

Financing Reconciliation

Supporting Inclusive Governance in British Columbia

“That We May Be Good People Together”

the journey begins.

UBCM 2018 Resolution B150 - Endorsed

WHEREAS local governments and First Nations have inherited a problematic public service delivery regime that poorly finances on and off reserve local government service delivery;

AND WHEREAS local governments experience revenue deficits that impact shared and overlapping public service delivery to the entire local population, including First Nation populations, that are not fairly addressed through property tax requisition;

AND WHEREAS the federal government is constitutionally committed to providing "essential public services of reasonable quality to all Canadians" (*Constitution Act, 1982 s.36*), implemented in part through federal transfer payments;

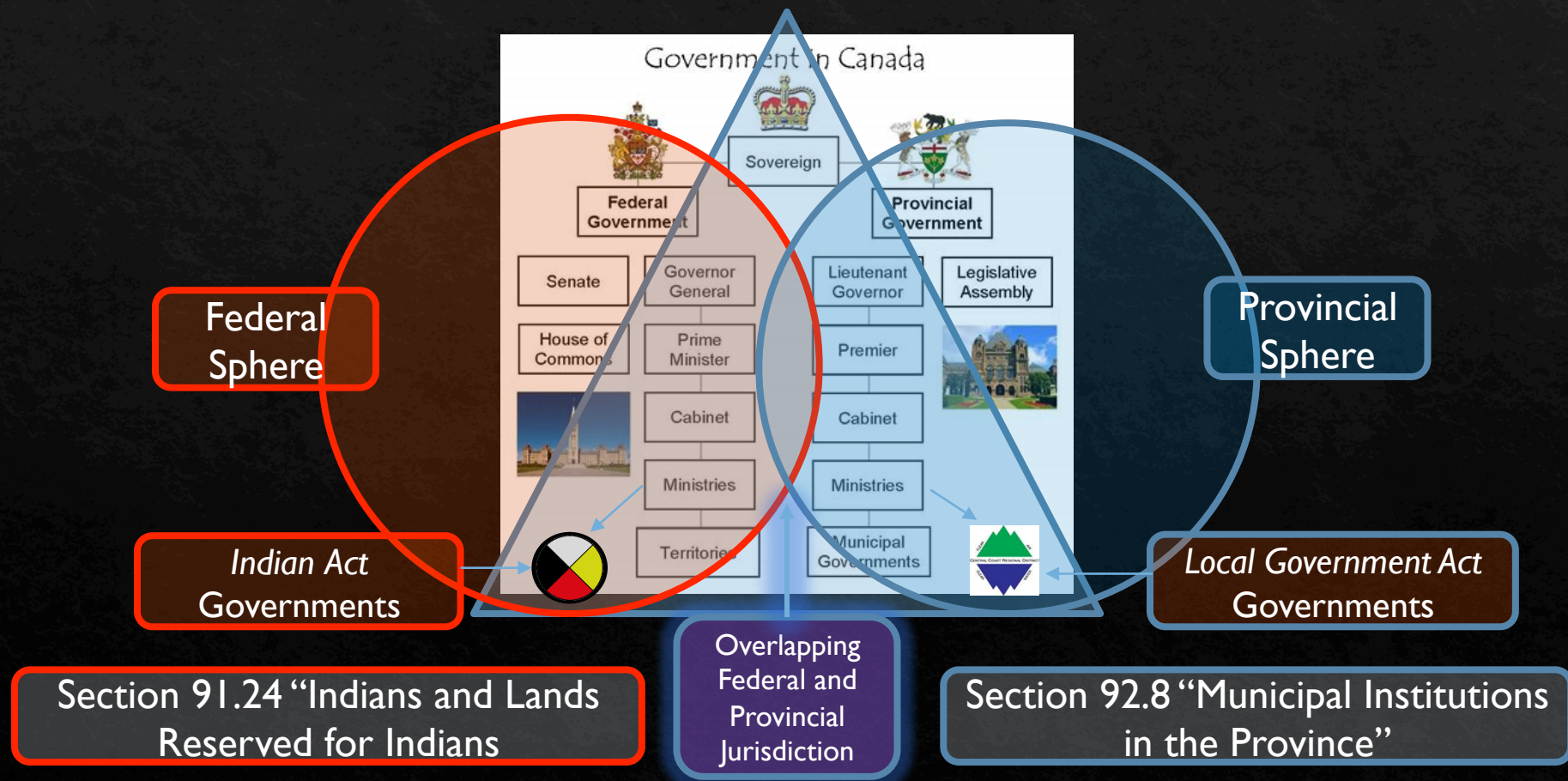
THEREFORE BE IT RESOLVED that UBCM request the Province of BC and the Government of Canada work with First Nations and local governments to explore and implement revenue solutions such as federal transfer payments, thereby supporting implementation of the Truth and Reconciliation Calls to Action and the commitments in UNDRIP;

AND BE IT FURTHER RESOLVED that to ensure First Nation participation in the management of said payments, UBCM request British Columbia, in consultation with First Nations, amend the *Local Government Act* accordingly.

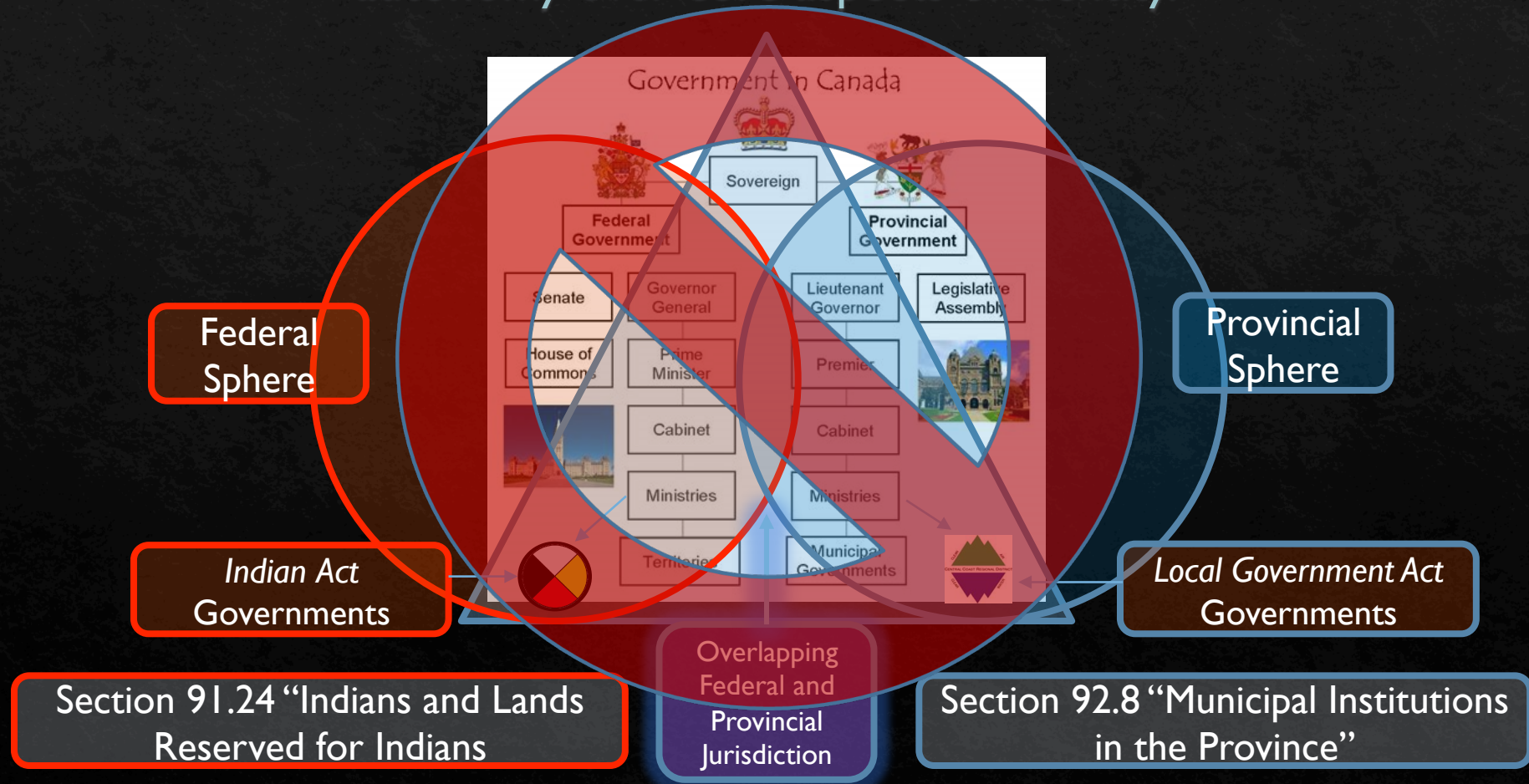


committed to the path of inclusion.

Systemic barrier: Common view of Canadian Federalism Sees First Nations as a Numbered Power of the Federal Government

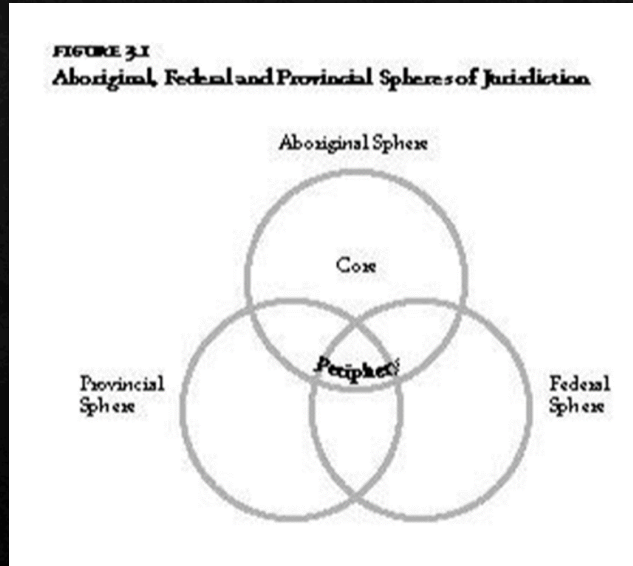


This view of Canadian Federalism denies First Nations' governance autonomy over core aspects of identity.



REMEMBERING RCAP

What ever happened to 'the Circles'?



Report of the Royal Commission on Aboriginal Peoples: Volume 2
Restructuring the Relationship Chapter 3 'Governance' at 210
(<http://data2.archives.ca/e/e448/e011188230-02.pdf>)

Source:

23

✗ years since Royal Commission on Aboriginal Peoples, still waiting for change

Commission aimed to repair relations between indigenous and non-indigenous people



Martha Troian · CBC News · Posted: Mar 03, 2016 5:00 AM ET | Last Updated: March 3, 2016



Paul Chartrand was one of the original commissioners of the Royal Commission on Aboriginal Peoples. Photo: Still from Home and Native Land, CBC, 1999. (CBC)

4,000 page report, sweeping recommendations

"The commission was meant to "help restore justice to the relationship between aboriginal and non-aboriginal people in Canada, and to propose practical solutions to stubborn problems," according to the final report.

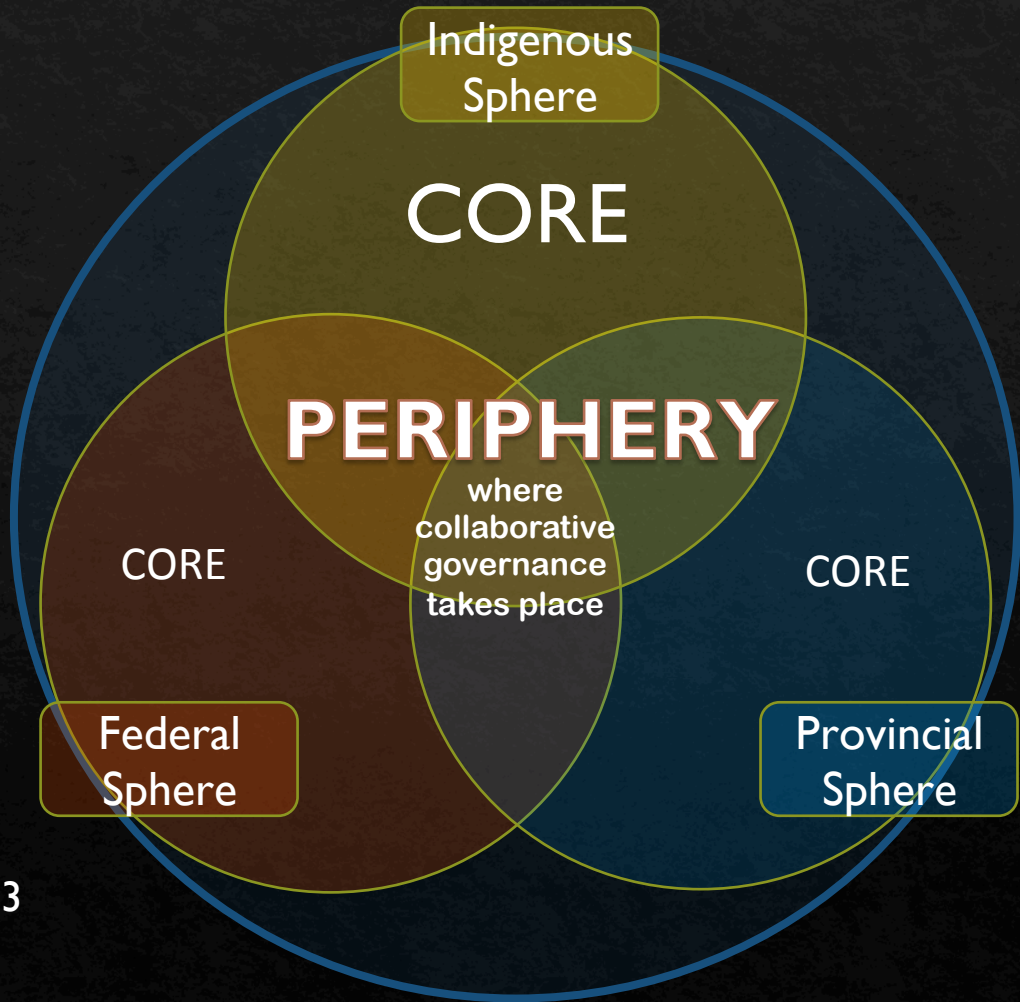
When the commission released its final five-volume, **4,000-page report**, it contained **recommendations** for dealing with a breadth of issues, including self-governance, treaties, health, housing, the north, economic development and education.

Operating on a reported \$60-million dollar budget, a total of five commissioners had a hand in crafting the report, **visiting 96 First Nation communities and holding 178 days of public hearings."**

WHAT RCAP SAID...

The Royal Commission on Aboriginal Peoples developed this schematic to help Canadians think differently about how our federalism could work with First Nations.

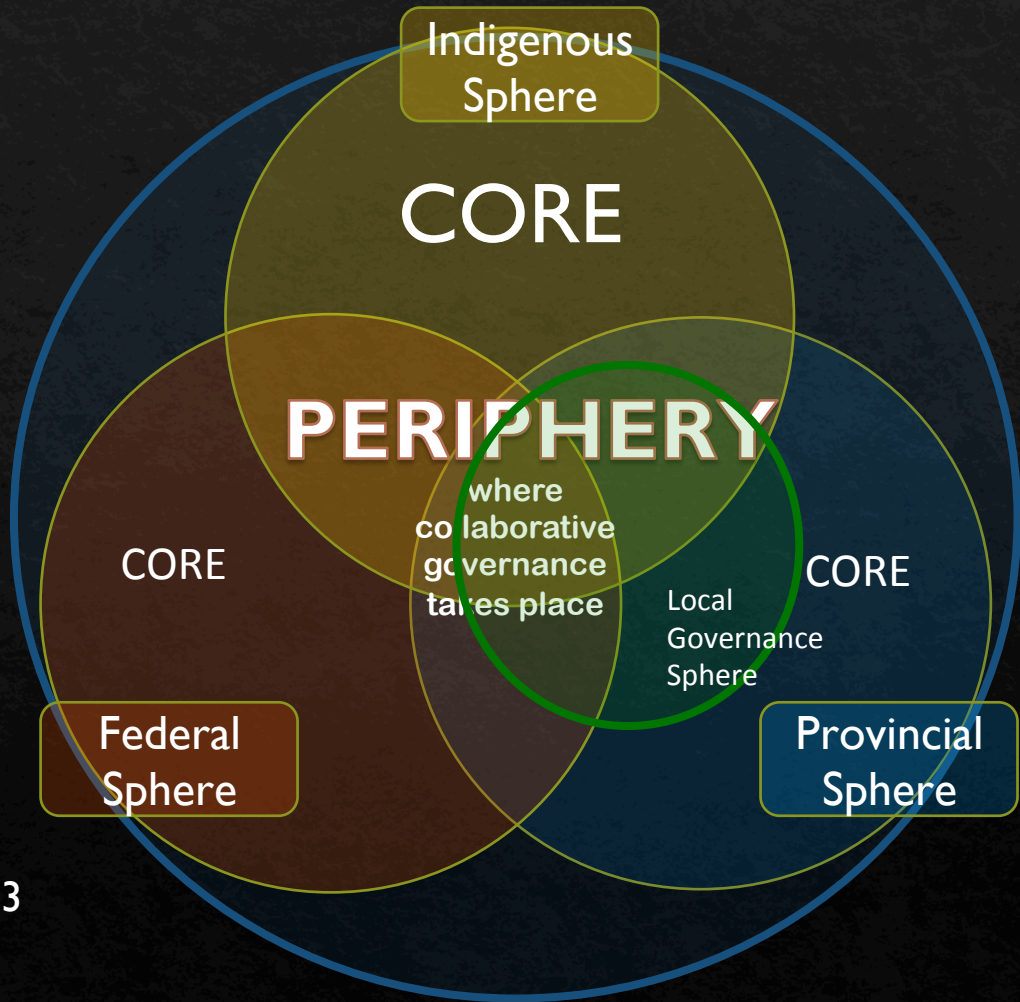
Report of the Royal Commission on
Aboriginal Peoples: Volume 2
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WHAT RCAP SAID...

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Like municipalities,
treaty First Nation
representation on
regional district
boards is permitted
under the *Local
Government Act*
(What about
non-treaty
Nations?)

250 (1) If a final agreement provides for the membership of the treaty first nation in a regional district,

(a) this Act, as modified by this Part, applies to the treaty first nation as a member as if the treaty first nation were a municipality in the regional district, and

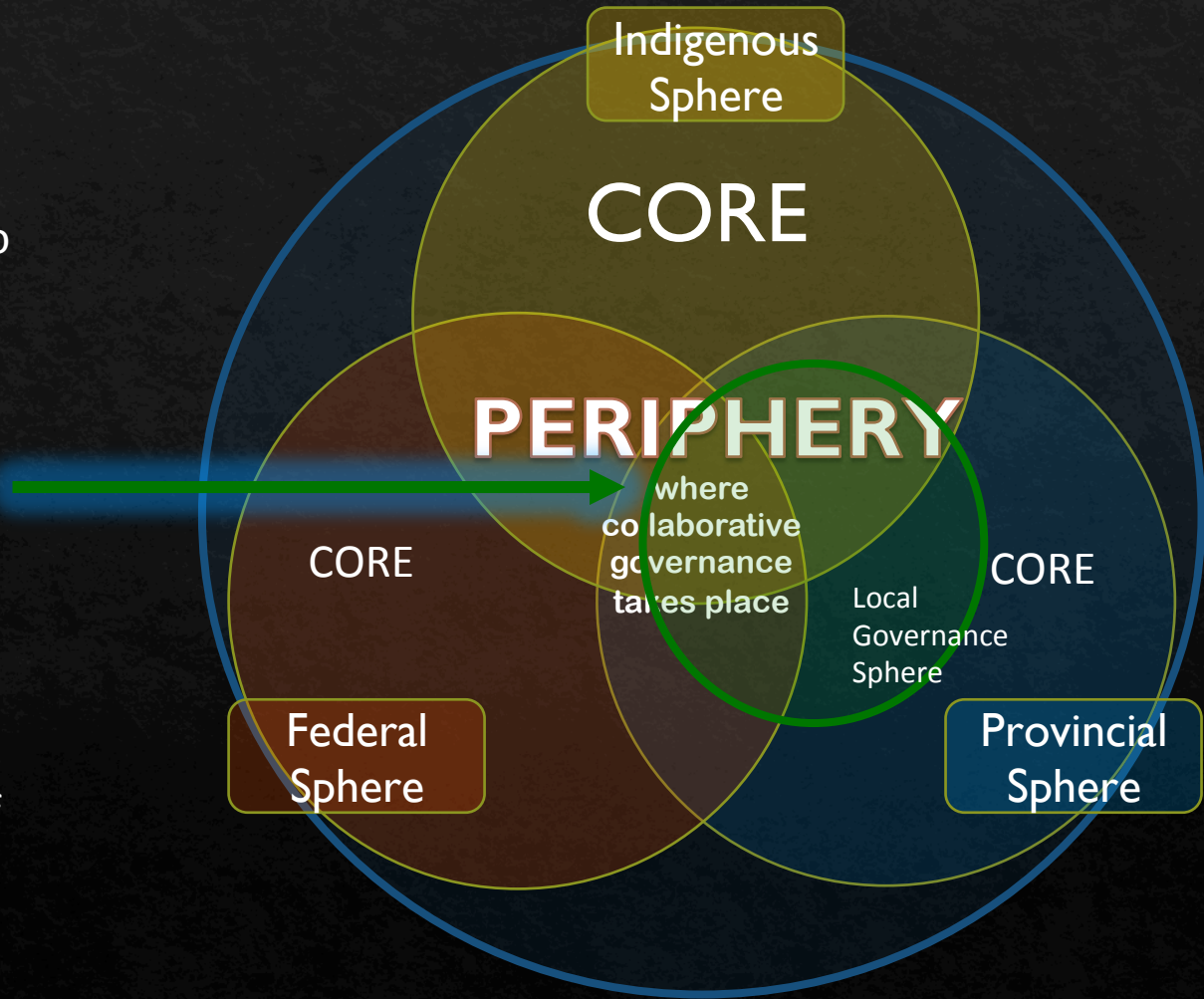
(b) the treaty first nation director has the same functions, powers, duties and obligations, as modified by this Part, as a municipal director.

(2) For certainty, to the extent that the Community Charter applies to a regional district of which a treaty first nation is a member or to a director as a member of the board, the Community Charter applies to the treaty first nation as a member of the regional district and to the treaty first nation director as a member of the board.

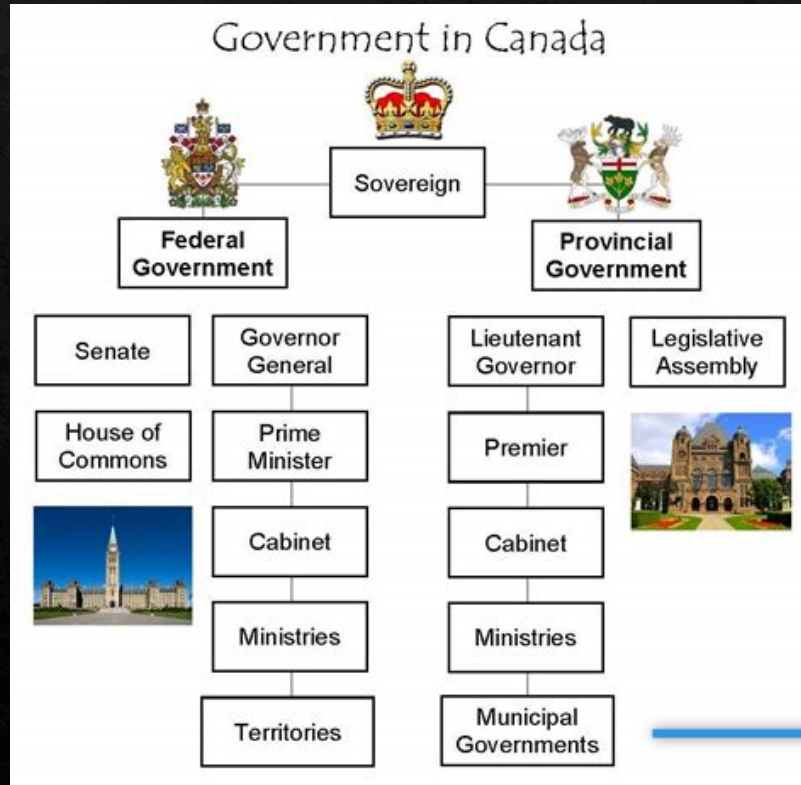
(Local Government Act)

Reconciliation as a process is critical to ensure effective collaboration.

Local governments need all the tools other levels of government need to be good collaborators with indigenous ways of being



Administering for Reconciliation



Local governments in British Columbia are creatures of the legislature



Administering for Reconciliation

The *Local Government Act* and *Community Charter* speak to a number of 'community architectural tools', such as:

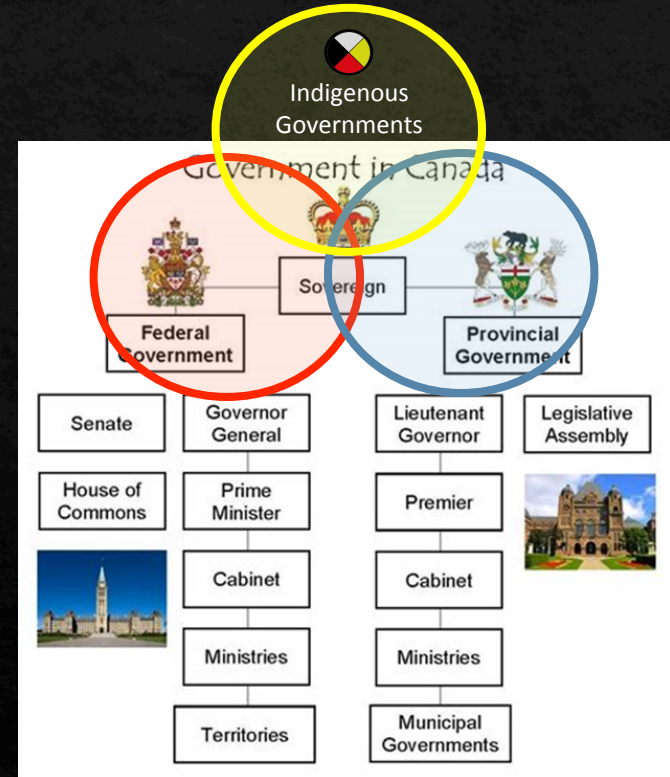
- ❑ Community/regional planning and land use powers
- ❑ Community/regional business regulation
- ❑ Community/regional heritage conservation

Administering for Reconciliation

- What is absent from the *Local Government Act* and *Community Charter* is 'reconciliation architectural tools' reflecting Canada's commitments to Indigenous peoples, such as:
 - ❑ *Truth and Reconciliation Commission of Canada: Calls to Action*
 - ❑ Recommendations from *the Report of the Royal Commission on Aboriginal Peoples*
 - ❑ Aspiring to the *United Nations Declaration on the Rights of Indigenous peoples [UNDRIP]*
 - ❑ the 10 Principles Respecting the Government of Canada's Relationship with Indigenous Peoples

Administering for Reconciliation

While the federal government has made these commitments and has significant obligation to realize these commitments, only provincial governments as constitutional partners can negotiate the implementation of new frameworks and new resourcing.



Administering for Reconciliation

Meeting federal commitments at the community level

Program needs:

- ◆ meaningful community level education opportunities on colonial history locally contextualised and community level acknowledgment opportunities

Administering for Reconciliation

Meeting federal commitments at the community level

Program needs:

- ◆ new staffing such as First Nation specific advisors on culturally appropriate protocols, safety, and policy and bylaw development

Administering for Reconciliation

Meeting federal commitments at the community level

Program needs:

- ◆ First Nation specific cultural sensitivity training at all of the elected, executive and administrative levels

Administering for Reconciliation

Meeting federal commitments at the community level

Program needs:

- ◆ New relationship building dialogues (additional governance and administrative time to meet the scope and number of meetings required)

Administering for Reconciliation

Meeting federal commitments at the community level

Program needs:

- ◆ culturally inclusive community engagement activities for relationship and trust building

honouring the commitment.

Honouring the Commitment

Local Government Act inclusion of non-treaty First Nations in
Regional Governance

Honouring the Commitment

New, stable funding in the spirit of s.36 of the Constitution Act, 1982 to address reconciliation and fiscal inequities that in no way comes from or affects First Nations' existing or future finances

Honouring the Commitment

Pilot(s) that examine ways to govern and fund shared civic services on-and-off reserve that includes federal, provincial, local government and First Nation partners

Honouring the Commitment

1. Local Government Act inclusion of non-treaty First Nations in Regional Governance
2. New, stable funding in the spirit of s.36 of the Constitution Act, 1982 to address reconciliation and fiscal inequities that in no way comes from or affects First Nations' existing or future finances
3. Pilot(s) that examine ways to govern and fund shared civic services on-and-off reserve that includes federal, provincial, local government and First Nation partners

