

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

June 24, 2009

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Board** scheduled Wednesday, June 24, 2009 from 5:30 p.m. to 7:30 p.m. in the 2nd Floor Board/Committee Room, GVRD 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 John McEwen	
Bowen Island, Municipality of	Councillor Peter Frinton	
Burnaby, City of	Councillor Dan Johnson	David Clutton
Coquitlam, City of	Councillor Brent Asmundson	Jay Gilbert
Delta, Corporation of	Councillor Anne Peterson (departed 7:15 p.m.)	
Langley, Township of	Councillor Mel Kositsky	
Maple Ridge, District of	Councillor Craig Speirs	
Lions Bay, Village of	Mayor Brenda Broughton	
New Westminster, City of	Councillor Bob Osterman	
North Vancouver, City of	Councillor Bob Fearnley	Ken Tollstam
North Vancouver, District of	Councillor Alan Nixon	Gavin Joyce
Pitt Meadows, City of	Councillor Doug Bing	Laurie Darcus
Port Coquitlam, City of	Councillor Mike Forrest	
Richmond, City of	Councillor Linda Barnes	
Squamish, District of	Councillor Corinne Lonsdale	
Squamish Lillooet, RD	Director Jordan Sturdy	
Sunshine Coast RD	Director Lee Turnbull	
Vancouver, City of	Councillor Ellen Woodsworth	Tilo Driessen
West Vancouver, City of	Councillor Michael Evison	
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		
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 5:40 p.m.

1. AGENDA FOR ADOPTION

1.1 June 24, 2009

It was MOVED and SECONDED

THAT the Agenda for the Regular Meeting of the LMTAC Board scheduled June 24, 2009, be adopted with an amendment to consider Item 9.1 immediately prior to Item 3.

CARRIED UNANIMOUSLY

2. MINUTES FOR ADOPTION / MINUTES FOR INFORMATION

2.1 April 22, 2009 Board

It was MOVED and SECONDED

THAT the Minutes of the Regular Meeting of the LMTAC Board held April 22, 2009, be adopted as circulated.

CARRIED UNANIMOUSLY

2.2 April 8, 2009 Executive Committee

2.3 April 8, 2009 Finance and Administration Sub Committee

It was MOVED and SECONDED

THAT the Minutes of the Regular Meeting of the Executive Committee and the Finance and Administration Sub Committee held April 8, 2009, be received for information.

CARRIED UNANIMOUSLY

Agenda Varied

The order of the Agenda was varied by prior resolution, to now consider Item 9.1.

9. OTHER BUSINESS

9.1 LMTAC Board By-Election: Executive At-Large Position

Document titled "Information Sheet: LMTAC Executive Committee", and attached "LMTAC By-Election Procedures: for the Position of Executive At-Large".

Chair Drew called for nominations for the at-large position on the LMTAC Executive Committee.

Councillor Barbara Steele was nominated, and although absent, had previously consented to the nomination.

Councillor Mary Wade Anderson was nominated, and consented to the nomination.

Councillor Mary Wade Anderson provided comments regarding her suitability for the position. Chair Drew provided information regarding Councillor Barbara Steele's experience with LMTAC and interest in serving on the Executive Committee.

Chair Drew called a second and third time for nominations. Given that no further nominations were received, the call for nominations was closed. An election was held by secret ballot, for the at-large position on the LMTAC Executive Committee.

Chief Election Officer Regan Schlecker and Assistant Election Officer Carrie Peacock counted the ballots and recorded the results of the vote. The Chief Election Officer subsequently announced the election of Councillor Mary Wade Anderson to the at-large position on the LMTAC Executive Committee.

It was MOVED and SECONDED

That the ballots for the at-large position on the LMTAC Executive Committee be destroyed and that the election account sheet for the position be retained for viewing in the LMTAC office until July 24, 2009 at which time it would be destroyed.

CARRIED UNANIMOUSLY

3. DELEGATION

Chair Drew noted that a federal delegation organized through INAC had been invited to meet with the LMTAC Board to discuss 'consultation' issues. He acknowledged the need to identify issues and concerns of local government so the federal delegates could tailor their presentation to meet the Board's interests. .

4. REPORTS

No reports presented.

5. TABLE PROGRESS REPORTS

5.1 Negotiation Table Reports

- a) **Katzie**
Langley Advance Article titled "Mixed feelings greet bridge; Members of the Katzie First Nation hope the bridge opens new job opportunities", dated June 9, 2009.
- b) **Musqueam**
No items presented.
- c) **Squamish**
No items presented.
- d) **Hwlitsum**
Document titled "The Hwlitsum First Nation's Statement of Intent", and related attachments.

Marino Piombini, Metro Vancouver, acknowledged that Metro Vancouver had been engaged in consultations regarding regional growth, liquid waste and solid waste management. He noted that the Referrals Manager of the Hwlitsum responded to Metro Vancouver's correspondence regarding the consultations, and advised that Hwlitsum was in Stage 2 of the BC Treaty Process. Mr. Piombini added that he'd extended an invitation to Hwlitsum to provide background information to LMTAC regarding their First Nation.

Regan Schlecker, Managing Director, added that Hwlitsum Chief Rocky Wilson had accepted an invite to present at a future LMTAC Board meeting. She confirmed that substantive treaty negotiations would not begin until Stage 4 (Agreement in Principle), at which time an LMTAC table representative would be elected to attend table meetings. Chair Drew added that a determination regarding whether Hwlitsum would enter the treaty process, would be made by federal and provincial governments.

- e) **Tsleil-Waututh**
No items presented.
- f) **Other**
No items presented.

6. SUB-COMMITTEE REPORTS

6.1 Finance and Administration Sub Committee (FASC)

- a) **Proposed Revisions to LMTAC Operating Procedures**
LMTAC Report titled "Proposed Revisions to LMTAC Operating Procedures", dated May 4, 2009 and related attachment.

Councillor Lonsdale, Chair, Finance and Administration Sub Committee (FASC), referred the meeting to the FASC report and the proposed amendments to the LMTAC Operating Procedures. Chair Drew added that the procedures intended to formalize LMTAC's existing process.

It was MOVED and SECONDED

THAT further to the February 18, 2009 direction from the LMTAC Executive Committee, the LMTAC Board endorse the FASC recommendations of April 8, 2009 to propose draft wording to LMTAC's Operating Procedures as they relate to:

- reference to the new MOU (Sections 1a, 2a)
- Nomination Committee (Section 7.1a)
- Election Procedures (Section 7.1d)
- Treaty Table Representation (Section 7.2a, 8b)

CARRIED UNANIMOUSLY

7. CHAIR AND STAFF REPORTS

7.1 Chair's Report

Chair Drew acknowledged changes in the provincial ministerial appointments, noting that LMTAC had requested a meeting with the new Minister of Aboriginal Relations and Reconciliation, George Abbott.

It was noted that the LMTAC Chair and Staff had provided updates at the request of some member councils. Presentations were being scheduled with City of West Vancouver and the City of Surrey councils. Representatives from the Village of Lions Bay and City of Vancouver also requested an opportunity for council to meet with LMTAC representatives to receive a briefing and respond to questions.

7.2 Staff Report

Managing Director Report dated June 17, 2009 regarding "April 15, 2009 – June 17, 2009 Activities".

Regan Schlecker, Managing Director, recognized that the LMTAC agenda format had been changed to include Hwiltsum, and that Agenda Item 8.5 would provide an opportunity to report out regarding the implementation of Final Agreements.

8. MISCELLANEOUS REPORTS

8.1 Metro Vancouver Intergovernmental Relations Committee

Chair Drew acknowledged that various Metro Vancouver Directors had been identified to act as board liaisons to First Nations as required.

8.2 Fraser Valley Treaty Advisory Committee (FVTAC)

Councillor Kositsky reported that FVTAC had not met recently.

8.3 Union of British Columbia Municipalities (UBCM)

Chair Drew noted that the UBCM First Nations Relations Committee had met May 14, 2009.

In response to questions raised, Chair Drew confirmed that Councillor Lonsdale was the Chair of the First Nations Relations Committee. LMTAC forwarded issues, concerns and policy documents to UBCM for their information. The process by which the UBCM received resolutions from local governments was discussed.

It was noted that the First Nations Relations Committee had discussed pending consultation on the proposed *Indigenous Recognition and Reconciliation Act*, and briefly discussed some draft provincial guidelines on consultations with First Nations.

Chair Drew advised that UBCM was circulating a survey to senior staff of local governments throughout the Province, with the intent to assist in compiling a discussion paper for endorsement during Convention this September. Questions in the survey were structured around a discussion paper prepared by Sandra Carter on the potential implications of the proposed legislation for local government. He added that TSWG would review the UBCM questionnaire and compile guidance for local government's senior management regarding how to respond. The next meeting of the First Nations Relations Committee was scheduled July 16, 2009 in Victoria, BC.

Councillor Lonsdale suggested that member jurisdictions be informed that a response from TSWG was forthcoming. During an ensuing discussion the following comments were offered:

- LMTAC was provided with a standing position on the First Nations Relations Committee, and this was indicative of the close working relationship with UBCM;
- LMTAC's policy analysis was beneficial to UBCM;
- members of the Metro Vancouver Intergovernmental Relations Committee had been selected to be liaisons to First Nations, and would be working on behalf of Metro Vancouver's corporate interest;

- some municipalities had entered into protocol agreements with First Nations, which LMTAC was not involved in;
- the LMTAC Managing Director was recently informed that the UBCM had distributed the survey, and promptly informed members and their respective CAOs of the survey; a subsequent email will be sent to the same recipients informing that TSWG would be reviewing the UBCM survey.

Request for Action

It was requested that LMTAC Staff solicit TSWG member comments via e-mail, meeting or teleconference as soon as possible, to review the UBCM survey.

8.4 Federation of Municipalities (FCM)

Councillor Kositsky reported that FCM would likely be interested in following up on the federal guidelines for Aboriginal consultation and accommodation. He noted that the issue of 'Duty to Consult' was becoming of greater importance in Ontario. In response to questions raised, he clarified that FCM advocated local government issues to the federal government from a national perspective.

8.5 Treaty Implementation

No update was provided.

9. OTHER BUSINESS

9.2 Summary of Results – Monthly Board Feedback

Mark Kirsop, Policy Analyst, reported that the request submitted at the last LMTAC Board meeting to invite Grand Chief Doug Kelly to a future LMTAC meeting, had been postponed pending further information on the proposed legislation.

9.3 Upcoming Federal Delegation to the LMTAC Board Re: Interim Federal Guidelines for Aboriginal Consultation and Accommodation

On-table document titled "Local Government Consultation with First Nations; Issues and Concerns".

Regan Schlecker, Managing Director, reported that in February 2008 the Federal government released a document entitled *Aboriginal Consultation and Accommodation: Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult*. As such, she contacted the INAC regional office in Vancouver to request a presentation regarding the guidelines to enable LMTAC to better understand their processes.

Prior to coming to an LMTAC Board meeting, federal representatives requested specific questions for them to respond to. The meeting was referred to a draft on-table paper which identified some issues and concerns for the discussion.

During an ensuing discussion the following comments were offered:

- we have a sense of consultation, but don't have a sense of accommodation; the discussion with the federal government should address 'what constitutes accommodation'; if they refer to 'reasonable accommodation' we need a definition of 'reasonable';
- we should encourage discussion regarding the federal government's position relative to fisheries;
- it would be helpful if the federal representatives could discuss whether some of the benefits First Nations currently receive will drop off when treaties come into effect;
- the Nisga'a agreement is well-laid out and an essential read; it lays out the retirement of the financial responsibility of the federal government;
- has the federal government considered a sunset clause for consultation processes;
- how to 'level the playing field' in terms of dialogue and representation should be considered;
- after a year of laying out detailed consultation procedures, INAC needs to know that their procedures haven't reached the front line yet;

7:15 p.m.

Councillor Peterson left the meeting.

- some legitimate processes are being held up due to First Nations' delays, which INAC may not be aware of;
- The principle of governments not charging one another for participation in consultation practices must be upheld;
- many great things are being achieved through consultation between local governments without fees;
- a delegation including representatives from the Department of Justice should be encouraged;
- the degree of accommodation resides with those with the duty to consult;
- when there's a legal requirement on consultation, accommodation requirements are closely connected;
- the word 'consultation' doesn't mean 'seeking support'; it should 'seek input on areas of concern'; and
- consultation isn't consent.

10. INFORMATION

It was MOVED and SECONDED

That the LMTAC Board receive for information the following items:

- 10.1 Correspondence
- 10.2 Proposed Indigenous Recognition and Reconciliation Act
- 10.3 2009 Meeting Schedule
- 10.4 Honorarium and Expense / Feedback Form

CARRIED UNANIMOUSLY

11. CONCLUSION

It was MOVED and SECONDED

That the Regular Meeting of the LMTAC Board held June 24, 2009 be concluded.

CARRIED UNANIMOUSLY

(Time: 7:20 p.m.)