

Land Code Committee Meeting

April 24, 2018

Kwekwa Centre Council Chambers

Present:

Chairperson - Genevieve Humphreys

Charlotte Halls

Marie Barney

Cora Billy

Patti Wight - LMBRC

Jackie Brown - LMBRC

Shawn Spiers – LMBRC

Marilyn Napoleon – Regretfully unable to attend.

1.0 Lámcal – Marie Barney @ 9:13 a.m.

2.0 Introductions

3.0 Minutes of April 10, 2018 adopted by consensus.

Patti: CPs are not excluded in land code process. Interests are held over when land code is drafted. There's a section that speaks to CP's.

CEAA 2012 is on the Canadian government website.

Land adhesion – means additions to reserve.

4.0 Community Ratification Process

We need to identify the process that we are going to use to adopt the land code by the community.

Patti went through the 2 voting methods.

1st is a double majority. 50%+1 of members and need 50%+1 of approval.

2nd is a simple majority registered vote. If only 100 people turned out to vote, 91 have to say yes.

3rd option is a custom option where you work with INAC to design voting procedures. Most communities go with registered vote.

The most important part is the participation. Patti has sent me examples from communities who have used registered voter method. She has only worked with communities so far who have used the registered method.

If we wanted to explore the custom option that is possible to do.

How many days in advance do we want the mail in package to go out. How long do the electronic voting stations stay open? Eg. 45 days to mail in, to vote online, off reserve members can ask questions.

Stephanie – if we do electronic voting, and we also do the mail in ballots, can a person do both?

Patti: They could mail in a ballot, but as soon as a person votes on line, or shows up in person, the electoral officer logs it in. And people cannot change their vote. They need to make sure they are well informed and have thought about their vote. They should take their time with it.

Committee will wait for Marilyn and the Council Liaison to return before they make a decision. Next meeting might be May 8th.

5.0 AGM

The Lands Advisory Board sent some documents on the upcoming AGM including an agenda.

Chief Wayne Sparrow of Musqueam will do the welcoming speech.

Robert Louie is Chair of Advisory Board.

Austin Bear is Vice chair and head of finance committee and resource centre.

The committee is booked at the River Rock for three nights at the conference rate of \$189 per night.

6.0 33 Sections of Indian Act That No Longer Apply

The full Indian Act applies for all other services and rights that are listed under the Act. Under land code, the minister would no longer authorize road construction and permits, it would be the committee and Council.

Need to develop a good relationship with the development corporation. Under land code, it changes the way they can access and use the land. They will need to go through the T'it'q'et land office for permits and other paperwork.

Section 34

Shawn – under act, for example, if a bridge needed repair, the department would come in, do the work and take money for costs out of our Ottawa account.

Section 35

Shawn – this puts us in powerful negotiating position. T'it'q'et has the decision making powers.

Section 37 surrenders. We no longer have to go through a designation vote. This matter is typically addressed in a land use plan that is what other communities do: a land use plan talks about zoning, development procedures.

Section 49, department is still involved in estates and executors but transfers will be done through the T'it'q'et land office and will not need ministerial approval.

Management of reserve

We no longer have to speak to minister and their appointees and obtaining their approval for transactions; under land code we will be replacing it with our own procedures.

Management of moneys – this is the revenue account. Land code sets it so that we report to the people on land related revenue.

Patti and resource centre will update this chart and add to it to improve the language.

Charlotte: Sale and barter of produce – does that include fish?

Patti: That is a title and rights matter and land code does not apply to things like fishing.

7.0 Land Code Summary

Committee members have a copy of the model land code. Patti reviewed the table of contents. This is to help us explore the work we have ahead of us.

Revenues – if there are existing agreements in place that the community has, those can be built into the land code.

Expropriation – community has to define and decide if expropriation takes place for community purpose and also what 'community purpose' means.

It usually takes a couple of 8 hour days for a committee to go through a land code. It depends on how comfortable people are in walking through it. It depends on peoples' availability and schedule. Then it's brought to the community, then we incorporate all comments and edits, and draft a final version. That is brought to council. Then it's brought to community to vote.

Legal opinions are sought at community's pace and direction. Some communities have firms that they are familiar with and others choose to interview new law firms.

Stephanie asks what is actually necessary to have in place for a land code?

Patti: The decision will come down to what you're okay with. For example, MRP law applies already. There are some changes to the Framework Agreement coming up. Policy wise, there are many communities that don't have anything set up for matrimonial property on reserve.

It's possible to have priority workshop to decide on those activities. What are activities we want to focus on right away?

Timeline: draft has vote date of June 2019. The committee would need to shoot for a year from now, April 9th. The community would need a BCR to approve the land code and CRP.

Aim for having first draft by end of this calendar year. Gets sent to verifier when done, he reviews it to see that all required clauses are there and gets it notarized. Then it would be shared with community.

T'it'q'et Land Code Coordinator sent email to onefather.ca requesting more information on their electronic election platform services.

For off-reserve members, if we have a general idea of where the Ontario members are, we can contact eastern branches of RC to help with attempts at communicating with them.

Some people may not want to be involved and that's their choice; as long as we are providing them the opportunity to be informed about this process.

8.0 All Parties Telephone Call

That would be the committee, RC, Hugh Taylor, Patrick Crowther from INAC. At All Parties call we can get update on NRCAN and INAC activities on the survey work.

The Land Code Coordinator will Cc Patti on NRCAN and INAC emails.

Date for call? Next meeting? May 8th? The phone call doesn't take very long. Usually ½ hour depending on how much there is to update.
Jackie can send an email to Patrick and Hugh.

9.0 Setting a Community Information Session for Environmental Assessment

We can make it a general update meeting for the community.

Committee has learned a lot.

Dean and Kevin went to readiness conference.

This will help provide context for where the assessment fits into the process.

We can update the Powerpoint presentation from August 2017, provide handouts, and copies of the presentation that Jason Campbell did at the general meeting back in Nov 2017.

Depending on date, if we choose, we could arrange for a different director of the Lands Advisory Board to come in and talk about their community's experience with land code.

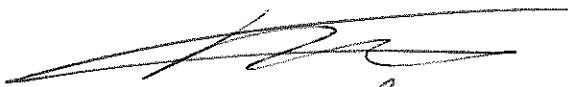
Patti is not available for May 6th weekend.

Set evening meeting for May 15th, Tuesday.

Have a meal for this meeting.

Lámcal Charlotte Halls

Meeting adjourned: 11:50 a.m.



G. Thompson
Marie Berny

