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**To:** Richmond City Council  
**From:** Mayor Malcolm D. Brodie  
Chair, General Purposes Committee  
**Date:** January 20<sup>th</sup>, 2005  
**File:** 01-0157-01/2005-Vol  
01  
**Re:** **A REVIEW OF POSSIBLE GOVERNANCE MODELS FOR POST TREATY FIRST NATIONS – GVRD RELATIONS**

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The General Purposes Committee, at its meeting held on Monday, January 17<sup>th</sup>, 2005, considered the attached report, and recommends as follows:

**Committee Recommendation**

*That, (as per the report dated January 5, 2005 from the Manager, Policy Planning):*

- (1) the following governance principles be considered when establishing a governance model to manage post treaty First Nations – GVRD relations:*
  - (a) Representation – enable treaty First Nations to be represented in the GVRD system,*
  - (b) Inclusiveness – include treaty First Nations in GVRD decision-making,*
  - (c) Fairness - to treaty First Nations and the GVRD,*
  - (d) Coordination - of treaty First Nations' and GVRD interests,*
  - (e) Financial Benefit – for treaty First Nations and the GVRD,*
  - (f) Efficiency – for treaty First Nations and the GVRD,*
  - (g) Effectiveness – for treaty First Nations and the GVRD.*
- (2) the GVRD Models 2 and 3 be further explored.*
- (3) the GVRD and GVRD municipalities continue to be consulted during the finalization of a treaty First Nations – GVRD governance model, so that all interests can be coordinated and all implications fully understood, before governance finalization.*

Mayor Malcolm D. Brodie, Chair  
General Purposes Committee

Attach.

VARIANCE

Please note that staff recommended the following for Part (2):

- (3) the GVRD Model 2 be further explored.

**Staff Report**

**Origin**

On July 30<sup>th</sup>, 2004, the Greater Vancouver Regional District (GVRD) Board passed the following motion:

- a) Receive the report dated June 15, 2004 titled "A Review of Potential Governance Models for First Nations-Regional District Relations Post-Treaty" along with a verbal briefing presented July 30, 2004;
- b) Direct staff to discuss the potential models with the Provincial Government to ensure that governance and legislation issues are at the forefront of treaty negotiations; and
- c) Forward the report dated June 15, 2004 to member municipalities for their comments.

In addition, the GVRD Board endorsed the following motion:

*"That the GVRD Board direct staff to investigate with provincial and federal government and first nations its preference with Model 2 as presented in the report dated June 15, 2004 titled "A Review of Potential Governance Models for First Nation-Regional District Relations Post-Treaty".*

City staff have reviewed the GVRD information and prepared this report.

**Findings Of Fact**

Affected Treaty First Nations

The affected treaty First Nations are:

First Nation	2001 Census Population
Katzie	300
Musqueam	1,368
Squamish	2,623
Tsleil-Wautath	1,189
Tsawwassen	430

Meaning of The "GVRD"

In this report, the "GVRD" means the system of the GVRD Boards and their Standing Committees including:

GVRD System		
GVRD Boards	GVRD Committees:	
1. Greater Vancouver Regional District Board (GVRD)	1. Communities	6. Parks
2. Greater Vancouver Sewage & Drainage District (GVS&DD)	2. Corporate & Intergovernmental	7. Planning & Environment
3. Greater Vancouver Housing Corporation (GVHC)	3. Finance	8. Waste Management
4. Greater Vancouver Water District (GWWD)	4. Housing	9. Water
	5. Labour Relations Bureau	

Treaty Negotiations

Lower Mainland treaty negotiation involves establishing a new type of treaty First Nations - GVRD governance, to manage treaty First Nations and GVRD relations, post-treaty.

The GVRD has presented four possible GVRD governance models which:

- Affect treaty First Nations and the GVRD system, and
- Are based on full treaty First Nation membership in the GVRD, as proposed by the Provincial treaty negotiators

A Synopsis of the Four Possible GVRD Governance Models

GVRD Model	Summary
<b>Model 1:</b> First Nation Joining Existing Electoral Area A	<ul style="list-style-type: none"> <li>□ All treaty First Nations would be represented by the elected Director in Electoral Area 'A', who may or may not be a First Nations person.</li> </ul>
<b>Model 2:</b> First Nation Special Electoral Area Created	<ul style="list-style-type: none"> <li>□ One new special First Nations Electoral Area would be established for the whole GVRD area.</li> <li>□ One Electoral Director would be elected by all First Nations, to represent all Treaty Settlement Lands, in the GVRD area.</li> <li>□ The Director would have the same authority, responsibilities and voting powers, as other GVRD Directors.</li> </ul>
<b>Model 3:</b> Individual First Nation Electoral Areas	<ul style="list-style-type: none"> <li>□ New Electoral Areas would be established for each treaty First Nation in the GVRD area.</li> <li>□ These Electoral Areas would be, either:                             <ul style="list-style-type: none"> <li>- the same as the existing Electoral Area, or</li> <li>- Special First Nation Electoral Areas.</li> </ul> </li> <li>□ One new Electoral Area Director would be elected by each treaty First Nation in each of the Electoral Areas.</li> </ul>
<b>Model 4:</b> Full First Nation Membership on the GVRD Board	<ul style="list-style-type: none"> <li>□ Each treaty First Nation appoints one Director to the GVRD Board.</li> <li>□ Each Director's weighted vote is calculated in the same as other members of the Board</li> <li>□ Each treaty First Nation agrees to remain a member for all time.</li> </ul>

**Attachment 1** presents “A Comparison of Potential Governance Models for First Nation-Regional District Relations Post-Treaty”, which was prepared by the GVRD.

Other GVRD Municipality Comments

To date, nine (9) GVRD municipalities have commented on the “Potential Governance Models for First Nations-Regional District Relations Post-Treaty” (see **Attachment 2**).

These nine (9) GVRD municipalities have expressed a range of support for:

- More discussion, and
- The further exploration of GVRD Model 2 because it:
  - provides for treaty First Nation representation in the GVRD system,
  - limits the proliferation of new GVRD members, which appears practical, and
  - appears to address First Nations’ interests. (City staff note: This remains to be seen).

Current GVRD Position

The GVRD’s preference, as stated its “GVRD Principles for Treaty Negotiations” (**Attachment 3**) is “for treaty settlement lands to become subsets of the municipalities in which they are located.” This arrangement may not be acceptable to the treaty First Nations.

### Current Richmond Position

Currently, the City does not have a position on treaty First Nations-GVRD governance.

### GVRD Key Considerations

The GVRD report presents the following key GVRD considerations that should be respected before a regional position on a treaty First Nations - GVRD governance model can be made:

- ❑ *Servicing* – costs and services and the payment for the delivery of GVRD services.
- ❑ *Environmental Standards* – legal compliance with environmental standards and regulations (particularly over the provision of water, sewerage and drainage services).
- ❑ *Land Use Planning* – consistency with GVRD's Livable Region Strategic Plan.
- ❑ *Dispute Resolution* – acknowledge the principle of dispute resolution and agreement resolution process.
- ❑ *Consultations with the Provincial Government* – necessary as the First Nation governance model selected will be influenced by its decision-making and enabling legislation.
- ❑ *GVRD Principles for Treaty Negotiations* – state that any regional governance model arrived at through treaty negotiations, that may have implications on current regional governance, must involve the GVRD Board and member municipalities.

### **Analysis**

#### Context

At this time, not enough information is available to make a fully informed decision; however, the following comments are offered.

Establishing treaty First Nations - GVRD governance is complex.

#### Governance Principles

To assist establishing a successful governance model, following governance principles are recommended:

- ❑ Representation – enable treaty First Nations to be represented in the GVRD system,
- ❑ Inclusiveness – include treaty First Nations in GVRD decision-making,
- ❑ Fairness - to treaty First Nations and the GVRD,
- ❑ Coordination - of treaty First Nations' and GVRD interests,
- ❑ Financial Benefit – for treaty First Nations and the GVRD,
- ❑ Efficiency – for treaty First Nations and the GVRD,
- ❑ Effectiveness – for treaty First Nations and the GVRD.

#### Analysis Of The Four Possible GVRD Governance Models

An analysis of the four possible GVRD governance models involves considering:

- ❑ The above recommended governance principles,
- ❑ The GVRD Key Objectives and issues with treaty First Nation participation (see above), and
- ❑ GVRD municipality comments.

The analysis is presented below.

GVRD Model	Analysis
<b>Model 1</b> First Nation Joining Existing Electoral Area A	<ul style="list-style-type: none"> <li><input type="checkbox"/> Model involves:                             <ul style="list-style-type: none"> <li>- adding all treaty First Nations to the existing Electoral Area 'A', and</li> <li>- all First Nations being represented by the one Director, who may or may not be a First Nations person.</li> </ul> </li> <li><input type="checkbox"/> May not provide a sufficient voice for all First Nations on the GVRD Board.</li> <li><input type="checkbox"/> Does not distinguish among existing entities within Electoral Area 'A' and First Nations communities.</li> </ul>
<b>Model 2</b> First Nation Special Electoral Area Created	<ul style="list-style-type: none"> <li><input type="checkbox"/> Model involves one First Nation representative, for all treaty First Nations in the GVRD area, by establishing a new Electoral Area.</li> <li><input type="checkbox"/> Model has no known experiences and successes.</li> <li><input type="checkbox"/> May accommodate the unique characteristics of First Nations communities (e.g., culture, values, heritage).</li> <li><input type="checkbox"/> May not provide a sufficient voice for all First Nations on the GVRD Board.</li> <li><input type="checkbox"/> Will require an agreement between all treaty First Nations and the GVRD Board to establish the formal relationship.</li> </ul>
<b>Model 3</b> Individual First Nation Electoral Areas	<ul style="list-style-type: none"> <li><input type="checkbox"/> Model provides more First Nation representation on the GVRD Board (e.g., each treaty First Nation in the GVRD area = a new Electoral Area = one First Nation representative).</li> <li><input type="checkbox"/> Involves more GVRD members and varying jurisdictions.</li> <li><input type="checkbox"/> May not be practical or sustainable for the GVRD or First Nations.</li> </ul>
<b>Model 4</b> Full First Nation Membership on the GVRD Board	<ul style="list-style-type: none"> <li><input type="checkbox"/> Like Model 3, this Model provides more First Nation representation on the GVRD Board (e.g., each treaty First Nation in the GVRD area = like a municipality = one First Nation representative).</li> <li><input type="checkbox"/> Treaty First Nations may not want to become similar to a municipality (through federal and provincial legislation).</li> <li><input type="checkbox"/> Involves more GVRD members and involves varying jurisdictions.</li> <li><input type="checkbox"/> May not be practical or sustainable for the GVRD or First Nations.</li> </ul>

Conclusion

GVRD Model 2 has merit for further exploration.

Possible Benefits Of GVRD Model 2

GVRD Model 2 appears beneficial for all Parties because it enables a practical governance solution based on the following recommended governance principles:

- Representation – enable treaty First Nations to be represented in the GVRD system,
- Inclusiveness – include treaty First Nations in GVRD decision-making,
- Fairness - to treaty First Nations and the GVRD,
- Coordination - of treaty First Nations' and GVRD interests,
- Financial Benefit – for treaty First Nations and the GVRD,
- Efficiency – for treaty First Nations and the GVRD,
- Effectiveness – for treaty First Nations and the GVRD.

Implications of GVRD Model 2

- May require the GVRD to change its current policies.
- Requires an agreement on First Nation participation in GVRD services and costs.
- Involves political, financial and administrative changes.
- Limits the proliferation of new GVRD members, which appears reasonable.

### Next Steps

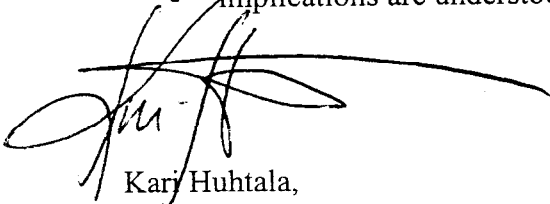
It is recommended that, as the federal and provincial governments, and the First Nations finalize treaty negotiations, ongoing consultation with the GVRD and GVRD municipalities occur, to establish an acceptable treaty First Nations – GVRD governance model which enables all:

- Parties' interests (e.g., federal, provincial, First Nations, GVRD, GVRD municipality) to be co-ordinated, and
- implications to be understood, before governance finalization.

### **Financial Impact - N/A**

### **Conclusion**

- First Nation treaty negotiations are a tri-partite process involving the Federal and Provincial governments, and First Nations.
- As First Nations treaty negotiations are being finalized, treaty First Nations - GVRD governance needs to be addressed.
- The governance issue is complex and not all information is available at this time.
- Four GVRD governance models are considered at this time.
- All GVRD governance models will impact the GVRD system and GVRD municipalities.
- Governance principles are presented.
- It is recommended that GVRD Model 2 - First Nations Special Electoral Area, be further explored.
- As well, ongoing consultations with the GVRD and GVRD municipalities is recommended, prior to finalizing a governance model, to ensure that all:
  - interests (e.g., federal, provincial, First Nations, GVRD, municipal) are co-ordinated, and
  - implications are understood, before finalization.



Kari Huhtala,  
Senior Planner, (4188)  
KEH:rg

**A Comparison of Potential Governance Models for  
First Nation-Regional District Relations Post-Treaty**  
(Note: TSL refers to Treaty Settlement Lands)

ATTRIBUTES OF PROPOSED GOVERNANCE MODELS	MODEL 1: First Nation Joining Existing Electoral Area A	MODEL 2: First Nation Special Electoral Area Created	MODEL 3: Individual First Nation Electoral Areas	MODEL 4: Full First Nation Membership on the GVRD Board
Description	<ul style="list-style-type: none"> <li>• First Nation represented by elected Director of Electoral Area 'A'</li> </ul>	<ul style="list-style-type: none"> <li>• Electoral Area Director elected to represent all TSL</li> <li>• The Director maintains the same authorities, responsibilities and voting powers as other Directors</li> </ul>	<ul style="list-style-type: none"> <li>• Electoral Area Director elected to represent individual First Nation electoral areas which are either the same as existing Electoral Area or as a "Special First Nation Electoral Area"</li> </ul>	<ul style="list-style-type: none"> <li>• First Nation appoints Director to the GVRD Board</li> <li>• The Director's weighted vote is calculated in the same way as other members of the Board</li> <li>• The First Nation agrees to remain a member for all time</li> </ul>
Advantages and Implications	<ul style="list-style-type: none"> <li>• Limits proliferation of new members</li> <li>• Does not distinguish between existing areas within Electoral Area 'A' and First Nation communities</li> <li>• Agreement on First Nation participation in services and costs is necessary</li> <li>• Board needs to consider the political and financial implications of adding a new Electoral Area</li> <li>• Could lead to an unmanageable "patchwork" within the Electoral Area jurisdiction</li> <li>• Potential exists for non-Aboriginal Director</li> </ul>	<ul style="list-style-type: none"> <li>• Limits proliferation of new members</li> <li>• Accommodates unique characteristics of First Nation communities (i.e. culture, values and heritage)</li> <li>• As with Model 1, agreement on First Nation participation in services and costs is necessary</li> <li>• Board needs to consider the political and financial implications of adding an Electoral Area</li> </ul>	<ul style="list-style-type: none"> <li>• Leads to a proliferation and patchwork of jurisdictions</li> <li>• As with Model 1, agreement on First Nation participation in services and costs is necessary</li> <li>• Board needs to consider the political and financial implications of adding Electoral Areas</li> </ul>	<ul style="list-style-type: none"> <li>• Limited constraint over the independent jurisdiction of the First Nation(s)</li> <li>• Some loss of flexibility for the First Nation (e.g. on exiting some services)</li> <li>• Could lead to a proliferation of new Regional District members</li> </ul>

ATTRIBUTES OF PROPOSED GOVERNANCE MODELS	MODEL 1: First Nation Joining Existing Electoral Area A	MODEL 2: First Nation Special Electoral Area Created	MODEL 3: Individual First Nation Electoral Areas	MODEL 4: Full First Nation Membership on the GVRD Board
Servicing	<ul style="list-style-type: none"> <li>• First Nation purchases selected services provided directly to or on TSL (e.g. water, sewers, building inspection, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• First Nation purchases selected services provided directly to or on TSL (e.g. water, sewers, building inspection, etc.).</li> <li>• Terms and conditions of participation would be included in a service agreement that recognizes First Nation interests in the provision of services</li> </ul>	<ul style="list-style-type: none"> <li>• First Nation purchases selected services provided directly to or on TSL (e.g. water, sewers, building inspection, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• First Nation would contribute on the same basis as other jurisdictions</li> <li>• Involves significant financial commitments by the First Nation(s)</li> <li>• First Nation to contribute to services such as regional growth management and solid waste management</li> </ul>
Non-Aboriginal Representation	<ul style="list-style-type: none"> <li>• First Nation people and non-Aboriginal occupiers of TSL can elect representative to the Board</li> </ul>	<ul style="list-style-type: none"> <li>• First Nation people and non-Aboriginal occupiers of TSL can elect representative to the Board</li> </ul>	<ul style="list-style-type: none"> <li>• First Nation people and non-Aboriginal occupiers of TSL can elect representative to the Board</li> </ul>	<ul style="list-style-type: none"> <li>• Non-Aboriginal residents may lose direct political representation</li> </ul>
Provincial Legislation Required	<ul style="list-style-type: none"> <li>• Electoral Area structure changes – amendment to Letters Patent</li> </ul>	<ul style="list-style-type: none"> <li>• Electoral Area structure changes – amendment to Letters Patent</li> <li>• Provincial Settlement Legislation</li> </ul>	<ul style="list-style-type: none"> <li>• Electoral Area structure changes – amendment to Letters Patent</li> <li>• Provincial Settlement Legislation</li> </ul>	<ul style="list-style-type: none"> <li>• Letters Patent</li> </ul>
Change in Local Administration / Financial Considerations	<ul style="list-style-type: none"> <li>• Modest administration and financial implications</li> </ul>	<ul style="list-style-type: none"> <li>• Add one GVRD Director</li> <li>• Administration and financial considerations</li> </ul>	<ul style="list-style-type: none"> <li>• Add one or more GVRD Director(s)</li> <li>• Administration and financial considerations</li> </ul>	<ul style="list-style-type: none"> <li>• Add Mayor and Council</li> <li>• Add one or more GVRD Director(s)</li> <li>• Administration and financial considerations</li> </ul>
Existing Examples	<ul style="list-style-type: none"> <li>• Nisga'a Nation (Electoral Area A) in the Kitimat Stikine Regional District</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Hektsuk First Nation in Bella Bella (Electoral Area B) of the Central Coast Regional District</li> <li>• Nuxalt First Nation in Bella Ceala (Electoral Area D) of the Central Coast Regional District</li> </ul>	<ul style="list-style-type: none"> <li>• Sechelt Indian Government District in the Sunshine Coast Regional District</li> <li>• Proposed Snuneymuxw representation on the Board of the Regional District of Nanaimo</li> </ul>



**Other GVRD Municipalities' Comments**  
**"Potential Governance Models for First-Nations-Regional District Relations Post-Treaty"**

ORGANIZATION	COMMENTS, RECOMMENDATIONS OR CONCLUSIONS
Village of Anmore	<ul style="list-style-type: none"> <li>- Received for information by Council on October 19, 2004.</li> <li>- No further action taken.</li> </ul>
Village of Belcarra	<ul style="list-style-type: none"> <li>- Having reviewed the material and given due consideration to the potential implications of each of the options outlined, it is the position of the Village of Belcarra to support an evolving structure.</li> <li>- Therefore, Model 2: A Special First Nation Electoral Area is the preferred option for consideration <u>at this time</u>.</li> </ul>
City of Burnaby	<ul style="list-style-type: none"> <li>- 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.</li> <li>- 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 November 12, 2004.</li> <li>- Four potential governance models are described in the report, as are various issues of concern to the region.</li> <li>- 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.</li> <li>- It is recommended that a copy of this report be forwarded to the GVRD, Policy and Planning Department.</li> </ul>
City of Coquitlam	<ul style="list-style-type: none"> <li>- If the First Nation is to be represented on the GVRD Board, then it should be expected to contribute in the same manner financially as do the current member municipalities and be bound by the same rules and regulations.</li> <li>- In addition, the issue of representation on the GVRD and the weighted vote should also be considered.</li> <li>- The current structure is 1 vote/20,000 in population to a maximum of 5 votes per director.</li> <li>- Models 2, 3, and 4 would permit one vote for a relatively low population level.</li> <li>- The GVRD may need to revisit its voting structure to ensure equity among its member municipalities.</li> <li>- <u>Recommendation:</u> That Council support the following regional and municipal considerations regarding post governance models for First Nation-Regional District Relations Post-Treaty as outlined in the report: <ul style="list-style-type: none"> <li>• Servicing</li> <li>• Environmental standards and regulations</li> <li>• Land use planning</li> <li>• Dispute resolution</li> <li>• Consultation with the provincial government</li> <li>• GVRD principles for treaty negotiations</li> <li>• GVRD participation and representation</li> <li>• Full participation by First Nations with no special privileges</li> </ul> </li> </ul>
Corporation of Delta	<ul style="list-style-type: none"> <li>- The GVRD report is generally supportable and encompasses issues and concerns associated with four potential governance models. It is suggested: <ul style="list-style-type: none"> <li>A. That the following comments be conveyed to the Greater Vancouver Regional District (GVRD) related to their regional governance model discussions concerning First Nations: <ul style="list-style-type: none"> <li>(1) That the GVRD ensure that members are providing fair payment for regional services.</li> <li>(2) That First Nations seeking GVRD membership be subject to all applicable GVRD legislation including regional environmental standards and regulations, and regional land use planning requirements (<i>Livable Region Strategic Plan</i>)</li> </ul> </li> </ul> </li> </ul>

ORGANIZATION	COMMENTS, RECOMMENDATIONS OR CONCLUSIONS
	<p>consistent with other members.</p> <p>(3) That in reviewing governance models, the GVRD take into consideration the already large size of the GVRD Board.</p> <p>B. That a copy of this report be forwarded to the GVRD.</p> <ul style="list-style-type: none"> <li>- As a general comment, it appears to be premature to be discussing the options for membership without understanding the Local Government Act and Community Charter amendments being considered to enable membership, and the implications for local governments.</li> <li>- For example, currently there are no requirements for First Nations to have an OCP or other planning regime which involves input from the public and adjacent jurisdictions.</li> </ul>
Village of Lions Bay	<ul style="list-style-type: none"> <li>- Model 2 would work best provided that all First Nations could agree.</li> <li>- Model 4 could be interesting as it is preferred that First Nations become a municipal government and that all people within BC are treated as equals.</li> <li>- First Nations not needing to become a municipality is not a preferred option.</li> <li>- Additionally, because First Nations have a small population, each having one voice is not a favourable option and, therefore, Model 3 is less preferred.</li> </ul>
District of Maple Ridge	<ul style="list-style-type: none"> <li>- Received for information at an open Council Workshop meeting on August 30, 2004.</li> <li>- No further action taken.</li> </ul>
City of Port Coquitlam	<ul style="list-style-type: none"> <li>- Our Finance and Intergovernmental Committee, composed of all members of Council, recently reviewed your June 15th paper on Governance Models Post-Treaty.</li> <li>- The Committee noted that Models 3 &amp; 4 would result in a significant increase in the number of GVRD Board members and the Committee is not in favour of that at this time due to the relatively small population currently residing on First Nations land.</li> <li>- They did feel that in future when developed and populated that they would not rule out either model at this time.</li> <li>- The Committee further noted that Model 1 would combine the First Nations with existing Electoral Area 'A' and that would likely not be acceptable to First Nations as it may not provide them with a voice at the regional board level.</li> <li>- The Committee preferred Model 2 where there will be a special First Nation Electoral Area.</li> <li>- The only concern that the Committee had with this model is that it may not be acceptable to First Nations as it may result in the First Nation having to accept that they may be represented at the regional board by a member of another First Nation, one that perhaps they have not gotten along with in the past.</li> </ul>
District of West Vancouver	<ul style="list-style-type: none"> <li>- Although Council has no direct comments on the various governance models for First Nations-Regional District at this time, Council would like to emphasize the importance of continuation by the Greater Vancouver Regional District along with the LMTAC through discussions with the Provincial Negotiating Team to ensure that the interests of Local Municipal Government and Regional Districts are taken into full consideration before the first treaty is signed.</li> <li>- Thank you for sharing this information with Municipal Council and taking the initiative to ensure that Provincial Government is made aware of the complexities and challenges facing them in developing a First Nation model for treaty negotiations that will provide equity and fairness for both urban and rural local governments.</li> </ul>

Source: GVRD

**GVRD Principles for Treaty Negotiations**  
(Adopted October 1999; Amended July 2002)

PREAMBLE

WHEREAS the Greater Vancouver Regional District (GVRD) is a municipal federation comprising 21 municipalities and one electoral area, including its affiliates (the Greater Vancouver Water District, the Greater Vancouver Sewerage and Drainage District, and the Greater Vancouver Housing Corporation), and delivers regional services including, but not limited to, wastewater collection and treatment, drainage management, water supply, solid waste management, air quality management, regional parks, affordable rental housing, growth management, electoral areas administration, and public communications;

AND WHEREAS treaty negotiations in the Lower Mainland are being expedited by the provincial government and may impact on the interests of, and services provided by, the GVRD;

AND WHEREAS the GVRD is a member jurisdiction of the Lower Mainland Treaty Advisory Committee, which is responsible for communicating the interests of its stakeholders at the treaty negotiation tables;

NOW, THEREFORE, BE IT RESOLVED THAT:

GOVERNANCE

1. The GVRD's preference is for treaty settlement lands to become subsets of the municipalities in which they are located.
2. Where a First Nation has been granted powers over treaty settlement lands within the GVRD, the relationship between the GVRD and First Nations should be consistent with the current relationships between the GVRD and its member municipalities.
3. Land use, environmental and financial implications, as well as compliance with established policies and standards, are the major considerations in the evaluation of extensions of water and sewer services. Properly carried out, there should not be any negative impacts to member municipalities.
4. Treaty settlement lands must be subject to the same federal and provincial enactments as they are to the GVRD and all other local governments including, but not limited to, the *Local Government Act*.
5. Lands designated within the Agricultural Land Reserve, in the selection of lands for First Nations, continue to be dedicated for agricultural use in the future and remain in the Agricultural Land Reserve and under the jurisdiction of the Land Reserve Commission, post-treaty.
6. Where applicable, there be an orderly transition in authority and application of laws in the post-treaty era, and that there be an acceptable dispute resolution process involving the GVRD, other than the courts, in cases of future disagreement or conflict over interests in land and / or issues of jurisdiction and compliance.
7. The Constitution of Canada be expeditiously amended to provide, protect and prescribe the powers of local government.

8. If treaty settlements are to recognize and respect the authority and jurisdiction of the federal, provincial, First Nation and local governments, and if the development of a regional governance model through treaty negotiations has any potential or specific implications on the authority of the regional district, then a process must be established among all parties involved, including the regional district, in order to promote cooperation, provide effective and necessary regional services, and resolve future conflicts. Any such discussions must involve the direct participation of the GVRD Board of Directors from the very outset.

#### LANDS AND ASSETS

9. Lands and assets held and designated by the GVRD including, but not limited to, leased lands, rights-of-way, and Crown reserves must be excluded from any treaty settlement.
10. The interests in non-Crown land owned in fee simple, including lands owned by the GVRD, other governments, or private individuals and corporations, be protected in future treaties.
11. The process to negotiate and acquire future tenure over land for GVRD purposes be clear, timely and practical, and based on current market value of the interest being obtained. Should expropriation be necessary, any expropriation powers of the GVRD or First Nations must be clearly specified in any future treaties and be consistent with the provincial *Expropriation Act*.
12. GVRD-held water licenses, as well as those held by private interests within the GVRD administrated areas, must be unaffected and protected in future treaties.
13. The interests in land within the boundaries of Indian Arm Provincial Park, which were formerly held by individuals through Crown land leases requiring conversion to park use permits, must be protected.

#### FISCAL

14. All costs associated with treaty settlements must be the responsibility of the provincial and federal governments in terms of lands and assets that are being negotiated.
15. The GVRD should have the right to recover costs for services provided so that taxation on treaty settlement lands is administered, according to GVRD Board policy, on the same basis as on other lands for regional services.

#### ENVIRONMENT

16. In the post-treaty era, federal, provincial and regional government environmental standards and requirements must be consistently applied across the entire GVRD region, including treaty settlement lands.
17. Responsibility for hazard management and emergency response should be addressed in treaty settlements.

#### ACCESS

18. Access to GVRD lands, facilities, services and infrastructure, on or off treaty settlement lands, must be available at all times to GVRD authorities for purposes including, but not limited to, service provision, infrastructure development, operations and maintenance, resource protection, and public safety.
19. Public access across treaty settlement lands to GVRD lands and facilities must be maintained.

## CONSULTATION

20. Consultation requirements of First Nations and the GVRD must be defined through the treaty process. Furthermore, the time necessary for responding to environmental assessment processes must be established.
21. When draft Agreements-in-Principle or draft Interim Agreements potentially affect the GVRD's corporate interests or the interests of Electoral Area A residents and property owners, provincial and federal governments must consult with the GVRD Board of Directors and/or the residents and property owners in Electoral Area A before concluding such agreements with First Nations.