



LOWER KOOTENAY BAND

830 Simon Road, Creston, BC VoB 1G2 Ph: 250.428.4428 Fax: 250.428.7686

OFFICIAL MINUTES

Type of Meeting: Lower Kootenay Council Meeting	Date of Meeting: November 3 rd , 2023	
Participants: Chief: Jason Louie Councilors: Robin Louie, Josie Fullarton, Cherie Luke Absent: Chad Luke Guests: Kat Coleman, Curtis Wullum Zoom: Kerri Gardner, Nicole Kapell, Sam Shury, Nisha Sikka	Chair: CAO: Heather Suttie	Recorder: Administrative Assistant: Samantha Phypers

Location: Council Chambers & Zoom

CALL TO ORDER

Time: 8:59 a.m.

APPOINTMENTS

Time: 9:00 a.m. Name: Kerri Gardner, Nicole Kapell	Discussion: <u>SEA Bridging Agreement</u> <ul style="list-style-type: none"> Oct. 2022 KFN's and KNC signed an LoA with BC to extend the SEA to March 2024 so that the Ktunaxa could continue governance discussions and consider other options regarding a SEA. Tobacco Plains is now in the process of negotiating its own SEA with BC; any community can withdraw from the LoA and the SEA and make its own arrangements with the Province but the new arrangements take time to negotiate. A "Bridging Agreement" is requested to allow more time, as the work will not be completed by March 2024 Jason Louie asks for an approximate date by which the work will be completed. Nicole Kapell states that she is asking for a Bridging Agreement up until March 2027; she is hopeful the work can be completed prior to this date but does not want to have to come back and ask for a further extension. 	
Motion:	Moved by: Josie Fullarton Seconded by: Cherie Luke	THAT: Chief and Council provide the mandate for KNC Staff, guided by the SEA Renewal Working Group, to pursue an extension of the Letter of Agreement with BC, which allows the continuation of the SEA, for a period of up to three years. Carried <input checked="" type="checkbox"/> Tabled <input type="checkbox"/> Defeated <input type="checkbox"/>



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<p>Time: 9:30 a.m. Name: Sam Shury, Nisha Sikka, Devrin Froese</p>	<p><u>Discussion: Allocation and Allotment Policy</u></p> <ul style="list-style-type: none"> • Purpose of the Policy: <ul style="list-style-type: none"> - Establish rules and procedures for granting CPs - Management and administration of allotments of land - Establish rights and duties of allotment holders - Provide remedies for the First Nation where allotment holders are non-compliant • An initial decision that has to be made is whether this should be a policy or whether it should be a law. Policies are easier to amend but are not as enforceable as a law. • Usually not included in an allotment policy: <ul style="list-style-type: none"> - Provisions regarding residential tenancies, nuisance, unsightly premises, trespassing, and other similar provisions - Zoning/land use - Planning and processes for building permits and other similar approvals • LKB's Current Situation: <ul style="list-style-type: none"> - As LKB does not have a Land Code, lands are governed under the Indian Act - The LKB Housing Department is mandated to provide adequate, safe and affordable housing for the membership - The LKB Lands and Resources Department manages leases, temporary use permits and licenses on community lands, along with other municipal type land and planning functions • Currently the only way to obtain a CP is under the LKB Housing Policy – <ul style="list-style-type: none"> - 10 consecutive years of rent payments (no SA), - CMHC Mortgage paid in full - No rental arrears • Jason Louie - If we want to do this right, we should consider a by-law under the Indian Act rather than the policy because otherwise it can be ignored. It is important that the process for granting a CP is fair and even handed for every member. Josie Fullarton agrees that a bylaw is needed to make sure that we have the ability to enforce the provisions if required. • Sam Shury – As LKB lands are governed by the Indian Act, there needs to be Ministerial Approval of a bylaw. An initial step is going to be getting a sense of what this government and council approval actually looks like. • Curtis Wullum - Does a by-law have to go to referendum? Devrin Froese responds that he does not think so but they need to do some research. 	
<p>Motion:</p>	<p>Moved by: Jason Louie Seconded by: Josie Fullarton</p>	<p>THAT: Chief and Council agree to retain First Peoples Law in order to develop a</p>



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		Lower Kootenay Band Allotment and Allocation Bylaw Carried <input checked="" type="checkbox"/> Tabled <input type="checkbox"/> Defeated <input type="checkbox"/>
Time: 10:00 a.m. Name: Kat Coleman	<u>Discussion: YN School Update – Education Committee</u> <ul style="list-style-type: none"> • Kat Coleman informs Council that at the last LKB Education Committee meeting that plans were discussed for a large-scale event (sit-down meal) inviting staff and leadership from several school districts, colleges and KNC, as well as the LKB community (close to 300 people). The purpose of this event would be to introduce the Education Committee. As the Education Committee does not have a budget approved by Council, approval of this event is requested. • The main concerns are: <ul style="list-style-type: none"> - What is the purpose, other than introducing the Committee? - How much would it cost? - Is it necessary to have such a large-scale event? • Heather Suttie – the terms of reference for the committee may need to be amended in order to clearly spell out the roles of the Committee/ Council; expectations around staff time and the inclusion of an associated annual budget. • Cherie Luke states that while she is a member of the Committee, she had not heard about the other school districts, College and KNC being invited to the event. She had thought the invites were to be extended to local school staff and community. • Josie Fullarton stated that she is in favor of the dinner but consideration should be given to scaling it back. She is concerned that community members might not want to attend such a large event. • Jason Louie - There is an opportunity here to get more Ktunaxa history, language and culture in the other school districts. The meeting can and should be meaningful. The Committee needs to consider a process for requesting funds and how to minimize impact on staff time. 	
DEBRIEFING OF APPOINTMENTS		
Appointment:	N/A	
Motion:	THAT: Carried <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/>	
Discussion:	•	
AGENDA		
Review of Agenda:	Additions: 8.F – Timber License 8.G – Health Unit Recognition	Deletions:



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	8.H – Creston Valley Minor Hockey Association 8.I – BC Parks Foundation	
Motion:	Moved by: Jason Louie Seconded by: Cherie Luke	THAT: Chief and Council approve the amended agenda. Carried X Tabled Defeated

PREVIOUS MINUTES

Review of Minutes:	Discussion: October 20 th , 2023 C&C Meeting Minutes <ul style="list-style-type: none"> The appraised value of the Rykerts Property was incorrectly stated in the previous minutes. 	
Motion:	Moved by: Robin Louie Seconded by: Cherie Luke	THAT: Chief and Council approve the amended minutes of the October 20 th 2023 C&C Meeting Minutes. Carried X Tabled Defeated

BUSINESS ARISING FROM MINUTES

1.	
Discussion:	
Action:	
2.	
Discussion:	
Action:	

NEW BUSINESS

8.A – BCR – TOC Fire Protection Agreement
Discussion: Curtis Wullum reviews LKB obligations contained in the proposed Fire Protection Agreement with the Town of Creston: <ul style="list-style-type: none"> LKB shall designate a person to be responsible for providing required info to the Fire Chief LKB must provide a Fire Safety Plan, pursuant to the BC Fire Code and the Office of the Fire Commissioner, for any building within the Fire Protection Service Area (“FPSA”). LKB must ensure that all streets and roads in the FPSA are clearly marked at all intersections LKB must provide the Town with up-to-date addressing information for all structures within the FPSA including a map which indicates all readily accessible sources of water that are available for fire fighting operations LKB shall maintain the on-reservation infrastructure including fire hydrants etc.



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Motion:	Moved by: Robin Louie Seconded by: Josie Fullarton	THAT: Chief and Council rescind the Town of Creston Fire Protection Agreement dated June 30, 2023 AND: Chief and Council approve the BCR in respect to the Town of Creston Fire Protection Agreement as presented to Council on this day, November 3, 2023. Carried <input checked="" type="checkbox"/> Tabled <input type="checkbox"/> Defeated <input type="checkbox"/>
8.B – Castlegar Office Space		
Discussion: <ul style="list-style-type: none"> • There is still an opportunity to lease office space in the Castlegar Chamber of Commerce Visitor Centre currently under construction. The Chamber has come back with some options for LKB to consider. Depending upon the amount of space required, a 50-year lease could cost from \$500K to \$1M. • The location of the Visitors Centre is very visible and would be an ideal location to put signage and fly the YN flag. • The discussion is tabled until the specifics of the options can be presented along with some photos/visuals of the site. 		
Motion:	Moved by: Cherie Luke Seconded by: Josie Fullarton	THAT: Chief and Council agree to table the discussion of leasing office space in Castlegar. Carried <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Defeated <input type="checkbox"/>
8.C - IRSA		
Discussion: <ul style="list-style-type: none"> • At a previous meeting of Chief and Council, a BCR was signed asking for the funds held in the Legacy Fund to be divided and distributed equally to the four communities. • This BCR is not inconsistent with signing a new Internal Revenue Sharing Agreement. 		
Motion:	Moved by: Robin Louie Seconded by: Josie Fullarton	THAT: Chief and Council approve and direct Jason Louie to sign the new Internal Revenue Sharing Agreement on behalf of the Chief and Council of the Lower Kootenay Band. Carried <input checked="" type="checkbox"/> Tabled <input type="checkbox"/> Defeated <input type="checkbox"/>



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8.D – Business Development Grant

Discussion:

- Council to consider whether to reinstitute a LKB Business Development Grant Program to support member entrepreneurs. The new proposal would have LKB partner with the KNC Economic and Investment Sector and have them choose the recipients of the grant and provide the business planning support.
- Josie Fullarton asks what happens if grant recipients do not spend the grant money on their business or supplies? Is there a consequence?
- Heather Suttie states that it is difficult to collect money from people. However, it is possible to have grant recipients agree, in advance, to repay misused funds out of future per capita distributions. Penalties could be imposed for receipts not being submitted in a timely fashion.

Motion:

Moved by: **Jason Louie**
 Seconded by: **Josie Fullarton**

THAT: Chief and Council approve the proposed Business Development Grant Program

Carried X Tabled Defeated

8.E - Collections of Cuttings on Reserve

Discussion:

- Morris Flowers Greenhouse is exploring getting into the native plant business. Heather Suttie is requesting permission to collect some cottonwood, red dogwood and willow cuttings from reserve lands.
- Council is ok with the collection of cuttings.

8.F – Timber License

Discussion:

- Curtis Wullum is applying for a timber permit from ISC to harvest in the Mallory Road, Riverview Road area, to begin in January 2024.
- This is the first of three or four areas in the community that will be subject to timber harvesting in the future. The purpose is to thin the trees in order to minimize a catastrophic fire event.
- LKDLP will purchase the timber from LKB and will be the entity that contracts with the sawmill; this minimizes potential LKB liability.
- LKDLP is required to pay approximately \$124,000 in stumpage. The current budget shows a deficit to LKDLP in the amount of \$17,000 for Harvesting, Stumpage and Hauling Costs based on current log market prices.
- Curtis Wullum advises Council that a member who is close to obtaining a CP has stated that they want to be paid for the timber coming off of their lot. If this member is paid then there are a number of other members that also would be entitled.
- LKB staff require direction from Council on negotiating the potential revenue sharing. Options include:
 - No Revenue Share
 - Lump Sum Payment of \$\$



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- % of Stumpage Revenue based on their % of harvested area in their lot
- Other Suggestions?
- Jason Louie states we all need to be on the same page about fire protection, it is about protecting the community members homes.
- Josie Fullarton states that a lump sum payment of \$2,000 is not an unreasonable amount to compensate a member for the inconvenience.

Motion:	Moved by: Robin Louie Seconded by: Cherie Luke	THAT: Chief and Council approve the BCR in respect to the ISC Timber Permit for TU 1 on Creston IR 1. Carried X Tabled Defeated
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8.G – Health Unit Recognition

- Discussion:
- Josie Fullarton would like to see the health staff recognized for the exceptional work that they are doing with community.
 - A community lunch is suggested for November 22, 2023.

8.H – Creston Valley Minor Hockey Association

- Discussion:
- CVMHA is going to be hosting the 2023/2024 U18 Tier 4 Hockey Provincial Championships and is looking for a representative from Yaqan Nukiy to sit on their Hosting Committee.
 - They are also interested in having LKB participate in the welcoming/opening Ceremony March 17, 2024
 - Heather Suttie states that a notice will be posted on Facebook asking for volunteers.

8.I – BC Parks Foundation

- Discussion:
- Robin Louie is looking for a letter of support from Council so he can move forward with trying to get on the BC Parks Committee
 - Curtis Wullum will get the letter of support ready for signature at the next Chief and Council meeting

IN CAMERA

Motion:	To Go In Camera: Moved By:	To Go Out Of Camera: Moved By:
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ADJOURNMENT

Next Meeting:	November 17th, 2023
Adjournment:	Robin Louie – 12:18 p.m.



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