

ORIENTATION



MANUAL

# t'áshii

ORIENTATION MANUAL

An orientation manual to support  
First Nations of the Maa-nulth Treaty  
and Alberni-Clayoquot Regional  
District regional cooperation

· June 2012 ·



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***t’asıi*** means path or trail in the Nuuchahnulth language, the language spoken by Huu-ay-aht, Yuulu?ił?ath, Toquaht, Uchucklesaht, Ka:’yu:’k’t’h’/Che:k’tles7et’h.

# INTRODUCTION AND OVERVIEW

In late 2007, the Maa-nulth First Nations Final Agreement (the Treaty) became the second modern-day treaty ratified by BC's legislature. Representing five First Nations along Vancouver Island's West Coast (Huu-ay-aht, Yuuʔuʔiʔaʔh, Toquaht, Uchucklesaht, Ka:'yu:'k't'h'/Che:k'tles7et'h), the historic Treaty included direction for the Nations to join the regional district where they are located within ten years of the Treaty's effective date<sup>1</sup>. On April 1, 2012, Huu-ay-aht First Nations and Yuuʔuʔiʔaʔh Government joined the Alberni-Clayoquot Regional District (ACRD).

This Orientation Manual is meant to support local elected officials and staff as well as residents and citizens in moving down the path to regional cooperation and governance. It is an initiative supported by BC's Ministry of Aboriginal Relations and Reconciliation and expands on an earlier 'Fact Package' called *T'ašii: the path forward*, which was produced to support Huu-ay-aht First Nations, Yuuʔuʔiʔaʔh Government and the ACRD when the two Nations first joined the district.

The specific goals of this Orientation Manual are to:

- ✓ Provide ACRD stakeholders with detailed information on the various individual governments (municipalities, Nations) and electoral areas at the ACRD table, in order to facilitate understanding, positive communications and relationship building among directors and their constituents;
- ✓ Provide detailed background information on governance processes, procedures, organizational structures and systems within the ACRD government to facilitate a smooth transition and efficient ongoing operation; and,
- ✓ Help clarify some key facts and concepts on Huu-ay-aht First Nations, Yuuʔuʔiʔaʔh Government and ACRD corporate structures and governance procedures.

## A NOTE ON NAMES...

Each First Nation of the Maa-nulth Treaty is unique and may choose different variations of how to be addressed. Because the Huu-ay-aht community of today is made up of several Nations that traditionally were separate, they prefer to be called the Huu-ay-aht First Nations. The Yuuʔuʔiʔaʔh prefer "Yuuʔuʔiʔaʔh Government". Phonetic sounds of the Nuu-chah-nulth language do not always easily translate to English, and the traditional spelling and pronunciation of names can vary. There are many resources available for those who want to know more and practice.

<sup>1</sup> Huu-ay-aht First Nations, Yuuʔuʔiʔaʔh Government, Toquaht Nation and Uchucklesaht Tribe are all located in the Alberni Clayoquot Regional District, while Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations are located in the Strathcona Regional District.

This Orientation Manual has been designed alongside a Tool Kit that is intended to support other Treaty First Nations and local governments as they either join the regional districts where they are located as directed by their own treaties, or look to engage in more regional planning and land use harmonization initiatives.

Both this Orientation Manual and the Tool Kit are also designed to help the remaining First Nations of the Maa-nulth Treaty – Toquaht Nation, Uchucklesaht Tribe – join the ACRD. Together with the *T'ašii* fact package, the three documents will help provide a better understanding of the key considerations, challenges and opportunities of treaty implementation at the regional district level.

## THE MAA-NULTH TREATY

This document and the larger regional district integration process were set in motion by the signing of the Maa-nulth First Nations Final Agreement. It is useful to have an understanding of that context in order to see how the Orientation Manual fits into the work of the ACRD.

### Overview

The Maa-nulth First Nations Final Agreement was negotiated as part of the BC Treaty Commission's six-stage treaty process. This was a tri-partite negotiation involving the Federal Government, the Province of BC and the Maa-nulth First Nations Treaty Society.

In the framework process set out by the BC Treaty Commission, local governments are given the opportunity to participate in negotiations as part of the provincial team on issues relevant to local governments. This is set out in a Memorandum of Understanding between the Union of BC Municipalities and the provincial Ministry of Aboriginal Relations and Reconciliation<sup>2</sup>. In practice, during the treaty negotiations, provincial negotiators met with local governments that would be directly impacted by the Treaty on a regular basis. This included the ACRD, the District of Ucluelet and the District of Tofino. An overview presentation was also shown several times before and after the effective date to ACRD directors and other local government stakeholders.

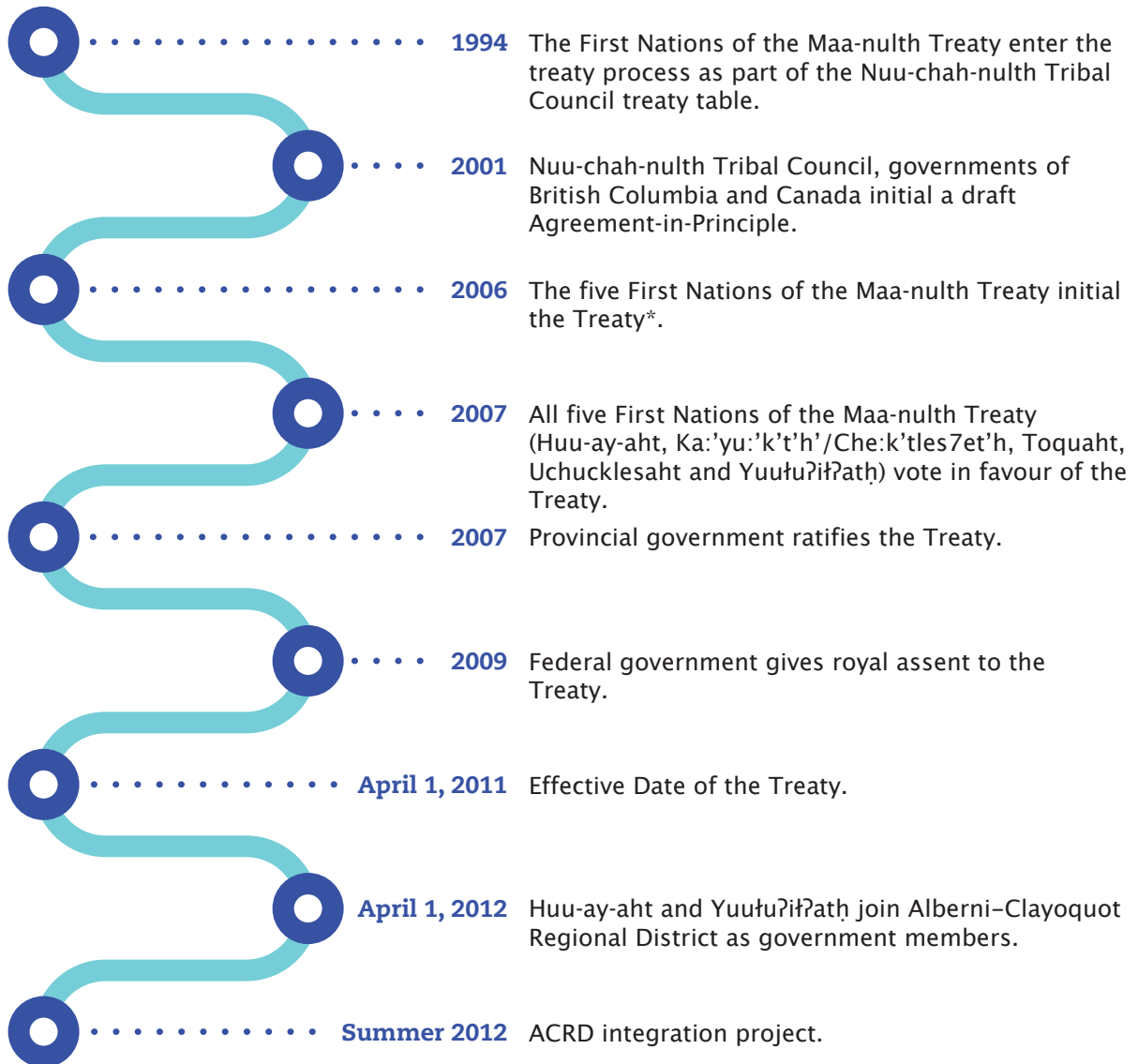
The Maa-nulth First Nations Treaty Society formed a separate treaty negotiating group after a split vote on the Nuuchah-nulth Tribal Council Agreement-in-Principle. The Maa-nulth First Nations Final Agreement was initialed in 2006 with an effective date of April 1, 2011. The Treaty first had to be voted on by Nation members and then ratified by both the provincial legislature and federal parliament. The timeline that follows marks some of the milestones in the process.

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<sup>2</sup> [www.cscd.gov.bc.ca/lgd/gov\\_structure/library/UBCM\\_MOU\\_2003.pdf](http://www.cscd.gov.bc.ca/lgd/gov_structure/library/UBCM_MOU_2003.pdf)

## TIMELINE

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\* Six of the 12 First Nations negotiating as part of the Nuu-chah-nulth Tribal Council approved the Agreement-in-Principle. Five of these First Nations joined together to form the Maa-nulth First Nations Treaty Society.

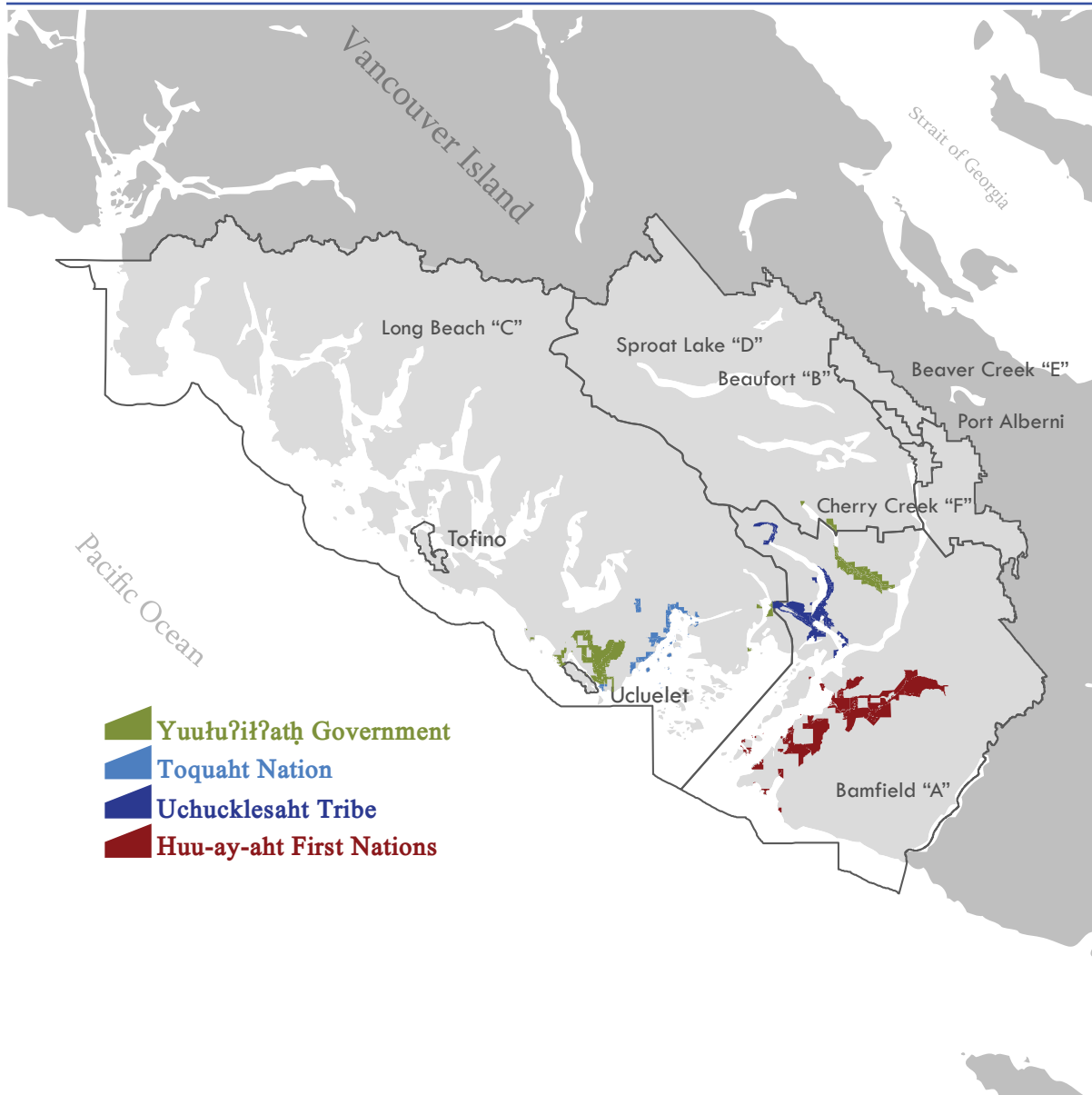
The Maa-nulth Treaty is only the second modern-day treaty signed in British Columbia, and the first on Vancouver Island. It is also unique in that it encompasses a group of nations, which is different from the Tsawwassen and Nisga'a Treaties, both of which only dealt with one Nation.

The final Maa-nulth Treaty includes five communities, or Nations:

- Huu-ay-aht First Nations (Bamfield area)
- Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations (Kyuquot Sound area)
- Toquaht Nation (Ucluelet area)
- Uchucklesaht Tribe (near the mouth of Alberni Inlet)
- Yuułu?ił?ath Government (Ucluelet area)

Four of these communities (all but Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations) have lands located within the ACRD. The map shows the Treaty Settlement Lands (TSL)<sup>3</sup> of these four Nations.

**Map: TSL of the First Nations of the Maa-nulth Treaty - ACRD Region**



<sup>3</sup> Treaty Settlement Lands (TSL) are the lands included in the Treaty.

Taken together, the four First Nations of the Maa-nulth Treaty located within the boundaries of the ACRD cover approximately 18,160 hectares<sup>4</sup>. Their combined memberships include about 2,000 people. As illustrated, the TSL are not contiguous.

The TSL areas are:

- **Huu-ay-aht First Nations:** 8,258 hectares  
(total population: 682 / estimated living on TSL: 132)
- **Toquaht Nation:** 1,489 hectares  
(total population: 143 / estimated living on TSL: 8)
- **Uchucklesaht Tribe:** 3,067 hectares  
(total population: 205 / estimated living on TSL: 25)
- **Yuułuʔiłʔatḥ Government:** 5,346 hectares  
(total population: 648 / estimated living on TSL: 209)

## The Details

The Treaty is a detailed legal document that lays out the governing powers of each Treaty Nation. Each of the five Treaty Nations has their own Constitution, which spells out the rights and responsibilities of its citizens and provides for standards consistent with other governments in Canada. This means they have the authority to enact laws and govern themselves. **These Nations are no longer under the jurisdiction of the federal government's *Indian Act*.**

Each Constitution also spells out law-making powers with regard to a broad range of issues including:

- Lands and land management
- Social development (including education)
- Protection and enhancement of culture
- Heritage and language
- Public administration
- Taxation and financial accountability

The Maa-nulth First Nations Final Agreement is based on a concurrent law-making model – this acknowledges federal and provincial laws and clarifies whose laws prevail in situations of conflict. The laws formed under each Nation's constitution,

### CANADIAN FEDERAL LAW

**Section 35, Constitution Act 1982 – Outlines protections for Aboriginal and treaty rights of Aboriginal peoples in Canada. These rights refer to the activities, customs and practices that are distinctive to Aboriginal peoples.**

<sup>4</sup> All numbers in this section from presentation: The First Nations of Maa-nulth Treaty Society  
[http://www.maanulth.ca/downloads/presentation\\_lands.pdf](http://www.maanulth.ca/downloads/presentation_lands.pdf)

however, have the highest priority when it comes to internal matters. Though there are some areas where provincial and federal law prevail, the Maa-nulth Nation's governing authority is more significant than other BC local governments (municipalities and regional districts).

- **Federal Laws & Provincial Laws:** As a legislative authority within Canada, the Huu-ay-aht and Yuułuʔiłʔatḥ governments are included in the Canadian federal system. The Treaty does not alter the Canadian Constitution, including Aboriginal rights outlined in Sections 25 and 35. The Canadian Charter of Rights and Freedoms applies to all Maa-nulth Members. In the case of conflict, federal and provincial laws will prevail over Maa-nulth legislation for issues related to child care, post-secondary education, health services, social services, marriages, order, peace and safety, emergency preparedness, public works, regulation of businesses, and, traffic, transportation, parking and highways. The BC Building Code applies to TSL. Federal and provincial environmental assessment laws apply to TSL, and both Canada and BC have retained the authority to manage fish, wildlife and migratory birds within their respective habitats. Canada will have concurrent tax authority of TSL and the province will vacate from property tax on TSL through a side agreement.
- **Taxation:** Each Maa-nulth Nation has the authority to levy taxes on TSL, but both Canada and BC will continue to have concurrent tax authority on these lands<sup>5</sup>. The tax exemptions previously provided under the *Indian Act* will be phased out for Maa-nulth members as follows:
  - Transaction taxes (e.g., sales tax) phased out after 8 years (2019)
  - All other taxes (e.g., income and property taxes) phased out after 12 years (2023)
- **Treaty Settlement Lands (TSL):** Lands allotted as TSL are owned as “fee-simple plus”, with a few key differences in the character of ownership compared with “fee simple” lands elsewhere in BC:
  - Each Nation has law-making authority and is the governing body over its TSL
  - Each Nation owns the subsurface resources under the land
  - Expropriation is limited and can only be done in accordance with the Treaty; expropriated lands must be replaced and/or compensated for
  - TSL and Maa-nulth rights to land are protected by section 35 of the Canadian Constitution

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<sup>5</sup> Concurrent taxation provides for the continuation of provincial taxation of non-member occupiers at rates that are reduced, where applicable, to accommodate the First Nation taxes. It requires the First Nation and provincial government (or municipality, if the reserve land is within the boundaries of a municipality) to have a contract for the First Nation to provide services that are to be paid for through the First Nation taxes.

From: [http://www.sbr.gov.bc.ca/business/Property\\_Taxes/FirstNations/ConcurrentTaxation.htm](http://www.sbr.gov.bc.ca/business/Property_Taxes/FirstNations/ConcurrentTaxation.htm)



**Figure:** A comparison of TSL and Indian Act lands

	Under the Indian Act	Under Treaty
<b>Land Ownership</b>	Queen owns land	Maa-nulth own land – "fee simple plus"
<b>Land Registration</b>	AANDC	Ability to raise title in BC system
<b>Expropriation</b>	Yes	Limited expropriation
<b>Sub Surface Ownership</b>	None	Yes
<b>Land Management</b>	None	Yes
<b>Law Making</b>	None	Yes
<b>Economic Development</b>	Limited	Yes
<b>Protection of Land Base</b>	None	Certainty in Constitution
<b>Submerged Land</b>	None	Say in protection
<b>Watershed Land</b>	None	Say in protection

Source: Adapted from the First Nations of the Maa-nulth Treaty website, [http://www.maanulth.ca/downloads/presentation\\_lands.pdf](http://www.maanulth.ca/downloads/presentation_lands.pdf)

## TREATY SETTLEMENT LANDS (TSL): THE DETAILS

**Additional Lands:** Additional lands can be acquired through purchases. Certain lands that were pre-approved in the treaty process would automatically become TSL if purchased within 15 years.

**Public Access:** Some existing roads within the TSL are listed as Crown corridors and excluded from the TSL. Private landowners are assured access to their properties. The public has continued access to non-private treaty lands including for recreational and non-commercial use (e.g., hunting, fishing). While TSL can be designated private under certain conditions, key recreation sites cannot be converted without BC's consent.

**Foreshore:** The government of BC has ownership of the foreshore. To ensure reasonable uses of the foreshore, head leases have been arranged on selected waterfront lands. Nations have law-making authority (consistent with the leases) over the marine and freshwater foreshore areas of these lands in the same way a municipal authority does. BC has delegated law-making authority via agreement, not entered into head leases.

**Off-Treaty Lands:** The Treaty provides a role for Maa-nulth Nations within their traditional territories beyond TSL. This includes the opportunity to be consulted and have input on decisions regarding resource management, commercial tenures, resource revenue sharing as well as planning and management for protected and conservation areas, environmental assessments and the harvest of renewable resources.

## The Treaty and Regional Governance

Chapter 14 of the Maa-nulth First Nations Final Agreement deals with regional governance and includes specific provisions on how Treaty nations interact with the regional district they fall within. Four of the First Nations of the Maa-nulth Treaty will join the Alberni-Clayoquot Regional District and one, Ka:'yu:'k't'h' / Che:k'tles7et'h' First Nations, will join the Strathcona Regional District.

In the Treaty, each of the First Nations was given 10 years to join their regional district governments, or until April 1, 2021<sup>6</sup>. Unless otherwise agreed by all parties, the transition period will end within four months of written notice being provided and the Nation will officially join the board.

The Treaty also required that First Nations of the Maa-nulth Treaty participate in two service areas of the regional district: General Government Services and Regional Hospital District. Participation in these service areas is mandatory for all members.

**General Government Services** includes the administrative costs of running the regional district government. Specific costs under the service are directors' indemnities, administrative salaries, office and building costs, audit, insurance and legal fees.

The purpose of the **regional hospital district** is to raise funds for capital expenses and new hospital facilities within the region (West Coast General Hospital, Tofino General Hospital, Bamfield Health Centre).

### OBSERVERS VS. MEMBERS

As the First Nations of the Maa-nulth Treaty prepare to join the regional district board, they have the option to attend as observers on a non-voting basis. This is an opportunity for First Nation members to spend time at the regional district table, get to know the inner workings of the regional district board and build relationships with other directors and staff before officially becoming members.

As the primary purpose of a regional district government is to provide services to member jurisdictions, ACRD provides over 20 different services, ranging from regional park planning to airport operations at the Long Beach Airport. Individual jurisdictions choose to join regional district services when it is in their best interests to do so. When they choose to join a service, they are referred to as **service participants**. Together, participants make up the **service area**, which is the portion of the regional district where the particular service is provided, and from which the cost of providing the service is recovered. Services are typically provided on a cost-recovery basis through property tax charges on residents living in the service area.

<sup>6</sup> Written notice to join the regional district must be given by January 1, 2021 (four months prior to the tenth anniversary of the treaty effective date).

The service participants, through their regional district directors (the representatives of the particular jurisdiction), work together to make decisions for the service and its operations.

Huu-ay-aht and Yuułuʔiłʔatḥ are currently considering participating in other service areas and will likely do so over the next several years as conditions and needs warrant.

## **REGIONAL GOVERNANCE – ONE OF MANY POST-TREATY TASKS**

The treaty process is a long and complex political process. For the Maa-nulth First Nations Final Agreement, a significant amount of resources from the province, Canada and the First Nations of the Maa-nulth Treaty was required over the 18 years of negotiation. Considerable staff, government and community resources will be required to implement the Treaty and to adjust to a new governance model. For the First Nations of the Maa-nulth Treaty, integration at the regional district level is just one of many post-treaty changes and new responsibilities to be taken on, a fact that should warrant patience and understanding from regional district partners as the orientation process unfolds.

## HUU-AY-AHT FIRST NATIONS

### HUU-AY-AHT FIRST NATIONS – more than one Nation

The Huu-ay-aht refer to themselves as First Nations – in the plural – because they are historically made up of several communities that came together over time.

Huu-ay-aht First Nations is one of five Maa-nulth Nations, and the first (along with Yuułuʔiłʔatḥ Government) to join the ACRD.

Huu-ay-aht’s traditional territory, originally over 78,000 hectares, is located in and around what is now known as Bamfield. Their 8,258 hectares of TSL include both coastal and inland parcels (see Map on page 6). Huu-ay-aht maintains administrative offices in their main village of Anacla (near Bamfield) as well as in Port Alberni.

### Organizational Structure

Huu-ay-aht’s government structure has four main components: a legislature, an executive, a Ha’wiih Council and a People’s Assembly. This organization has some similarities to BC’s provincial system and in some ways resembles a city municipal government. In all, it is a unique system, developed by the Huu-ay-aht, for the Huu-ay-aht.

The **Huu-ay-aht Council** is made up, primarily, of elected representatives. All Huu-ay-aht are able to vote in elections regardless of whether they live on TSL or in other jurisdictions. Elections take place every four years.

There are seven representatives on the Huu-ay-aht Council. One of these is the elected Chief Councillor and five others are elected as councillors. In addition to these six elected positions, one councillor, the Tyee Ha’wilth, is appointed from the **Ha-wiih Council**, which is the body that represents Huu-ay-aht’s hereditary governance system.

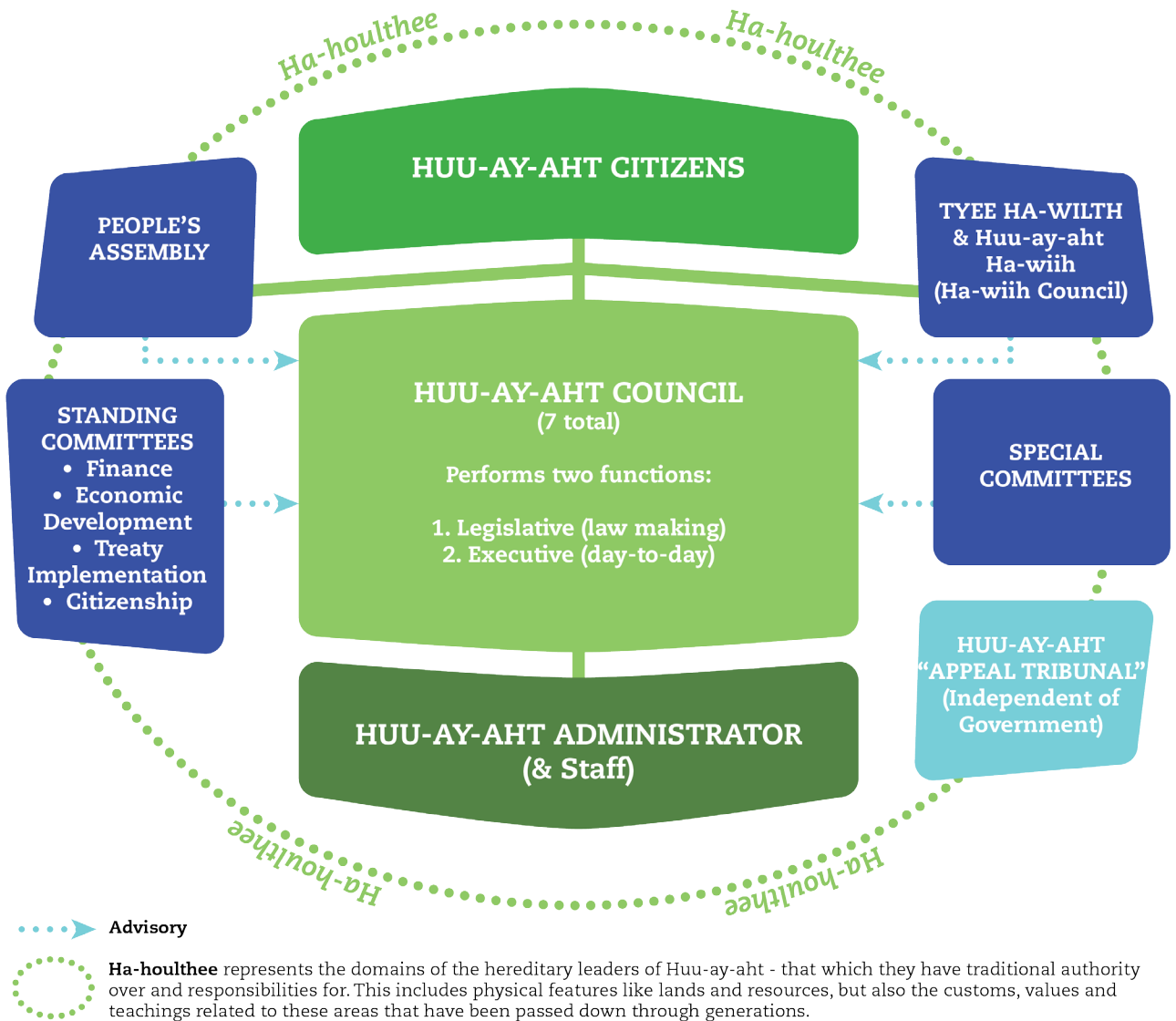
Hereditary Chiefs still play an important role in Huu-ay-aht governance. Traditionally, they were the caretakers for the lands, waters and resources of their Ha-houlthee. A relatively complex concept, Ha-houlthee represents the domains of the hereditary leaders of Huu-ay-aht – that which they have traditional authority over and responsibilities for. This includes physical features like lands and resources, but also the customs, values and teachings related to these areas that have been passed down through generations. Today, the Ha’wiih Council represents this traditional governance, acting as an advisory body to the Huu-ay-aht Council.

Huu-ay-aht citizens are represented formally by the **People’s Assembly**. Every citizen has the right to attend and speak at these sessions. The body can make recommendations to Huu-ay-aht Council by way of resolution and these must be considered and voted on by the Council. A general assembly is convened at least

once a year to hear financial information and strategic objectives of Council for the coming year. The Chief Councillor can also call a special People’s Assembly for important issues.

Several **standing committees** organize management of core responsibilities, including finance, treaty implementation, economic development and citizenship. Council can establish other committees, as needed.

**Figure:** Huu-ay-aht First Nations government organization



The HUU-ay-aht Council acts as both a legislature, responsible for law making, and an executive, responsible for day-to-day administration of the laws that have been put in place. The executive council of the HUU-ay-aht government manages responsibilities based on a number of portfolios that have been established. For each portfolio, one councillor is appointed as the lead, with a second as an alternate appointed as well.

**PORTFOLIO**

- Citizenship
- Economic Development
- Finance
- Treaty Implementation
- Lands
- Forestry
- Fisheries
- Parks Co-Management Board
- Citizen Development
- Infrastructure and Public Works
- Culture and Language
- Intergovernmental Relations
- ACRD
- Communication

**HUU-ay-aht’s Appointee to the ACRD**

The ACRD directorship has been established as one of HUU-ay-aht’s executive portfolios. This is the person who will represent HUU-ay-aht on the ACRD board as a director with all the same powers and duties as every other member of the board. This is similar to how municipalities manage their appointment to regional district governments.

HUU-ay-aht’s regional district director appointee will function just like any other regional district director. They will vote on services in which they are service participants and provide input with other directors when matters are referred to directors for comment. As with other matters that may be tabled or referred for input from residents, the HUU-ay-aht director will seek input from Nation citizens at those times as well.

In general, it is anticipated that HUU-ay-aht’s ACRD appointee will serve for three-years, the same as other ACRD directors. Recognizing that the three year local government cycle does not match-up with HUU-ay-aht’s four year election cycle, HUU-ay-aht will work to harmonize their appointments with the ACRD’s cycle. As with other ACRD directors, HUU-ay-aht’s director can be replaced when necessary (i.e., if they are unable to continue their role).

**HUU-ay-aht Legislation**

Relevant HUU-ay-aht legislation is summarized here. All legislation and supporting guidelines (e.g., HUU-ay-aht Land Use Plan) are available on HUU-ay-aht First Nation’s website (<http://huyuayaht.org>).

- **Community Planning and Development Act:** This Act is meant to provide a fair and effective system for community planning and development of lands. It sets out the regulatory framework to guide Huu-ay-aht land use planning decisions and land management. The following regulations are made under it:
  - Land use plan – the paramount law governing land use planning and management. All other land use regulations must comply with it.
  - Design and development guidelines
  - Foreshore management guidelines
  - Zoning
  - Development cost recovery
  - Subdivision approval
  - Building permits

The Act also establishes:

- A Director of Lands and Natural Resources
  - A Huu-ay-aht Variance Board with the power to make minor variations to zoning or subdivision servicing requirements if they cause hardship
  - An approving officer responsible for subdivision approval on TSL
  - A building inspector responsible for granting building permits and ensuring that construction complies with the BC Building Code
- **Real Property Tax Act:** This Act sets out the legal framework for the collection of property taxes on Huu-ay-aht TSL. It stipulates how the BC Assessment Authority will provide property assessments for taxable properties and how the Huu-ay-aht will establish tax rates and collection methods. It also establishes property tax payment deadlines (July 2nd of each year).
  - **Land Act:** This Act sets out the framework for the management, protection and disposal of interests in Huu-ay-aht TSL, including residential leases and natural resource tenures (99-year residential leases are permitted if Executive Council considers it is in the best interests of the Huu-ay-aht). The Act also permits the Director of Lands & Natural Resources to grant temporary interests on certain Huu-ay-aht TSL, including permits of occupation or resource harvesting permits. Temporary interests may not exceed six months. The Act also sets out:
    - A Huu-ay-aht land registry and a Huu-ay-aht land registrar responsible for maintaining records for public inspection
    - Offences and penalties for trespassing and the unauthorized use of Huu-ay-aht TSL
    - Expropriation of interests in Huu-ay-aht TSL by government for certain purposes provided that fair compensation is paid to the interest holder

## YUULUŦIŦATH GOVERNMENT

YuuluŦiŦath Government is one of the five First Nations of Maa-nulth Treaty, and the first (along with Huu-ay-aht First Nations) to join the Alberni-Clayoquot Regional District.

YuuluŦiŦath Government's traditional territory is located in and around Ucluelet and up the Alberni Inlet. Their 5,346 hectares of TSL include both coastal and inland parcels (see Map on page 6). YuuluŦiŦath maintains administrative offices in their main village of Hitacu, located across the harbour from downtown Ucluelet.

### Organizational Structure

YuuluŦiŦath Government has three main components: a legislative, executive, and people's assembly which is known as the Hittatsoo Assembly. The constitution also provides the right to establish a judicial branch. As with Huu-ay-aht, the organizational structure has some similarities to BC's provincial system and in some ways resembles a city municipal government. In all, it is a unique system, developed by YuuluŦiŦath for YuuluŦiŦath.

**YuuluŦiŦath Legislature** is formed of the elected representatives chosen to govern for the community. Elections occur every four years. Any YuuluŦiŦath member can run for election to the Legislature provided they are at least 16 years of age.

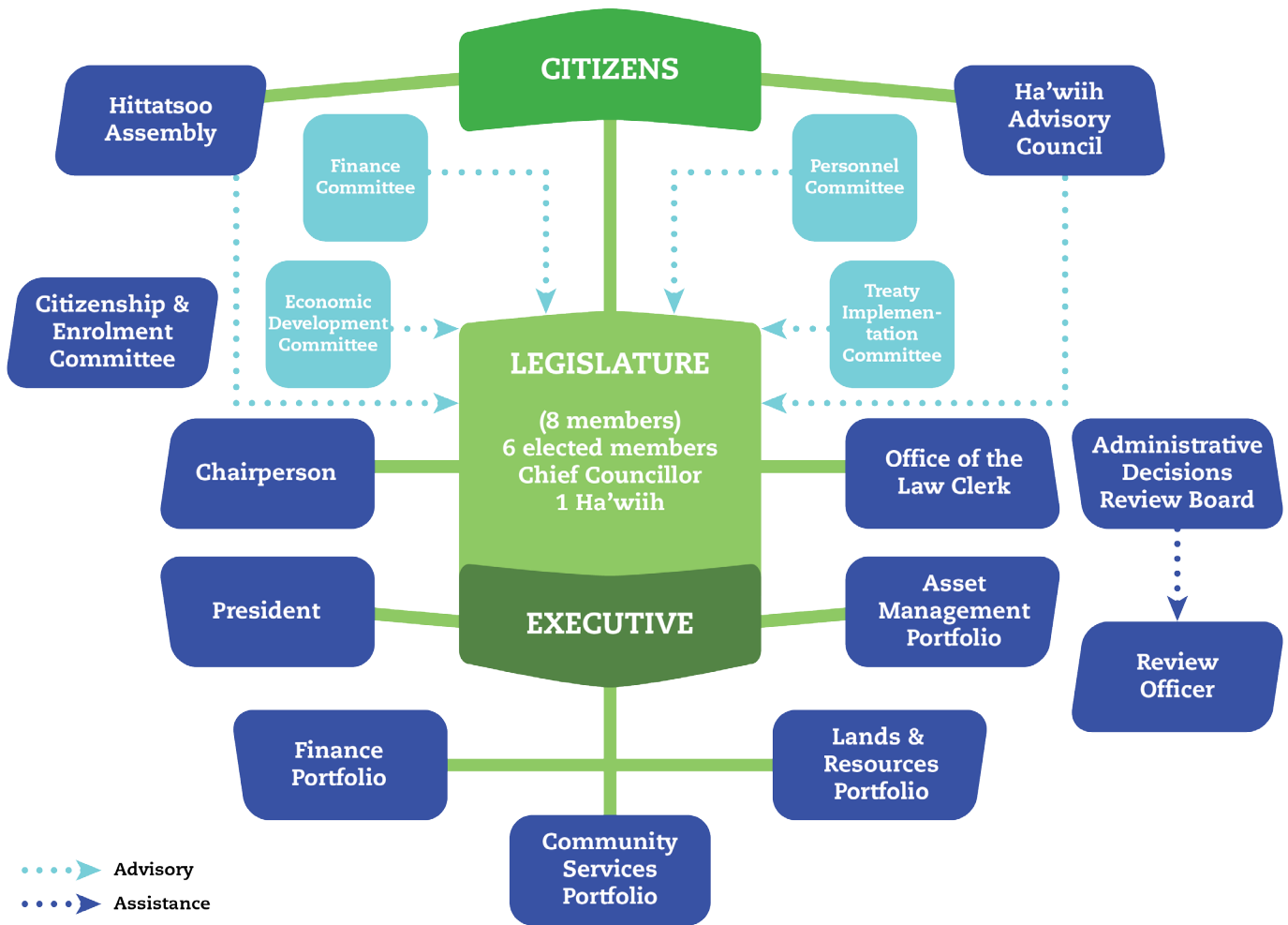
The Council consists of eight representatives. Six of these are elected Members of Legislature and one is elected President. The eighth member is appointed from the Ha'wiih Advisory Council, which is the body that represents YuuluŦiŦath's hereditary governance system or the Hereditary Chiefs. The **Ha'wiih Advisory Council** is specifically consulted on issues related to YuuluŦiŦath cultural and traditional values, customary laws and matters relating to the Constitution.

The **Hittatsoo Assembly** represents the YuuluŦiŦath citizens and meets at least four times annually, with one Annual General Assembly where the YuuluŦiŦath annual financial report is reviewed. The Hittatsoo Assembly can make recommendations to the YuuluŦiŦath Legislature.

Several **standing committees** help to manage government affairs. These can include citizens over the age of 16 (voting age) and must include at least one member of Legislature. There are several standing committees, including finance, treaty implementation, economic development and personnel. Other standing or special committees can be established at the discretion of the Legislature.



**Figure: Yuuḷuḷiḷḷath Government organization**



The Yuuḷuḷiḷḷath Legislature and President also hold executive powers, essentially the responsibility for day-to-day administration of the laws that have been put in place. The executive branch of the Yuuḷuḷiḷḷath Government manages responsibilities based on a number of portfolios that have been established. For each portfolio, one member of the Legislature is appointed as the lead and a second in an alternate position to manage decision-making and linkages between legislation, staff and community.

**PORTFOLIO**

- President
- Finance
- Asset management
- Community Services
- Lands and Resources
- ACRD

## Yuufu?i?ath's Appointee to the ACRD

The ACRD directorship has been established as one of Yuufu?i?ath's executive portfolios. This is the person who will represent Yuufu?i?ath on the ACRD board as a director with all the same powers and duties as every other member of the board. This is similar to how municipalities manage their appointment to regional district governments.

Yuufu?i?ath's regional district director will function just like any other regional district director. They will vote on services in which they are service participants and provide input with other directors when matters are referred to directors for comment. As with other matters that may be tabled or referred for input from residents, the Yuufu?i?ath director will seek input from Nation citizens at those times as well.

In general, it is anticipated that Yuufu?i?ath's ACRD appointee will serve for three years, the same as other ACRD directors. Recognizing that the three year local government cycle does not match-up with Yuufu?i?ath's four year election cycle, Yuufu?i?ath will work to harmonize their appointments with the ACRD's cycle. As with other ACRD directors, Yuufu?i?ath directors can be replaced when necessary (e.g., if they are unable to continue their role).

## Yuufu?i?ath Legislation

Relevant Yuufu?i?ath legislation is summarized here. All Acts and guidelines (e.g., Yuufu?i?ath Constitution) are available on Yuufu?i?ath First Nation's website (<http://ufn.ca>).

- **Planning and Land Use Management Act:** This Act provides for a fair and effective system for community planning and development of lands. It sets out the regulatory framework to guide Yuufu?i?ath community land use plan development and land management. The Act sets out:
  - Zoning and other development regulations, procedures and policies
  - Development requirements and provisions
  - Development cost recovery standards
- **Building and Development Authorization Act:** This Act applies to the design, construction and occupancy of new buildings, temporary structures, renovations and demolition of buildings and structures on Yuufu?i?ath TSL. It also establishes building owners/developers as the responsible party for meeting building and development standards as laid out in the BC Building Code.
- **Real Property Tax Act:** This Act sets out the legal framework for the collection of property taxes on Yuufu?i?ath TSL. It stipulates how the BC Assessment Authority will provide property assessments for taxable properties and how Yuufu?i?ath will establish tax rates and collection methods. It also establishes property tax payment deadlines (July 2nd every year).

# ALBERNI-CLAYOQUOT REGIONAL DISTRICT

The ACRD is one of 27 regional districts in BC, which together cover almost the entire province<sup>7</sup>. Regional districts were established in 1968 and are widely recognized as an innovative form of regional governance.

Regional districts have two main functions. First, they **provide rural residents with basic local government services and representation**. For example, they may provide water and sewer services, or oversee planning functions in electoral areas with no planning capacity. Second, they **represent all residents – from rural areas and municipalities – on regional issues**. This happens through the regional district board where each of the areas, municipal and rural, have a seat. Typically this function involves coordinating services that a single municipality or rural area cannot provide on its own, including major infrastructure projects, recreation complexes and the like. In some cases, the regional district simply provides the framework for member municipalities and local areas to cooperate on service provision.

The rights, powers, privileges and authorities of the ACRD (and all other regional districts) are laid out in BC's *Local Government Act* [RSBC 1996] Chapter 323, Part 15.

## Regional districts: A federative model

BC's regional districts are created under the same basic set of principles. Its members, however, determine how the regional district functions on the ground. This can be described as a federative approach to governance. It is cooperative in nature and flexible – it is a representation of its members' needs and interests, not a separate, higher-level authority.

Because of this, each regional district changes and evolves over time, as directors change, demographics shift and as new members join. Participation in the federation is the first step towards having regional governance reflect shared local values.

## MUNICIPAL & RURAL AREAS: what's the difference?

**Municipalities** are incorporated areas, and can be cities, towns, districts or villages. In BC, 88% of the population lives in municipalities.

**Rural areas** are all lands and residents outside of incorporated municipal areas. These account for 12% of the population in BC. Within regional governments, they are managed as electoral areas.

## FOR MORE INFORMATION...

See the Regional District Tool Kit – Fact Sheet #1: Purposes of Regional Districts

<http://www.ubcm.ca/assets/library/Publications/RD~Toolkit/UBCM-fs1-purposes.pdf>

<sup>7</sup> The Stikine region was left out of the process that established BC's regional districts in 1968. With a total population just over 1,000 people, it contains no municipalities and only one planning area – in the community of Atlin.

## Organizational Structure

The ACRD was incorporated in 1967 and is one of seven regional districts on Vancouver Island. It spans the area of the Alberni Valley and extends out to the West Coast, including Bamfield to the south and Clayoquot Sound to the north. The large area includes vast swaths of unpopulated areas and rugged mountainous and coastal terrain.

As of the 2011 Census, the ACRD was home to a population of 31,061 people. About 57% (17,743) live in Port Alberni, the region's largest municipality, and another 11% (3,503) live in Tofino and Ucluelet, the only other incorporated municipalities in the region. About 4% of the total population is Yuułuʔiłʔatḥ or Huu-ay-aht citizens, with an estimated 350 (1%) of these citizens living on TSL.

The ACRD is organized similar to other regional districts in the province. The Board of Directors, including representatives from each municipality and electoral area in the region, is responsible for high-level decision-making and direction setting.

Staff is organized under four main divisions: planning and development, environmental services, administration service and finance. How staff spend their time relates to the two main functions of regional districts. At times they are acting as local government staff for rural residents and accountable to the director for that particular area. In other instances they are working for the entire region. The Chief Administrative Officer (CAO) oversees all staff activities and acts as the link between staff and the board.

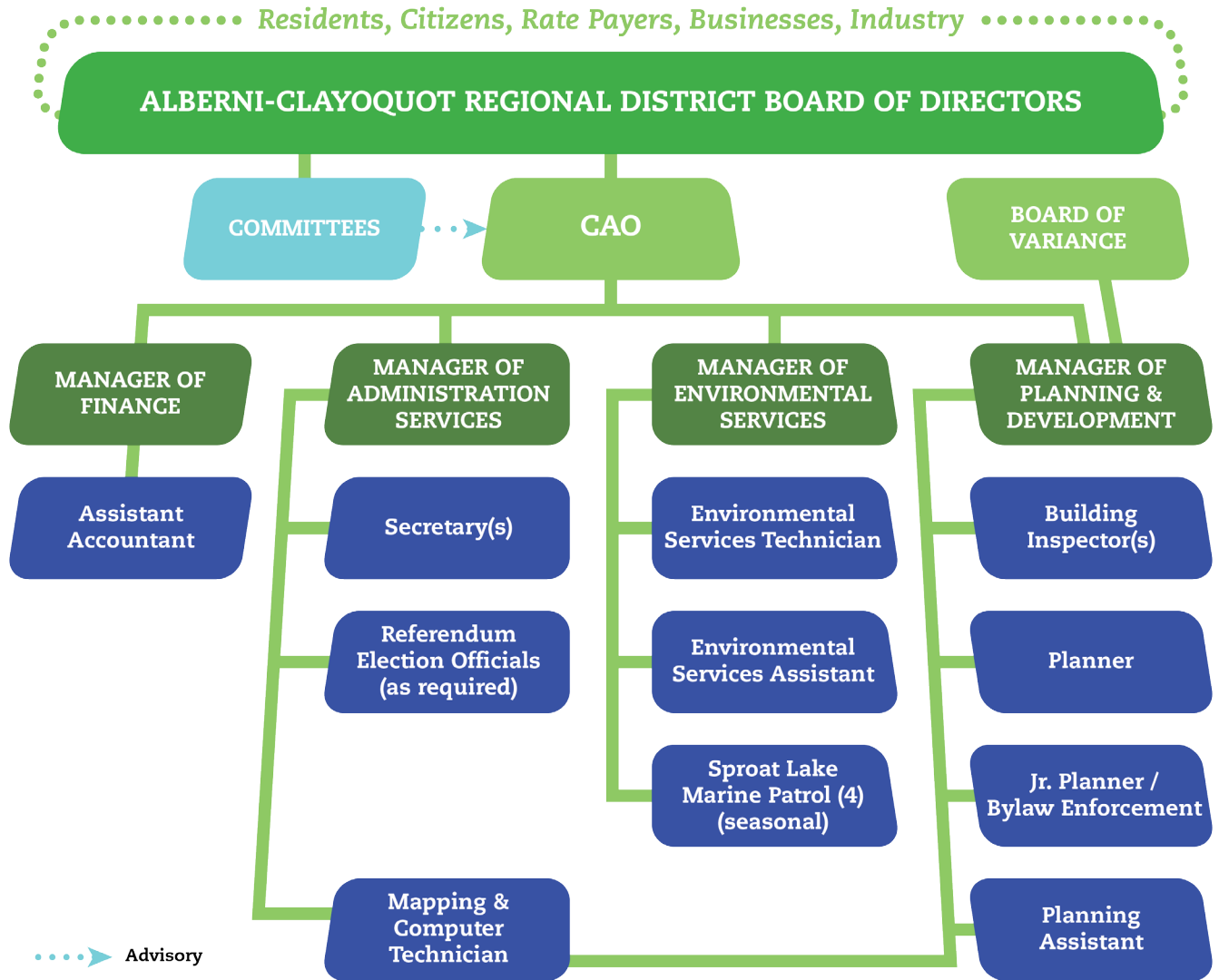
### ACRD Board Of Directors

Regional district boards consist of three types of directors. **Municipal directors** are elected representatives from their respective municipality. They are appointed to be ACRD directors by their council. This director acts on behalf of the municipality and represents those interests in its position on the regional district board. An alternate is also appointed to act in place of the primary representative when necessary. Within the ACRD, municipal directors are those from **Port Alberni, Ucluelet and Tofino**.

**Electoral area directors** are elected directly by the constituents living in their electoral areas. There are six electoral areas in the ACRD. Directors serve three year terms, with elections occurring on the same cycle as municipal elections.

**Treaty First Nations** governments have the authority to decide how to appoint a representative to sit as a director on the regional district board, along with a term for service. Both Yuułuʔiłʔatḥ and Huu-ay-aht have four year election cycles. Both governments have discussed coordinating the appointment of their directors with the ACRD three year election cycle.

**Figure:** ACRD organizational structure



### ACRD Board Committees

The ACRD has numerous committees to coordinate and manage the variety of services it provides and the issues it represents on behalf of constituents.

The full board meets for “regular board meetings” semi-monthly on the second and fourth Wednesday of each month. This is where motions are presented and passed, including those developed at committees. Board meetings are typically held at the ACRD office in Port Alberni. One or two satellite board meetings are held in other communities in the region over the summer as a way to get to know other regions and their constituents.

In addition to the full board meetings, the ACRD maintains a number of different, issue-specific working committees. ACRD committees do not have decision-making power; they make recommendations to the ACRD board. These take on different forms – some committees (called “standing committees”) are long term and carry out advising and representation roles. “Select committees” are temporary and issue-specific. Committees meet at the call of the Chairperson of the regional district Board, or as needed by staff. Activities and work vary considerably by committee.

ACRD’s main committees are listed here. There are additional committees for single services that are not listed.

COMMITTEE	DESCRIPTION
Hospital District Committee	Receives communications and make recommendations on care services and finance related to hospital district contributions and spending.
Highway Connector Committee	Lobbying committee for alternate route in/ out of the Alberni valley. Includes outside representation. Currently, not very active.
West Coast Committee	The West Coast Directors committee deals with services paid for by West Coast areas, including the District of Ucluelet, District of Tofino and Area C (Long Beach).
Log Train Trail Advisory Committee	The Log Train Trail committee provides advice and recommendations to the board for policy and management options for the Log Train Trail.
Alberni Valley Emergency Planning Committee	The Alberni Valley Emergency Planning committee receives information and deliberates on emergency planning issues relevant to the area, including wildfire, earthquakes, tsunamis, etc. The goal is to advance cooperation towards mitigation planning, preparation for, and response to and recovery from natural disasters or emergencies.
Fisheries Committee	The fisheries committee is a lobbying body for fisheries issues relevant to ACRD members. There is outside representation on this committee.
Agricultural Advisory Committee	The agricultural advisory committee provides recommendations on agricultural land use issues (e.g., the ALR) and agri-business opportunities, in addition to liaising with local agricultural stakeholders to promote education and exchange of information.
Agricultural Development Committee	Looks at implementing actions from the Alberni Valley Agricultural Plan.
Electoral Area Committee	The Electoral Area Committee deals with services which are paid for by all the electoral areas.
Alberni Valley Committee	The Alberni Valley Committee deals with decision-making regarding services paid for by participants in this group. Members include two representatives from the City of Port Alberni, and one each from the Electoral Areas of Beaufort, Cherry Creek, Beaver Creek and Sproat Lake.
Solid Waste Management Plan Monitoring Advisory Committee – Alberni Valley Landfill	The committee was established based on a Solid Waste Management Plan (SWMP) developed in 2008. The committee is responsible for supporting implementation of the SWMP, monitoring it and reporting on its effectiveness, and making recommendations for improvements based on monitoring.

COMMITTEE	DESCRIPTION
Solid Waste Management Plan Monitoring Advisory Committee – West Coast Landfill	The committee was established based on a Solid Waste Management Plan (SWMP) developed in 2008. The committee is responsible for supporting implementation of the SWMP, monitoring it and reporting on its effectiveness, and making recommendations for improvements based on monitoring.
Advisory planning commissions	Each electoral area has a planning commission, consisting of citizens voted in for positions, then appointed by directors. These bodies review development applications within their areas including rezoning, sub-divisions, development permits, and all other planning activities under Part 26 of the <i>Local Government Act</i> .

## Procedures and Protocols: The Details

This section outlines procedural details for the ACRD board, including meetings, voting and service delivery. Additional information is available using the Union of BC Municipalities' *Regional District Toolkit*<sup>8</sup>.

### Meetings

#### Preparation For Meetings

A lot gets accomplished at each ACRD board meeting. For this to happen, meetings need to be well organized and directors need to be prepared in advance.

Agendas are circulated ahead of each meeting – usually the week beforehand. The Board Chair develops the agenda with the ACRD Chief Administrative Officer, based on outstanding issues from past meetings, upcoming issues, and any legislative or procedural requirements. Directors can contact the Chair with items to add to the meeting at any point.

Packages for each meeting are also sent out before each meeting with the agenda. These contain information on items being discussed. All directors are expected to have reviewed the contents of meeting packages and be prepared with discussion points and questions. As much as possible, directors from municipalities and Treaty First Nations should use this lead-time to discuss relevant issues with their home councils or governments.

#### SATELLITE MEETINGS - a note about protocols

The ACRD may hold satellite meetings around the region, including within the territories of Huu-ay-aht and Yuułu?ił?at̓. When meetings are held in these locations or at other non-Treaty Nations' reserves, it is protocol to acknowledge being on that Nation's land and to thank the Chief for hosting the meeting.

<sup>8</sup> <http://www.ubcm.ca/library/default.aspx>

### Order within Meetings

Regional district board meetings follow a set process. This helps to ensure that meetings happen smoothly and efficiently and that everyone has the same expectations in terms of how and when discussions happen and decisions get made.

The Chair is responsible for moving the meeting through the agenda. In certain instances, this may mean that discussions are moved to another committee or “tabled” (meaning the discussion is suspended for the time being).

Robert’s Rules of Order provide the general framework for order at ACRD meetings. The Chair presents items to be discussed and any items requiring a formal board decision, or motion, are put to vote, with directors given the opportunity to either vote in favour or against the motion. Thorough meeting minutes are kept.

## LIAISING WITH “HOME COUNCILS”

Municipal and Treaty First Nations directors, unlike electoral area directors, are part of a larger governing body. This raises questions around the extent to which these directors should be representing the position of their council within regional district discussions and decision-making. The Union of BC Municipalities Regional District Toolkit states that:

*“One school of thought would suggest that a council may provide guidance to its director(s), and probably should provide guidance on controversial or particularly important topics. A council should not, however, expect its director(s) to stand firm on a position in the face of compelling information and arguments that undermine the position’s validity.”*

(source: Regional District Toolkit, Municipal Directors).

There will be instances where a director needs to consult their home council – on issues that are particularly sensitive, or could result in significant impacts. The toolkit suggests that these, however, should be the “exception, not the rule.” How a director from a municipality or Treaty First Nation handles these situations has implications in terms of the pace and flow of discussion and decisions at the regional district board. Having a clear understanding and expectations in place – within the regional district and between directors and their local councils – is in the best interest of all parties.

### Getting Involved in Discussions

Most discussions at the regional district board are related to the services that the regional district coordinates among its members. Whether or not a director gets involved in a discussion related to servicing depends on whether their community is a service participant (i.e., they pay into and receive benefit from the service).



There are instances, however, where non-participating areas may have legitimate interests in a discussion. For example, a non-participating municipality, electoral area or Treaty First Nation would have a stake in a discussion if the service impacts nearby or adjacent lands (e.g., potential contamination issues related to landfills, compatibility of land uses in adjacent jurisdictions).

The principle of self-interest is central to regional district governance. Municipalities, electoral areas and Treaty First Nations choose to participate in services when it is in their best interest to do so. They are, however, also able to participate in service areas that may provide larger, shared regional benefits (e.g., regional park planning, economic development).

### Voting on Motions

Regional district boards use motions to create the resolutions and bylaws that they act through. Since committees have no decision-making power, all voting occurs at the regular, semi-monthly board meetings.

Voting can either be **weighted** or **un-weighted** – this is known as **vote weighting**. When a vote is weighted, the power of each director's vote reflects the population that they represent, so the more people a director represents, the more weight their vote gets. For every 2,500 people in a local area, the director receives one vote. Each director can only have up to a maximum of five votes.

Within the regional district board, only certain directors can participate in votes about certain decisions – this is known as **vote entitlement**. Whether or not a director is entitled to vote depends on their stake in the vote. Often this boils down to whether or not they are participants in a service. **Stakeholder votes** are for motions on services and only the participants of a particular service are able to vote on these. These votes are always weighted.

Voting that includes all directors is called a **corporate vote** and can be either weighted or un-weighted. Weighted corporate votes are used for all financial matters (e.g., approving the budget, borrowing money). Un-weighted corporate votes are used mainly for establishing service and regulatory bylaws, and for passing resolutions to do with service bylaws.

In most cases motions only need a simple majority to be passed (i.e., 50% of the vote plus one). Some matters, including employment termination, delegation of decision making to a commission, the exercise of emergency powers, amendments to service establishment bylaws, and property tax exemptions require two-thirds support.

### FOR MORE INFORMATION...

See the Regional District Toolkit – Discussion Guide #5: Involvement in Discussions

<http://www.ubcm.ca/assets/library/Publications/RD~Toolkit/UBCM-dg5-discussions.pdf>

### FOR MORE INFORMATION...

See the Regional District Tool Kit – Fact Sheet #5: Voting Rules

<http://www.ubcm.ca/assets/library/Publications/RD~Toolkit/UBCM-fs5-voting.pdf>

## ACRD Services

The ACRD provides a range of services to its members. These include services that the province has legislated all local areas to participate in such as general administration, electoral area planning and solid waste management planning<sup>9</sup>, as well as others that make sense for the ACRD. Within the ACRD, participation in most services is voluntary, with the exception of general government services and regional hospital district contributions. The column on the right – Service Participants – indicates which regional district areas participate in each of the services.

SERVICE	DESCRIPTION	SERVICE PARTICIPANTS
General Government Services	Includes administrative costs of running the Regional District government. Specific costs under the service are directors' indemnities, administrative salaries, office and building costs, audit, insurance and legal fees. Participation in the service is mandatory for all jurisdictions, including Huu-ay-aht and Yuułu?iŋ?ath.	All ACRD members
Regional Hospital District	The purpose of the hospital district is to raise funds for capital expenses and new hospital facilities within the region (West Coast General Hospital, Tofino General Hospital, Bamfield Health Centre).	All ACRD members
E911 Telephone Service	The North Island 911 Corporation provides fire, police and ambulance response for the five regional districts of northern Vancouver Island and Powell River Regional District. The ACRD has one member on this board.	All ACRD members except Huu-ay-aht and Yuułu?iŋ?ath
Regional Library	The Vancouver Island Regional Library District provides services for the region. There are two branches in the ACRD, in Port Alberni and Ucluelet. Many of the services can be accessed online, and there is a books-by-mail program for remote communities.	All electoral areas
Grants-in-Aid	The ACRD provides grants-in-aid once a year to assist local non-profit organizations that provide a "social enrichment service" to the residents of a specific area in the ACRD, or to the region as a whole. Applications are sorted by benefitting area: region-wide, Alberni Valley, Bamfield, or West Coast. Committees for the respective areas review the applications and make recommendations to the Regional District Board.	All ACRD members except Huu-ay-aht and Yuułu?iŋ?ath
Regional Parks	Presently, there are three regional parks in the ACRD Regional Park system. There is an expanding network of trails, and recognition that it would be a way to link communities and assist with economic development and tourism efforts. A parks and trails master plan will be developed in 2012 to guide the service, identify equitable distribution of resources throughout the region, and investigate approaches to financing acquisitions and/or improvements. There is currently no tax requisition for the service.	All ACRD members except Huu-ay-aht and Yuułu?iŋ?ath

<sup>9</sup> Since 1989 all regional districts have been mandated by the province to prepare solid waste management plans.

SERVICE	DESCRIPTION	SERVICE PARTICIPANTS
Regional Planning	The ACRD undertakes regional planning to coordinate land use and other planning activities throughout the regional community. Regional planning typically includes planning for larger areas that encompass a variety of jurisdictions (multiple electoral areas and/or municipalities), as well as tasks related to the airport planning, agricultural plans, the Barkley Sound plan, and Crown land referrals. The service also includes regional mapping and air photography.	All ACRD members except Huu-ay-aht and Yuuṭuʔitʔatḥ
Building Inspection	Building inspection services are currently provided to all electoral areas. The District of Tofino, District of Ucluelet and City of Port Alberni provide their own building inspection services.	All electoral areas
Management of Development – Rural areas	Management of Development in rural areas, also known as electoral area planning, is a separate service in which all electoral areas participate. This type of planning covers the preparation of Official Community Plans, zoning bylaws, development permits, variances, agricultural plans, mapping and other land use planning tools. Municipalities and First Nations can participate in this service.	All electoral areas, District of Tofino
Economic Development	ACRD currently has an economic development grants program. The grant is provided to the City of Port Alberni to support its Economic Development Officer, who provides service to the region as a whole. Each jurisdiction determines how much it is going to contribute each year. The City of Port Alberni and the District of Ucluelet both have their own economic development functions. Huu-ay-aht and Yuuṭuʔitʔatḥ also have separate development corporations, which are actively promoting investment opportunities on their respective lands.	All electoral areas, District of Tofino
Waste Management (Bamfield)	<p>ACRD provides two waste management services – the Alberni Valley and Bamfield Waste Management service – in which Port Alberni and Electoral Areas A, B, D, E and F participate; and the West Coast Management service (discussed below). Each service involves the operation of a landfill and the hauling and tipping of the service area’s residential and commercial garbage, recycling, composting programs, and activities such as promotion and education. Participating jurisdictions incur different costs, depending on the menu of services received.</p> <p>In Area A (Bamfield), residents and businesses must provide for their own (private) garbage and recycling collections, or drop off their solid waste at the Bamfield transfer station or the recycling station in Port Alberni.</p> <p>Huu-ay-aht contracts its garbage removal to a private company that supplies bins and collects garbage every third week. Residents take their own garbage to the dumpsters. Residents also use the ACRD recycling drop-off in Bamfield.</p>	Port Alberni, Electoral Areas A, B, D, E, F

SERVICE	DESCRIPTION	SERVICE PARTICIPANTS
Waste Management (Long Beach)	The West Coast Waste Management service relates to the operation of and planning for the West Coast landfill. The ACRD also provides bi-weekly curbside recycling and weekly curbside garbage collection to Tofino, Ucluelet, and Area C (Long Beach). The collection service is contracted to a company that also provides a recycling drop-off area in Tofino and Ucluelet.	District of Tofino, District of Ucluelet, Area C
Emergency Planning (Long Beach)	The <i>BC Emergency Program Act</i> requires local governments to establish and maintain an emergency management organization, and to develop and implement emergency plans and other preparedness, response and recovery measures for emergencies and disasters. Similarly, under the terms of the Treaty, both Huu-ay-aht and Yuuʔuʔiʔatʔ are required to prepare emergency plans.  In Electoral Area C, emergency planning services are delivered through a contract with the District of Ucluelet.	Electoral Area C
Emergency Planning (Bamfield)	In Electoral Area A (Bamfield) the emergency planning service has a volunteer coordinator supported by the Alberni Valley emergency program coordinator (a half-time position paid jointly by the City of Port Alberni and the ACRD).	Electoral Area A
Fire Protection (Long Beach)	The South Long Beach Fire Service is provided to residences, businesses and light industrial properties in a portion of Electoral Area C adjacent to the District of Ucluelet. The Ucluelet Volunteer Fire Brigade provides this service through a contract with the ARCD.	Portion of Electoral Area C
Fire Protection (Bamfield)	The community of Bamfield receives fire protection services from the Bamfield Volunteer Fire Department. The department also provides services to approximately 50 structures on a portion of the Huu-ay-aht lands in the village of Anacla through a contract.	Portion of Electoral Area A
Bamfield Water Service	The Bamfield Water System supplies water to residences, businesses and the Marine Station. Two small water lines cross Bamfield Inlet to service West Bamfield and Burlo Island. The system services a small portion of Huu-ay-aht lands and a fish hatchery at the head of Grappler Inlet.	Portion of Electoral Area A
Long Beach Airport	Long Beach Airport is used by small commercial and private crafts that provide service to Vancouver, Victoria and Campbell River, as well as to Seattle and other US destinations. An airport advisory committee has been established to oversee the facility in 2012.	District of Tofino, District of Ucluelet Electoral Area C

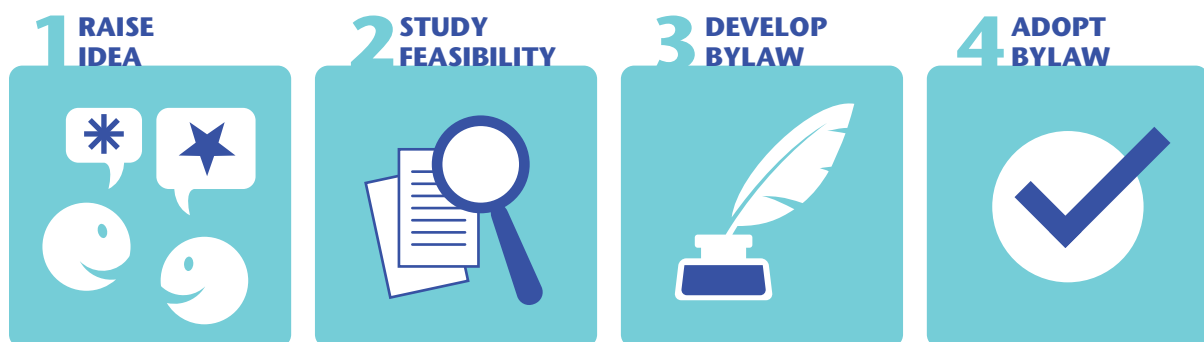
## Service Creation

Each regional district has the authority to create, review and withdraw the services it provides, with the exception of those mandated by the province.

Establishing a service begins with the **identification of a service need**. From there, the **feasibility** of the service is typically studied to clarify the purpose and identify the scope, establish costs and delivery standards, establish a process for review, etc. Once the service has been deemed feasible, a **service-establishing bylaw** is created.

If all relevant parties favour the bylaw in an un-weighted corporate vote, the bylaw is adopted and the service becomes active. Adopted bylaws need the approval of the Inspector of Municipalities, and each of the local areas that intend to participate. Local approval can happen through referendum or be given on behalf of the local area by council, the electoral area director or the board itself.

**Figure:** Service establishment process  
(adapted from Regional District Toolkit – Fact Sheet #3: Services)



## Budgeting and Apportionment

Separate funds are set up to budget and pay for each individual service. The fund is based on the cost of providing the service, and includes a portion for general overhead. This also means that some less direct expenses, including ACRD staff time, need to be allocated to various service funds. Determining how all these costs are distributed among funds is known as **cost allocation**. How the revenues are collected is up to the regional government – the ACRD has the power to develop its own funding formulas and change them if and when necessary. No service can run a deficit.

**Apportionment** is the term used to define the method used to collect contributions from each participating local area. Property taxes are the most common apportionment method, and a system of calculation known as **converted assessment** is typically used in the ACRD for determining value owed. A converted

assessment is calculated by taking the assessed value of a property (based on BC Assessment values), and applying a standard rate to that which varies according to the type of property it is (i.e., residential, commercial, industrial, etc.). In the ACRD almost 75% of services are currently recovered this way.

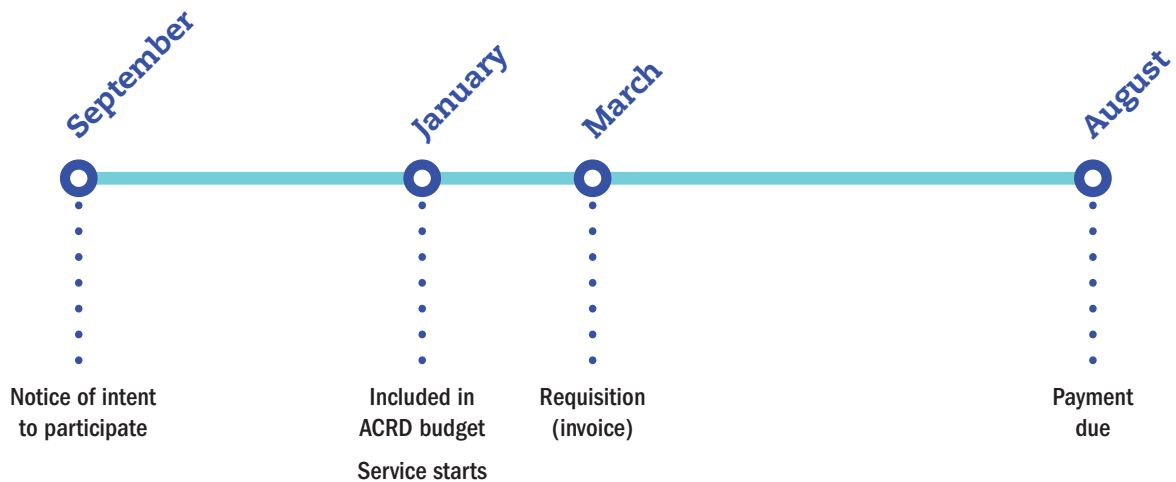
Other apportionment methods include:

- Dwelling counts: service cost divided by the number of dwellings
- Population: service cost divided by the number of people receiving the service
- Usage: service costs based on service use (cost per visit, by volume, by weight, etc.)
- Land area: costs divided up by gross land area of service participants

Apportionment can be based on any one of these methods or a combination of them.

With apportionment methods established for each service, the total must be worked into an annual five-year plan. This lays out what each area pays for each service, every year, for the five years of the plan. This plan must be adopted by March 31st of each year. For the ACRD, this means that budgeting discussions start in the fall and all new service agreements and/or expansions need to be confirmed by January 1st of each year.

**Figure:** Timeline for apportionment and budgeting



## Property Assessment and Taxation: Overview and Summary

### Who Can Tax Properties?

Taxing jurisdictions are agencies with the authority to collect taxes for various types of public spending. BC-wide this includes municipalities, regional districts, the Province, BC Transit, Translink, BC Assessment Authority and the Municipal Finance Authority.

Within the ACRD context, there are a number of distinct taxing jurisdictions: the municipalities of Port Alberni, Tofino, Ucluelet; each of the First Nations of the Maa-nulth Treaty; and the ACRD itself. The ACRD will tax specific properties for a variety of services such as fire protection, street lighting, garbage, recycling, etc.

There is a difference between being a taxing jurisdiction and having the ability to actually collect the taxes. Within municipalities, the municipality itself collects taxes from residents – through property tax notices distributed annually. Within the rural areas, the Ministry of Finance collects taxes on behalf of the regional district, to streamline collection in small, rural areas. When the regional district delivers services within municipal boundaries, the regional district will send the municipality a tax requisition and the municipality will collect the required amount of taxes from its residents, on behalf of the regional district. This would be the same for Treaty First Nations.

How First Nations of the Maa-nulth Treaty will coordinate their tax collection is up to them. The Yuułuꞑiꞑath Government took over taxation authority on January 1, 2012. Yuułuꞑiꞑath Government now collects taxes from property owners in the same way municipalities do. Huu-ay-aht First Nations will assume taxation authority on January 1, 2013.

The BC Assessment Authority is responsible for property assessment across BC, including TSL. Guidelines for the assessment process are provided in the *Assessment Act*.

### FOR MORE INFORMATION...

UBCM Advisory Service

Fact Sheet: Taxation

<http://www.ubcm.ca/assets/library/Publications/Fact~Sheets/11%20TAXATION.pdf>

# APPENDICES

## Appendix 1: Community Profiles

ALBERNI-CLAYOQUOT REGIONAL DISTRICT	
Population	31,061
Number of Directors	12
Total # of Votes	19

AREA A: BAMFIELD	
Population	192
Number of Directors	1
Total # of Votes	1

AREA B: BEAUFORT	
Population	456
Number of Directors	1
Total # of Votes	1

AREA C: LONG BEACH	
Population	433
Number of Directors	1
Total # of Votes	1

AREA D: SPROAT LAKE	
Population	1,701
Number of Directors	1
Total # of Votes	1

AREA E: BEAVER CREEK	
Population	2,885
Number of Directors	1
Total # of Votes	2

AREA F: CHERRY CREEK	
Population	1,916
Number of Directors	1
Total # of Votes	1

HUU-AY-AHT FIRST NATIONS		
Population:		
	Total	682
	On-TSL	132
	Off-TSL	550
Number of Directors		1
Total # of Votes		1

PORT ALBERNI	
Population	17,743
Number of Directors	1
Total # of Votes	5

DISTRICT OF TOFINO	
Population	1,876
Number of Directors	1
Total # of Votes	1

DISTRICT OF UCLUELET	
Population	1,627
Number of Directors	1
Total # of Votes	1

YUULU?IL?ATH? GOVERNMENT		
Population:		
	Total	648
	On-TSL	209
	Off-TSL	439
Number of Directors		1
Total # of Votes		1



## Appendix 2: Terms and Terminology

### How Do We Address Each Other?

#### Treaty First Nations: General Terms

There is a long and unfortunate legacy of incorrect terms and terminology associated with First Nations in Canada. It is important in leaving the *Indian Act*, and the legacy of separation it created, that First Nations of the Maa-nulth Treaty are granted the same respect granted to ACRD residents, staff and elected officials.

It will take time, but all First Nations of the Maa-nulth Treaty are seeking to change the words that are used to refer to their governments and citizens. Correct terminology is not only respectful, but one more step towards reconciliation. Certain incorrect and potentially offensive terms are identified below with their correct equivalent terms for HUU-ay-aht and Yuuʔuʔiʔaʔh.

INCORRECT TERM	CORRECT TERM	
	Yuuʔuʔiʔaʔh	Huu-ay-aht
Indian Band	Yuuʔuʔiʔaʔh	Huu-ay-aht First Nations
Indian	Yuuʔuʔiʔaʔh citizen	Huu-ay-aht citizen
Reserve	Yuuʔuʔiʔaʔh Lands	Huu-ay-aht Lands
Band or Band Council	Yuuʔuʔiʔaʔh Government	Huu-ay-aht Government
Band Office	Yuuʔuʔiʔaʔh Administration	Huu-ay-aht Administration

#### Government & Governance Terms

Huu-ay-aht and Yuuʔuʔiʔaʔh are separate governments. While their function is somewhat similar to municipalities, they are a recognized form of government in British Columbia (and Canada) in that they have additional law making authority on their lands for social, economic, cultural and political aspects of their communities. Like any other local government, the two governments and their citizens remain bound to certain provincial and federal laws (e.g., *Canadian Environmental Protection Act*, *Criminal Code*).

	ACRD	Yuuʔuʔiʔaʔh (YG)	Huu-ay-aht (HFN)
Proper name of governing body	Alberni-Clayoquot Regional District	Yuuʔuʔiʔaʔh Government	Huu-ay-aht Government
Head Elected Official	Chair	President	Chief Councillor
Elected Official	Director (for Electoral Areas)	Legislator	Councillor
Voting citizens	Constituency	Hittatsoo Assembly	Huu-ay-aht People's Assembly
Hereditary Leaders	-	Ha'wiih Advisory Council	Huu-ay-aht Ha'wiih Council

A note on spelling: Many of the sounds from the Nuu-chah-nulth language are not accurately represented on standard keyboards. To enable you to see the Yuuʔuʔiʔaʔh text, or any other First Nation font characters, and to ensure that it displays and prints properly from your PC, you can download the Keyman program from First Voices free of charge. Here is the link: <http://www.firstvoices.com/en/Nuu-chah-nulth/welcome>

### **Appendix 3: Resources**

There are a number of valuable sources that provide more information on the topics covered in this orientation manual.

For more information on the Maa-nulth Treaty:

- **Maa-nulth First Nations Final Agreement**  
[http://www.bctreaty.net/nations/agreements/Maanulth\\_final\\_intial\\_Dec06.pdf](http://www.bctreaty.net/nations/agreements/Maanulth_final_intial_Dec06.pdf)
- **What's in these Treaties: A plain language guide to the Tsawwassen First Nation Treaty and the Maa-nulth First Nations Treaties**  
[http://www.bctreaty.net/files/pdf\\_documents/What'sInTheseTreaties2008.pdf](http://www.bctreaty.net/files/pdf_documents/What'sInTheseTreaties2008.pdf)
- **Why Treaties? A Legal Perspective**  
[http://www.bctreaty.net/files/pdf\\_documents/why\\_treaties\\_update\\_Aug08.pdf](http://www.bctreaty.net/files/pdf_documents/why_treaties_update_Aug08.pdf)

For more information on local governments and regional districts:

- **Union of BC Municipalities – Regional District Toolkit**  
<http://www.ubcm.ca/library/default.aspx>
- **Local Government in British Columbia: A Community Effort**  
<http://www.ubcm.ca/assets/library/Publications/Local~Government~in~British~Columbia/UBCM%20Local%20Gov%202012.pdf>
- **Local Government Act**  
[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/96323\\_00](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96323_00)





Ministry of Aboriginal Relations and Reconciliation  
PO Box 9100 STN PROV GOVT  
Victoria, BC V8W 9B1  
Toll-free: 1.800.880.1022  
ABRInfo@gov.bc.ca



Document prepared with the assistance of:  
**EcoPlan International** | 208-131 Water Street | Vancouver, BC V6B 4M3 | 604.228.1855 | [info@ecoplan.ca](mailto:info@ecoplan.ca)