

Tsawwassen Final Agreement: Political Representation on Regional District Boards and First Nation Governments

UBCM Conference Series:
Final Treaty Agreements: Examining Local Government
Interests
May 23, 2007

Policy Development - TFN Participation in Regional Governance

- July 2003: LMTAC released discussion paper *Regional Governance and Governance in the Region*
- April 2004: LMTAC participated on UBCM Governance Technical Team
- April 2004: LMTAC participated in Tsawwassen Intergovernmental Relations Technical Working Group
- July 2004: GVRD began to explore 4 potential governance models for First Nation – Regional District Relations post-treaty
- November 2004: Province initiated development of the IGR Chapter in consultation with LMTAC and GVRD

Policy Development - TFN Participation in Regional Governance

LMTAC First Principle #41: First Nation Participation in Regional Governance

“Provincial legislation must be provided to enable First Nation participation in regional government structures. Self governing First Nations should be encouraged to participate in regional governance functions to the greatest extent possible. Any discussion of regional governance models must involve the direct participation of the respective Regional District from the very outset.”

Policy Development - TFN Participation in Regional Governance

Governance Models Explored by GVRD:

1. First Nations Joining the existing Electoral Area “A”
2. Special First Nation(s) Electoral Area
3. Individual Electoral Areas for each Treaty First Nation
4. Full Municipal Membership

TFN Final Agreement: Intergovernmental Relations & Services Chapter

Chapter Sections:

- Membership in the GVRD
- Services and Authorities
- Land Use Planning
- Provision of Water
- Dispute Resolution

TFN Final Agreement: Intergovernmental Relations & Services Chapter

Membership in the GVRD:

- On Effective Date, TFN is a First Nation member of the GVRD and may participate in its Associated Entities
 - TFN will appoint a director
 - same functions, powers, duties and obligations
- Parties will review TFN membership no later than 10 years after Effective Date
- BC will consult:
 - TFN on any changes to the structure of regional government
 - GVRD on changes to TFN membership

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Services and Authorities:

- TFN will receive and pay for Core Mandatory Regional Services and be subject to all applicable GVRD bylaws
- TFN will participate in the GVTA on the same basis as a municipality
- TFN may negotiate with the GVRD or Associated Entities for provision of “optional” services
- TFN may enter into agreements with respect of the provision and payment for local government services
- Pre-treaty contractual agreements with local government will remain in effect

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Land Use Planning:

- **Pre-Effective Date** – TFN’s existing land use plan will be deemed by Provincial Settlement Legislation to meet the statutory requirements of the *Local Government Act* for consistency with the *Regional Growth Strategy*.
- **Post-Effective Date** – TFN’s land use plan will include a statement equivalent to a regional context statement to demonstrate consistency with a *Regional Growth Strategy* approved by the GVRD with the participation of TFN.
- Before making a planning or zoning law, TFN will consult any local governments that may be affected through a process similar in principle to that required of a municipality.

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Provision of Water:

- Before Effective Date BC will ensure:
 - GVWD will supply water on reasonable terms to TFN
 - GVWD has the legal authority to supply water to TFN
- TFN will negotiate and attempt to reach agreement with the GVWD on the construction and capital costs for the infrastructure
- GVWD will provide water to TFN on the same terms as a member municipality of equivalent size, including costs
- If TFN and GVWD fail to agree on terms and conditions for TFN membership on GVWD, TFN may appeal to Minister

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Dispute Resolution:

- TFN and Local Government may use a dispute resolution process set out in the Dispute Resolution Chapter of the treaty, the *Local Government Act*, *Community Charter* or another process agreed to by the Parties for resolving disputes between TFN and Local Government.
- Chapter recognizes that Local Government may be limited by Provincial Law to specific dispute resolution processes.

LMTAC Interests in Regional Governance

- ✓ First Nation Participation in Regional Governance
- ✓ Local Government Involvement During Implementation
- ✓ Democracy and Accountability

Participation in and Delivery of Regional Programs and Services

- ✗ Pre-Treaty, TFN land use plan deemed consistent with RGS
- ✓ Post-Treaty, TFN land use plan must demonstrate consistency with RGS

LMTAC Interests in Regional Governance (Cont'd)

- ✓ Respect Government Authorities
- ✓ Equivalent Regional Standards
- ✓ Delivery of Local Programs and Services
- ✓ Honour Service Agreements
- ✓ Cost Neutral for Local Governments
- ✓ Flexible Cost Recovery Post-Treaty
- ✓ Dispute Resolution Accessible to Local Governments