

REGIONAL DISTRICT  
AND FIRST NATION GOVERNMENTS:  
BUILDING EFFECTIVE RELATIONS

**Summary Report**  
*of*  
June 29, 2005 Workshop  
*in*  
Richmond, BC

ORGANIZED BY THE UNION OF BC MUNICIPALITIES



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## **Regional District and First Nation Governments: Building Effective Relations**

Vancouver Airport Conference Resort

8:30 am – 4:00 pm

June 29, 2005

Richmond, BC

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## **AGENDA**

- 8:30 Registration**
- 8:45 Opening Remarks**
- Chair Ted Armstrong, UBCM First Nations Relations Committee
  - Lorne Brownsey, Deputy Minister, Ministry of Aboriginal Relations and Reconciliation
  - Gary Paget, Executive Director, Governance and Structure Division, Ministry of Community Services and Ministry Responsible for Seniors' and Women's Issues
- 9:15 Context Setting – First Nation & Regional District Governments**
- Alison McNeil, Senior Associate, Policy and Programs, UBCM
  - Regan Schlecker, Managing Director, Lower Mainland Treaty Advisory Committee
- 9:45 Exploring the Options – What Can We Learn From Current Relationships?**
- John Appleton, Facilitator
  - Panelists:
    - Bob Lapham, Deputy Administrator, RD of Nanaimo
    - Bob Harper, CAO, RD of Alberni-Clayoquot
    - Ralph Drew, Mayor, Village of Belcarra, GVRD Director and GVRD Representative to LMTAC
    - Colin Kinsley, Chair, RD of Fraser-Fort George
- 10:20 Break**
- 10:35 Exploring the Options – Continued**
- 12:00 Lunch**
- 12:45 Small Group Discussion 1 – Defining Local Government Concerns & Priorities**
- 2:00 Break**
- 2:15 Small Group Discussion 2 – Defining Opportunities for Effective Relations**
- 3:25 Concluding Statements**
- John Appleton, Facilitator
- 3:40 Closing Remarks**
- Chair Ted Armstrong, UBCM First Nations Relations Committee

# 1. Introduction and Overview

In a growing number of areas in BC, First Nations (FNs) and regional districts (RDs) are discussing their future relationship. One of the catalysts for this has been the BC Treaty Process. All Agreements in Principle (AIPs) signed in 2003 reference the intent to explore possible options for First Nation participation in regional districts. In March 2005 at a RD Forum, RD Chairs and CAOs requested an opportunity to discuss and share ideas with respect to this issue. UBCM organized the June 29, 2005 session in response to this request.

RD Chairs and Administrators and Treaty Advisory Committee (TAC) Chairs and Administrators were invited to the workshop. With almost 60 participants, there was broad representation from both RDs and TACs at the workshop: 21 of 27 RDs as well as almost all TACs were represented (see Appendix for participant list). This report is a high level summary of the workshop, which included presentations and small group discussions. In each section, the purpose, speakers and key messages are summarized.

## GOALS OF THE WORKSHOP

The goals of the workshop were to:

- Increase understanding among UBCM members about some of the issues and options related to First Nation membership in RDs;
- Inform UBCM policy development by determining member interests and possibly generating some key principles for First Nations participation in RDs;
- Set the stage for further discussions with First Nations, including at events such as the next province-wide Community to Community Forum planned for March 10, 2006; and
- Provide a positive environment within which participants could discuss and document their expectations and concerns pertaining to First Nations participation in RDs.

## OPENING REMARKS

### SPEAKERS

- **Ted Armstrong**, Chair, UBCM First Nation Relations Committee
- **Lorne Brownsey**, Deputy Minister, Treaty Negotiations, Ministry of Aboriginal Relations and Reconciliation
- **Gary Paget**, Executive Director, Governance and Structure Division, Ministry of Community Services

All of the speakers emphasized that discussions on regional district relationships with First Nations were timely given the current treaty negotiation climate and the increasing powers and authorities being afforded to First Nations by a variety of federal and provincial legislative and policy changes.

It was noted that while treaties may define the structure for the RD-FN relationship, the nature of that relationship should be jointly developed at the local level between the two parties involved. The province emphasized that the BC government could play a supportive role in the development of these working relations, but the onus is on regional districts and First Nations to start discussions early.

## 2. Context Setting Presentations

### A. *First Nation and Regional District Governments*

The purpose of this presentation was to provide a primer on regional district and First Nation governments as a way of setting the context for participant discussion on how the RD-FN relationship could be structured. This presentation included a comparison of governing structures and legislative frameworks, as well as an overview of existing arrangements for RD-FN interaction, including examples of First Nations membership on regional district boards.

#### **SPEAKERS**

- **Alison McNeil**, Senior Associate, Policy and Programs, UBCM
- **Regan Schlecker**, Managing Director, Lower Mainland Treaty Advisory Committee

Ms. McNeil began by noting that while relationships between regional districts and First Nations currently exist, there is no legislative or policy framework that defines the nature and scope of this relationship. Not only do they gain their authorities through different legislation<sup>1</sup>, but the extent and scope of their authorities also differs with respect to almost all aspects of governance. Both speakers noted while there are a few legislative requirements for RDs to consult FNs, there are none that require FNs to consult with RDs<sup>2</sup>.

As a result, the level of interaction between First Nations and local governments varies dramatically, ranging from informal voluntary arrangements to contractual arrangements to formal government-to-government arrangements that are often structured through Memorandums of Understanding or Protocols.

With the development and reform of First Nations governance, Ms. McNeil noted that regional districts and First Nations are now, more than ever before, exploring options for First Nations membership on regional district boards. She noted two examples of formalized First Nations membership on an RD Board:

#### **Model 1 Sunshine Coast Regional District and the Sechelt Indian Government District**

The Sechelt Indian Government District (SIDG) participates as a full member on the RD Board and hold all the same rights and responsibilities as a municipal member. Only First Nation members can vote for the SIGD Council, which appoints a member to the RD Board.

#### **Model 2 Kitimat Stikine Regional District and the Nisga'a First Nation**

The First Nation falls within a regional district electoral area (EA) and all residents (First Nation and non-First Nation) vote for the EA Director. Historically, this person has been from the Nisga'a First Nation since Nisga'a residents represent the majority of the population in the EA.

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<sup>1</sup> For local governments this includes the *Local Government Act* (LGA) and *Community Charter*, and for First Nations this includes various mechanisms, most notably the *Indian Act*, the *Indian Self-Government Enabling Act*, the *First Nations Land Management Act*, and proposed settlement legislation and policy directives associated with modern-day treaties.

<sup>2</sup> Regional districts are mandated through the LGA to consult with First Nations on Regional Growth Strategies and Official Community Plans. The only requirement for First Nations to consult with local governments is in the federal *Additions to Reserve* policy. This policy directive states that First Nations or Indian and Northern Affairs Canada (on behalf of a FN) must consult with municipalities before an application for an addition to reserve land can be moved forward.

## KEY MESSAGES

Both speakers noted that this was a time of change for RDs and FNs as both move toward broader powers and increased autonomy from provincial and federal levels of governments.

Based on the experiences in the cases of Sechelt and Nisga'a, Ms. McNeil presented some observations for regional districts exploring the option of First Nation membership:

- The arrangements between the regional district and the Nisga'a and Sechelt First Nations developed in response to specific local circumstances – and in the case of the Nisga'a, remained much the same post-treaty.
- In other areas of the province, particularly more settled areas, new models will have to be developed.
- The new models will need to respond to the current arrangements and particular needs of the First Nation and regional district involved. For this to occur, First Nation and local government leaders need to take the lead role in shaping the provisions that will be included in any future arrangements, including treaties.
- An enabling rather than a prescriptive approach provides flexibility to ensure that the arrangements can change over time. This approach recognizes that, until implementation of the treaty occurs, specific structures for First Nations governance functions will not be known and, therefore, the exact nature of and needs for linkages between the RD and First Nation cannot be anticipated.

## ***B. Exploring the Options - What Can We Learn From Current Relationships?***

The goal of this session was to learn more about the possibilities for structuring the RD-FN relationship by examining current relationships, particularly in the treaty context. Four regional districts that are examining their relationship with neighbouring First Nations as a result of Final Agreement negotiations were invited to share their experiences with participants. Specifically, speakers were asked to address the following three key questions in their presentation:

- What has been the relationship between the regional district and the First Nation in recent years?
- What has been discussed or decided with respect to the future relationship between the First Nation and the regional district?
- From your regional district's perspective, what do you think the major opportunities and challenges are for the future RD-FN relationship?

## SPEAKERS

- **Bob Lapham**, Deputy Administrator, Regional District of Nanaimo
- **Bob Harper**, Chief Administrative Officer, Regional District of Alberni - Clayoquot
- **Ralph Drew**, Mayor, Village of Belcarra, GVRD Director and GVRD Representative to Lower Mainland Treaty Advisory Committee
- **Colin Kinsley**, Chair, Regional District of Fraser-Fort George

What became evident from the speakers presentations was that current arrangements with First Nations were highly dependent on a number of local factors, including:

- The needs of the FN and RD;
- The number of FNs within the RD boundaries;
- Desired outcomes of both parties from the arrangement;

- The extent of the relationship before participation is considered; and
- The specifics of the area (urban/rural, population, services available etc).

Each approach described by the presenters varied with respect to the proposed structure for First Nations participation on the RD board and the process through which discussions occurred, particularly in relation to who was involved in discussions and the frequency of meetings. All of the speakers however emphasized the need for flexibility and the need to start discussions as early as possible with First Nations on the future relationship. In addition, one speaker emphasized the importance of assessing the relevance of the RD structure to a First Nation. For example, in a remote area there may be no need for First Nations participation on regional district governance structures if establishing or maintaining contractual arrangements is sufficient to meet the needs of both parties. In each situation, it is therefore important to have a clear understanding of the needs of both parties early on.

## **CHALLENGES**

When asked about challenges, the speakers noted the same main concern, which was uncertainty over how proposed changes would translate on the ground in the future. One speaker noted that, at the political level, the RD Board was comfortable with the proposed structure for First Nations participation, but from a practical point of view there was still uncertainty around what the future implications could be with respect to land use, servicing, taxation and development. Some specific concerns raised by speakers included:

- What will be the implications to local governments from future additions to Treaty Settlement Land (TSL)?
- How can mutually acceptable working relationships with First Nations be developed when they assume the roles of both developer and governing body?
- How, collectively as a community, can land uses be coordinated to avoid conflicts?

## **OPPORTUNITIES**

With respect to opportunities, speakers noted that there were many benefits to working with First Nations and trying to seek arrangements that would work for both parties. Specific opportunities that were mentioned included:

- The opportunity to finalize treaties and bring economic and social certainty to the region;
- The potential for increased cooperation on economic development, servicing, community initiatives or natural resource management;
- The potential to create new efficiencies in service delivery when working in collaboration with First Nations; and
- The potential to enhance mutual development and exchange GIS and other land based technology; and
- The potential for community integration and community stability.

Speakers emphasized that seeking out First Nations as working partners is important, despite the challenges, since it is First Nations and local governments that will continue to live side by side post-treaty. Chair Colin Kinsley noted many benefits from embarking on cooperative planning with First Nations, including:

- Cooperative planning builds trust;
- Collaborative actions contribute to the health and well-being of all communities; and
- Good relations between neighbours are required for all citizens to benefit.

## KEY MESSAGES

The common themes and experiences of the speakers suggests that successful involvement of FNs in RDs is attainable through:

- Establishing a relationship before there is a problem;
- Respecting each other's differences (i.e., do not try to change each other);
- Recognizing and understanding that history and past experiences impact current perceptions and opinions;
- Focusing on learning about each other's history and initiating information sharing events early in the process to learn about the respective roles, responsibilities and history of each other's organizations;
- Recognizing the importance of a First Nations Chief and Council;
- Focusing on slow, incremental steps and recognizing that success cannot be measured in the short-term;
- Working toward the corporate agenda after individual relationships are solidified and unified;
- Defining the nature and scope of the relationship early (including an understanding of each other's needs and the reasons for interaction);
- Focusing on areas of common concern or interest;
- Identifying the elements of uncertainty and working towards addressing them before they create friction in the relationship;
- Being prepared to resolve disputes and agreements;
- Establishing a process and forum for communication and dialogue;
- Exchanging staff lists to allow for quick and effective contact between organizations; and
- Confirming expectations and assumptions throughout the relationship.

## 3. Small Group Discussion - Outcomes

The goal of the small group discussions was to provide a forum for regional district representatives to share information and generate ways of moving relationship building forward with First Nations. In small groups of 8-10 people, participants were prompted to explore their concerns and priorities with respect to First Nations membership, as well as opportunities for effective relations.

### FACILITATOR

- **John Appleton**, Consultant

### *A. Defining Regional District Interests and Priorities*

All positive relationships are built upon common assumptions about the nature of the relationship between the two parties. Through a process of brainstorming the environmental, social, and economic concerns of participants with respect to First Nations membership, the following key conclusions about the FN-RD relationship emerged.

- **ONE SIZE DOES NOT FIT ALL**  
The diversity of BC's First Nation communities, regional districts, resources and geography entails that solutions and approaches to the FN-RD relationship must be individually tailored. One approach or solution will not work for all areas of the province and FN membership on RD boards may not be the preferred choice in all cases.

- **DEFINED COMMUNICATION & CONSULTATION MECHANISMS ARE NEEDED**  
To build an effective relationship, RDs and FNs have to clearly understand each other's expectations and responsibilities for consultation and communication. What is not addressed through legislative frameworks can be addressed through formal government-to-government agreements and established mechanisms for regular communication.
- **INDIVIDUAL LEADERSHIP IS CRITICAL**  
The development of positive working relationships with First Nations starts with positive individual relationships between local community members. Regional district representatives need to have the mandate, resources and supportive framework in place to begin forming beneficial working relationships with First Nations.
- **HARMONIZING STANDARDS AND APPROACHES IS BENEFICIAL TO BOTH PARTIES**  
Working toward similar or comparable standards between First Nations and regional districts on matters that impact both parties can create efficiencies on both sides.
- **UNDERSTANDING DIFFERENCES IS IMPORTANT: FIRST NATIONS ARE NOT MUNICIPALITIES OR REGIONAL DISTRICTS**  
First Nations continue to exercise broader governance authorities, some of which will be similar to regional districts and local governments in general, and others that will be beyond the scope of regional district authorities. First Nations governance authorities will continue to differ among First Nations across the country (depending upon how they obtain their jurisdiction) and it is difficult to draw generalities between First Nations.  
  
Regional districts know very little about the legislative framework within which First Nations operate and First Nations know very little about the legislative framework within which regional districts operate. To build a relationship requires learning about each other. Understanding and knowledge building around respective governance structures is critical to the development of effective relations.
- **INVESTMENT IN CAPACITY BUILDING IS ESSENTIAL**  
Lack of resources needs to be addressed as it impacts the ability of both parties to participate fully in the relationship building and negotiation process.
- **EQUITY IS ESSENTIAL – TO PLAY YOU PAY**  
Participation in services provided by regional districts is currently based on the principles of fairness and equity where all users of a service contribute to the costs of providing that service. Regional districts would like to ensure that the principles of fairness and equity extend to working relationships with First Nations.

## ***B. Exploring Opportunities for Effective Relations***

### **WHAT WOULD A SUCCESSFUL RELATIONSHIP LOOK LIKE?**

In the second small group discussion participants were asked to look more closely at what a successful relationship with a First Nation would like and what steps they could take to help them achieve their vision of success. When asked to identify elements or characteristics of a successful relationship, the following were identified:

- Relationship is based on mutual respect, understanding and trust;
- Reciprocal referrals and clear, open and consistent communication exists on various levels (e.g., Chief to Chair, Council to Board, staff to staff);

- Clear understanding of each other's history, political functions, roles and responsibilities;
- Good understanding of each other's vision for the future;
- Established informal and formal relationships in place;
- Working together on areas of common interest or concern, including engaging in joint lobbying of other governments;
- Involvement on joint committees or working groups occurs (e.g., economic development, community safety);
- Agreements and protocols are established for providing services and formalizing the government-to-government relationship;
- Fiscal accountability and equity underpin arrangements for services;
- Harmonized approach to land use in place to minimize impact on both sides;
- Parties are able to disagree and respect difference in opinions but continue to work together;
- Meeting in boardroom, not court room (i.e., both parties prefer cooperation not litigation approach);
- Clear conflict and dispute resolution systems are in place;
- Both communities are growing and benefiting – not one at the expense of the other;
- Social interaction and inter-community participation exists (e.g., participate in each other's community events where appropriate and consider joint community celebrations or festivals);
- Both parties view the relationship as a success.

## **HOW DO WE GET THERE?**

Participants were asked to identify both short and long-term steps that would help them work toward their envisioned future relationship.

### **Suggested Short-term Steps:**

- Use Community to Community Forums to initiate dialogue – go to First Nations location of choice.
- Meet to identify common interests, goals, and projects.
- Continue to extend invitations to participate together on issues of common concern or on RD events in general.
- Meet with individual First Nations and do presentation on RDs (RD Toolkit useful tool).
- Ensure capacity and political commitment in place on both sides (e.g., some RDs have staff and resources, but need Board direction and endorsement).
- Meet at a staff level to map out steps to maximize the relationship at the political and staff level.
- Have UBCM work with appropriate FN organizations at the provincial level to forge a relationship and develop a framework for discussion and information sharing, including information on what RDs and FNs are set up to do.

### **Suggested Long-term Steps:**

- Maintain regular dialogue between key players even during times when there may not be a lot to discuss.
- Devise a regular meeting schedule for key players (e.g., elected officials to meet twice a year and staff to meet quarterly).
- Formalize the framework for the working relationship (e.g., ensure that service contracts are current and relevant and/or sign a formal government-to-government agreement).
- Look for opportunities to partner or collaborate.
- Encourage joint community events, such as a festivals or cultural awareness days.
- Develop long-term goals for the relationship.

- Develop long-term goals in areas of collaboration (e.g., regional sustainability, planning, or health).
- Consider reciprocal capacity building and training opportunities (e.g., political and administrative exchanges).
- Jointly evaluate how to coordinate land uses to minimize impacts to both sides.

## 4. Conclusions and Areas for Future Research

This workshop provided a first opportunity for Chairs and Administrators from regional districts and TAC to meet and discuss how to build effective working relations with First Nations. Participants expressed a desire to continue dialogue in this area and to include First Nations in future discussions. A number of key areas for additional research were also identified:

### **Reciprocal Learning and Knowledge Building**

- Building knowledge and understanding of FNs governance models, structures, processes and authorities, with respect to how decisions are made and what are the reporting and communication systems in place, was identified as a key area for continued efforts. Participants noted that reciprocal learning about each other's land use and regional planning expectations would be helpful in developing relations, as would greater understanding of First Nations roles and responsibilities as governing bodies and land developers.

### **Structuring the RD-FN Relation in Treaties**

- Participants noted a need for greater clarity around how the "local government relations" section will be addressed in treaties, including the need for provincial support in facilitating early and ongoing discussions with First Nations on areas of future interaction and planning.

### **Addressing Regional District and First Nation Uncertainty about Future Relationships**

- Participants expressed a need to engage in more dialogue with First Nations on the implications, which could be both positive and negative, from current changes arising from First Nations governance reform and development. Specifically, participants noted that they would like to see more dialogue, information sharing and knowledge building with respect to:
  - How FNs envision their participation and relationship with RDs;
  - Opportunities to harmonize land use and planning approaches on both sides;
  - Future additions to Treaty Settlement Land (First Nations needs and RD concerns); and
  - Service delivery and other opportunities for creating efficiencies at the local level.

# Appendix – Workshop Participants

- Martha Anslow, Manager of LG-FN Relations, Ministry of Community Services
- John Appleton, Facilitator, Contractor
- Ted Armstrong, Chair, Cariboo RD
- Dan Ashton, Chair, RD of Okanagan-Similkameen
- Rick Beauchamp, Director of Administration, District of West Vancouver
- Janet Beil, Administrator, Skeena-Queen Charlotte RD
- Janis Bell, CAO, Cariboo RD
- Patrick Brabazon, Director, Powell River RD
- Lorne Brownsey, Deputy Minister, Treaty Negotiations Office, Ministry of Aboriginal Relations and Reconciliation
- Marie Claxton, Clerk-Treasurer, District of Powell River
- John Cowell, Acting Senior Negotiator, Treaty Negotiations Office, Ministry of Aboriginal Relations and Reconciliation
- Wayne d'Easum, CAO, RD of Central Okanagan
- Aaron Dinwoodie, Director, RD of Central Okanagan
- Ralph Drew, Director, Greater Vancouver RD
- Stan Field, Chair, North Okanagan RD
- Barry Gagnon, CAO, North Okanagan RD
- Joanne Gauci, Policy Analyst, Union of BC Municipalities
- Susan Gimse, Director, Squamish-Lillooet RD
- Candace Gordon, Councillor, District of Maple Ridge
- Elaine Hamilton, Director, RD of Nanaimo
- Harald Hansen, Administrator, Peace River RD
- Robert Harper, Administrator, Alberni-Clayoquot RD
- Robert Hobson, Chair, RD of Central Okanagan
- Douglas Holmes, Administrator, Sunshine Coast RD
- Tom Jensen, Assistant Deputy Minister, Aboriginal, Multiculturalism and Immigration Programs, Ministry of Community Services
- Jason Johnson, CAO, RD of Okanagan-Similkameen
- Gerry Kingston, CAO, Fraser Valley RD
- Colin Kinsley, Chair, RD of Fraser-Fort George
- Mike Kokura, Director, Alberni-Clayoquot RD
- Ken Kolba, Communications and Consultation Advisor, Indian and Northern Affairs Canada
- Frances Ladret, Administrator, Powell River RD
- Bob Lapham, Deputy Administrator, RD of Nanaimo
- Erik Lund, Director, Capital RD
- Mickey Macri, Director, Squamish-Lillooet RD
- Scott Manjak, Director, RD of East Kootenay
- Tom Mann, TAC Associate, RD of Central Kootenay
- Bob Marcellin, Administrator, RD of Kitimat-Stikine
- Mary Marcotte, Chair, Cowichan Valley RD
- Jim McBride, Clerk-Director of Community Services, Thompson-Nicola RD
- Carol McGowan, Administrator, RD of Central Kootenay
- Alison McNeil, Senior Associate, Policy and Programs, Union of BC Municipalities
- Bruce Milne, Negotiator, Federal Treaty Negotiation Office
- Joanne Monaghan, Vice-Chair, RD of Kitimat-Stikine
- Rosanne Murray, Chair, RD of Bulkley-Nechako
- Barry Pages, Chair, Skeena-Queen Charlotte RD
- Gary Paget, Executive Director, Governance and Structure Division, Ministry of Community Services
- Colin Palmer, Chair, Powell River RD
- Stephen Quinn, Chair, Thompson-Nicola RD
- Frank Raimondo, Administrator, Cowichan Valley RD
- Terry Raymond, Chair, Fraser Valley RD
- Mary Reeves, Mayor, City of Abbotsford
- Regan Schlecker, Managing Director, Lower Mainland TAC
- Rod Sherrell, Director, Mount Waddington RD
- Dianne St. Jacques, Director, Alberni-Clayoquot RD
- Ed Steeves, Chair, Sunshine Coast RD
- Jack Talstra, Chair, RD of Kitimat-Stikine
- George Thom, RD of Kitimat-Stikine
- John Turner, Chair, Squamish-Lillooet RD