

**Lower Nicola Indian Band  
Lands Management Advisory Committee  
Meeting Minutes**

**April 15, 2020, 4:00 pm  
Lands and Economic Development Boardroom**

<b>Present:</b>	Bill Bose (Chair)	Gene Moses	Louise Moses	Madeline Lanaro
	Hrolfe Joe (Co-Chair)	Robert Sterling	Sondra Tom	
<b>Council:</b>	Spence Coutlee			
<b>Guests:</b>	Shawn Speirs, LABRC			
<b>Staff:</b>	Stephen Jimmie	Brandi O’Flynn	Jerrica Joe	

**1. MEETING OPENING**

The meeting was called to order at 4:16 pm.

**1.1. OPENING PRAYER**

An opening prayer was offered by Bill Bose.

**1.2. ADOPTION OF AGENDA**

**Motion (01):** That the LMAC Meeting Agenda dated April 15, 2020 be adopted with the following amendments:

- Add 3.5 Infracon Site Lease
- Remove Dinner Break

**Moved: Madeline Lanaro                      Seconded: Sondra Tom**

***Motion Carried***

**2. ADMINISTRATION**

**2.1. ADOPTION OF MINUTES**

*Reference Materials: 2020-03-09 LMAC Meeting Minutes draft*

**Motion (02):** That the March 09, 2020 LMAC Minutes be adopted as circulated.

**Moved: Louise Moses                      Seconded: Sondra Tom**

***Motion Carried***

**2.2. DIGITAL SIGNATURES**

LMAC Members were asked about their preferences for documents requiring signatures during virtual meetings and while physical distancing remains paramount. Options discussed included eliminating signatures for resolutions by noting them in the minutes, or having Jerrica add each attending member’s signature to the resolution digitally once passed.

**Motion (03):** That all LMAC resolutions shall be considered official when passed in the minutes with the carried resolution attached as a reference material to the minutes without signatures for the duration of the COVID-19 pandemic.

**Moved: Sondra Tom**

**Seconded: Gene Moses**

***Motion Carried***

**Action (01):** Jerrica shall present more information regarding digital signatures for documents.

Stephen asked to take a moment for Shawn Speirs of the Lands Advisory Board Resource Centre (LABRC) to introduce himself. Stephen invited Shawn to join this meeting as there is a draft law up for consideration – Shawn has a legal background and works with the LABRC to support communities under Land Code.

### **3. FOR INFORMATION AND DISCUSSION ONLY**

#### **3.1. LMAC QUARTERLY REPORT**

*Reference Materials: 2019-2020 LMAC Quarterly Report Q3*

Brandi overviewed the LMAC Quarterly Report, noting that this report has gone to Kari and been sent to Council for review. Bill mentioned that Members have asked him about traditional land holdings, and would like to present these dilemmas to the Lands department.

**Action (02):** The Lands Department will reach out to Bill Bose to schedule a meeting to discuss members' lands issues which have been brought to his attention.

#### **3.2. LANDS SECTOR QUARTERLY REPORT**

*Reference Materials: 2019-2020 Lands Quarterly Report Q3*

Stephen presented and overviewed the Lands Sector Quarterly Report, explaining that this report is requested by Kari (ED) from each sector, which he believes then also goes forward to Council for information. Spence asked whether this has gone to Council, and it was mentioned that it typically does go to Council for informational only, but is not reviewed at a Council meeting.

#### **3.3. LAW RATIFICATION SCHEDULE**

*Reference Materials: 2020-2021 LNIB Law Ratification Schedule; LNIB Law Making Summary from LC*

Stephen provided an overview of the draft ratification schedule for the various LNIB laws under development, to illustrate the initially planned timeline – prior to the COVID-19 pandemic – and initiate discussion regarding law ratification.

Discussion ensued on opportunities for community engagement activities during the pandemic. Comments and concerns included:

- Not all members have internet access or a phone to call in, limiting accessibility
- Accessibility of print materials for draft Laws – it was suggested that there be a way for off-reserve Members to request a print copy of draft law materials by mail
- Physical signage around LNIB reserves could be planned in addition to online notices for LNIB Laws

- Members may have ample time to review draft Laws at this time and participate in online meetings, then we can hold the in-person meetings later
- Overall concerns over a lack of adequate community engagement during the COVID-19 pandemic and that law ratification may need to be delayed until a time when Members can meet in person
- Shawn shared that communities are addressing community engagement in various ways: holding virtual engagement, working on the backend until in-person meetings are possible, or putting all projects requiring engagement on hold for the time being; there is no right or wrong way to proceed
- Some communities are reviewing attendance at past community meetings and comparing to attendance of online meetings to determine whether it is adequate for moving forward with decision making for projects
- LMAC members expressed openness to online meetings with Members, but were firm in their desire to hold in-person engagement prior to ratification of any Law
- It may be a good idea to contact family heads in order to increase attendance at community engagement meetings with Members

Stephen asked about thoughts regarding carrying on with Law ratification. Discussion ensued on the suspension of Law ratification at this time and the holding of virtual meetings in the interim as a part of community engagement.

**Decision (01):** The LMAC would like to suspend the ratification of LNIB Laws until a time when community engagement meetings with Members can be held in person.

Stephen shared the importance of LNIB Law development due to the absence of guidelines and policies to governing how to address various issues in a fair and equitable manner, and discussed challenges in the interim. He mentioned the Allotment Law, which is scheduled for ratification early this year, and that without that Law in place there are challenges with Members regarding land and housing allotments such as CMHC's.

Discussion ensued on possibly implementing an Allotment policy in the interim, which Shawn mentioned has worked for some communities when there has been a lot of community discussion with Members over time, but has been less successful when there has been less discussion and Members disagree with the policy. Shawn mentioned the option of a CMHC Allotment Policy to specifically address CMHC situations, for which it may be easier to get community buy-in. LMAC Members expressed interest in this approach.

Discussion ensued on the extra responsibilities of home ownership and the importance of ensuring that Members are aware of these responsibilities, including home insurance.

Stephen discussed that there is a plan for the Band to deal with the "low-hanging fruit" of lands issues, which includes paid out yet unallotted CMHC's. Discussion ensued on what is currently included in the Allotment Law draft, such as the guidelines for CMHC's or houses with agreements.

**Action (03):** The Allotment Law will be moved to the second slot in the Law Ratification Schedule, though this is on hold until meetings can be held in person.

### 3.4. ENFORCEMENT LAW REVIEW

*Reference Materials: LNIB Enforcement Law Summary; LNIB Enforcement Law draft*

Stephen provided an overview of the LNIB Enforcement Law summary. The LMAC decided to review this Law in detail together at this meeting. Discussion ensued on the creation of this draft Law, which was inspired by another First Nation's Law, worked on by a consulting lawyer familiar with LNIB's Land Code, and has most recently been reviewed and revised by Stephen with Shawn Speirs.

Shawn Speirs shared his comments regarding the draft Enforcement Law, drawing from what some other communities have done as options for LNIB. He mentioned that this is a foundational document which other Laws will reference. His comments included:

- Preamble: very legal language, some communities also include statements of “what makes them them” such as mission statement and guiding principles
- Section references (throughout): some people really like that this points to a specific point to look at, while others dislike that this can require more updating as sections of this Law or others may change over time from various amendments
- Justices of the Peace qualifications (s.11): LNIB can decide who we want to be our decision makers, give them different titles as desired and provide criteria for who can hold these positions and any desired oath of office
- Definition “an information” (s.5): a legal definition, may not be the best fit for a community law, we may prefer a more relatable term with more common language such as “offence report”
- Hearing of dispute (s.28.1): many communities have added a step where the ticket is reviewed by an appointed reviewer to confirm whether the ticket was issued correctly and can cancel the ticket if unenforceable, prior to a hearing
- LMAC Question: could there be conflict between our own appointed Justice of the Peace and Canadian law? LNIB appointed Justice of the Peace would serve to adjudicate over LNIB Laws; LNIB Laws must comply with Human Rights.

**Decision (02):** That the LMAC table the Enforcement Law Review until the next meeting, and each agree to review the draft law on their own by then.

## B. LAW APPROVAL REQUIREMENTS

*Reference Materials: Draft Resolution for discussion*

Discussion ensued on the requirements for LNIB Law approvals including community engagement and the approval for a Law to come into force. Stephen overviewed the Land Code (LC) stating a BCR as the approval requirement for Law ratification, and a requirement for one Meeting of Members for community engagement, and informed the LMAC that Council may modify these requirements for particular Laws under the LC.

Discussion ensued on the concerns around holding only one community meeting prior to ratification for Member input and inclusivity, the hierarchy of policies and laws, and the amendment process for laws – including building review process into Laws.

### 3.5. INFRACON SITE LEASE

*Reference Material (presented digitally through Skype during the meeting): Briefing Report for LMAC RE: Infracon Lease*

Stephen reviewed the reference material, providing an overview of the situation regarding Infracon's lease of lots 369 and 370 on Nicola Mameet IR No.1 from LNIB including the involvement of the LNIB Development Corporation, which previously requested a head lease for the property but has not moved forward with this.

Spence disclosed that he is a board member of the LNIB Development Corporation, but was not present during decisions listed in the reference material. Gene disclosed an association with Infracon.

Stephen discussed the recommendations in the reference materials. Discussion ensued on the desire to ensure that all leasee's are paying rent, etc. on time to avoid cultivating a reputation of non-compliant tenants. Stephen informed the LMAC that Infracon has accumulated past rental arrears, but is paying regularly at present.

**Motion (04):** Having reviewed and discussed the Briefing Report for LMAC RE: Infracon Lease dated April 15, 2020 prepared by Stephen Jimmie, Director of Lands, the LMAC supports and recommends that the Chief and Council:

- Secure a direct lease between LNIB and Infracon; and
- Require Infracon to pay the outstanding rental arrears from 2017 or consider initializing eviction procedures.

**Moved: Madeline Lanaro                      Seconded: Sondra Tom**

***Motion Carried***

**4. MEETING CONCLUSION**

**4.1. LMAC MEETINGS MOVING FORWARD**

**A. TWO MONTHLY MEETINGS AS NEEDED**

Postponed to next meeting due to time restrictions.

**B. VIRTUAL MEETING TIMES**

Postponed to next meeting due to time restrictions.

**Decision (03):** Next Meeting: Wednesday, April 22, 2020 at 4:00pm

**Motion (05):** That the Lands Management Advisory Committee meeting be concluded at 7:33 pm, with outstanding items 3.4 and 4.1 to be moved forward to the next meeting.

**Moved: Sondra Tom                      Seconded: Madeline Lanaro**

***Motion Carried***

**SUMMARY OF ACTION ITEMS:**

01. Jerrica shall present more information regarding digital signatures for documents.
02. The Lands Department will reach out to Bill Bose to schedule a meeting to discuss members' lands issues which have been brought to his attention.
03. The Allotment Law will be moved to the second slot in the Law Ratification Schedule, though this is on hold until meetings can be held in person.