

LOCAL GOVERNMENT SERVICE AGREEMENTS WITH FIRST NATIONS

LMTAC Presentation to the District of Maple Ridge

November 7, 2011

LMTAC

LOWER MAINLAND TREATY ADVISORY COMMITTEE

About LMTAC

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- Largest Treaty Advisory Committee (TAC) in BC.
- Represents the interests of **26** local governments in the Lower Mainland (23 municipalities and 3 regional districts – GVRD, SCRD & SLRD).
- Participates as a member of the provincial negotiation teams at four treaty tables:
 - ▣ (**Active Tables:** Tsleil-Waututh and Katzie)

Recent LMTAC Discussion Papers

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- Voting in Local Government Elections and Referenda by Residents Living on Indian Reserves (September 2011);
- Democracy and First Nation Self-Government: Considering Rights of Representation for Non-Member Residents in First Nation Jurisdictions (April 2011);
- Local Government Issues and Interests on the FNCIDA and FNCLTA Legislation (March 2011);
- Local Government Issues and Interests on the Federal Additions-to-Reserve Policy (Nov 2010).

LMTAC Discussion Paper

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*Local Government Service Agreements with
First Nations – Recommendations and
Consideration (2011 Updated Edition)*

Negotiation Considerations

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- ☑ The relationship is one of business contract.
- ☑ Service agreements are expensive undertakings for local governments.
- ☑ Local governments have a fiduciary responsibility to their tax payers.



Negotiation Principles

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- ❑ **Comprehensive Provision of Services**
- ❑ **Full Cost Recovery for Services**
- ❑ **Legislative Barriers to Service Agreements**
- ❑ **Financial and Environmental Liability**
- ❑ On-Reserve Property Assessments
- ❑ On-Reserve Property Taxes
- ❑ Compatible Land Use
- ❑ Transparency and Accountability
- ❑ Dispute Resolution

Negotiation Principles

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- ☑ **Full Suite of Services:** complete provision of the full-suite of municipal and regional services not already provided by the Indian Band to the reserve
- ☑ **Full Cost Recovery for Services** including off-site costs such as Development Cost Charges, maintenance costs, “cost escalator clauses”, etc.

Federal Legislative Barriers

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- ☑ Adoption and enforcement of the service provider's **utility system bylaws** on Indian Reserves.

Financial & Environmental Liabilities

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- Environmental** liability and security regarding regulatory non-compliance.
- Financial** liability and security regarding capital debt and operating costs.

Provincial Legislative Barriers

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Indian Bands and **Membership** in
Regional Districts.

Metro Vancouver Utility Services

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- *Greater Vancouver Water District Act (GVWD).*
- *Greater Vancouver Sewage & Drainage District Act (GVS&DD).*
- *Close Communication with Metro Vancouver during Service Agreement Negotiations.*

Treaty First Nations

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- **Service Agreements with Treaty First Nations:**
 - No longer governed by the *Indian Act*.
 - Legislative barriers eliminated.
 - Greater powers to enter into servicing agreements, as well as enact and enforce bylaws.
 - Treaty transition.

Treaty First Nations

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- **Full Membership in Regional Districts:**
 - More effective communication and involvement.
 - Coordinated planning regarding utility services.
 - More efficient and timely access to utility services to support economic development on First Nation lands.
 - Participation of FN communities in regional initiatives.

LMTAC Website

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□ Visit us at: www.lmtac.bc.ca

Address <http://www.lmtac.bc.ca/>

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New ☀ [Lessons Learned & Best Practices at Tsawwassen \(July 07\)](#)
New ☀ [Comparative Analysis of Tsawwassen Final Agreement \(Feb 07\)](#)
New ☀ [Update Bulletin July 2008](#)
New ☀ Minutes: [Exec July 9](#) [FullTAC May 21](#) [Fin/Admin May 2](#)

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LOWER MAINLAND TREATY ADVISORY COMMITTEE (LMTAC)

The Lower Mainland Treaty Advisory Committee (LMTAC) coordinates and represents the collective interests of local governments, and through them their constituents, in defining and building relationships between First Nations and other orders of government.

Contact Information

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