

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

October 22, 2008

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Board** scheduled Wednesday, October 22, 2008 from 6:30 to 8:10 p.m. in the 2nd Floor Boardroom, Metro Vancouver Offices, 4330 Kingsway, Burnaby, British Columbia.

ATTENDANCE:		
JURISDICTION:	ELECTED REPRESENTATIVES TO LMTAC:	STAFF REPRESENTATIVES TO LMTAC:
Metro Vancouver (RD)	Director Ralph Drew (Chair)	Marino Piombini
Anmore, Village of	Councillor Ken Juvik	
Belcarra, Village of	Councillor Colin Richardson	Lynda Floyd
Bowen Island, Municipality of	Councillor Lisa Barrett	
Burnaby, City of	Councillor Sav Dhaliwal	David Clutton
Delta, Municipality of		Paula Kolisnek
Langley, City of	Councillor Ted Schaffer	
Langley, Township of	Councillor Mel Kositsky	
Lions Bay, Village of	Councillor Lisa Turpin	
Maple Ridge, District of	Councillor Craig Speirs	
New Westminster, City of		Kathleen Stevens
Port Coquitlam, City of	Councillor Mike Forrest	
Port Moody, City of	Councillor Shannon Watkins	
Squamish, District of	Councillor Corinne Lonsdale	
Surrey, City of	Councillor Barbara Steele	Rob Costanzo
Vancouver, City of		Barbara Pearce Jessie Nelson
West Vancouver, City of	Councillor Jean Ferguson	
Whistler, Resort Municipality	Councillor Ralph Forsyth	
White Rock, City of	Councillor Mary-Wade Anderson	
LMTAC STAFF ATTENDANCE:		
Regan Schlecker, Managing Director		
Mark Kirsop, Policy Analyst		
GUESTS:		
Chief Kim Baird, Tsawwassen First Nation (departed approximately 7:45 p.m.)		
Tom McCarthy, Tsawwassen First Nation (departed approximately 7:45 p.m.)		
Doug Raines, Tsawwassen First Nation (departed approximately 7:45 p.m.)		
Cory Herrera, Ministry of Aboriginal Relations and Reconciliation		
Jonathan Rayner, Third Party Engagement, Ministry of Aboriginal Relations and Reconciliation		
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 6:40 p.m. He welcomed Chief Kim Baird, Tom McCarthy and Doug Raines, Tsawwassen First Nation, to the meeting.

1. AGENDA FOR ADOPTION

1.1 October 22, 2008

It was MOVED and SECONDED

THAT the Agenda for the Regular Meeting of the LMTAC Board scheduled October 22, 2008, be adopted as circulated.

CARRIED UNANIMOUSLY

2. MINUTES FOR ADOPTION / MINUTES FOR INFORMATION

2.1 July 23, 2008 Board

It was MOVED and SECONDED

THAT the Minutes of the Regular Meeting of the LMTAC Board held July 23, 2008, be adopted as circulated.

CARRIED UNANIMOUSLY

2.2 July 9, 2008 Executive Committee

2.3 September 10, 2008 Executive Committee

2.4 July 4, 2008 Finance and Administration Sub-Committee

It was MOVED and SECONDED

THAT the Minutes of the LMTAC Executive Committee meetings held July 9, 2008 and September 10, 2008; and, the Minutes of the LMTAC Finance and Administration Sub-Committee held July 4, 2008, be received for information.

CARRIED UNANIMOUSLY

3. DELEGATION

3.1 Chief Kim Baird, Tsawwassen First Nation

Printed copy of the overhead presentation titled "Tsawwassen First Nation, Our People, Our Land, Our Treaty, Our Future".

Chief Kim Baird, Tsawwassen First Nation (TFN), displayed and reviewed the overhead presentation titled "Tsawwassen First Nation, Our People, Our Land, Our Treaty, Our Future".

During the presentation the following additional comments were offered:

- close to 50 meetings were held at the family and community level, with members on and off reserve, towards the development of the TFN Land Use Plan in July 2008;
- TFN would be the first 'First Nation member' of Metro Vancouver; and
- the community was focusing on 39 projects intended for completion on effective date, including 18 core laws.

Cory Herrera, Ministry of Aboriginal Relations and Reconciliation, recognized the phenomenal involvement and engagement of the TFN team, and acknowledged the Province's pride in the TFN government's efforts.

In response to questions regarding challenges facing TFN related to their Metro Vancouver membership, Chief Baird referenced past challenges faced by First Nations and municipal governments, noting that dialogue was required to help understand their different perspectives. TFN had expressed intent to participate effectively in Metro Vancouver, and was committed to overcoming issues through continued dialogue. Chair Drew recognized differences amongst local governments within the region, noting that the best way to achieve consensus was to work towards resolving issues.

Questions were raised regarding the 39 projects the TFN was focused on. Chief Baird referred to the consideration of a number of developmental projects, such as institutions and land use planning, all intended to breathe life into their constitution and self-governance.

Regarding the TFN's governance model, Chief Baird confirmed that TFN's government was actively proceeding towards the development of three branches of government: Legislative, Executive and Judicial. The Chief and 12 others would be elected to the Legislative Council to

deal with legislation; from that group, five members would comprise the Executive Council tasked with day-to-day issues. The Judicial Council would deal with challenges of community members or leaseholders, relative to laws passed by the TFN government (appointments to the judicial council would be from outside the community).

In response to questions raised, Chief Baird noted that leaseholders meetings had been held every six weeks during the past year at which concerns regarding the transition to treaty, taxing powers, and impacts for leaseholders, had been discussed. The continued commitment to work through leaseholder's concerns, demonstrated a desire maintain a positive relationship with them.

Chief Baird was commended for her continued commitment in leading her community through the process. TFN's commitment to be a part of Metro Vancouver, was recognized as an enormous and precedent setting challenge. Her new and fresh perspective at Metro Vancouver was welcomed.

Members raised questions regarding First Nations who were engaging outside the treaty process. Chief Baird noted that First Nations faced capacity issues. The governance structure required for federal and provincial program delivery, requiring a large staff in comparison to the community's population. While TFN was proceeding with the treaty route, other groups were dealing with their own issues and determining how to proceed.

Chief Baird clarified that the additional hectares would be fee simple, and governed by TFN laws which were constitutionally protected. Although senior governments might argue that such lands belonged in the provincial part of the Constitution, First Nations would recognize them as part of Section 35. This was a critical issue which prevented some First Nations from advancing treaty negotiations. Chief Baird added that the community proceeded regardless of their concerns relative to the lands. She added that she supported the treaty as it provided for self-governance.

It was noted that the legacy of poverty in First Nations communities was based on a structural system which had, and continued to fail. Getting away from the *Indian Act* and continued control over First Nations lives, would contribute to the sustainability of the community.

In response to a question raised, Chief Baird confirmed that efforts were being made to accommodate traditional practices with the need for a modern democratic system. The current constitution would evolve over time as the community's needs evolved.

Further to questions regarding business partnership opportunities for the TFN, Chief Baird acknowledged potential possibilities through a variety of arrangements. She added that various developers had been engaging TFN in discussions, particularly regarding industrial lands. It was noted that a corporation was being established to distance the business arm from the day-to-day politics of the community. She added that individual land holders in the community were anxious to begin exploring future economic opportunities. Chief Baird further noted that she was uncertain regarding current federal and provincial tax laws and implications for any of TFN's future partners. The tax exemption of the TFN would be phased out over 8-12 years following effective date.

In response to a member's questions, Chief Baird noted that the treaty model wasn't for every First Nation. She commented regarding economic development capacity building, and recognized the intent for successful individuals and entrepreneurs to work on economic development initiatives. She added that a facilitative process had been entered into with land owners, to consider potential development opportunities, and how they could work. It was noted that the land use planning process was informative to TFN members, and helped them to begin envisioning a future where wealth could be generated.

Chief Baird recognized that that while she was focused on advancing her community's interests, LMTAC had advanced its interests and position papers. Efforts to build a viable and structurally sound relationship with LMTAC, were acknowledged.

It was suggested that TFN's evolution with Metro Vancouver, could assist in local governments' evolution with federal governments. TFN would be looked to for guidance and leadership in interacting with other First Nations governments and leaders.

Members questioned if there were strategies in place to promote leadership development within the TFN. Chief Baird recognized the need to focus programs and services on youth, and to help overcome socio-economic conditions. She emphasized the importance of secondary school completion, and added that an early childhood multi-service education centre would soon be opening in the community.

Chief Baird confirmed that overlap issues had been challenging, noting that some agreements with different First Nations were pending resolution. It was noted that the BC Treaty Commission had tried to help bolster overlap discussions.

Chair Drew extended thanks to Chief Baird, and acknowledged LMTAC's support through her endeavors. Chief Baird acknowledged her community's courage and support, under some stressful and challenging times, towards an improved future.

7:45 p.m. (approximately)

Chief Baird, Tom McCarthy, and Doug Raines, Tsawwassen First Nation, left the meeting.

4. REPORTS

4.1 2008 Workplan Status Report

LMTAC report regarding "2008 Workplan Status Report", dated October 9, 2008, and attached "Workplan 2008".

Regan Schlecker, Managing Director, referred members to the 2008 Workplan, and the LMTAC Report in this regard.

It was MOVED and SECONDED

THAT the LMTAC Board receive for information the "2008 Workplan Status Report", dated October 9, 2008, and attached "Workplan 2008".

CARRIED UNANIMOUSLY

4.2 2009 Workplan Final Draft

LMTAC report regarding "2009 Workplan Final Draft", dated October 14, 2008, and attached "Draft Workplan 2009".

Regan Schlecker, Managing Director, referred members to the document provided.

In light of the pending municipal election process, Chair Drew confirmed that LMTAC continues to extend an open invite to member Councils and Boards to request an LMTAC presentation. He further noted that although that some First Principles hadn't been supported by some levels of government, they may still be supported by local governments.

It was noted that the TFN Treaty would be recognized as a template for other urban First Nations' treaties. The Chair acknowledged that the six key policy issues under the Common Table approach were being reviewed, and that a draft discussion paper would be presented in this regard to the LMTAC Board for subsequent presentation to the provincial government. He added that the Minister and his staff had worked with LMTAC and UBCM to revise the MOU between the Province and BC municipalities. The new MOU was signed at the UBCM, which broadened the mandate of TACs to engage in a consultation on a full range of New Relationship issues outside the treaty process.

Chair Drew confirmed that LMTAC intends to participate at the June 2009 FCM meeting in Whistler.

It was MOVED and SECONDED

THAT the LMTAC Board adopt the final draft "Workplan 2009", as presented.

CARRIED UNANIMOUSLY

5. TABLE PROGRESS REPORTS

a) Katzie

Councillor Kositsky, Table Representative to the Katzie Treaty Table, noted that the September 17, 2008 community meeting had been postponed to late November.

b) Musqueam

No items presented.

c) Squamish

Regan Schlecker, Managing Director, reported that Squamish First Nation and the District of North Vancouver had signed a protocol agreement on October 9, 2008, intended to formalize their government-to-government relationship.

d) Tsawwassen

BC Treaty Commission Report titled "Tsawwassen First Nation Treaty Ratification Communications Analysis", dated July 2008..

e) Tsleil-Waututh

No items presented.

f) Other

No items presented.

6. SUB-COMMITTEE REPORTS

6.1 Finance and Administration Sub-Committee (FASC)

6.1A) Draft 2009 Budget

LMTAC Statement of Revenues and Expenditures Budget for the Years Ended December 31, 2009 and 2008.

Vice Chair Lonsdale referred the meeting to the LMTAC Statement of Revenues.

It was MOVED and SECONDED

THAT further to the FASC recommendation of October 3, 2008, the LMTAC Board endorse the Draft 2009 Budget.

CARRIED UNANIMOUSLY

The meeting discussed reasons for and against planning five years in advance. The need for a provincial government commitment to annual contributions was acknowledged.

It was MOVED and SECONDED

THAT further to the FASC recommendation of October 3, 2008, the LMTAC Board endorse a five-year financial planning process similar to other local government bodies.

CARRIED

Councillor Forrest voted in the negative.

7. CHAIR AND STAFF REPORTS

7.1 Chair's Report

Chair Drew reported that he and the Managing Director had provided a presentation to Metro Vancouver Aboriginal Relations Committee on October 3, 2008 and to the Finance Committee on October 16, 2008. The following subsequently scheduled meetings were also acknowledged: October 23, 2008 with the Sunshine Coast Regional District; and, October 27, 2008 with the Squamish Lillooet Regional District.

7.2 Staff Report

Managing Director's Report dated October 15, 2008 regarding "July 16, 2008 – October 15, 2008".

Regan Schlecker, Managing Director, reported that the 2009 LMTAC Orientation Session had been tentatively scheduled for January 16, 2009, and focused on the new MOU. A list of potential speakers was being compiled and details would be confirmed at the November Board.

8. MISCELLANEOUS REPORTS

8.1 Metro Vancouver Aboriginal Relations Committee

Marino Piombini, Metro Vancouver, noted a presentation from LMTAC regarding 2009 funding.

8.2 Fraser Valley Treaty Advisory Committee (FVTAC)

Councillor Kositsky reported that the upcoming FVTAC meeting had been cancelled.

8.3 Union of British Columbia Municipalities (UBCM)

Vice Chair Lonsdale referenced a meeting she attended at UBCM on Chair Drew's behalf, at which significant time was spent reviewing the MOU. She added that a list of LMTAC priorities had been submitted to the Chair of the UBCM First Nations Relations Committee.

8.4 Federation of Municipalities (FCM)

Councilor Kositsky reported that FCM sought information regarding the duty to consult and noted that LMTAC could be a valuable resource. He added that the FCM board meeting in Whistler this spring could provide an opportunity to showcase LMTAC information.

9. OTHER BUSINESS

9.1 Summary of Results – Monthly Board Feedback Form (July 23, 2008)

It was noted that the information requests submitted to staff following the last LMTAC Board meeting, had been followed up on.

10. INFORMATION

It was MOVED and SECONDED

The LMTAC Board received for information the following items:

- 10.1 Correspondence
- 10.2 New Relationship Social Initiatives Projects–Third Quarter Update (September 30, 2008):
 - Social Initiatives Projects; and
 - Lands and Resources Projects
- 10.3 Fasken Martineau Aboriginal Law Bulletin – Modern Treaties and the Duty to Consult: Little Salmon Revisited (September 2008)
- 10.4 2008 Meeting Schedule
- 10.5 Honorarium and Expense / Feedback Form

CARRIED UNANIMOUSLY

11. CONCLUSION

It was MOVED and SECONDED

That the Regular Meeting of the LMTAC Board held October 22, 2008 be concluded.

CARRIED UNANIMOUSLY

(Time: 8:06 p.m.)