 2006, be adopted as circulated.

CARRIED UNANIMOUSLY

2. MINUTES FOR ADOPTION / MINUTES FOR INFORMATION

2.1 April 26, 2006 Board Meeting

It was MOVED and SECONDED

THAT the Minutes of the Regular Meeting of the LMTAC Board held April 26, 2006, be adopted as circulated.

CARRIED UNANIMOUSLY

3. DELEGATION

No delegations were received.

4. LMTAC REPORTS

4.1 The Restriction of Private Land Use Following *Hupacasath First Nation v. British Columbia*

- a) *LMTAC report regarding "The Restriction of Private Land Use Following Hupacasath First Nation v. British Columbia", dated May 4, 2006; and*
- b) *Fasken Martineau publication titled "Aboriginal Bulletin", dated December 2005.*

Mark Kirsop, Research and Communications Coordinator, led the meeting in a review of the report titled "The Restriction of Private Land Use Following Hupacasath First Nation v. British Columbia", and discussed the December 6, 2005 Supreme Court of British Columbia's decision in the case, as it related to Aboriginal rights and title, and the duty to consult with First Nations over private land use practices. He further reviewed key issues identified in the 'Conclusion' portion of the report. It was noted that the court order imposed would only be in effect for two years, or until consultations between the Hupacasath First Nation and the province were complete. He added that the provincial duty to consult with First Nations over private land use, was not limited to two years.

It was MOVED and SECONDED

THAT the LMTAC Board:

- a) receive for information the LMTAC report titled "The Restriction of Private Land Use Following Hupacasath First Nation v. British Columbia"; and
- b) direct staff to monitor policy developments resulting from the Supreme Court's decision in this regard.

CARRIED UNANIMOUSLY

4.2 Amendments to the *ALC Act, 2004*

- a) *LMTAC report regarding "Amendments to the Agricultural Land Commission Act, 2004", dated May 8, 2006;*
- b) *Letter regarding the "Amendments to the Agricultural Land Commission Act, 2004" extracted from the Provincial Agricultural Land Commission's website; and*
- c) *Order of the Lieutenant Governor in Council regarding the "Agricultural Land Commission Amendment Act", dated July 22, 2004.*

Regan Schlecker, Managing Director, referenced prior concerns expressed by LMTAC members, relative to applications for exclusion from the Agricultural Land Commission (ALC). She noted that the report intended to provide members with an overview of the amended *Agricultural Land Commission Act, 2004*. A memorandum sent to all municipal Mayors and Councils, and Regional District Chairs and Board Members, regarding amendments to the *Act*, was acknowledged.

In preparation for an future ALC presentation, members relayed the following questions: if ALC authorities could be delegated to a local government or body, upon request, and if First Nations could have such authorities delegated to them, post-treaty; what is the new Agricultural Land Commission Chair's interpretation of the *Agricultural Land Commission Act, 2004*. Ms. Schlecker noted that the reference to 'reaching a treaty settlement' implied 'effective date'.

The meeting was informed that the June 2006 LMTAC Executive Committee Meeting may be rescheduled, noting that an invitation would be extended to all interested LMTAC Board Members to attend the Executive Committee Meeting at which a presentation would be provided by the ALC.

Request for Action

It was MOVED and SECONDED

THAT the LMTAC Board:

- a) receive for information the LMTAC report titled "Amendments to the *Agricultural Land Commission Act, 2004*"; and
- b) advise staff of questions to submit to the ALC in advance of their presentation at an upcoming LMTAC Executive Committee Meeting; and that interested board members be invited to attend the meeting.

CARRIED UNANIMOUSLY

5. TABLE PROGRESS REPORTS

- a) **Katzie**
No items presented.
- b) **Musqueam**
No items presented.
- c) **Squamish**
No items presented.
- d) **Tsawwassen**
No items presented.
- e) **Tsleil-Waututh**
No items presented.
- f) **Other**
No items presented.

6. SUB-COMMITTEE REPORTS

6.1 Finance and Administration Sub-Committee (FASC)

Councillor Lonsdale, Chair, Finance and Administrative Sub-Committee, acknowledged the FASC Meeting scheduled June 7, 2006, and referenced the organization's currently positive financial situation.

Chair Drew noted that although LMTAC received a grant for 2006, there were no guarantees that provincial funding would be received in 2007. It was further noted that LMTAC would continue to seek opportunities to save money, in the event that future funding was impacted.

7. CHAIR AND STAFF REPORTS

7.1 Chair's Report

Chair Drew referenced a brief presentation he provided at the May 2006 Lower Mainland Local Government Association (formerly the LMMA). He further noted that the UBCM Aboriginal Relations Committee made a decision to write to the province relative to the term 'reasonableness' as it applies to the ability to object to post-treaty additions to treaty settlement lands. A recommendation to seek a legal review of the 'specified lands approach' and the clause which suggested that municipal consent could not be unreasonably withheld, was also discussed.

7.2 Staff Report

Managing Director Report dated May 17, 2006 regarding "April 18, 2006 – May 17, 2006 Activities".

Regan Schlecker, Managing Director, announced that the June 1, 2006 TSWG meeting had been cancelled.

8. MISCELLANEOUS REPORTS

8.1 GVRD Aboriginal Relations Committee

Marino Piombini referenced discussions of the prior GVRD Aboriginal Relations Committee Meeting on May 19, noting that although the [Katzie First Nation was unable to attend as scheduled, they have been invited to attend as a delegation to present at at the July 14, 2006 meeting.](#)

8.1 Fraser Valley Treaty Advisory Committee (FVTAC)

Recent staff changes within the FVTAC organization were acknowledged.

8.2 Union of British Columbia Municipalities (UBCM)

Regan Schlecker, Managing Director, noted that as the UBCM had received additional funding for community-to-community forums, they had requested applications be received by July 14, 2006 and that events be held before the end of 2006.

8.3 Federation of Canadian Municipalities (FCM)

Councillor Kositsky acknowledged the Annual Conference and Municipal Expo of the FCM scheduled June 2-5, 2006 in Montreal.

8.4 Lower Mainland Local Government Association (LMLGA)

No items presented.

9. OTHER BUSINESS

9.1 Summary of Results – Monthly Board Feedback Form (April 26, 2006)

Mark Kirsop, Research and Communications Coordinator, noted that the three month feedback form trial period had concluded. He reviewed requests indicated on the previous month's feedback forms, noting that the requests for a presentation by the Agricultural Land Commission, and a communiqué on bringing First Nations into the GVRD, were being acted on by the LMTAC Executive Committee. Other information requests related to First Nation governance authorities as they compared to those of local governments and paramountcy of laws (in the effect of a conflict) were addressed by the Provincial delegation as part of the closed meeting. He encouraged members to submit their completed feedback forms prior to leaving the meeting.

10. INFORMATION

It was MOVED and SECONDED

That the LMTAC Board receive for information the following items:

- 10.1 Correspondence;
- 10.2 Premier's Statement on the New Relationship (May 4, 2006);
- 10.3 The New Relationship Progress Report (April 2006);
- 10.4 Web Stats;
- 10.5 Honorarium and Expense/Monthly Board Feedback Form; and
- 10.6 2006 Meeting Schedule.

CARRIED UNANIMOUSLY

11. CONCLUSION

It was MOVED and SECONDED

That the Regular Meeting of the LMTAC Board held May 24, 2006 be concluded.

CARRIED UNANIMOUSLY

(Time: 8:22 p.m.)