

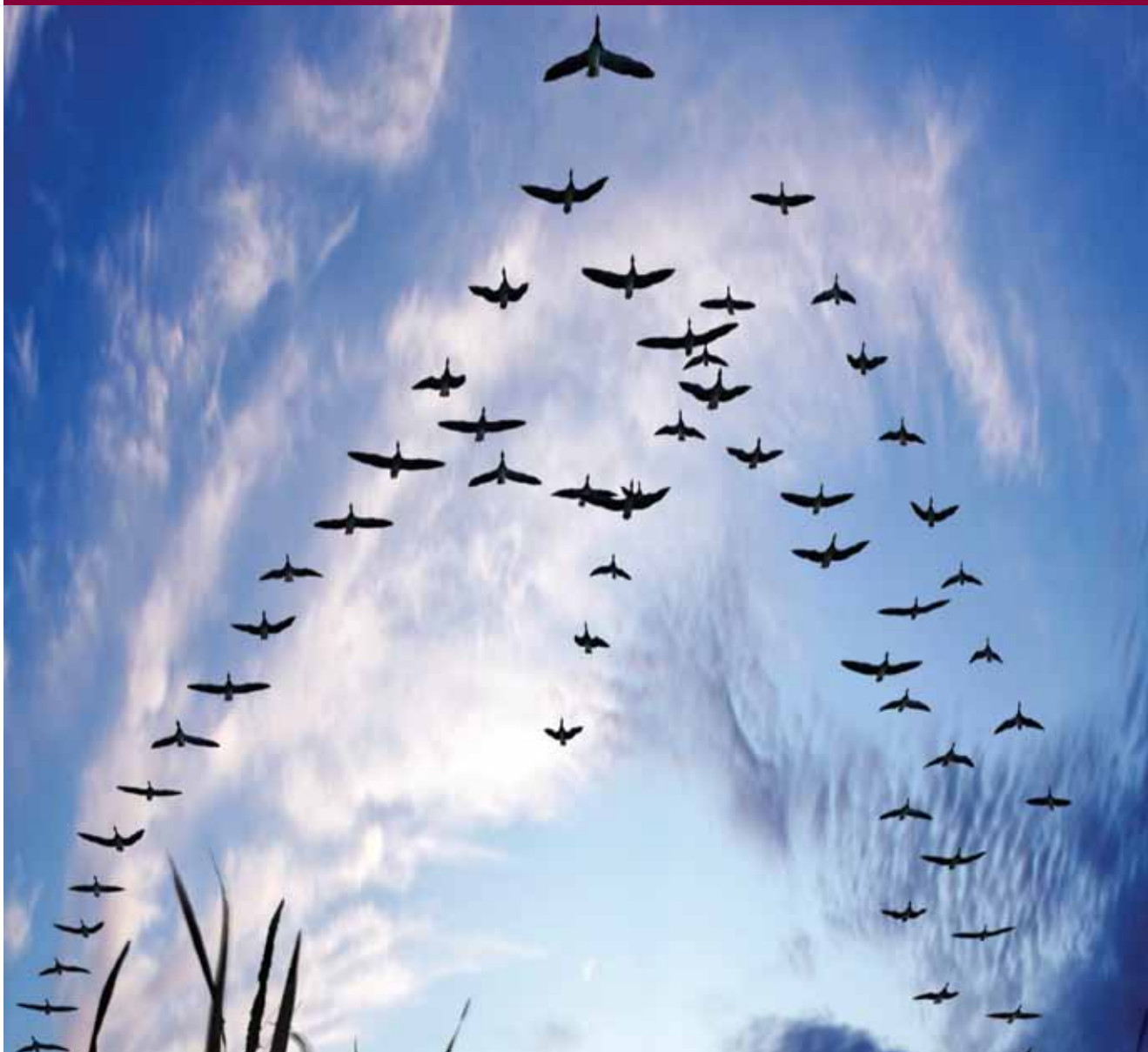


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First Nations—Municipal Community Infrastructure Partnership Project (CIPP)

BC Service Agreement Primer



**First Nations—Municipal Community Infrastructure Partnership Program (CIPP)
BC Service Agreement Primer**

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1. Introduction

Within the context of national First Nations–municipal relations, British Columbia (BC) has some unique features, including a sizeable urban Aboriginal population, current treaty negotiations, large-scale resource projects, and legislation that provides First Nations with new economic opportunities. First Nations in BC are currently working towards establishing self-reliance for their communities, and are looking for ways of developing their lands that will strengthen their economic resources and effectively deliver the many services required by their band members. Such development requires a wide range of hard and soft services. Through collaboration and partnerships, shared services can be provided to neighbouring First Nations and local governments.

This supplementary guide was designed to provide an overview of the unique challenges and opportunities related to partnerships between First Nations and local governments in British Columbia. It is intended as a primer, providing a framework for service agreements in BC.

Please note that, at the time of publication, the province of British Columbia was reviewing the effectiveness of treaty negotiations in the province. Any recent changes to policy may thus not be reflected in this document.

build and maintain infrastructure, create economic opportunities, enhance social conditions, and improve quality of life in their communities. Economies of scale, and the increasing expense of providing, operating and maintaining community infrastructure, naturally lead to a consideration of partnerships when addressing infrastructure issues. By forming partnerships, sharing knowledge and expertise, and pooling assets, First Nations and municipal governments have the potential to improve existing community infrastructure and services.

1.1. First Nations–Municipal Community Infrastructure Partnership Program (CIPP)

First Nations and municipal governments across Canada often face similar challenges when working to

The purpose of CIPP is to develop a toolkit that First Nations and municipal governments can use to establish and maintain effective service agreements and partnerships with one another. In



order to disseminate the toolkit and strengthen capacity, CIPP also runs a series of workshops with invited participants from First Nations and municipal governments, in communities across Canada. These workshops are designed to assist participants in establishing and better understanding the value and benefits of First Nations–municipal infrastructure service agreements, and how to maintain these agreements when challenges or conflicts arise. The workshops are based on the CIPP Toolkit, and are tailored to meet the needs of each community. The workshops will lead to better partnerships, knowledge-sharing, and establishing the scope of service agreements, which will in turn increase joint initiatives between First Nations and municipalities.

At the time of publication, CIPP had held four workshops in British Columbia.

1.2. Highlights from the CIPP Toolkit

A major deliverable of CIPP to date is the development of a Service Agreement Toolkit. The purpose of the Toolkit is to provide resources that First Nations and municipal governments can use to learn how to establish and maintain effective service agreements with one another—specifically those related to water services and infrastructure. The Toolkit

also contains information on the value and benefits of service agreements; describes how they can be developed between First Nations and municipal governments; and identifies features of good service agreements, including draft templates for Water and Wastewater Agreements, Fire Protection Agreements and Solid Waste Agreements.

The Toolkit was developed through a process of engaging the Toolkit’s end users (First Nations, municipalities, and relevant organizations) early in the drafting process, to ensure that its content accurately reflected their needs. CIPP has approached this process with a recognition of the complexity of the issues, as well as an awareness of this unique opportunity to provide a document that both municipalities and First Nations can work from, and which speaks to both audiences simultaneously.

The first edition of the Toolkit was printed and bound in February 2011 for use in CIPP workshops held between February and October 2011. The second edition of the Toolkit was printed in December 2011 and includes expanded information on the renegotiation of service agreements; cross-cultural relationship-building; four new service agreement templates; and six case studies.



The following section highlights a few key chapters which may interest communities in BC.

Building Intergovernmental Relations

Spending time building relationships can prove invaluable as parties progress in service agreement negotiations. If a relationship has been built, there is a greater likelihood of success at the negotiating table. Positive intergovernmental relationships and agreements related to protocol and communications can help encourage the sustainability of future service agreements. For more information on relationship building and to view the CIPP protocol agreement template, please see **CIPP Toolkit Unit 2**.

For more information on CIPP templates and key clauses to consider in a service agreement, please see **CIPP Toolkit Unit 3: Guide to Service Agreements, CIPP Service Agreement Templates CD (containing MS Word versions of the templates), or visit the FCM website at www.fcm.ca.**

Key Service Agreement Clauses and Service Agreement Templates

A common barrier to strong service agreements is lack of awareness of key considerations and clauses for specific local services. CIPP has addressed this common challenge by developing a series of service agreement templates for the following services:

- Water and sewer
- Fire protection
- Solid waste
- Animal control
- Recreation
- Transit
- Comprehensive service agreements

These templates are meant to guide the drafting of service agreements, and are not legal documents. Clauses will need to be altered, added and deleted to ensure that the agreement is suited to the unique needs of your community.



2. First Nations Recognition and Land Title in British Columbia

Great Britain first recognized that Aboriginal peoples had title to land in the *Royal Proclamation of 1763*, which declared that only the British Crown could acquire land from First Nations—a process typically carried out through treaties. In most parts of Canada, the British Crown established treaties with First Nations before Confederation. The new Dominion of Canada continued this policy of making treaties before the West was opened for settlement, but in British Columbia (BC) this process was never completed.¹ As a result, the province did not recognize Aboriginal title, instead stating that all issues relating to “Indians” were under the exclusive jurisdiction of the federal government.

BC presents a rather complex set of Indigenous-government relations compared to other jurisdictions in Canada, because of the historically contentious position of the BC government with respect to recognition of Aboriginal rights and title. The Government of Canada stopped treaty negotiations in 1921, but resumed in 1973 in response to a ruling from the Supreme Court of Canada. In 1990, the Province of BC joined negotiations under the current BC treaty negotiations process. There are only two areas in BC where treaties were in effect before the 1990s. The 14 *Douglas Treaties*, signed between 1850 and 1854, covered Vancouver Island; and Treaty 8, signed in 1899, covered the north-eastern part of the province. Aside

from these, there were no federal or provincial treaties in effect until the signing of the *Nisga’a First Nations Treaty* in 2000, the *Tsawwassen First Nations Final Agreement* in 2006, and the *Maa-Nulth First Nations Final Agreement* in 2006. The authority of other BC First Nations falls under the federal legislative authority of the *Indian Act*. This is rather restrictive—particularly in terms of providing the freedom First Nations need if they are to exercise effective governance and foster the type of economic growth that encourages self-reliance.



3. Treaty Process in British Columbia

In 1990, the governments of British Columbia and Canada, and the BC First Nations Summit (FNS), established the British Columbia Treaty Commission (BCTC) and an advisory board to monitor and facilitate the land claims process in the province. Treaties were envisaged to provide for expanded First Nations self-government, creating a new relationship between First Nations and various levels of government, including municipalities.

Such treaties are intended to bring significant changes to current land ownership, management and governance authorities, as well as changes to the economies of communities and regions in BC. Many First Nations and their neighbouring local governments had previously had little or no contact, however, and—except for sharing boundaries and, in some cases, services—interaction between First Nations communities and their non-First Nations neighbours was often limited. The treaty process has brought the two together, not only

improving understanding between different cultures, but also revealing the commonalities of their respective communities. It has also given First Nations added capacity to become more self-reliant by entering into service agreements with local governments for soft and hard services.

The *2010 Annual Report* of the BC Treaty Commission indicated that there were two ratified final agreements; three completed final agreements; and two final agreements close to completion, for a total of seven. The Commission further reports that 41 of the province's 60 First Nations are involved in the treaty process, some of which are more active than others. This means that over 30% of First Nations in BC are currently not involved in the treaty process.²

Many First Nations feel that the benefits of a concluded treaty would

The BC treaty process is broken into six stages that include:

Stage 1: Statement of intent to negotiate

Stage 2: Readiness to negotiate

Stage 3: Negotiation of framework agreement

Stage 4: Negotiation of agreement in principle

Stage 5: Negotiation to finalize a treaty

Stage 6: Implementation of treaty



not provide them with greater independence or economic benefit than currently exists under the governance of the Department of Aboriginal Affairs and Northern Development Canada (AANDC). There have been a number of recent legislative changes at the federal level, such as the *First Nations Land Management Act*, *First Nations Commercial and Industrial Development Act*, *First Nations Certainty of Land Title Act*, *First Nations Fiscal and Statistical Management Act* and the *First Nations Fiscal and Statistical Management Act (2009)*. These have greatly empowered First Nations in their ability to self-govern and create economic streams that will make their Nations more self-sufficient. This, of course, does not hold true for many smaller bands, which do not always have the capacity or land assets to stimulate significant development opportunities.

3.1. Treaty Service Challenges

Local governments and First Nations both acknowledge that, regardless of legislation—treaties or no treaties—they will continue to live side-by-side and will have to work within the legislative frameworks established for both, while also working together for the betterment of their communities. This can be accomplished by developing a greater understanding of cultural, social and economic differences and similarities. As there are few

completed treaties in BC, this creates considerable uncertainty for both First Nations and local government. A concern for local governments is that, if they only have observer status at the treaty tables and not an official seat—which would allow them to be part of the treaty decision-making process—they will have no voice on a treaty's outcome, which could have a significant impact on local government as well as First Nations. The enactment of treaties will, in some cases, impose the need for service agreements upon First Nations and local governments. This can be seen whenever the province includes, within the legal terms of the treaty, provisions for First Nations representation on regional district boards, with voting status and an obligation to participate in certain functions of the regional district. For example, when the Tsawwassen First Nations received self-governance status through the BC treaty process, it was granted a seat on the Greater Vancouver Regional District Board. One benefit of treaties and service agreements is that partnerships between the parties allow First Nations and local governments to develop economic stability for their respective communities.



4. Service Agreements in British Columbia

This chapter explains some key best practices relating to service agreements in British Columbia. Challenges and methods for overcoming these challenges are also discussed.

4.1. Building Intergovernmental Relations

Many local governments and First Nations recognize the benefits derived from building positive intergovernmental relations. The treaty process in BC has created an opportunity for First Nations and local governments to develop an understanding of governance and cultural differences. The province, First Nations Summit (FNS), and Union of British Columbia Municipalities (UBCM), with funding from Aboriginal Affairs and Northern Development Canada (AANDC), launched the Community-to-Community Forum (C2C) program in 1997 providing small grants and resources to First Nations and local governments to assist them in hosting joint meetings. The program also helped to facilitate cultural workshops and mediated service agreement negotiations (See Section 5 of this document: **Building Governance Capacity in BC** for more information).

Spending time building relationships can prove invaluable as parties progress through service agreement negotiations. If a relationship has already been built, things are less likely to fall apart at the negotiating table. Service agreements can be a stepping stone to the development of long-term partnerships and similarly, the development of informal and formal intergovernmental relations—including protocol agreements that can help encourage the sustainability of future service agreements.

4.2. Cost Recovery for Services

Costs need to be clearly outlined in all service agreements, and should be perceived by each party as fair and equitable. Since costs also need to be predictable, a mutually accepted valuation formula should be used that addresses increased maintenance and capital replacement costs, major infrastructure replacement and capacity (See **Unit 3 of CIPP Toolkit: Chapter**



3 – Guidelines for Pricing Options in Service Agreements).

There are many models used in BC for the pricing of services, varying from a single service to a full basket of services in some urban centres. To arrive at full cost recovery for a service such as water, there are many variables that may need to be considered, ranging from whether the water source is an aquifer or surface water, to the type of treatment required. When looking at some of the most common service costing models in BC, you will find that fixed operating costs, debt charges and annual capital replacement costs have been clearly defined in determining the final service charge. In the case of methods used for recovering costs for services provided, the most common is a volume-unit charge for water and sewer; other services such as fire and recreation can be assessed using a property assessment valuation, a dwelling unit, or by population. A variety of BC service agreements can be viewed on the CivicInfo website at www.civicinfo.bc.ca.³

To date, replacement of capital infrastructure has not been prevalent in service agreements. As infrastructure continues to age, the need to include provisions for capitalization of these costs in new service agreements has been brought to the fore in negotiations. Consultation on changes in land use for both First Nations and local

governments is a priority, and some service agreements are contemplating joint planning committees to ensure that there is a built-in communication process to examine any major land use changes that could affect either party.

Any legislative reform initiatives as part of the treaty process in BC should enable service providers to implement innovative and flexible cost-recovery mechanisms that are adaptable, should unforeseen costs arise in the future.

Cost Recovery

There are various methods used for recovering costs for service, including tax rate equivalency using a uniform property assessment process. In BC, the British Columbia Assessment Authority is responsible for assessing all local government properties and improvements, and will sign contracts with First Nations to assess their lands. This ensures a uniform method of assessment for calculating service costs. Other methods include a calculation of costs based on an average dwelling unit, or on a per-capita basis. For utilities, charges are usually calculated based on a per-unit or household charge; in the case of water and sewer, the actual volumes can be measured using meters. For more information on service pricing, please see **CIPP Toolkit Unit 3: Chapter 3 – Guidelines for pricing options in service agreements.**



4.3. Comprehensive Servicing

Due to relatively large First Nations populations in BC, there are a number of existing service agreements, as well as opportunities for new agreements to emerge in both rural and urban communities. These service agreements vary from single services such as water or fire protection, to a full range of local services in urban communities. With the advent of the new legislation described above, and strong economic real estate opportunities in many urban centres, more comprehensive service agreements are being negotiated between First Nations and local governments. For many local governments providing services to First Nations, this has become a concern in recent years, as more service agreement renewals are being negotiated as selective services, rather than agreements to share the full basket of services being provided.

A good example of a comprehensive service agreement covering “General Municipal Services” was entered into by the District of Saanich and the Tsawout First Nations on January 1, 2007, covering general government, fire protection and emergency response, public works, parks and recreation. A copy of this agreement can be found on the BC Civic Info website.

Local governments that receive their services from a regional district are restricted to paying for all essential services, such as water, sewer and fire, as well as other services like recreation, arts and culture, libraries, parks, transportation, and sustainability services such as air quality, without the ability to opt out of those services that are not of interest.

4.4. Comparable Standards of Service

Local government and First Nations jurisdictions must provide infrastructure that meets acceptable health and operational standards for residents, without compromising the overall infrastructure system. A good example of this is the recent development of national water standards, which must be maintained by the utility provider. Canadian drinking water guidelines can be viewed on the Health Canada website at: <http://www.hc-sc.gc.ca/ewh-semt/water-eau/drink-potab/guide/index-eng.php>; and the *BC Drinking Water Act* can be found at: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/free-side/00_01009_01. These stringent water standards have been established to regulate all water systems under the jurisdiction of local governments, but are not applicable to First Nations reserves. AANDC has established water-standards guidelines for First Nations, towards establishment



of a unified standard for everyone. For example, if water infrastructure systems are not designed correctly and maintained regularly, the water quality may not meet acceptable standards. It is thus important that service agreements provide for integration of the same standards and requirements established for local governments.

4.5. Servicing Treaty Settlement Lands (TSLs)

As part of a final treaty, certain lands—most of which are held by the federal and provincial governments—will be designated as Treaty Settlement Lands (TSLs). These lands will be part of a given treaty settlement, and will be owned and managed by First Nations. These lands will no longer fall under local government jurisdiction, including those in urban areas of the province such as Vancouver and Victoria. This is an ongoing challenge for neighbouring communities, as some local governments are concerned about a possible loss of community amenities and development opportunities, loss of economies in service delivery, loss of opportunity to generate new revenue, and loss of tax revenues. This is a challenge, particularly when these lands lie in the heart of urban centres because, if developed by First Nations without service agreement contracts with local governments, local governments could potentially find themselves providing

services to residents of these lands without receiving any compensation. This is why trust and relationship-building are key to the success of initiatives in which First Nations and municipalities work side by side (Please see **CIPP Toolkit Unit 2: Guide to Relationship Building**). To develop urban properties for residential housing or for economic development purposes, First Nations need to supply water, sewer and fire protection services. In most circumstances, the only practical way to receive these high-level services is to sign a contract with local governments by way of a service agreement. This removes any potential concerns identified by local governments.

4.6. Coordinated Land Use and Planning

Treaties should effectively address the relationship between First Nations' land use planning authorities and local government and regional district planning processes. It is best if all parties work together and comply with strategic regional planning plans. This will help to ensure that there are no major conflicts in land use and, more importantly, that demands on capacity for service from the service provider do not exceed their ability to provide services to their own constituents. It is good practice for both parties to share planning and development initiatives on a regular basis and, perhaps,



to establish a joint advisory planning committee to collectively review and comment on development proposals. In order for service agreements to optimally succeed, there should be a commitment from both parties to consult on a regular basis and build mechanisms within agreements to provide checks and balances for any major planning or development initiatives. For more information on joint community planning, please see **CIPP Toolkit Unit 4, Chapter 2.**

A good example of how First Nations and local governments can work together on land use issues is the Sliammon/Powell River Regional District (PPRD) Land Use Harmonization Project. This resulted in a number of recommendations for PPRD and Sliammon First Nations to consider, including current and new land use plans developed for the region. None of the recommendations was intended to fully define or limit any Aboriginal rights or interests of the Sliammon First Nations. To read a complete case study for these communities, please see **CIPP Toolkit Unit 2, Chapter 4.**

4.7. Integrating First Nations and Local governments into regional initiatives

There are many regional services, including water, sewer, emergency planning, and environmental monitoring such as air quality, that are best provided on a regional basis. Integrating First Nations and local governments, through the treaty process, as part of a larger region is a great way of helping to build regional capacity and create healthier communities. The non-participation of one community can undermine the efficiency of an entire regional program.

4.8. Dispute Resolution Mechanism

A dispute resolution mechanism or process should be accessible to both First Nations and local governments. Service agreements should include well-defined exit provisions and conditions so that an agreement can be terminated if necessary. For more information on dispute resolution, please see **CIPP Toolkit Unit 2, Chapter 3.**



5. Unique Governance Models in BC

This section highlights the differences between local government structures and First Nations governance in BC and those in other regions of Canada. Specific aspects of the *Local Government Act* will be discussed as they relate to First Nations–local government relations and service agreements. For more information on local government and First Nations government structures, please see **CIPP Toolkit Unit 2, Chapter 2**.

5.1. Municipal Local Governance Structure

Municipal councils in BC, like most others across Canada, are responsible for a variety of services including transportation, road maintenance, parks and recreation facilities, land-use planning, local economic development, water, sewer, solid waste and recycling programs, and some social services. Local governments are comprised of cities, towns, villages and districts, and receive their legislative authority from the *Local Government Act* and *Community Charter* which were given assent in May 2003. The *Charter* was intended to replace the *Local Government Act* but the complexity of the review has left planning and land-use regulations, as well as general provisions for regional districts, under the jurisdiction of the *Local Government Act*. The *Community Charter* gives special third-person powers to local govern-

ments in BC that are different than some of the other local government models in Canada.

The *Charter* also imposes some restrictions on local governments, in that they cannot enter into contracts (service agreements) with third parties for terms longer than five years, if the agreement calls for any capital liability for the local government, unless they receive the assent of electors. This can be accomplished through a counter-petition process which allows the contract to proceed if less than 10% of the electorate does not petition against the initiative.⁴ This does restrict their ability to share in capital infrastructure and enter into long-term contracts without the assent of electors. The mayor and council are elected every three years, establishing local government priorities and adopting budgets authorizing operational and capital expenditures. Most



councils appoint a chief administrative officer (CAO) who is responsible for administering the policies of council and overseeing the day-to-day operation of the local government.

5.2. Regional District Governance Structure

The local government system in British Columbia is unique in Canada because, in addition to the 161 municipal governments, it is comprised of 28 regional districts (RDs). Regional districts were created in 1965 to provide a means of delivering local services to areas outside the local governments (unincorporated areas), and creating a way for combinations of local governments and electoral areas to jointly fund services that are of benefit to the region.⁵ The governance of regional districts is managed by a board of directors composed of appointees from local governments, and a director(s) elected from each electoral area. Local government directors serve on the regional board until council decides to change the appointment, while directors from the electoral areas serve for a three-year term like mayor and council. Regional districts provide for region-wide services such as emergency planning, emergency response, and sub-regional services such as recreation facilities, water and fire protection.

First Nations throughout BC enter into service agreements with regional districts as a means of accessing rural services. It is interesting to note that their flexibility in negotiating terms for services may be less than that of individual local governments, as regional districts will often have pre-established service “bundles” and pricing mechanisms that are consistent for each member community. There are two large urban regional districts in BC—the Greater Vancouver Regional District (GVRD) and the Greater Victoria Capital Regional District—where local regional governments comprise most of the legal entity, with smaller representation from unincorporated electoral areas. The primary services provided by these urban models are water distribution, sewage treatment and emergency planning and 911 communications. It is interesting to note that, in the GVRD model, the Tsawwassen First Nations has representation on the board of directors, as does the Nisga’a First Nations on the Kitimat Stikine Regional District, with both contributing to general governance funding.



5.3. First Nations Governance Structure

Today, the structure of the chief and council governance within First Nations reflects changes enforced by the British and Canadian governments since the nineteenth century. This structure became formalized in the *Indian Act*.⁶ Since this initial formalization, band council structures have become increasingly flexible in the extent to which traditional political structures and decision-making processes are observed, and the types of issues that band councils address. The *Indian Act* outlines the procedure for selecting a chief and council, and provides legislative authority to create a “Custom Election Code” that allows for elections that may mirror more traditional decision-making methods. The *Act* does not provide a framework for the separation of political and administrative functions in a band, nor the way in which finances will be managed. This causes a fair amount of diversity in the ways that bands are managed, based on band policy and each unique administrative organization. Councils are sometimes composed, for example, of hereditary chiefs who may be appointed and not elected. Most models also allow major decisions to be referred to community elders for guidance, similar to the way in which the Senate of Canada functions. The chief and council appoint a band manager or senior administrator,

who is the head of administration and is responsible for administering policy and service delivery.

Each First Nations is somewhat different in how it is governed, how its operations are structured, and what its relationship is with the neighbouring municipality. Many smaller bands have collectively consolidated their efforts within tribal councils, giving them added capacity to negotiate and deliver services more effectively. This is not always by choice, as smaller First Nations communities (less than 2,000) looking to acquire services are required to be part of a tribal council as a requirement for funding from the federal government. A similar collaborative approach could be expanded for local service delivery, much like the regional districts model in BC: by delivering a multitude of services to First Nations.

British Columbia Local Governments and First Nations

Local Governments

49	cities
52	districts
14	towns
42	villages
4	others (townships, resort municipalities, etc.)
161	combined municipal governments
28	regional districts (RDs)
1,701	First Nations reserves



Snapshot: Sechelt Indian Band

In 1984, the Sechelt Indian Band, located 50 kilometres northwest of Vancouver, became the first Indian band in Canada to develop its own constitution, thereby regaining self-government through special and provincial enabling legislation. *Bill C-93*, the *Sechelt Act*, enabled the Sechelt Indian Band to establish and maintain self-government for itself and its members, in order to obtain control over, as well as the administration of, the resources and services available to its members. The *Act* does not abrogate Aboriginal rights, and states that the band is a legal entity with all the rights of a natural person, such as the right to enter into contracts and agreements, and to hold property and to sell and dispose of that property. The chosen governance model was similar to the local government model in BC, providing for the election of a district council and authority related to taxation, zoning, land use and public safety. This was a logical choice, as the new Sechelt Indian Government District has been granted representation on the board of the Sunshine Coast Regional District, and shares some local services with neighbouring local governments and electoral areas. They also have established some service agreements with the Sunshine Coast Regional District.

Many First Nations in BC have had great success in building a strong economic tax base on their lands, generating revenues that help to sustain their communities financially. This has largely resulted from increased real estate values, as well as the development of good governance principles and a strategic vision for their communities. Success has been seen by some urban bands such as Squamish Nation and Tseil-Waututh Nation, which have developed primarily residential units for sale to non-band members, as well as by some smaller bands such as Osoyoos and Squiala,

which have developed shopping malls, golf courses and wineries. These bands have negotiated service agreements with their neighbouring local governments to provide local services including water, sewer, recreation, fire protection and other regional services.



Snapshot: Westbank First Nations

Westbank First Nations has also been successful in negotiating a self-government agreement. In this case, it is more relevant to a BC non-treaty self-government agreement, as it was signed after the creation of the BC treaty process and, in contrast to the Sechelt agreement, does not include a land component. It does, however, include provisions related to jurisdiction, laws, constitution, taxation and land management. Westbank was one of the earliest First Nations in BC to establish a major housing development in West Kelowna, where the vast majority of owners are non-band members. Services are now being provided by the Municipality of West Kelowna and the Central Okanagan Regional District.



6. Building Governance Capacity in BC

In 1997, the Union of British Columbia Municipalities (UBCM) and the First Nations Summit (FNS) jointly organized the first province-wide Community to Community (C2C) forum. This event brought together First Nations and local government community leaders from across BC to discuss common goals and opportunities for joint action.

Since 1999, with continued support from the provincial Ministry of Community, Sport and Cultural Development, and the Department of Aboriginal Affairs and Northern Development (BC Region), close to 300 regional C2C forums have been held in communities across the province. More than 140 local governments, and close to 200 First Nations and Aboriginal organizations, have participated.

The intent of the regional C2C forum was to open lines of communication and build relationships between local government and First Nations communities. Funding for the program comes from the federal and provincial governments and, to date, over \$775,000 has been contributed to the program.

In 2007, another program was launched in BC, entitled “Building Governance Capacity”. This program is funded by the provincial

Ministry of Aboriginal Relations and Reconciliation. The intent of the program is to assist local governments and First Nations that have established working relationships in addressing specific capacity gaps related to governance issues. Funding allows for matching grants up to \$25,000, supporting activities that help local governments and First Nations to work together on common governance-related issues and participate in capacity building activities or events that address the issues, while also building governance management skills, knowledge, abilities and understanding.

The program’s four funding priorities are:

- developing communication tools and processes;
- strengthening regional relationships;



- building skill sets and understanding; and,
- fostering shared professional development.

For further details about both the C2C Program and the Building Governance Capacity Program, please see the Union of BC Municipalities website at: www.ubcm.ca.

Both of these programs have been very successful in building stronger relationships, governance capacity and understanding among local governments and First Nations in BC.

Snapshot: Tsawwassen First Nations

Tsawwassen First Nations received funding from UBCM under the Building Governance Capacity Program in 2008. They used the funding for Tsawwassen's participation in a series of ten regional servicing workshops jointly organized and hosted with Metro Vancouver in the lead-up to the Treaty Effective Date in April 2009.



7. New Legislation and Policies

In recent years new federal legislation has strengthened the ability of First Nations across Canada to become increasingly self-governing and less financially dependent upon the federal government. The new tools provided to First Nations create an ability to establish major developments on their lands. This legislation allows for greater flexibility to develop residential, commercial and industrial projects on their lands, while also financing infrastructure projects on the many reserves across Canada.

Key pieces of legislation include:

- *First Nations Fiscal and Statistical Management Act* (FNFSMA)
- *First Nations Tax Commission Act* (FNTCA)
- *First Nations Finance Authority* (FNFA—Modelled after BC Municipal Finance Authority)
- *First Nations Land Management Act* (FNLMA—Allows for development of Land Use Codes)
- *First Nations Certainty of Land Title Act* (FNCLTA)
- *First Nations Commercial and Industrial Development Act* (FNCIDA)
- *Indian Self Government Enabling Act* (BC Legislation)



8. Endnotes

1. BC Treaty Commission website www.bctreaty.net—Overview of Aboriginal rights resourced from the Royal Commission on Aboriginal Peoples. Document provides historical references, as well as the political, economic, and legal factors that have contributed to the treaty process in BC.
2. BC Treaty Commission website www.bctreaty.net—The *2010 Annual Report* of the BC Treaty Commission explains in detail how the BC treaty process came to be, and how it functions, and provides statistics and the status of treaty negotiations for the entire province.
3. CivicInfo website www.civicinfo.bc.ca—CivicInfo provides a range of online information for local governments and First Nations. The site contains a large library of a variety of service agreements that can be accessed free of charge.
4. *BC Community Charter* (Chapter 26—SBC 2003)—Section 8 sets out fundamental provisions establishing natural-person powers; Section 23 sets out the authority for local governments to enter into agreements with other public authorities; Sections 84–88 set out provisions for obtaining approval of electors, and use of an alternate approval process stating that, if less than 10% of the electorate does not petition against an initiative, it may legally proceed.
5. *BC Local Government Act* (Chapter 323—RS 1996)—Part 5: Division 1 and 2 Sec. 173–176 establish corporate status powers for regional districts, including their authority to enter into contractual arrangements for delivery of services.
6. *Federal Indian Act* (RS 1985)—provides for the governing of First Nations bands, setting out processes and procedures for elections, bylaw approval, maintaining band lists, protests, possession of lands on reserves, and other requirements regulating how First Nations deliver services to their band members.

