
DEVELOPING GOOD NEIGHBOUR RELATIONS "II"
LOCAL GOVERNMENTS AND FIRST NATIONS TECHNICAL WORKSHOP

FINAL REPORT

October 28, 2004
Ramada Plaza Hotel, Richmond, B.C.

Organized jointly by:

First Nations Alliance 4 Land Management
Union of British Columbia Municipalities
Local Government Management Association of B.C.
Planning Institute of British Columbia (PIBC)
Indian and Northern Affairs Canada (INAC)
Ministry of Community, Aboriginal and Women's Services (MCAWS)

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INAC
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Prepared by:
John McCandless, Workshop Facilitator

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INTRODUCTION

TECHNICAL WORKSHOPS "I" and "II" were historic events. Never before have administrators, planners and land managers from around the province come together to talk about improving government to government relationships between First Nations and local governments in BC.

The first technical workshop, convened in February of 2003, was attended by approximately 60 First Nations land managers and local government planners. At this earlier workshop participants recommended holding more events of this kind and including First Nations and local government administrators as well as planners, land managers and other related staff. This was the premise for the second technical workshop held on October 28, 2004.

The goal of the second workshop was to build on the success of the first event by continuing to improve understanding and communication between First Nations and local governments. Specifically, *Developing Good Neighbour Relations* Technical Workshop II was convened to:

- educate and inform each other about opportunities and constraints we face in our respective roles;
- hear how people are making changes to the way they work together on servicing, economic development and land use issues through case studies;
- discuss barriers to good neighbour relations and find solutions; and
- learn more about the resources, contacts and information that are available to assist us in building good neighbour relationships.

These workshops were created out of the recognition that, to be successful, long term working relations between First Nations and local governments require attention and skill building at both the political *and* administrative levels. Dialogue can't be limited to the political level if we are going to strengthen relationships. Practitioners need to be involved to make things work better and effectively address some of the chronic barriers between our communities. If anyone can be considered hands-on experts in building good neighbour relations, it is the administrators, land managers and planners in the field who are grappling with the "how" of working together on a regular basis.

The workshop was an exciting opportunity for staff from First Nations and local governments to share experience, knowledge and ideas. This report summarizes the outcome of the workshop case studies and small group discussions.

AGENDA

8:45 Welcome and Introduction – Co-Chairs
Alison McNeil, Union of British Columbia Municipalities
Freda Jules, First Nations Alliance 4 Land Management

9:00 Ice Breaker Activity
John McCandless, Facilitator

9:25 Case Study #1: Working Relationships – Servicing Agreements
Sue Saunders, Administrator, Adams Lake Indian Band
Doug Lagore, Administrator, District of Salmon Arm

10:05 Break

10:20 Case Study #2: Working Relationships – Economic Development
Karen Mellor, Administrator, Village of Lillooet
Laura Brown, Planner, T'it'q'et First Nation

11:00 Small Group Discussion #1: Servicing and Economic Development

11:45 Lunch

12:45 Networking "Marketplace"
Meeting with resource organizations

1:55 Understanding Local Government and First Nations Land Use Management
and Planning Regimes
Rick Krehbiel, First Nations Land Management Resource Centre/Lheidli
T'enneh First Nation
Brian Mehaffey, General Manager, Development Services Department,
City of Nanaimo

2:25 Case Study #3: Working Relationships – Land Use Issues
Steve Gallagher, Intergovernmental Relations, Sliammon First Nation
Stan Westby, Administrator, District of Powell River

3:05 Small Group Discussion #2: Land Use Issues

3:50 Final Plenary Discussion
John McCandless, Facilitator

4:25 Closing Remarks

CASE STUDY 1: WORKING RELATIONSHIPS – SERVICING AGREEMENTS

Sue Saunders, Band Manager, Adams Lake Indian Band. Sue has worked with a wide variety of Aboriginal people and groups primarily within social sector service delivery; she also lived in the high arctic and in Labrador for a number of years.

Douglas B. Lagore, CLGM, Chief Administrative Officer, District of Salmon Arm. Doug is Past President of the Canadian Association of Municipal Administrators and a member of the International City/County Managers Association.

Sue and Doug described the evolution of a municipal servicing agreement between the Adams Lake Indian Band (ALIB) and the District of Salmon Arm (DSA).

Background

Adams Lake Indian Band has seven reserve parcels, two of which are located on Shuswap Lake and are surrounded by the District of Salmon Arm. Prior to 1994, the DSA collected taxes and provided basic hard services (road maintenance, fire protection, water and sewer) to Indian Reserves (IRs) 6 and 7. The federal government passed the *Indian Self Government Enabling Act* in 1991 and in 1994 the ALIB notified the DSA that they would become the taxing authority.

Evolution of the Agreement

ALIB did not want to pay the DSA for any other services except water and sewer and, at substantial legal costs to both parties, ALIB and DSA proceeded to court to resolve their differences. The court ruled that DSA must provide water, sewer and fire protection services and that the ALIB must pay for these services. If the ALIB wanted any additional services they must negotiate this with the District.

A new District Council was elected in 1996 and they recognized that it is in the best interests of the community to work together to resolve differences. District Council recognized that an agreement would give DSA certainty for payment and ALIB certainty for development opportunities for their lands. In 1997, DSA Council instructed District administration to negotiate a servicing agreement for water, sewer and fire protection services.

A 30-year agreement was signed in 1999 for water and sewer services, fire protection services, and road maintenance services. This agreement stated that ALIB would contribute for water, sewer and existing infrastructure (e.g., existing

infrastructure for fire protection) as well as DCC's for new development. Storm sewer service was not part of the agreement.

Current Status

To-date, the agreement has worked well and the parties now have a good working relationship. In 2003, ALIB commenced discussions with First Pro Shopping Centres for the development of Lot #7 on IR 7. First Pro Shopping Centres needed storm sewer service and, as this was not provided for in the original servicing agreement (the MTSA), a tri-partite agreement was proposed. The developer was also concerned about service beyond the 30 year term of the MTSA and wanted assurances from DSA that the infrastructure would meet their needs.

After extensive negotiations the ALIB and the District signed an amendment to the original MTSA whereby ALIB agreed to pay the DSA a road maintenance fee (based on an escalating formula that recognizes the District's annual transportation operating and maintenance costs) toward the District's overall transportation costs for the entire community.

At the same time the ALIB and the District signed a tri-partite agreement that stipulated the developer would pay an assessment to the District equivalent to DCC's for water, sanitary sewer, roads and storm sewer. As a result of the new agreement the developer would also pay approximately \$200,000 to the District to upgrade one of the service roads.

Both parties had to overcome several challenges to finalize a tri-partite agreement:

- DSA had to recognize that time lines are different for First Nations;
- DSA had to recognize that the ALIB's lands are the First Nations' main source of revenue to support their band members (they have no other assets although they are trying to develop other initiatives);
- DSA had to recognized that lease and tax revenues support band programs (health, education, social services, etc.); and
- ALIB had to come to understand the DSA's philosophy and method of funding road maintenance.

Key Messages

- The First Nation's land base is a very limited resource for its memberships' use and for the generation of revenue.
- There are significant differences between local governments and First Nations and their respective mandates. Effort and foresight are required to recognize the opportunities that municipal servicing relationships and the agreements that flow from these arrangements present.

- Litigation is not a beneficial or recommended approach and it is better to gain an understanding of each parties' interests through an interest-based negotiation process.
- Municipalities have significant capacity and technical civic expertise (often in-house) that First Nations can benefit from.
- First Nations - local government relationships are a work in progress, and both First Nations and local governments need to focus on mutual interests and define their respective roles in this relationship.
- Joint strategic planning is one way to address and discuss compatibility of land uses.
- If a working political relationship is not in place, the technical working relationship cannot develop. Often what it takes to get movement in relations is a new political focus.
- Regular and scheduled formal communication between the responsible parties is essential and so too is making efforts at informal communications.

CASE STUDY 2: WORKING RELATIONSHIPS – ECONOMIC DEVELOPMENT

Laura Brown, Planner, T'it'q'et First Nation. Currently Laura is working on a project to assess air quality in the Lillooet area, logging of the Wildfire K7009 and the development of a Community Forest with the District of Lillooet (DoL).

Karen Mellor, Administrator, District of Lillooet. Karen has worked as a planner for the City of Kelowna, Central Okanagan Regional District and the District of Lake Country. She also assisted the Westbank First Nation with the development of their Land Use Plan.

Karen and Laura described the proposed Lillooet Community Forest.

Background – Developing The Process

The opportunity to develop a joint Community Forest was initiated due to T'it'q'et's desire to build capacity in economic development and the District of Lillooet's willingness to explore unique partnerships in economic development. The impetus for working together also arose out of a shared concern about a bark beetle infestation spreading in the Lillooet area.

T'it'q'et and DoL initiated the process by beginning informal meetings to explore available options. Application for a Community Forest License (CFL) seemed the most desirable and lucrative solution as it allowed their communities to address the immediate concern presented by the beetle infestation while at the same time developing long term economic opportunities for both communities.

Addressing Challenges and Finding Common Ground

Lack of funding and a wildfire proved to be significant challenges for the development of Ti'it'q'et's and DoL's joint economic development endeavour. T'it'q'et and DoL had to actively seek out funding to develop plans, complete studies of the watershed, hold community meetings and hire consultants. Working together, they finally discovered the First Nation Forestry Program, which could provide the required funding. Unfortunately, after the process was underway, a 1500 hectare wildfire burned approximately 30 percent of the area proposed for the CFL. This meant the Call for Proposals had to be put on hold and T'it'q'et and DoL had to divert their attention from the project, pool resources and work together to fight a problem that threatened both of their communities. The outcome was a stronger working relationship.

Current Status

As a result of the fire, a set of more comprehensive terms of reference (TOR) for a Community Forest License were established that reflected important new considerations that emerged as a result of the fire, such as sustainability, remediation and holistic forest management. The TOR were posted in September of 2004 and the two communities are now developing a joint business agreement that spells out the working arrangements of the license. T'it'q'et and DoL have also started discussions on value added industries, that could realize further employment opportunities, improve community morale, and also help return the forest to a healthy state.

Key Messages

- Working together to address a common challenge can help initiate and develop a stronger working relationship and better communications.
- Identifying common interests can lead to a joint economic development opportunity and specific initiatives such as a forestry plan, a co-management plan and a stewardship plan.
- Exploring innovative relationships can develop long term economic opportunities for both communities.
- Having a larger economic development strategy can be the enabling vehicle for pursuing joint initiatives like a CFL application.

- Long term relationship continuity can often be better maintained by staff than elected officials.
- Community forums are a positive way to create awareness, find out what each party can bring to the table, and bring communities together.

CASE STUDY 3: WORKING RELATIONSHIPS – LAND USE ISSUES

Steven Gallagher, Intergovernmental Relations, Sliammon First Nation (SFN). Steven worked for many years advancing Aboriginal title and is presently involved in working with local governments on relationship building to benefit the membership of the Sliammon First Nation and the citizens of Powell River.

Stan Westby, Chief Administrative Officer, Municipality of Powell River. Stan has many years experience in the government finance field and this past year Stan represented the Government Finance Officers Association (GFOA) at the provincial level assisting in the implementation of the new British Columbia Community Charter.

Steve and Stan's presentation focused on intergovernmental relations between the District of Powell River and the Sliammon First Nation, focusing on the success of the Community Accord and the development of the award winning Protocol Agreement on Culture, Heritage and Economic Development¹

Background

Controversy stimulated the development of this relationship when the municipality began construction for a Seawalk Project along the same shores the Sliammon people had traditionally used for thousands of years. This prompted the Sliammon First Nation (SFN) and the District of Powell River (PR) to discuss what could be done to ensure this type of incident would not happen again and how they could position themselves to recognize each others societies, cultural traditions, values and aspirations.

¹ The Protocol Agreement and Community Accord can be downloaded from the UBCM website at: www.civicnet.bc.ca

Evolution of the Agreement

On May 10, 2003, a Community Accord between the two governments was signed. The Accord recognized SFN as an equal government and transferred the Powell River Seawalk project to the SFN on a government-to-government basis. The Accord also committed both parties to initiate activities to facilitate economic diversification and cultural and heritage site protection. To honour this commitment the SFN and PR pursued the development of a Protocol Agreement, which was signed on June 26th, 2004. The Protocol Agreement ensures the protection of culture and heritage sites for the SFN and PR, promotes joint economic opportunities and attempts to raise awareness and understanding.

A tremendous amount of energy and effort went into drafting, redrafting and presenting these two documents prior to adoption by the respective governments. To be successful they had to be drafted with practicality in mind. For instance, when phrases such as "Ensuring the protection of culture and heritage sites" were included, the municipality had to be prepared to follow through with their commitment by having a plan and mechanism in place to identify, record and protect all sites on all land parcels. That meant referring each and every piece of municipal development legislation to the SFN heritage and archaeological experts.

A process that links joint political working groups comprised of political staff and the economic development arms of both communities was developed, and an Official Community Plan (OCP) and bylaws review system were also introduced as concepts.

Current Status of Agreement

The SFN now has a seat on PR's Steering Committee to overhaul the OCP. This allows SFN to participate and lobby for their history, culture and heritage to be reflected in this local government document. It is anticipated that the Sliammon First Nation eventually will have its own chapter in the municipality's OCP.

The municipality has also attempted to be proactive with Sliammon involvement in as many aspects of community development as possible. The most recent development has been the creation of a tri-partite agreement with the local mill NorskeCanada, the Sliammon First Nation and the municipality. The purpose of this joint venture is to divest the mill of surplus lands thereby creating an enhanced assessment base for PR and a much needed log sort facility for the SLN. This represents groundbreaking cooperation from a relationship that was tenuous at best just four years ago. As a result of their efforts, Powell River and the Sliammon First Nation are now regarded as a highly recognized model for bridging good neighbour relations.

Key Messages

- Opportunities can arise from controversy and discord and, by working through difficulties, both parties can develop unity, trust and eventually understanding.
- Intergovernmental coordination sets the table for First Nations and local governments to work together.
- Meeting often (in this case it was six times a year) to review the progress of joint committees, identify joint initiatives, and share information that may be of concern to one or both parties is important.
- Political representatives on both sides should agree to deal collectively with emergency issues to protect the integrity of relations and formal agreements.
- Protocols, Memorandums of Understanding and other formal agreements can positively impact local government - First Nations relations by:
 - Creating a new level of understanding between First Nations and local governments in areas of governance;
 - Allowing for coordinated communication and cooperation;
 - Encouraging strategic thinking for joint economic opportunities;
 - Providing a degree of certainty for both First Nation and local government aspirations;
 - Avoiding controversy before it happens; and
 - Assisting in the development of a sustainable relationship based on mutual regard for each other's culture, history, values, interests, perspectives, operating environments and vision.
- Building good neighbour relations is a slow process that can only be successful if built on hard work, trust and openness.

UNDERSTANDING LOCAL GOVERNMENT AND FIRST NATIONS LAND USE MANAGEMENT AND PLANNING REGIMES

Richard B. Krehbiel, LL.B., Senior Negotiator and Director of Treaty Policy and Research, Lheidli T'enneh First Nation. Rick teaches Environmental Law and First Nations Studies courses at the University of Northern British Columbia. His consulting practice includes treaty negotiations, First Nation land management, environmental assessment and strategic planning.

Brian Mehaffey, General Manager, Development Services Department, City of Nanaimo. Brian has been working with the City of Nanaimo for over 20 years. In addition to managing the City's development related processes, Brian also provides advice to Council on matters related to First Nations issues.

Rick described the Framework Agreement on First Nation Land Management and Brian described the municipal planning process and local government regulation of land use.

Framework Agreement on First Nation Land Management

Context

The Framework Agreement on First Nation Land Management is a negotiated agreement between the Government of Canada and fourteen First Nations that establishes a process through which the jurisdiction of the Department of Indian Affairs to manage reserve lands and resources is transferred to the First Nation. It was concluded in 1996 and brought into effect by federal legislation in 1999. In 2002, the process "opened up" to a total of 30 First Nations in Canada. At present, British Columbia First Nations that have ratified Land Codes include Westbank, Lheidli T'enneh, Beecher Bay, Tsawwassen, Ts'kw'aylaxw, Sliammon and McLeod Lake. Also, Musqueam, Squamish, N'quatqua, Tsawout, Songhees, Tsleil-Waututh, Osoyoos, Skeetchestn and Shxwha:y First Nations are at various stages in the process of developing land codes.

How it Works

A First Nation that participates in the process enacts a Land Code by community vote which replaces the 32 sections of the *Indian Act* that apply to reserve lands and resources. After the process is complete, the First Nation's Land Code provides the First Nation with "the power to make laws . . . respecting the

development, conservation, protection, management, use and possession of First Nation land and interests and licenses in relation to that land.” Under the Framework Agreement First Nations gain responsibility in:

- Interests and licenses for land and natural resources;
- Revenues and expenditures;
- Zoning and land use planning;
- Environmental assessment and protection;
- Land transfers and expropriation;
- Matrimonial property;
- Dispute resolution;
- Enforcement; and
- Delegation of authority and accountability.

The Framework Agreement does not apply to oil and natural gas, atomic energy, migratory birds, endangered species, fisheries, taxation, or land outside of reserves. Further information can be obtained from the following website: www.fafnlm.com.

Municipal Planning Process and Local Government Regulation of Land Use

Context

Historically, local government land use planning focused on separation of incompatible uses. This approach worked best when dealing with pre-existing situations, but now the pendulum has swung back to recognizing the need to encourage “complete communities” by providing a mix of uses. There has also been a shift in focus from “what is” to “what we want” and there are often competing objectives relating to pro-growth at any cost, environmental protection and protection of neighbourhoods. The challenge is to maintain a balance and create clear and achievable policy objectives in the face of these competing interests.

What is the Legal Basis?

Zoning, Official Community Plans (OCPs) and Regional Growth Strategies (RGSs) represent the basic legal framework for the municipal planning process and local government regulation of land use, and there are commonalities between these three basic tools:

- All are regimented processes that follow procedures set by provincial statute (authority flows from the *Local Government Act*);
- All send messages as to what kind of community is desired for the future;
- All depend on elected officials to consider a wide range of interests in making land use decisions;
- All impact on the rights of property owners and necessitate that changes require adoption of a bylaw;
- All require that full disclosure of information be made to the public; and
- All require a public hearing process and can be challenged in court.

Zoning is the basic building block of land use regulation and establishes what can be built on a site.

The **Official Community Plan** (OCP) is a broader policy framework for the future. It is a blueprint to help people understand what they can do with their property and what they can expect to happen around them. It is a long range tool, that is typically reviewed every five years.

Regional Growth Strategies are relatively new in BC and they provide a tool to tie together planning policies in a variety of local jurisdictions to provide some certainty at the regional level as to future development. A RGS sets out general principles for all planning areas within a region to consider in making decisions regarding land use; they also are probably the best existing framework to deal with land use co-ordination between First Nations and local governments.

A reiterative planning process is the key to successful growth management and not slavish adherence to a plan. While long range planning is a desirable goal, it is difficult to accomplish because society keeps changing. For example, big box stores, ATMs, and the impact of computers on home-based businesses have all impacted land use patterns in recent years.

SMALL GROUP DISCUSSION 1 SERVICING AND ECONOMIC DEVELOPMENT

This discussion occurred in the context of a hypothetical scenario involving a municipality and adjacent First Nation in which the two councils wanted to reach agreement on either economic development (scenario 1) or fire protection service provision (scenario 2).

Participants were asked to identify:

- Important steps in the process of developing an agreement;
- Key challenges hindering the ability to reach an agreement;
- Key roles and responsibilities (who needs to do what to make it happen); and
- Important sections of an agreement and what should be contained in these sections.

Results from the small group discussions have been compiled below.

IMPORTANT STEPS IN THE PROCESS OF DEVELOPING AN AGREEMENT

a) CREATE A SUPPORTIVE ATMOSPHERE AND RELATIONSHIP

- Don't rush, take it slow, be sensitive to meeting locations.
- Develop personal relationships based on trust.
- Establish a government-to-government relationship and acknowledge historical relations or lack thereof.
- Work on creating an atmosphere that supports open communications and opens up dialogue with the broader community (i.e. business interests) and ensure that people of influence become involved.

b) ENSURE COMMITMENT

- Establish a clear, shared understanding of what both communities want to achieve. Identify common interests and explore benefits to each community.
- Work toward articulating a common vision expressed in an operating protocol.

c) EDUCATE AND INFORM (INTERNALLY AND EXTERNALLY)

- Develop an understanding of each community's values, philosophy, culture, history, processes, and plans.
- Ensure each community understands the goals of project.
- Develop a complete understanding of one another's roles, responsibilities, authority and capacity. One possibility would be to utilize open houses (open to everyone - not just politicians and staff) on each community's home turf and comfort zone: who we are, what we do, who does what?

d) DEVELOP CAPACITY

- Identify existing resources and who can contribute what.
- Make presentations on existing economic development plans focusing on what each group sees as important, strengths they bring to the process, capacity, and internal and external resources.
- Pair individuals of similar function from both governments so that they can begin to converse together.

e) GATHER IMPORTANT INFORMATION

- Ascertain what information is required to conclude an agreement.
- Research other servicing agreements/models from communities of similar size.

f) DEVELOP A WORKPLAN

- Identify key political players, administrative and technical staff from the First Nation and municipality; form a working group of non-political administrative and technical staff.
- Undertake mutual site visits to all of the lands under consideration.
- Develop an action plan with community consultation that includes (1) issue identification, (2) presentation of the draft plan and (3) ratification of the final strategy.
- Prepare a budget and identify sources of funding; consider cost sharing.

KEY CHALLENGES TO REACHING AN AGREEMENT

- Having differing priorities, values and approach; lack of ability to reach consensus on terms of reference and mutual goals; too much focus on past differences rather than present goals.
- Disparity of resources, lack of resources; lack of technical abilities (i.e. the need for certified personnel) and the need for ongoing training support.
- Scheduling meetings and getting everyone to the table
- Lack of knowledge of each other's structures, processes and regimes (i.e. INAC and the Community Charter); achieving an understanding of culture, goals, authorities and limitations.
- Different decision-making processes can result in differing time lines or lack of understanding of how a decision is to be made.
- An unclear mandate from respective councils.
- Change-over in staff and elected representatives; a different political philosophy may set process back to square one.
- Lack of community support; fear of cooperation and new relationships; lack of trust; lack of willingness to share knowledge.
- Possibility of needing changes to bylaws and the OCP
- Time pressures; funding deadlines; disputes over equitable financing; liability and taxation issues.

ROLES AND RESPONSIBILITIES

Chief and Council/Mayor and Council

- Develop vision.
- Create a working relationship Council to Council and discuss ways to work together for mutual benefit and to develop guiding principles to ensure progress and regular dialogue.
- Approve MOU with achievable goalposts that will ensure progress and regular dialogue.
- Appoint a person to be an “intergovernmental relations” staff contact.
- Direct respective staffs to get to know each other and to be well educated/informed on the initiative; empower staff to develop the proposal and process jointly with their counterparts in the other government.
- Keep the public informed of objectives and process; consult with the community; be seen as publicly supporting the process.
- Stick with political leadership roles.

Local Government Administrator and/or First Nations Administrator

- Understand jurisdictional authority - become well informed about First Nation or local government and understand realities of having to work with *Indian Act* rules or under the Community Charter.
- Formalize a communications protocol to ensure ongoing communication, meaningful dialogue, and relationship building.
- Depending on size of First Nation and/or local government, the administrator could be the champion and key contact to set the tone, develop personal relationships, execute Council’s mandate, and update Council with appropriate and correct information.
- Work with administrative counterpart to determine actual needs, create principles of the agreement, negotiate agreement, and ensure agreements are capable of surviving changing political philosophies.
- Provide a link between staff and elected officials; provide directions to staff; establish a cooperative culture both upwards and downwards to achieve sustainability in relationship with political and staff changes, support staff if they encounter problems
- Undertake research, establish progress reports, set up a schedule for meetings and consultation, look at finances and sources of funding.
- Reality check the politicians, facilitate the political process and consult with other First Nations and local governments and INAC.
- Investigate training opportunities.

Local Government Planner or First Nation Land Manager or equivalent

- Need to understand what is proposed on First Nations land, i.e. location analysis, land use assessment, protocol agreements, growth and development strategy, mapping.

- Find commonalities, mutual benefits and win-wins; use a department-to-department approach when possible and look for opportunities to transfer knowledge.
- Prepare information to share and guide meetings, schedule meetings as necessary with other jurisdictions, set agendas.
- Clarify process for land use controls, provide information on bylaws, land use codes and jurisdictions.
- Establish public input for both land use and lease agreements; inform community members through newsletters and information meetings.
- Develop the plan, coordinate and facilitate the groups; create the process and bring in other stakeholders for input.
- Review agreements for consistency.
- Communicate long term planning goals according to zoning, OCP.
- Provide information about assets, land uses, resources, local skills.
- Identify need for outside expertise. Present basic technical details so everyone is as well-informed as possible. Create maps and detailed information, identify location of homes, infrastructures, etc. to share with local municipality.
- Make recommendations, reports to Council.

IMPORTANT SECTIONS OF AN AGREEMENT AND WHAT SHOULD BE CONTAINED IN THESE SECTIONS

Participants identified the critical sections that should be included in an agreement between a local government and First Nation on economic development or fire protection servicing. The findings from this discussion are summarized in Appendix C.

SMALL GROUP DISCUSSION 2 LAND USE ISSUES

This discussion occurred in the context of a hypothetical scenario involving a First Nation and local government with a history of conflict over land use issues. Participants were asked to make suggestions for how various actors could assist in overcoming the conflict.

Findings from this discussion have been compiled below.

Mayor and Council

Short Term Actions

- Apologize, defer approval of the project.
- Initiate dialogue with First Nation to explain authoritative limitations, discuss benefits, discuss mitigation opportunities, develop joint strategy.
- Utilize the services of a mediator if needed.
- Empower administrators and other staff to tackle the issue.
- Involve the big box retailer as partner in discussions.
- Employ conditions on development permit.

Long Term Actions

- Strike advisory planning group to improve long term communications.
- Initiate negotiation of protocol agreements and land use plans, develop a consultation protocol.
- Ensure the First Nation is involved in OCP development.
- Get all parties together for regular communication and relationship building; build personal relationships and trust between leaders.
- Develop an understanding of the First Nation's interests.

Chief and Council

Short Term Actions

- Initiate dialogue with municipality to outline concerns; establish rapport; establish and create relationship; approach local government to demand consultation and accommodation; exchange information as to how to mitigate problem.
- Develop protocol agreement focusing on communications.
- Empower administrators and other staff to take on this issue.
- Utilize litigation as a last resort.

Long Term Actions

- Work on protocol agreement for better communications.
- Build personal relationship between leaders; build trust.
- Look to harmonize land use plans, ask land management staff to become familiar with proposed adjacent land uses.

Local Government Administrator

Short Term Actions

- Start talking to each other, explore the interests of the First Nation, identify and explore options, buffering, establish a staff-to-staff relationship, undertake impact studies.
- Negotiations should be guided by Mayor and Chief and Council to find solutions, conditions to development permit.
- Schedule meetings with developer and First Nation.
- Enforce mitigation efforts with developer.

Long Term Actions

- Establish a better communications protocol and continue relationship building, implement regular council-to-council meetings, learn how each government conducts its business.
- Set up advisory planning group or land use review committee.
- Negotiate and maintain agreements.
- Ensure public consultation and participation.

First Nation Administrators

Short Term Actions

- Find out why not consulted and get legal advice; articulate rights and entitlements.
- Meet with local government, start talking to each other
- Enhance education and awareness, sharing information through regular council-to-council meetings.
- Assemble appropriate technical staff and establish a referral process; acquire all relevant information pertaining to development.
- Establish meetings with membership.

Long Term Actions

- Establish better long term relationships utilizing protocol arrangements and regular meetings with local government or First Nation to negotiate and monitor agreements.

Local Government Planner or Equivalent

Short Term Actions

- Begin informal dialogue and make First Nations counterpart aware of rules under which local governments operate; explain long term Regional Growth Strategy.

- Determine First Nation issues, concerns and interests.
- Establish specific development parameters; provide options, explore alternate sites and assess impacts.

Long Term Actions

- Share long term land use maps with First Nation; identify areas of joint interest; develop effective relationships and communications.
- Find information on sensitive cultural sites and integrate into planning; consult First Nation regarding future OCP in a serious way, especially concerning adjacent lands.
- Ensure reports and briefings include references to First Nations counterpart. Establish staff level working groups and a joint planning committee.
- Incorporate policies requiring First Nation consultation.

FN Land Manager or Equivalent

Short Term Actions

- Begin informal dialogue and gain better awareness of how the land use planning process works.
- Communicate First Nations concerns and interests to local government counterpart.

Long Term Actions

- Make local government aware of important heritage and cultural areas.
- Ensure reports and briefings include references to local government counterparts.
- Share visions and plans. Allow local government involvement in First Nations land use planning, especially related to adjacent lands.

NETWORKING MARKETPLACE

In the **Networking Marketplace** workshop participants were paired with resource people or organizations in an interactive, informative session. The session provided an opportunity for participants to learn more about the resources, contacts and information available to them in their roles as First Nations or local government staff.

Each session was approximately 15 minutes long and conducted between one resource organization representative and approximately ten participants (First Nations, Local Government or both). Contact information is available in Appendix B; outlined below is a brief description of those organizations that participated.

1. FIRST NATIONS ALLIANCE 4 LAND MANAGEMENT

The purpose of First Nations Alliance 4 Land Management (FNA4LM) is to enhance the capacity and expertise of First Nations' Land Managers to prepare for increased responsibilities in the land, resources and environmental management of reserve land.

2. INDIAN AND NORTHERN AFFAIRS CANADA, ECONOMIC DEVELOPMENT

INAC's role in First Nation, Inuit and Innu economic development is to promote economic development, facilitate partnerships, reduce obstacles and increase access to opportunities to increase their participation in local and national economic growth.

3. INDIAN AND NORTHERN AFFAIRS CANADA, LANDS AND TRUSTS SERVICES

Traditionally, the Lands and Trust Services Sector has been viewed as the administrator of the *Indian Act* with a mandate that is an articulation of its fiduciary and statutory responsibilities. In the past few years, the Lands and Trust Services Sector has reshaped itself as an agent of change, facilitating a shift in the relationship between INAC and First Nations to one based on government-to-government relations.

4. INDIAN TAXATION ADVISORY BOARD

The Indian Taxation Advisory Board (ITAB) represents a unique institutional relationship between the Minister of Indian Affairs and First Nation governments. ITAB's mandate includes directing the review and analysis of all First Nation property taxation bylaws and providing advice on their approval, as well as providing general tax policy advice to the Minister of Indian Affairs and other federal ministers. ITAB provides assistance to First Nations at all stages of bylaw development and implementation.

5. FIRST NATIONS FINANCE AUTHORITY

The First Nations Finance Authority (FNFA) raises capital by issuing bonds on behalf of its member First Nation governments. The proceeds of the bond issues are used by First Nations to build community infrastructure such as sewer, roads and water.

6. MUNICIPAL FINANCE AUTHORITY

The Municipal Finance Authority of British Columbia (MFA) is a central borrowing agency for Municipalities, Regional Districts, Greater Vancouver Sewerage & Drainage District and Greater Vancouver Water District (Utilities), Emergency Communications for Southwest British Columbia (E-Comm), Greater Vancouver Transportation Authority (GVTA) and Regional Hospital Districts (RHD) in the Province of British Columbia.

7. PLANNING INSTITUTE OF BC

The Planning Institute of British Columbia has been dedicated to the advancement of the planning profession in British Columbia and the Yukon since 1958. Registered under the *Society Act* of British Columbia, PIBC is governed by an elected volunteer [council](#) serving over 900 members.

8. LOCAL GOVERNMENT MANAGEMENT ASSOCIATION & CIVIC INFO BC

The Local Government Management Association of BC is a professional organization representing municipal and regional district managers, administrators, clerks, treasurers and other local government officials in the Province of British Columbia. The Association is dedicated to promoting professional management and leadership excellence in local government and to create awareness of the local government officers' role in the community.

CivicInfo BC is an award-winning information sharing service for those who work, or have an interest in British Columbia's local government sector. The main goal of CivicInfo BC is to encourage and facilitate the free exchange of local government information, which is done primarily through this web site.

9. FRASER BASIN COUNCIL

The Fraser Basin Council (FBC) is a unique organization that is focused on advancing sustainability throughout the entire Fraser River Basin. The long-term vision of the FBC is to ensure that the Fraser Basin is a place where social well-being is supported by a vibrant economy and sustained by a healthy environment.

CONCLUSIONS

Cooperative working relationships between First Nations and local governments are an area of huge potential benefit to both parties, yet are relatively untapped, untouched and uncharted. This is an area that many more local governments and First Nations would explore if only they could establish a collaborative atmosphere to support such an undertaking. Often a brand new relationship must be established; one that involves a departure from the isolation that may have characterized their communities in the past.

Many communities are moving forward on this relationship frontier - daring to fail, making mistakes, learning from those mistakes and, in the process, achieving small successes. Others are poised on the brink, about to step into the unknown. Exploring avenues for cooperation must take place on the political level, but it is also a dialogue where practitioners from both local governments and First Nations communities can accomplish many things that politicians cannot. There are formidable challenges and it's often the practitioners who can see a practical way forward.

Key recommendations for First Nations-local government relations that arose as a result of the discussions at the 2004 *Developing Good Neighbour Relations* technical workshop are:

- Take small steps and work towards small successes to keep the momentum building;
- Learn each other's languages, because what means one thing to you may mean something entirely different to someone else;
- Communication is critical in establishing and maintaining relationships - get to know one another and communicate even when you don't have to, often and regularly, formally and informally, in the office and on the street;
- Create 'balance' between your communities every day - develop capacity, share resources, look for opportunities to work together, and foster respect and understanding.
- See the two communities as one bigger shared opportunity for the future of the region.

Developing Good Neighbour Relations Technical Workshop "II" has demonstrated once again that the area of local government and First Nations relations is an area where there is tremendous opportunity for partnership building, rich interchanges and education exchange. Information exchange in this area is relatively new and as the relationship between local governments and First Nations continues to evolve new and different opportunities will continue to emerge for the exchange of information and ideas.

Participants expressed a desire to keep the dialogue and exchange of information on local government-First Nations relations going, and they had many suggestions for topics that could be covered in future related workshops, including:

- Engaging the Aboriginal community in the municipal process;
- Staff pairings, mentoring or job shadowing;
- Identifying broad concepts with respect to cultural differences in land use and other governance;
- Development of land codes and bylaws;
- Opportunity for FNs to learn about local government land use planning frameworks and opportunity for local governments to learn about FNs accomplishments in social and cultural planning; and
- More case studies on partnerships related to servicing, development of political agreements, community planning and other areas of common interest and concern.

The organizers would like to challenge participants to keep the momentum going by holding similar workshops in their own areas and acting on the suggestions made above.

APPENDIX A: PARTICIPANT LIST

Tammy Abrehamson, Westbank First Nation	Pat Dooley, Urban Systems
Emile Adin, Tsay Deh Dene Band	Bill Flitton, City of Abbotsford
Chief Wilie Alphonse Jr, Williams Lake Indian Band	Girmayi Gabre, City of Surrey
Charlie Andrew, Adams Lake Indian Band	Steve Gallagher, Sliammon Treaty Society
Martha Anslow, MCAWS	Donna Gallinger, Nicomen Indian Band
Les Antone, Kwantlen First Nation	Joanne Gauci, Union of BC Municipalities
Jeff Ashton, Deloitte	Joe Hall, Sto:lo Nation
Terry Baird, Tsawwassen First Nation	Wayne Haimila, Indian Taxation Advisory Board
Michelle Baker, Tsawwassen First Nation	Deanna Hamilton, First Nations Finance Authority
Tammy Bartz, Squiala First Nation	Brian Harper, BC Ministry of Agriculture, Food & Fisheries
Bill Beamish, Town of Gibsons	Jerry Harris, Chemainus First Nation
Rick Beauchamp, District of West Vancouver	John Haugen, Lytton Indian Band
Janice Bell, Cariboo Regional District	Sandy Hilyer, Urban Systems
Steve Berna, Municipal Finance Authority	Deanna Honeyman, Sto:lo Nation
Ross Blackwell, 4 Corners Urban Design	Mark Hornell, Capital Regional District
Christine Brown, Lytton Indian Band	Brenda Isaac, Sto:lo Nation Lands Department
Laura Brown, T'it q'et First Nation	Ernest Jack, Westbank First Nation
Christine Callihoo, Counterflow Consulting	Chief Sam Jimmie III, Squiala First Nation
Kathleen Callow, UMA Engineering Ltd.	Chelsea Joseph, Squamish Nation
Debra Campbell, Musqueam First Nation	Freda Jules, Kamloops Indian Band
Richard Chapple, Fraser Basin Council	Linda Kerr, INAC, Lands and Trust Services
Cynthia Collins, Matsqui First Nation	Peter Kirby, Taku River Tlingit First Nation
Valerie Cross Blackett, Tsawwassen First Nation	Michael Kloppenburg, David Nairne + Associates Ltd.
Rick Davidge, District of Port Hardy	Tumia Knott, Kwantlen First Nation
Jag Dillion, City of Abbotsford	

Rick Krehbiel, First Nations Land Management Resource Centre	Todd Pugh, CivicInfo BC
Doug Lagore, District of Salmon Arm	Wayne Quinn, Islands Trust
Peter Li, City of Chilliwack	Steven Raphael, Sto:lo Nation Lands Department
Gary Lister, Sto:lo Nation	Tracy Rockwell, Urban Systems LTD
Tom Macdonald, Local Government Management Association	Rob Sabine, Northern Rockies Regional District
Patricia Maloney, Aboriginal Land Managers Association	Rick Sabiston, INAC, Economic Development Department
David Marlor, Islands Trust	Valerie Sam, Sto:lo Nation
Tanya Martin, INAC, Special Initiatives Unit	Sue Saunders, Adams Lake Indian Band
Melissa Mathias, Kamloops Indian Band	Regan Schlecker, Lower Mainland Treaty Advisory Committee
Alison McNeil, Union of BC Municipalities	Bernard Schulmann, Shama Consulting
Brian Mehaffey, City of Nanaimo	Wes Shannon, INAC
Karen Mellor, Village of Lillooet	Tracey Simon, Indian Taxation Advisory Board
Sara Mimick, Chemainus First Nation	Bryan Shoji, Town of Gibsons
Mitch Moroziuk, City of Penticton	Hugh Taylor, West Moberly First Nations
Ruth Nahanee, Squamish Nation	Regina Toth, Lheidli T'enneh Band
Murray Ned, Sto:lo Nation	Gerry Van der Wolf, City of Port Moody
Timothy O'Hara, Squamish Nation	Lynn Vanderburg, Westbank First Nation
Chief Alexander Paul, Chehalis First Nation	Warren Waycheshen, District of Mackenzie
Ted Pellegrino, Kitimat Stikine	Stan Westby, District of Powell River
Boyd Peters, Chehalis First Nation	Jessie Williams, Squamish Nation
Elise Peterson, Westbank First Nation	Councillor Chris Wycotte, Williams Lake Indian Band
Marino Piombini, Greater Vancouver Regional District	
Kirstie Pirie, Lower Mainland Treaty Advisory Committee	

APPENDIX B: NETWORKING MARKETPLACE CONTACTS

FIRST NATIONS ALLIANCE 4 LAND MANAGEMENT

Contact: Sarah Jules, Coordinator
406-345 Yellowhead Hwy
Kamloops, BC, V2H 1H1
Phone: (250) 828-9732
E-Mail: Sarah@Fna4lm.ca

INAC, ECONOMIC DEVELOPMENT AND BUSINESS PARTNERSHIPS DIRECTORATE

Contact: Rick Sabiston, Advisor
Indian And Northern Affairs
600 - 1138 Melville Street
Vancouver, BC, V6E 4S3
Phone: (604) 775-6276
FAX: (604) 775-7149

INAC, LANDS AND TRUST SERVICES

Contact: Tanya Martin, Land Management and Leasing Officer, Or Linda Kerr, Senior Land Management And Leasing Officer
600 - 1138 Melville Street
Vancouver, BC, V6E 4S3
Phone: (604) 666-6703
FAX: (604) 775-7149

INDIAN TAXATION ADVISORY BOARD

Contact: Wayne Haimila or Tracey Simon
321-345 Yellowhead Highway
Kamloops, BC, V2H 1H1
Tel: (250) 828-9857
Fax: (250) 828-9858

FIRST NATIONS FINANCE AUTHORITY

Contact: Deanna Hamilton, President
202 - 515 Highway 97 South
Kelowna, BC, V1Z 3J2
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Fax: (250) 769-2407
Email: Ehamilton@Fnfa.ca

MUNICIPAL FINANCE AUTHORITY

Contact: Steve Berna, Executive Director
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Victoria, BC, V8W 2V1
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Fax: (250) 384-3000
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PLANNING INSTITUTE OF BC

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Tel: (604) 689-5031
Fax: (604) 696-5032
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LOCAL GOVERNMENT MANAGEMENT ASSOCIATION & CIVIC INFO BC

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Todd Pugh (Civicinfo BC)
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FRASER BASIN COUNCIL

Contact: Rick Chapple
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Tel: (604) 488-5350
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APPENDIX C: IMPORTANT SECTIONS IN AN AGREEMENT

Outlined below is what participants identified as important sections to incorporate in an agreement between local governments and First Nations (in the case of servicing/economic development) and considerations that should be reflected in the language.

<p>DEFINITIONS</p> <ul style="list-style-type: none">● Important definitions● Meaning of words, clearly define policies <p>PREAMBLE</p> <ul style="list-style-type: none">● Principles of mutual respect, cooperation● Shared values, key interests● Background information and history cultural setting● Goals, vision, mission statement/principles <p>ROLES AND RESPONSIBILITIES</p> <ul style="list-style-type: none">● Who will distribute agendas and take minutes● How each party will appoint members and amend the plan● Defn of roles and accountability● Provision by which other stakeholders can join in on the process● Timeframe and deadlines (who does what by when) <p>COMMUNICATION</p> <ul style="list-style-type: none">● How often to meet; who will meet <p>GOALS, PRINCIPLES</p> <ul style="list-style-type: none">● Scope and scale of expectations● Goals, principles <p>TERM OF AGREEMENT</p> <ul style="list-style-type: none">● Duration of the agreement <p>TIME FRAMES, SCHEDULES</p> <ul style="list-style-type: none">● Intergovernmental coordination, frequency of meetings, alternating chair, etc. agendas <p>TRAINING</p> <ul style="list-style-type: none">● Training, secondment and job shadowing opportunities	<p>RENEWAL</p> <ul style="list-style-type: none">● Terms/conditions of renewal● Time frames and processes <p>FINANCIAL</p> <ul style="list-style-type: none">● Financial considerations and contributions● Annual funding, billings, payment schedule● Agreements on cost-sharing, in-kind contributions from staff members <p>EVALUATION</p> <ul style="list-style-type: none">● Measurable evaluation outcomes and an evaluation framework: what is evaluated, when and by whom <p>AMENDMENT</p> <ul style="list-style-type: none">● Scheduled reviews● Amending formula● Living document, keeps thing on-going if a change in Council happens <p>TERMINATION</p> <ul style="list-style-type: none">● Method of withdrawing from agreement <p>DISPUTE RESOLUTION</p> <ul style="list-style-type: none">● It may be a binding plan or it may be an agreement where both sides will try to cooperate, if possible● Look to models, i.e. FN Summit/UBCM alternate dispute resolution mechanisms <p>Other important areas that were identified but there were no additional comments on were:</p> <ul style="list-style-type: none">● Insurance And Liabilities● Safety Inspections● Notice● Parities to the Agreement
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