



FRASER VALLEY ABORIGINAL RELATIONS COMMITTEE

OPEN MEETING MINUTES

Thursday, April 11, 2019
10:00 am
FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

Members Present:

Director Al Stobbart, Electoral Area G, Chair
Director Brenda Falk, City of Abbotsford, Vice Chair
Director Ken Popove, City of Chilliwack
Councillor Susan Spaeti, District of Kent
Councillor Michie Vidal, Village of Harrison Hot Springs
Director Peter Robb, District of Hope
Director Taryn Dixon, Electoral Area H

Chris Crosman, Deputy CAO, City of Chilliwack
Barclay Pitkethly, Deputy CAO, District of Masson
Commissioner David Renwick, Cultus Lake Park Board
Councillor Bonita Zarrillo, MVARC Observer Member

Regrets:

Director Carol Hamilton, District of Mission
Director Terry Raymond, Electoral Area A

Madeline McDonald, CAO, Village of Harrison Hot Springs
Wallace Mah, CAO, District of Kent
John Fortoloczky, CAO, District of Hope
Katherine Treloar, GM, ISIR, City of Abbotsford
Bonny Bryant, CAO, Cultus Lake Park Board
Agnes Rosicki, Metro Vancouver

Staff Present:

Jennifer Kinneman, Director of Corporate Affairs
Jaime Reilly, Manager of Corporate Administration
Alison Stewart, Manager of Strategic Planning
Jessica Morrison, Policy Analyst – Indigenous Relations
Tina Mooney, Executive Assistant to CAO
Chris Lee, Executive Assistant (Recording Secretary)

Also Present:

Valerie Sam, Manager of Fraser Valley Support Services, First Nations Lands Advisory Board Resource Centre *(as per item 3.1)*

1. CALL TO ORDER

Chair Stobbart called the meeting to order at 10:00 a.m.

2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

Moved By POPOVE
Seconded By ROBB

THAT the Agenda, Addenda and Late Items for the Fraser Valley Aboriginal Relations Committee Open Meeting of April 11, 2019 be approved;

AND THAT all delegations, reports, correspondence and other information set to the Agenda be received for information.

CARRIED

3. DELEGATIONS AND PRESENTATIONS

3.1 Valerie Sam, Manager of Fraser Valley Support Services, First Nations Lands Advisory Board Resource Centre (FNLABRC)

Valerie Sam, Manager of Fraser Valley Support Services, First Nations Lands Advisory Board Resource Centre (FNLABRC) provided a presentation on '*Introduction to the Framework Agreement on First Nation Land Management*'.

Highlights of the presentation are:

- The Framework Agreement is a historic government-to-government agreement signed in 1996 by 14 First Nations and Canada;
- Purpose of the Agreement is to enable First Nations to resume control over their lands and resources without Canada's interference;
- Sets out FN powers: to manage lands and resources and to make, administer and enforce laws;
- Framework Agreement to shed legacy of the *Indian Act* land provisions and replace with First Nation Governing Jurisdiction;
- *First Nation Land Management Act* which was enacted by Parliament in 1999 cannot be unilaterally amended by Canada without First Nations first amending the Framework Agreement;
- Land Code sets out the First Nations powers and obligations for reserve land governance;
- Land Code removes the authority of the Minister of Indian Affairs over reserve lands and resources and puts decision making back into the hands of the community and its members.

Ms. Sam reported that in BC there are 47 operational First Nations and 24 are developing land codes.

Discussion took place on topics around consultation process for major developments, and the Federal process for applications by individual First Nations.

4. MINUTES/MATTERS ARISING

4.1 Minutes of the Fraser Valley Aboriginal Relations Committee Open Meeting - February 14, 2019

Moved By ROBB
Seconded By DIXON

THAT the Minutes of the Fraser Valley Aboriginal Relations Committee Open Meeting of February 14, 2019 be adopted.

CARRIED

5. NEW BUSINESS

5.1 Cannabis Regulation on-Reserve in BC

Jessica Morrison, Policy Analyst – Indigenous Relations provided highlights of a workshop she attended on cannabis and First Nations land code held on November 14 and 15, 2018 which was co-hosted by Sema:th and Tzeachten First nations, noting that the workshop provided a great deal of clarity regarding the application of cannabis laws and regulation on-reserve.

Some points of note are as follows:

- Currently, cannabis cannot be sold legally without a provincial license, and this includes on-reserve sales;
- All reserve lands are subject to federal and provincial licensing processes for cultivation, processing and sales of cannabis;
- First Nations who are operational under Land Code may introduce their own regulations which meet or exceed provincial and federal standards;
- First Nation jurisdiction through Land Code applies only to reserve lands, while municipal and regional district bylaws apply off-reserve;
- Land Code First Nations can also regulate sale on-reserve;
- In Chilliwack there were two on-reserve cannabis retail outlets in operation before the October 17, 21018 legalization date – The Kure and Indigenous Bloom;
- A First Nation can apply for a retail licence as an organization;
- First Nations feel they need to have access to the cannabis excise tax in order to create an equalization model for their communities.

5.2 Changes to the Heritage Conservation Act

Ms. Morrison provided an overview of Bill 14-2019, which is currently before the BC Legislature, concerning amendments to the *Heritage Conservation Act* (1996). She noted that the report provided is to broaden the awareness and understanding of laws and regulations concerning archaeological and cultural heritage in BC. Ms. Morrison provided key concepts on the changes to the Act, noting that the Act protects recorded and unrecorded archaeological sites.

Ms. Morrison reported that in anticipation of the changes to the Act, organizationally staff have conducted archaeological training sessions and

training in the use of Remote Access to Archaeological Data (RAAD). It was also noted that Corporate Affairs are currently working with FVRD departments to develop department-specific archaeological best management practices.

5.3 Recent Consultation and Accommodation Case Law Update

Ms. Morrison provided highlights of a seminar which staff attended on *Consultation and Accommodation Case Law Updates* on February 28 – March 1, 2019. A few sample case laws were reviewed.

Staff reported that they will continue to monitor developments and trends in emerging case law with relevance to the FVRD and its member municipalities and report back to the Committee as appropriate.

5.4 Adoption of Calls to Action 43, 47, and 57 as the Indigenous Relations Program Framework

Ms. Morrison reported that the FVRD Indigenous Relations program is predicated on the core values of Relationships, Collaboration and Learning. The Truth and Reconciliation Commission (TRC) issued its final report of findings in late 2015, containing 94 Calls to Action for various parties, including instructions specific to local governments. It was felt that the time was appropriate for FVRD to formalize its program framework and to incorporate a guiding framework both in accordance with federal and provincial Principles in response to calls to action from the Truth and Reconciliation Commission.

Staff noted that it would be beneficial to conduct a workshop to explore and identify exactly what this would mean for local government.

Moved By FALK
Seconded By POPOVE

THAT staff organize a workshop for the Fraser Valley Regional District Committee of the Whole to explore adopting Calls to Action 43, 47, and 57 of the Final Report of the Truth and Reconciliation Commission (TRC) as the guiding framework of the FVRD Indigenous Relations Program.

CARRIED

5.5 Committee Name Change

Staff reported that in the October 2017 FVRD Board visioning session, Board members requested staff to present a number of options for the name change of the Fraser Valley Aboriginal Relations Committee for consideration to keep up with evolving language. It was also reported that one of the recommendations made earlier for improving First Nations relationship was to include membership to First Nations in the FVARC Committee. Staff are reaching out to First Nations now to get their response and will report back to the Committee on this.

Moved By DIXON
Seconded By POPOVE

THAT the Fraser Valley Regional District Board support the amendment of the Fraser Valley Aboriginal Relations Committee (FVARC) Terms of Reference to reflect a change to the name of the Committee to the Regional Indigenous Relations Committee (RIRC).

5.6 FVRD Shift of Indigenous Relations into Corporate Affairs

Jennifer Kinneman, Director of Corporate Affairs reported that the Indigenous Relations portfolio has now been incorporated into Corporate Affairs as it deals with intergovernmental relations.

5.7 Sts'ailes Election results March 21, Ralph Leon Acclaimed as Chief

It was reported that on March 21, 2019 Ralph Leon has been acclaimed as Chief of Sts'ailes First Nation. It was requested that a congratulatory letter be sent to Chief Leon.

5.8 Treaty Loan Forgiveness - Federal Budget 2019

Staff reported that the Treaty Loan Forgiveness for First Nations has been provided in the Federal Budget 2019. This would help offset legal and other costs incurred with treaty negotiations for First Nations.

5.9 People of the River Referrals Office (PRRO) - Changes to Signatory Communities

Staff reported on the changes to signatories communities for the River Referrals Office (PRRO), noting that two communities have left and are seeking alternative arrangements. Yale First Nation has now signed on with PRRO.

6. ADDENDA ITEMS/LATE ITEMS

None

7. ITEMS FOR INFORMATION AND CORRESPONDENCE

The following items were provided for information:

7.1 Principals' Accord on Transforming Treaty Negotiations in British Columbia

7.2 Letter dated March 5, 2019 from Metro Vancouver regarding Appointment of Director Brenda Falk as FVRD's Non-Voting Member to MVARC

8. REPORTS BY STAFF

None

9. REPORT BY DIRECTORS

None

10. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA

None

11. RESOLUTION TO CLOSE MEETING

Moved By DIXON
Seconded By ROBB

THAT the FVARC meeting be closed to the public except for senior staff and Executive Assistant, for the purpose of receiving and adopting Closed Meeting Minutes convened in accordance with Section 90 of the *Community Charter* and to consider matters pursuant to:

- Section 90(2)(b) of the *Community Charter* - the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED

The Fraser Valley Aboriginal Relations Committee Open Meeting recessed at 11:18 a.m.

12. RECONVENE OPEN MEETING

The Fraser Valley Aboriginal Relations Committee Open Meeting reconvened at 11:38 a.m.

13. RISE AND REPORT OUT OF CLOSED MEETING

None

14. ADJOURNMENT

Moved By MICHAL
Seconded By DIXON

THAT the Fraser Valley Aboriginal Relations Committee Open Meeting of April 11, 2019
be adjourned.

CARRIED

The Fraser Valley Aboriginal Relations Committee Open Meeting adjourned at 11:38 a.m.

MINUTES CERTIFIED CORRECT:

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Director Al Stobbart, Chair

DRAFT