

**LOWER MAINLAND TREATY ADVISORY COMMITTEE
WORKSHOP TO DISCUSS
FIRST NATION PARTICIPATION ON REGIONAL DISTRICT BOARDS**

Notes of the Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Hosted Workshop to Discuss First Nation Participation on Regional District Boards** held at 8:30 a.m. on Thursday, October 5, 2000, in the Baccarat Meeting Room, Hilton-Vancouver Metrotown, 6083 MacKay Avenue, Burnaby, BC.

ATTENDANCE:	
Mayor Don Bell (Chair)	District North Vancouver
Jim Abram	Union of British Columbia Municipalities
Lynn Beak	Ministry of Aboriginal Affairs
Director Tom Blom	Greater Vancouver Regional District Electoral Area A
Mayor Brenda Broughton	Village of Lions Bay
Ken Cameron	Greater Vancouver Regional District
Councillor James Coleridge	City of White Rock
Helen Davies	Federal Treaty Negotiation Office
David Didluck	Lower Mainland Treaty Advisory Committee
Graham Dragushan	Ministry of Municipal Affairs
Councillor Bruce Drake	Village of Belcarra
Mayor Ralph Drew	Village of Belcarra
Councillor Jeanne Eddington	City of Surrey
Margo Elewonibi	Ministry of Aboriginal Affairs
Councillor Janis Elkerton	District of Pitt Meadows
Councillor Bob Fearnley	District of North Vancouver
Mayor George Ferguson	City of Abbotsford
Edyie Fraser	Union of British Columbia Municipalities
Ellen Frisch	Ministry of Aboriginal Affairs
Director Susan Gimsie	Squamish Lillooet Regional District
Mayor Greg Halsey-Brandt	City of Richmond
Cory Herrera	Ministry of Aboriginal Affairs
Councillor Louella Hollington	City of Coquitlam
Councillor Vicki Huntington	Corporation of Delta
Jim Hurst	City of New Westminster
Mayor Lois Jackson	Corporation of Delta
Chris Kelly	Federal Treaty Negotiation Office
Councillor Kiichi Kumagai	City of Richmond
Tamara Little	Fraser Valley Treaty Advisory Committee
Mayor Corrine Lonsdale	District of Squamish
Alison McNeil	Union of British Columbia Municipalities
Gary Paget	Ministry of Municipal Affairs
Marino Piombini	Greater Vancouver Regional District
Mike Sakamoto	Federal Treaty Negotiation Office
Debbie Seto-Kitson	Ministry of Aboriginal Affairs
Inta Sloman	District of North Vancouver
Peter Stevenson, Councillor	Village of Lions Bay
Director Pam Tattersfield	Squamish-Lillooet Regional District Electoral Area D
Cameron Thorn	District of North Vancouver
Mayor Hal Weinberg	Village of Anmore
Pauline Martin	Recording Secretary, Raincoast Ventures

1. Welcome and Introductions

Mayor Don Bell, LMTAC Chair, welcomed attendees to the meeting and led a round table session of introductions. Chair Bell noted the increasing need for regional and local government to develop good working relations with First Nations, and that the discussion to follow should focus on the implications of First Nations representation on local and regional government, not on finding ways to facilitate such representation.

2. Workshop Overview

David Didluck, LMTAC Executive Director, reviewed the meeting agenda and purpose of the meeting, to discuss First Nation participation on Regional District Boards.

Mr. Didluck invited participants' discussion to focus on the following seven questions:

1. What are the experiences of Regional Districts or other Local Governments with respect to First Nation participation on their Boards/Councils?
2. What would be some objectives for having First Nations as participants on Regional Districts? What opportunities would participation present and what challenges would be created?
3. What are the "responsibilities" of Regional District membership? What is it about these "responsibilities" that are important?
4. How might First Nations be involved on the Regional District Board? (i.e. as "Full Members" or "stakeholders").
5. How might First Nation involvement affect current relationships between Regional Districts and their Local Government members?
6. What might be some ways of dealing with cases where Regional Districts encompass the traditional territory of more than one First Nation?
7. How can you build First Nation/Local Government relationships, other than membership on Regional Boards?

3. Brief Presentations

Marino Piombini, Greater Vancouver Regional District outlined the report: *Aboriginal Governance and First Nation Membership of Regional District Boards, June 2000* which resulted in the GVRD Board recommending the workshop to discuss related issues. The report details perspectives on Aboriginal Governance, governance models, land use planning, servicing agreements, Aboriginal representation on regional boards and GVRD policy on the provision of utility services to First Nations.

Gary Paget, Ministry of Municipal affairs, explained his Ministry's role in creating the structure for local government, and facilitating First Nations involvement in it noting that there are several models currently in use. Mr. Paget further commented that First Nation membership on regional boards and local government is unlikely to work in all situations and asked participants to consider the following in their discussion:

- What services are provided and at what cost?
- Expectations of local government, regional boards and First Nations.
- Political balance on the boards.
- That there are other ways to bring First Nations and local government together besides local government membership.

Mr. Paget cited an agreement between the Westbank Nation, the City of Kelowna and the Central Okanagan Regional District as a successful example of intergovernmental relations. The agreement requires the three governments to agree on how services are provided as well as the level of development on strategic urban land controlled by the First Nations. In this example, the two local governments can use their service provision ability as leverage in land development discussions.

Alison McNeil, Union of BC Municipalities, explained that UBCM has been studying First Nations and local government relations for a number of years, and often deals with service coordination and political relationship issues during Community-to-Community forums. She noted that the Nisga'a Final Agreement has provision for the Nisga'a Nation and the Regional District to enter into agreements on service provisions.

Edyie Fraser, Union of BC Municipalities, explained that the Nuchalnuuth Nation on Vancouver Island has asked to become a regional district electoral area. Since then, they were offered a seat on the board in a non-voting advisory capacity only and a member now regularly attends meetings. She added that Nanaimo First Nations is also seeking regional district representation, and inter-governmental work groups are now underway.

Cory Herrera, Ministry of Aboriginal Affairs, noted most of her experience has been with Lower Mainland municipalities, where the goal is to lay 'seeds of ideas' that will stimulate discussion and improved relations with First Nations. Ms. Herrera noted that the workings of local and regional government are outside the experience and understanding of many First Nations and emphasized that relationships with First Nations are necessary and inevitable, so it is important for both groups to determine their needs. Throughout her discussions with local governments, common themes expressed have been the desire for a level playing field, the need for a forum to discuss issues, fairness principles, and the financial commitment that goes along with regional government membership. Ms. Herrera further commented that it is useful for the group to consider that Regional District membership includes responsibilities as well as rights.

4. Group Discussion

David Didluck, LMTAC Executive Director, invited participants to consider the seven discussion questions as they engaged in a roundtable discussion that covered concerns, opportunities and objectives relating to First Nations participation in local and regional governments; general and specific questions and answers; and comments on past experiences and examples of First Nation/local government relations.

Key Point:

Improved communication between First Nations and local governments is essential and there are numerous examples to illustrate this need. Local government can and should do more to facilitate relationship-building and not depend on or wait for treaties to provide solutions

- Local governments have great concern about the lack of consultation with them regarding development and planning on First Nations land.
- Despite bcal government agreements to provide servicing, some experience no reciprocal planning consultation about projects on First Nations lands.
- Some jurisdictions run essential services such as water and sewer through First Nations lands and expressed concern should an 'Oka situation' develop here.
- One jurisdiction said First Nations tapped into local government water supply without consultation.
- Watersheds, employment issues and royalties on water are impacted, as are air quality issues, growth, garbage, sewer and water.
- There should be more emphasis on side agreements outside of the treaty process, and the value advisory committee roles can serve to both First Nations and local government in improving coordinated land use planning.
- Economic development can be a good start for relationship building; Fraser Valley RD enjoys a good First Nations relationship on a regional district forest-issues committee, a common interest.
- There is the challenge of some First Nations having fish or forestry concessions not afforded to municipalities within the same regional district. This unlevelled playing field could stand in the way of full cooperation.
- Regional districts rely on a process where the parties are bound together by common interest. It should not be easy for any party to walk away.
- First nations without a treaty are governed by Indian Act and cannot be sued.
- Treaties should be viewed as enabling, not prescribing.
- Regional districts must create an opportunity for inclusion; consider the changes that might be necessary to realize the objectives and essentially, take a leap of faith.
- In a jurisdiction where the relationship with First Nations has deteriorated, there was concern that a welcome to regional board meetings was hardly incentive; there needs to be some benefit, or interest, to stimulate participation and discussion.

- First Nation members on regional districts is not a solution, it is a tool, and way to develop relationships.
- Clarity of roles, responsibilities of relationships are needed.
- Advantage to board membership as a means to provide a holistic view, discuss diversity of views, a forum for resolving differences.
- First Nations don't often share the same objectives as local government. Need to build staged relationships, perhaps on a piecemeal basis.
- Importance of preserving local government principles was stressed.
- Need for 'step-building' in terms of First Nation membership (eg Community to Community Forum Process).
- Only by sitting down with First Nations can local government arrive at objectives.
- First Nations need exposure to the 'seat of government'.
- Agreements need to be built from the bottom-up.
- First Nation-local government agreement will build, encourage more openness, information sharing.
- There is need for a direct First Nation-Local Government relationship before involving senior government.
- Electoral Areas Committee of GVRD should have informal discussion with local First Nations to commence a relationship.
- The 'right to contract' and certainty of legal status will be provided via treaties.
- Primary relationship is currently between First Nations and municipalities, not regional districts.
- GVRD is an entity; the sum is greater than its parts. Understanding by First Nations of the 'culture' of regional districts will enable First Nations to better participate in urban region culture.
- In urban area primary relations between First Nations and local government create the need for interaction with all First Nations in region.
- Given the existence of numerous First Nations in an area and their overlaps, which First Nation do you deal with first?

Key Point:

First Nations have little understanding of, or interest in, regional districts. Most key relationships with First Nations will be built at the municipal level, and there needs to be improved understanding by First Nations of local government, regional districts, and the roles, limitations and inner workings of both.

- The provincial government should be encouraged to create incentives for First Nations – and all students – to undertake disciplines such as urban studies, planning, economics and administration. Local government should encourage co-op work programs where First Nations can appreciate first hand the need for community planning, and learn first hand, governmental skills such as bylaw-drafting.
- Ladysmith and Dididat nation have good co-op work program.
- How can local governments ensure First Nations don't 'cherry pick' some services without buying into others?
- Can regional and local governments look at ways to create new structures that would allow piecemeal participation?
- There needs to be a clear guideline as to what GVRD will and will not accept.
- The process should proceed in steps. Regional district board meetings can be threatening to First Nations. In many cases, a community forum is preferred to a structured board meeting. If we set them up to fail, they won't participate in future. The process should be built slowly.
- Objectives for both local governments and First Nations will evolve with discussion.
- Local government must educate, without patronizing. There is a tremendous need for mutual understanding.
- The liberal and confrontation attitude is not the fault of First Nations; in order to carry out a business deal in Asia, a relationship is required. The same is necessary if local government wants to work cooperatively with First Nations.
- Regional districts should invite First Nations to attend with 'observer status' at board meetings – find a way to sell them participation and interest in the process.

- GVRD members should show more respect within its ranks and members who leave early should assign alternates – how can we expect First Nations to show interest in our process of government when we don't demonstrate it ourselves?
- The concept of First Nations as one of two distinct governments and its relationship to a regional board with 20 or more regional interests.
- Regional governments need to recognize their own shortcomings in keeping step with the evolving and controversial process of local government.

Key Point:

Most First Nations have finite resources for representation. There needs to be appreciation by local government of First Nations' limited capacity to attend meetings, and to participate in both local and regional government issues.

- Regional and local governments should be mindful that many First Nations have no interest in regional government beyond basic services such as water and sewer. Issues such as regional growth strategies and long term planning are not likely of interest. There is a risk of deterring interest if First Nations are deluged with issues that don't affect or interest them – limited desire to assume responsibility.
- First Nations representatives tend to remain constant for long periods of time whereas local government representatives change frequently in municipal elections. This makes relationship building particularly challenging. Good rules make good neighbors; write them to last.
- Importance of involving First Nations in sub-committees, helps build a better understanding of full board discussions.
- Sub committees provide a 'low-risk' environment to 'learn the ropes' and way around the Regional District. Sub committees build inter-connections between communities.
- Need for mentorship.
- Too many bands for each to sit on regional district board.
- Move slowly; educate First Nations as to what regional districts do. Education is not, however, a one-way street.
- Need to start building relationships now – can't wait for finalization of treaties.
- Useful ideas around buddy-system (Ladysmith-Diddath) and ability to assist in building capacity.
- Many regional governments have massive resources; most First Nations don't.

Key Point

Regional and local governments should be mindful of opportunities to establish relationships with First Nations that involve common interests, such as joint business ventures, service or parks agreements. These bottom-up agreements with First Nations could stimulate their interest in regional government; it's an invitation to the regional table, rather than forcing participation.

- The process is as evolutionary for regional and local government as it is for First Nations.
- All agreements must be open and public.
- Electoral Areas committee could launch discussion with local First Nations.
- First Nations who approach local government for servicing agreements are sometimes rejected outright because they don't discuss planning issues.
- The right to contract with some First Nations is dependent on treaty settlement. It is a challenge to attain any agreement that could be brought to regional board.
- The primary relationships with First Nations and GVRD should be with member municipalities; not at GVRD board.
- Are local and regional governments able to create the structure for future negotiations? How can it best be facilitated?

Key Point:

Existing agreements between First Nations and local and regional governments are diverse in scope and region/government specific. In the Nisga'a agreement, only Nisga'a people can vote for Nisga'a government. This model may exclude a large group of residents who live, or may in future, reside on Nisga'a land. The Sechelt model gives First Nations a direct vote on local government, through a First Nations representative, and responsibilities similar to municipal obligations to regional districts. Local and regional governments should be mindful of their needs, priorities, and explore the contributions and concessions they are willing to make to facilitate discussions.

- The evolution of local government is about change – the GVRD grew over time to a system of regulatory authority from the needs and shared commitments of local communities for stability and the need to develop and grow. We don't have to define the structure and relationships today – let them evolve.
- Sechelt agreement enables First Nations to adopt some aspects of Municipal Act, while retaining the right to reject other sections – concern about different rules for different members at the same regional board table.
- Legitimacy of relationship – support for relationship in both local government and First Nations communities.
- How to achieve balance.
- Need for dispute resolution.
- Lack of pre-existing relationships as a foundation/precedence between local government and First Nations.
- Differing expectations of local government and First Nations – some are unrealistic.
- Differing First Nations decision-making processes, eg. Consensual.
- Presence of special First Nations powers, eg. Fishing rights, may impact local government/First Nations relationship at regional district board.
- First Nations may only be interested in certain roles like water or sewer, not other complex regional district issues.
- First Nations boundaries of one band may overlap several regional districts.
- Difficulties determining which First Nation representatives speak for the group.
- Urban Aboriginals without a land base is a growing concern.
- What changes would local government be willing to make to incorporate First Nations?
- Test drive First Nations-Regional District membership incrementally.
- Need for local governments, regional districts to have a clear idea of what it is prepared to consider in terms of changes/modifications to the status quo.
- Need for a mechanism to prevent a First Nation from 'easily' walking away from regional district.
- Question when disputes arise whether First Nations recognize the courts.
- After a long history of litigation, broad corporate powers are recognized in the Sechelt and Nisga'a agreements. This is the most secure arrangement. The hundreds of other First Nations without agreements are independent bodies, under jurisdiction of federal government/ministry of justice Indian Act. Some contracts with First Nations require a signature from ministry of justice. The objective is to get First Nations out of the *Indian Act* and give them 'natural person powers.' Progress in this regard is being made.

5. Next Steps

Mr. Didluck summed up key points and objectives as follows:

- the need to increase information flow and build relationships;
- First Nations understanding of Regional District functions/roles;
- coordinated land use planning;
- forum for non-treaty indicatives;
- creating a level playing field;
- joint economic goal setting;
- sharing of costs, responsibilities and expertise;
- the need to work directly with First Nations recognizing each regional district will be unique;

- treaties enable First Nation/local government relationships, not determine them;
- shifting roles and responsibilities of regional district if First Nations participate;
- importance of First Nations to understand role and mandate of regional districts; and
- issues of First Nations voting authority and political balance of boards.

6. Conclusion

The LMTAC Hosted Workshop to Discuss First Nation Participation on Regional District Boards held Thursday, October 5, 2000 concluded at 12:03 p.m.