

TERMS OF REFERENCE

for the

LOWER MAINLAND TREATY ADVISORY COMMITTEE'S participation in the LOWER MAINLAND AREA TREATY NEGOTIATIONS

WHEREAS Local Governments are responsible for the delivery of many key services to their residents;

AND WHEREAS the tripartite treaty negotiations have the potential to significantly alter the manner in which many of these key services are delivered;

AND WHEREAS representatives of the Local Government jurisdictions within the Lower Mainland negotiation area, including the claim areas of the Katzie, Musqueam, Squamish, Tsawwassen and Tsleil-Waututh Bands agree it is critical that the interests of their jurisdictions be represented in the negotiations;

AND WHEREAS the Province of British Columbia and the Union of British Columbia Municipalities (on behalf of Local Governments) have entered into a Memorandum of Understanding ("MOU") dated March 22, 1993 and a Protocol Agreement ("Protocol") dated September 19, 1994 regarding Local Government participation in treaty negotiations;

AND WHEREAS pursuant to S.4.c of the Protocol a Lower Mainland Treaty Advisory Committee composed of elected officials and staff of area Local Government jurisdictions has been established to provide advice to, and participate in, the Lower Mainland area treaty negotiations as respected members of the provincial negotiating team;

AND WHEREAS the Province of British Columbia deems it essential a Terms of Reference be established to formalize the relationship between the Province and the Lower Mainland Treaty Advisory Committee in the negotiations;

NOW THEREFORE the Lower Mainland Treaty Advisory Committee ("LMTAC") and the Province of British Columbia ("Province") hereby agree that:

1. Responsibilities and Reporting

(a) The LMTAC will designate representatives to negotiation tables in the Lower Mainland area. The LMTAC representatives to the tables will be full members of the provincial negotiating team and as such will participate in all meetings of the negotiating team, all main table meetings, and side table and working group meetings to discuss and

resolve matters of interest to Local Government (per S.1.h.i), and other meetings as directed by the provincial Treaty Negotiator.

(b) The Province will seek to establish open side tables to the main negotiation table to discuss and resolve Local Government concerns. The Province will seek to include additional members of the LMTAC or its member jurisdictions in side table meetings which may deal with issues pertinent to any specific jurisdiction(s).

(c) To help ensure consistent representation throughout negotiations, the LMTAC will take all reasonable steps to ensure the same representatives participate in the negotiations over time.

(d) The provincial Treaty Negotiator has the ultimate responsibility for the conduct of negotiations with Canada and First Nations and for the conduct and actions of the provincial team, including the LMTAC representatives. If the LMTAC representatives do not feel the provincial Treaty Negotiator actions are appropriate in the discharge of this responsibility for the LMTAC representatives, the LMTAC representatives may withdraw from negotiations and report to the LMTAC for direction.

(e) The Treaty Negotiator will appoint one person from the provincial team to act as the liaison to the LMTAC and will identify that person to the LMTAC. The LMTAC representatives, as members of the provincial negotiating teams, will also have direct access to the Treaty Negotiator as required.

(f) Pursuant to S.4.d.2 of the Protocol the LMTAC is responsible to its constituent Local Governments and the Province in relation to the task of the identification of Local Government interests in each negotiation and ensuring they are brought forward to the Treaty Negotiator throughout the negotiation process. It is recognized this will necessitate ongoing consultation between LMTAC, its members and its member jurisdictions' respective Councils.

(g) The LMTAC Chair has the responsibility for the operation and conduct of the LMTAC and for its relations with the Treaty Negotiator and the Province. The LMTAC Chair will be the signing authority for the LMTAC.

(h) The LMTAC representatives, as representatives of their respective communities, Councils and Boards, have responsibilities - to the LMTAC Chair and the LMTAC as the official representatives of the LMTAC to the provincial teams and to the Treaty Negotiator as members of the provincial teams:

(i) In all matters related to the substance of negotiations, the LMTAC representatives have the responsibilities, per S.4.d.2 of the Protocol, for identifying and determining what issues "directly affect local government" and for providing related advice and recommendations to the Regional Caucus and the Treaty Negotiator.

(ii) In all matters related to the conduct of negotiations, the LMTAC representatives' primary responsibility is to the Treaty Negotiator.

2. Confidentiality and Information Sharing

(a) The TAC representatives, the LMTAC, and all staff and all contract personnel will be subject to any and all rules of confidentiality that may be agreed to by Canada, the Province, and the First Nations for the full duration of each set of negotiations as set out by the Openness Protocols.

(b) The Province recognizes that wherever practical and reasonable, rules of confidentiality as set out in the Openness Protocols should be consistent with this Terms of Reference.

(c) The LMTAC representatives may, subject to S.2.a, share with the LMTAC information which is available only to the Parties, which it determines, per S.1.h.i, directly affects Local Government.

(d) The LMTAC representatives will share the information set out in S.2.c with the LMTAC on an In-Camera basis only if each member of the LMTAC agrees they will confine discussion of this information to In-Camera session of their Local Governments, and will not disclose such information to the public until the information is made public at the decision of the Main Table and until otherwise directed by the Treaty Negotiator.

3. Access to Documents

(a) The LMTAC representatives will relay to the LMTAC, as soon as possible, all documents deemed by the Parties to be public and may share with the LMTAC, subject to S.2 above, any documents not made public.

(b) The LMTAC will refrain from sharing or distributing documents which are deemed to be available only to the Parties, except in accordance with S.2 above.

4. Freedom of Information and Protection of Privacy

(a) The LMTAC and the LMTAC representatives are at all times subject to, and will comply with, the provisions of the Freedom of Information and Protection of Privacy Act. For greater certainty, the Parties refer to Sections 12 to 22 of the Act.

5. Source Documents

(a) The MOU signed between the Union of BC Municipalities and the Province on March 22, 1993 and the Protocol between the UBCM and the Province signed September 19, 1994 are the source documents for determining the relationships, rights and responsibilities of the LMTAC and the Province.

6. Parties

(a) It is understood that there are three Parties to the treaty negotiation process - British Columbia, Canada and the First Nations.

(b) The Province bears the ultimate responsibility for representing the interests of Local Governments in the treaty negotiation process.

Mayor Mark Sager
Chair
Lower Mainland Treaty Advisory Committee

Linda Jolson
Treaty Negotiator
Lower Mainland Team

DATE: _____