

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

April 22, 2020, 4:00 pm
Virtual Skype Meeting

Present:	Bill Bose (Chair)	Gene Moses	Louise Moses	Madeline Lanaro
	Hrolfe Joe (Co-Chair)	Robert Sterling	Sondra Tom	
Members:	Heather Shuter-Trosky			
Guests:	Shawn Speirs, Lands Advisory Board Resource Centre (LABRC)			
Staff:	Stephen Jimmie	Brandi O'Flynn	Jerrica Joe	

1. MEETING OPENING

The meeting was called to order at 4:08 pm. All attendees participated via phone or computer.

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 22, 2020 be adopted as circulated.

Moved: Madeline Lanaro Seconded: Louise Moses

Motion Carried

Action (01): Gene Moses would like an Agenda item regarding the Mamit Lake Road Fence added to the next meeting and will discuss this with Brandi to prepare an information package.

2. ADMINISTRATION

2.1. ADOPTION OF MINUTES

Reference Materials: 2020-04-15 LMAC Meeting Minutes draft

Motion (02): That the April 15, 2020 LMAC Minutes be adopted with the following amendments:

- Change description of Shawn Speirs from "lawyer" to "legal background".

Moved: Sondra Tom Seconded: Madeline Lanaro

Motion Carried

2.2. DIGITAL SIGNATURES

Reference Materials: 2020-04 LMAC Digital Signature Sample

Jerrica presented the reference materials to LMAC Members for discussion to revisit the option of using digital signatures for passed resolutions and timesheets during the COVID-19 pandemic. Discussion ensued on the use of these signatures and limiting their use to the duration of the COVID-19 pandemic. Sondra noted that she would prefer to have documents emailed to her for digital signature.

Motion (03): That the LMAC supports the use of their digital signatures for passed resolutions and timesheets for the duration of the COVID-19 pandemic.

Moved: Sondra Tom

Seconded: Gene Moses

Motion Carried

3. FOR INFORMATION AND DISCUSSION ONLY

3.1. ENFORCEMENT LAW REVIEW

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

Stephen provided an overview of the LNIB Enforcement Law summary and draft. Attendees reviewed the Law together by reading sections aloud.

Discussion ensued on LNIB's authority regarding enforcement activities and the option to add LNIB culture and language to the Preamble. Shawn Speirs shared examples of clauses that other communities have added to their Preambles for the addition of culture which included references to cultural teachings, community values, and language (such as article 21) from the United Nations Declaration of the Rights of Indigenous People (UNDRIP).

Questions arose regarding whether prosecution under LNIB Law enforcement would be carried out on reserve or would need to go to an outside court; Shawn shared that it would depend on the design of the enforcement and prosecution provisions and different cases. Discussion ensued on the desire to draw from historical cultural practices and other considerations for enforcement and prosecution activities. Stephen clarified that LNIB Laws will largely deal with land and environmental offences.

During review of the draft Enforcement Law, discussion ensued on topics including:

- Severability: provisions in the case that a clause within the Law is deemed invalid by a court; so that such a section can be taken out or 'severed' for that case, rather than having the Law as a whole deemed invalid
- Selection for Law development: Law development is driven by the need to address issues raised by Members; there are currently 8 Laws planned for development to address various issues
- Justices of the Peace: LNIB may consider alternative persons or bodies for inclusion within the adjudication process – people who are culturally knowledgeable, respected in the community, etc. – as well as alternative justice and adjudication methods
 - It was mentioned that some Members may oppose the statement of RCMP officers being enforcement offices under this Law, though there is uncertainty whether this reasonably can and should be omitted
- Enforcement Officers: There are concerns regarding enforcement outside of office hours; Shawn commented that some communities choose to appoint selected Band Members as enforcement officers, who can be contacted by community members about Law offences and ticketing
- Harassment of livestock: Comments were made regarding trespassing and people on recreational vehicles harassing livestock on reserve – this may be addressed under another Law

- Entering and searching places: There were questions regarding why an enforcement officer might enter and search a place – an example was provided: the investigation of fill materials being delivered and used on reserve to ensure they are not contaminated
- Prosecution of offences: LNIB may appoint a lawyer to prosecute offences under LNIB Laws
- Completing an information (under Oath): May want to consider provisions in case of providing false information under Oath – this can already be prosecuted under the Criminal Code of Canada, but could be added as an offence under the Enforcement Law
- Application to non-Members: The Enforcement Law will apply to Members and non-Members alike on reserve

Due to time limitations, this item will be continued at the next meeting, having reviewed up to Part 8 – *Offences and Penalties*.

4. MEETING CONCLUSION

4.1. LMAC MEETINGS MOVING FORWARD

A. TWO MONTHLY MEETINGS AS NEEDED

No discussion on this topic.

B. VIRTUAL MEETING TIMES

Discussion ensued on meeting times during the COVID-19 pandemic and virtual meetings, as well as scheduling for the next meeting.

Decision (01): Next Meeting: Monday, May 11, 2020 at 4:00pm

Motion (04): That the Lands Management Advisory Committee meeting be concluded at 6:54 pm.

Moved: Sondra Tom

Seconded: Gene Moses

Motion Carried

SUMMARY OF ACTION ITEMS:

01. Gene Moses would like an Agenda item regarding the Mamit Lake Road Fence added to the next meeting and will discuss this with Brandi to prepare an information package.