

Local Governments and First Nations: Working Together

2015 Elected Officials Seminars

January – February 2015



Working Together

- Context
- Treaty negotiations
- Regional district membership
- Engagement and consultation
- Relationship building

2 Communities – 2 Systems

	Local Governments	First Nations
Number	188 LGs	203 First Nations
Legislation	Provincial	Federal
Governance	Mayor and Council	Chief and Council
Revenue	Property taxation	No property taxation of Band members
Challenges	Economic realities	Economic realities
	Social trends	Social trends
		Aboriginal rights

Similarities

- Elected Councils
- Provide local services
- Maintain infrastructure
- Desire for economic development, prosperity
- Growing need for coordinated land use

Land Claims and Treaties

- Royal Proclamation, 1763
“...any lands that had not been ceded to or purchased by Us as aforesaid, are reserved to the said Indian.” - King George III
- Historic treaties:
Douglas Treaties (1850s), Treaty 8 (1899)
- Modern day treaties:
Nisga’a (1998), Tsawwassen (2007),
Maa-nulth (2009)



Local Government & Modern Day Treaties

- Harmonization of land use
 - Consultation provided through Final Agreement
- Service provision
 - Contracts or through RD membership
- Regional district membership
 - *Local Government Act*, s. 795, TFN Director = other Directors
 - Participation in regional services

Duty to Consult

- Provincial duty to consult on Crown decisions that may adversely impact treaty or aboriginal rights – claimed or proven
- Aboriginal rights:
hunting, fishing, plant gathering

The Courts

- *Tsilhqot'in Nation v. British Columbia*
Supreme Court of Canada, 2014
- *Adams Lake Indian Band v. British Columbia*
BC Court of Appeal, 2012
- *Neskonlith Indian Band v. Salmon Arm (City)*
BC Supreme Court, 2012

Consultation and Engagement

Province (Crown)	Local Government
Duty to Consult	Engagement
Constitutionally required	Neighbour-to-neighbour / local relationships
Provincial statutory decisions	Matters of mutual interest and concern
	Encouraged to engage when seeking provincial statutory approvals

Why Build Relationships?

- Capitalize on common interests:
 - Build economic development partnerships
 - Address social issues and problems
 - Manage surrounding lands and resources
- Manage the unexpected and uncertainty
- Avoid misunderstandings
- *Because you are neighbours*

Resources

- Community to Community Forums
- Guide to First Nations Engagement
- Involving Proponents
- A Path Forward
- Protocols and MOUs



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