

TO: CITY MANAGER 2004 October 27

FROM: DIRECTOR PLANNING AND BUILDING OUR FILE: PL 1400 20

SUBJECT: **POTENTIAL GOVERNANCE MODELS FOR FIRST NATION-REGIONAL DISTRICT RELATIONS POST-TREATY**

PURPOSE: To provide comment on the GVRD report *A Review of Potential Governance Models for First Nation-Regional District Relations Post-Treaty*.

RECOMMENDATION:

1. **THAT** a copy of this report be sent to the GVRD, Policy and Planning Department, 4330 Kingsway, Burnaby, B.C. V5H 4G8.

REPORT

1.0 BACKGROUND

At its meeting of 2004 July 30, the GVRD Board received a staff report titled *A Review of Potential Governance Models for First Nation-Regional District Relations Post-Treaty*. The GVRD Board resolved to forward the report to member municipalities and has requested comment by 2004 November 12. This report addresses that request.

2.0 POTENTIAL GOVERNANCE MODELS

In light of the progress at the treaty negotiation table of the Tsawwassen First Nation, discussions are proceeding regarding the post-treaty relationship between Tsawwassen and the GVRD. Provincial negotiators have indicated that upon the effective date of the Final Agreement (or treaty), "Tsawwassen Treaty Settlement Lands will no longer be part of the Corporation of Delta. The lands will remain within the GVRD. The default is that the lands either become part of an existing electoral area or become a new electoral area."

As such, GVRD staff have developed four potential models for First Nations' participation in regional government, as follows:

1. **First Nation(s) Joining the Existing Electoral Area "A"**. In terms of First Nation representation on the regional board, this option would result in no change to the current governance structure of the GVRD or Electoral Area "A", except for the inclusion of the treaty First Nation(s) lands in the Electoral Area. Electoral Area "A" has one elected representative on the GVRD Board who serves a three year term.

2. **Special First Nation(s) Electoral Area.** In this model, one electoral area would be created for all treaty First Nations, and would be represented by one director who would be elected regionally. While this model would add an additional director to the GVRD Board, it has the advantage of accommodating the unique characteristics of First Nations communities while limiting the potential proliferation of jurisdictions.
3. **Individual Electoral Areas for Each Treaty First Nation.** This model would accommodate the unique characteristics of First Nation communities, although would potentially result in a proliferation of jurisdictions joining the regional district.
4. **Full Municipal Membership.** This model would require that treaty First Nations either become municipal governments under municipal legislation or as a result of federal and provincial enabling statutes (known as settlement legislation).¹ This option would require significant financial commitment by the First Nation, and potentially result in a proliferation of jurisdictions joining the regional district.

Servicing is a key aspect of the future First Nation(s) relationship with the regional district. Models 1, 2 and 3 require that the regional district and the First Nation(s), subject to reaching agreement on funding arrangements, enter into agreements with respect to costs of services and the payment for the delivery of specific GVRD services on treaty settlement lands. Model 4, on the other hand, would require that the First Nation contribute to services such as solid waste management on the same basis as other jurisdictions.

3.0 ASSESSMENT OF GOVERNANCE MODELS

Principle #8 of the GVRD *Principles for Treaty Negotiations* specifies that any regional governance model arrived at through treaty negotiations that may have implications on current regional governance must involve the GVRD Board of Directors and member municipalities. The GVRD has directed staff to discuss potential models with the Provincial Government to ensure that governance and legislation issues are at the forefront of treaty negotiations. The approach selected for First Nation-Regional District relations will ultimately be influenced by the Province's decision-making and enabling legislation.

Given the current potential for up to five treaty First Nations in the GVRD, and given the limited population base associated with each First Nation², separate representation of each First Nation is problematic. Further, separate representation as full municipal-style members may not be viable from the perspective of the First Nation(s), as it would require significant financial resources.

¹ Such legislation provides the exception to the *Local Government Act* that would permit the regional district to have a member that is not a municipality or an electoral area.

² The total 2001 Census population of all Indian Reserves for the five First Nations in Greater Vancouver that are currently involved in treaty negotiations is 5,910. This figure amounts to 0.3% of the GVRD's 2001 population of 1,986,965, which represents 21 municipalities and one electoral area.

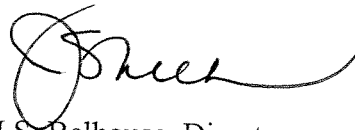
Including the new First Nation government(s) within the existing Electoral Area "A" is not likely to be palatable to the First Nations. The majority of the modified Electoral Area population would be in the UBC/UEL area, and the unique characteristics of First Nation communities (such as culture and heritage) may not be adequately reflected in such an arrangement.

A special First Nations electoral area (Model #2) appears to address these issues. It would provide for the unique characteristics of First Nations' communities, while limiting the proliferation of members on the regional board. On balance, it appears to be a reasonable proposal to the issue of integrating new First Nation governments into the GVRD.

4.0 CONCLUSION

In light of the progress at the treaty negotiation table of the Tsawwassen First Nation, discussions are proceeding regarding the post-treaty relationship between Tsawwassen and the GVRD. The GVRD has asked member municipalities to provide comment on its report, *A Review of Potential Governance Models for First Nation-Regional District Relations Post-Treaty*, no later than 2004 November 12. Four potential governance models are described in the report, as are various issues of concern to the region. Of these, Model #2, a special First Nations electoral area, appears to be the most viable option in that it provides both a First Nation representative on the GVRD Board and limits potential proliferation of new members.

It is recommended that a copy of this report be forwarded to the GVRD, Policy and Planning Department.



J.S. Belhouse, Director
PLANNING AND BUILDING

KSF

cc. Deputy City Manager

