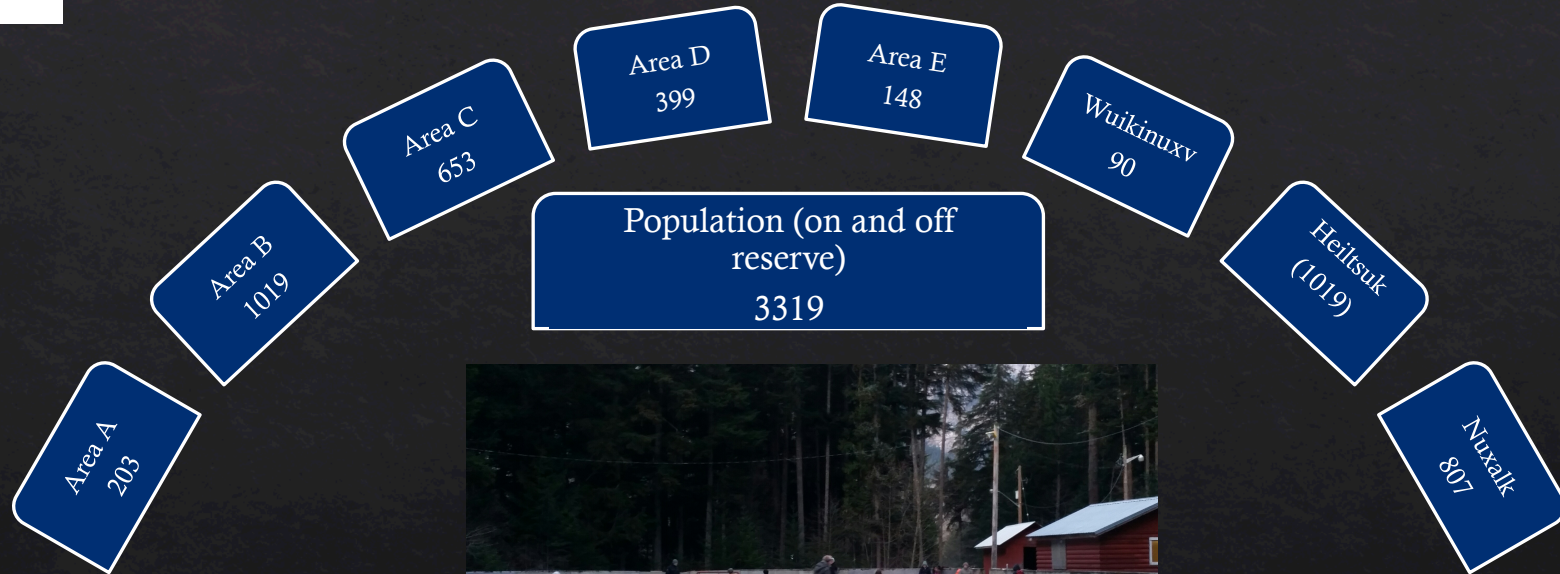


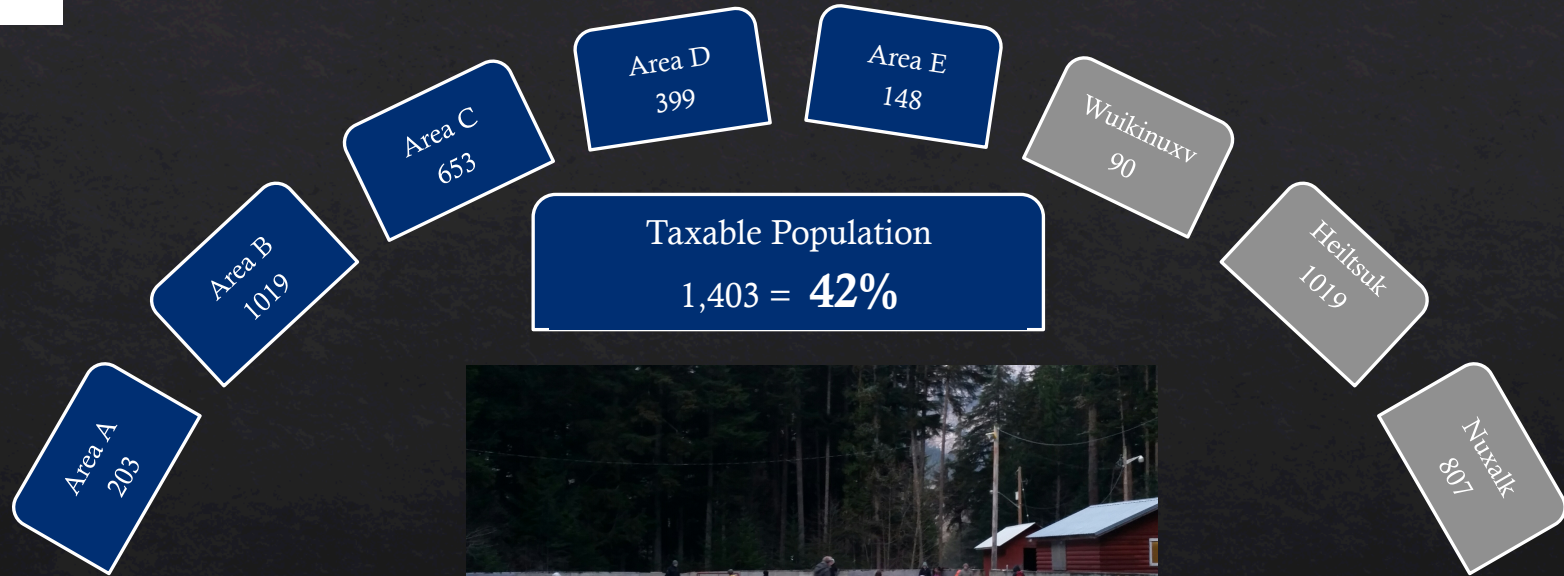


Total Constituents Served

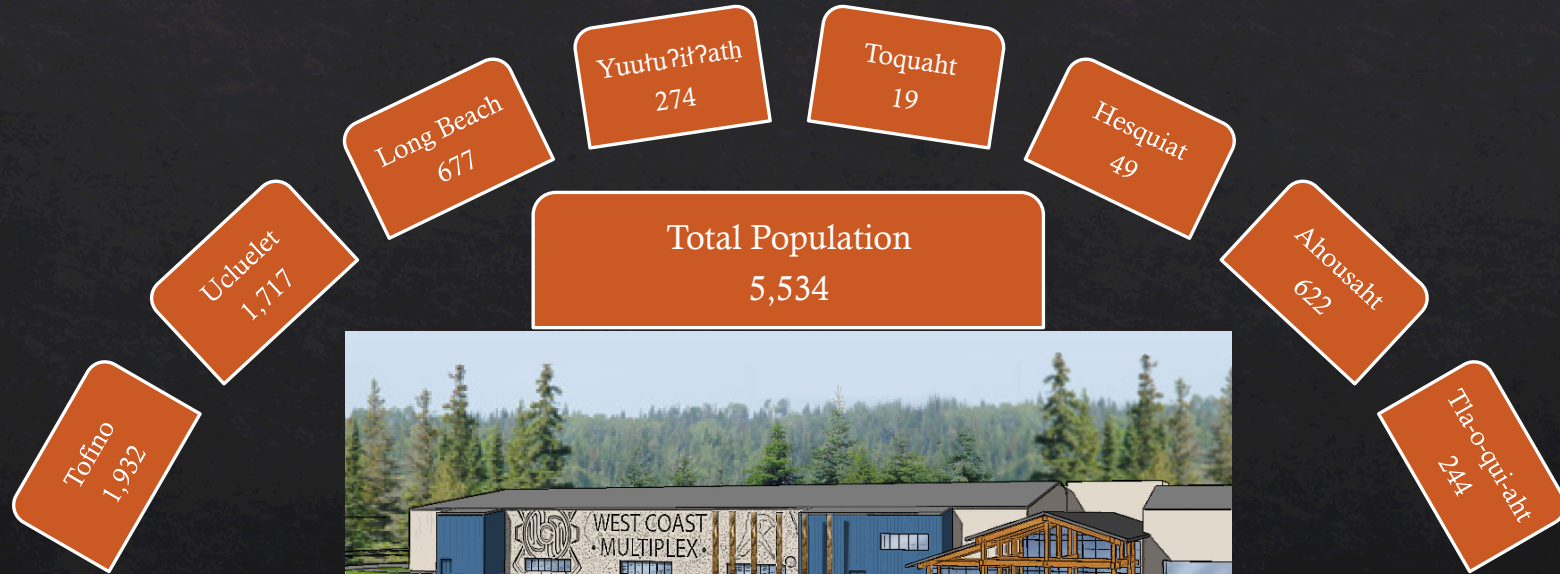




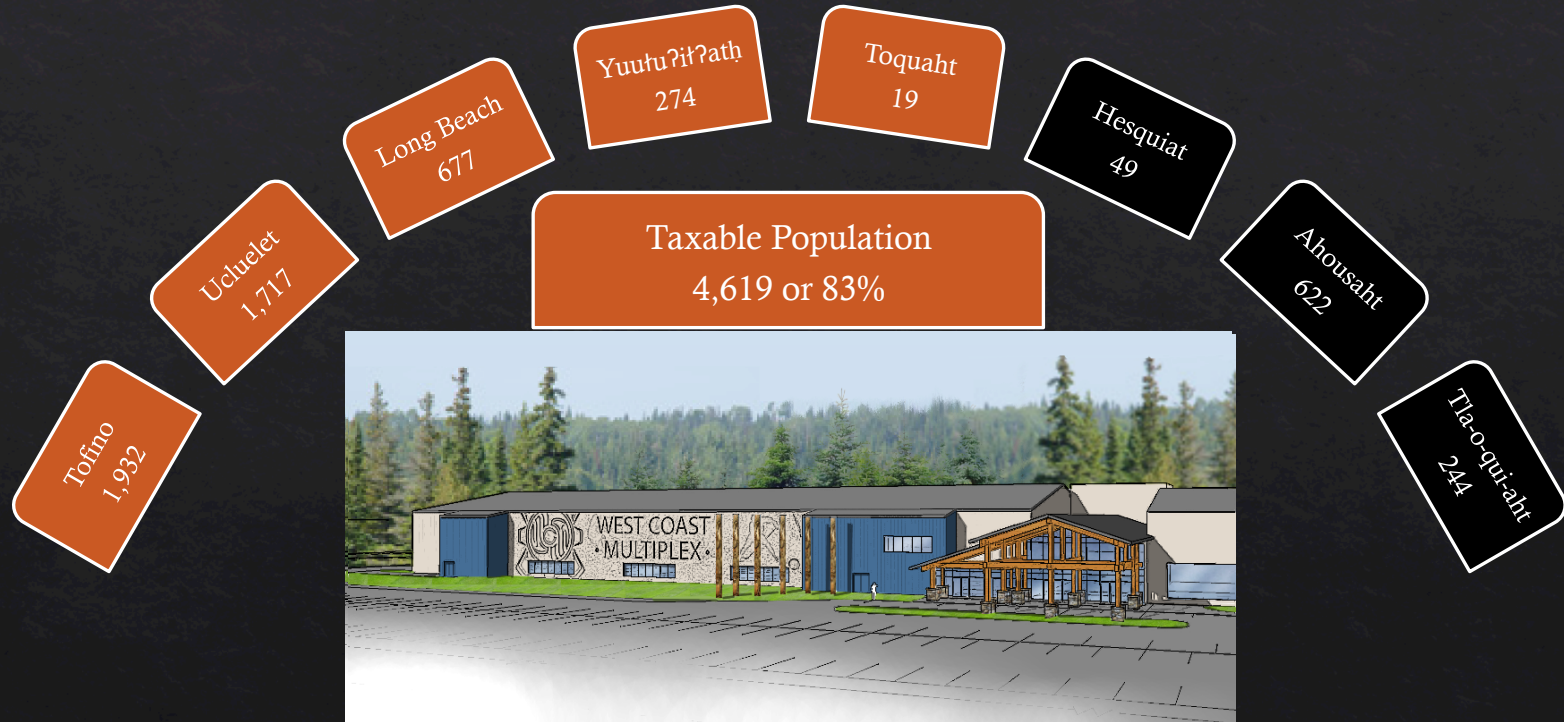
Fiscal representation in year-to-year requisition



Service TO BENEFIT THE following populations



Taxing mechanisms to following populations





MULTIPLEX SURVEY COMMENTS



unclear how the local first Nations communities will contribute

- It is **unclear how the local first Nations communities will contribute** to operating costs since they do not pay property taxes. If the facility is to be used by all, it must be a **public** project.
- **Get the operational costs covered by a native band.** Surely they could receive federal funding.
- **Unless we can get some kind of settlement with the government and first Nations** just a centre open to our people when open.

Unless we can get some kind of settlement with the government and first Nations

They would have voted for a coliseum, it costs them nothing!

coliseum with no government and first Nations do not pay property tax

first Nations then it is just an extra they should contribute

expense to our taxes with no benefits.



MULTIPLEX SURVEY COMMENTS



should be a flat rate for everyone.

- "Basing the subscription on property taxation is grossly unfair. If this goes ahead it should be a flat rate for everyone, including First Nations everyone includes

First Nations are not contributing to this? Sounds crazy to me. If anyone uses it

First Nations who do not pay this? Sounds crazy to me.

I would only support this if the first Nations are contributing via annual payments as they do not pay property taxes.

Will First Nation members be contributing to the operating costs of the multiplex in a proportional manner to non-First Nations within the catchment area for the multiplex?

- Residential and commercial property owner-- first Nations don't pay taxes, so don't include them in who pays.

UNION OF BRITISH COLUMBIA
MUNICIPALITIES

Services for First Nations

Don Lidstone, Q.C.
Lidstone & Company
September 25, 2019

Legal Framework - Introduction

- First Nations – federal jurisdiction under *Constitution Act*
- Local governments have no jurisdiction or power or responsibility to address indigenous rights or title
- Nonetheless, BC local governments and UBCM and FCM have reached out to First Nations with palpable reconciliation and recognition activities

Services for First Nations

- Problem: statutes lack modalities to provide for payment by First Nation members for services
- Municipalities: *Community Charter*
- Regional Districts: *Local Government Act*
- Statutes do allow services contracts with First Nations, government to government
 - Traditionally: water, sewer, fire
- Typically recreation facilities, policing, solid waste, other services not paid for by FN members

Services for First Nations

- Municipal agreements with Nations: s. 8(1) CC
- RD agreements with Nations: s. 263 LGA
- No obligation for FN to contract – freedom of contract
- Typically, FN service contracts deal with discrete limited range of services, do not cover cost of services, and do not address many services enjoyed by FN members but not paid for
- No mechanism under Acts for recovering service costs on equitable basis or at all

Services Agreements

Service Agreement Issues:

- Consideration: tax % versus user pay
- Off-site charges
- Reserve land use control issues
- Amenity contributions
- Enforcement of contract terms

Services Agreements (c'd)

- assistance issues
- term issues (capital liabilities beyond 5 years)
- enforcement on reserve
- Inability to address all services provided or all users
- Only federal government can address this

Services Agreements (c'd)

- ◉ capital liability issue
- ◉ new development on reserve imposes burdens
 - ◉ but DCC's not apply
- ◉ foregone revenue – (taxes off-reserve raised to cover)

Services Agreements (c'd)

- offsites necessary for financial planning
- offsites create certainty for LG and developers
- school site acquisition charges
- RD DCC's not passed on

Other Approaches

- Sechelt Indian Government District Enabling Act
- Indian Self Governing Enabling Act
- *Community Charter* response to Adams v. Cranbrook:
User Fees
- Section 9 *Local Government Act*