



MEMORANDUM *of* UNDERSTANDING
BETWEEN
THE PROVINCE *of* BRITISH COLUMBIA
AND
THE UNION *of* BRITISH COLUMBIA MUNICIPALITIES
ON
ENGAGEMENT *with* UBCM AND LOCAL GOVERNMENTS *on*
FIRST NATIONS NEGOTIATIONS *and* OTHER INITIATIVES WITH FIRST NATIONS

THIS MEMORANDUM OF UNDERSTANDING (MOU) guides the relationship between the Province of British Columbia, the Union of BC Municipalities and local governments with respect to reconciliation, agreements, and initiatives with First Nations. It updates and replaces previously signed MOUs between the Province of BC and UBCM relating to local government participation in negotiations with First Nations.

THE PARTIES:

THE PARTIES TO THIS MOU ARE:

- ◆ The Province of British Columbia (the Province) as represented by the Ministry of Indigenous Relations and Reconciliation (MIRR); and
- ◆ The Union of British Columbia Municipalities (UBCM) representing all municipalities and regional districts of British Columbia, as well as several First Nations members.

WHEREAS:

THE PARTIES ACKNOWLEDGE that the Province is committed to transform its approach to reconciliation through the implementation of the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), and the Truth and Reconciliation Commission Calls to Action (TRC) in accordance with the *Constitution of Canada*.

The Parties also acknowledge that UBCM is supportive of advancing reconciliation with First Nations across the Province at the local level; and that local governments with local knowledge and interest, are key partners in achieving lasting and meaningful reconciliation with First Nations.

The Parties recognize that local government jurisdictions may be affected by the negotiation of land, resource and economic development agreements with First Nations.

The Parties acknowledge that local government constitutes an order of government with unique and special interests in the negotiation of a range of agreements with First Nations.

The Parties acknowledge that UBCM and individual local governments endeavour to develop positive working relationships with First Nations, fostering relationships built on the values of honesty and respect, and undertaking reconciliation initiatives at the grass roots level. This MOU encourages local governments, as supported by UBCM, to communicate and develop relationships with First Nations.

The Parties recognize that B.C. legislation includes principles of local-provincial relations that includes respect for each jurisdiction, the importance of cooperative approaches to matters of mutual interest, and the need for the province to consult with local governments on provincial actions that directly affect their interests.

THEREFORE:

THIS MOU REFLECTS the continued commitment of the Parties for sincere and honest engagement on a range of initiatives relating to relationships with First Nations including:

- ◆ continuing a process for local government participation in the negotiation and implementation of agreements;
- ◆ consulting and exchanging information with local governments on other arrangements and initiatives;
- ◆ opportunities for local governments to share initiatives for advancing reconciliation at the local level; and
- ◆ engaging on matters of mutual interest, including those that have the potential to broadly impact local governments.

TOPICS

THE PROVINCE will share information, consider local government interests and seek advice on matters including, but not limited to, areas of local government jurisdiction that may be affected by agreements made with First Nations and reconciliation efforts such as:

- ◆ Negotiations and agreements;
- ◆ First Nations initiatives, policy and programs; and,
- ◆ Implementation of the *Declaration on the Rights of Indigenous Peoples Act*.

The Province will share the principles and context of this MOU with all Ministries and provincial agencies to make aware of UBCM's interest in being engaged on all initiatives with First Nations that have the potential to affect local government interests. Areas of interest to local government that may be affected include, but are not limited to:

- ◆ Land management, land use planning, and land selection
- ◆ Dispute resolution
- ◆ Property taxation
- ◆ Environmental assessment and protection
- ◆ Local government access to resources for public purposes and access to adjacent lands
- ◆ Servicing arrangements
- ◆ Regulatory arrangements
- ◆ Governmental relations
- ◆ Economic development.

CONSULTATION AND INFORMATION SHARING PRINCIPLES

THE PARTIES AGREE to the following principles governing consultation and information sharing:

- ◆ flexibility for local governments to identify and represent their interests in a way that they consider appropriate to their local circumstances;
- ◆ early notice to UBCM and/or affected local governments of a matter that may affect local government jurisdiction, including changes to the Treaty process;
- ◆ sufficient information early on and reasonable time for local governments to document their interests and views and to provide advice to provincial representatives;
- ◆ due consideration of local government interests, views and advice;
- ◆ a response from provincial representatives on how local government advice was or was not used; and
- ◆ ongoing information exchange between the Province, UBCM and local governments.

DEFINITIONS

THE FOLLOWING DEFINITIONS are referred to in this MOU:

TREATY: a constitutionally protected comprehensive agreement negotiated among B.C., Canada and a First Nation under the B.C. Treaty Commission process that is a formal expression of reconciliation between First Nations and the Crown.

AGREEMENTS AND OTHER ARRANGEMENTS: self-governance, social, land, resource, economic development or other agreements negotiated between a First Nation and the Province both inside and outside of the B.C. treaty process that have the potential to impact local government.

INITIATIVES WITH FIRST NATIONS: other policy and initiatives relating to First Nations, including those focused on reconciliation efforts, that have the potential to affect local government.

ROLES AND RESPONSIBILITIES RESPECTING CONSULTATION AND INFORMATION SHARING WITH LOCAL GOVERNMENTS

The Province

THE PROVINCE will initiate contact with a local government in the early stages of a negotiation process when:

- ◆ an agreement with a First Nation will be negotiated; and
- ◆ the outcome of negotiations will affect the local government's interests, jurisdiction, operations or provision of services.

The Province will consult and exchange information in a timely manner with the local government according to the consultation and information sharing principles stated in this MOU. This will include, where applicable, agendas, work plans, documents for discussion and other relevant information in a timely manner.

The Province and the local government will jointly determine the level of the local government's involvement ranging from receiving information to participation at meetings and providing advice.

Where the local government and First Nation agree, the provincial representatives will assist to coordinate a venue for relationship building, such as a working group, for local government and the First Nation to discuss and come to agreement on issues related to the future local government-First Nation relationship. The provincial representatives will give full and fair consideration to results produced and agreements reached through these discussions.

Local Government

LOCAL GOVERNMENTS will serve as advisors to the Province in agreement development discussions that affect their interests, including:

- ◆ provincial treaty negotiations, until a negotiation is concluded and the treaty takes effect;
- ◆ engagement on overall negotiated agreements process changes; and
- ◆ local government-First Nations relationship initiatives.

Based on their interests and the level of activity of a negotiated agreement or initiative, local governments and the Province will jointly determine the level of involvement ranging from receiving information to participation at meetings and providing advice as appropriate, including those that are treaty related, and negotiations including main tables, side tables, working groups and bilateral meetings.

Prior to the effective date, local government and the Province will discuss local government involvement in agreement implementation and make every effort to identify significant issues of interest to local government and how local government will be involved/informed.

On the effective date, the First Nations and neighbouring local governments will engage directly with each other and continue to develop and build relationships.

Local governments are responsible for defining and sharing their interests and other relevant information with the Province related to negotiations and initiatives, fostering collaborative relationships, actively partnering to constructively resolve issues, supporting implementation, and advising the Province how their interests may be addressed.

Local governments will collectively determine how they will be organized to participate in a negotiation or initiative - e.g. as an alternate local government structure - and will advise the appropriate provincial representative of their chosen structure as well as the primary contact(s).

When participating at development discussions for negotiations, agreements or other initiatives, local government representatives are subject to any and all confidentiality rules and practices that apply to a negotiation, agreement or other initiative. They may, after consultation with the Province, share confidential information with their respective councils and regional district boards, other local governments, or local government structures, and with UBCM on an in-camera basis.

ENGAGEMENT BETWEEN THE PROVINCE AND UBCM

THE PROVINCE WILL SHARE INFORMATION with UBCM and/or a body designated by the UBCM on the Province's approaches to the development of agreements and other initiatives with First Nations. The Parties will work together on identifying the appropriate avenues for this consultation and information sharing to ensure clear and full understanding of the processes and activities underway.

Provincial representatives will consult and exchange information in a timely manner with UBCM on issues that have the potential to broadly affect local governments, including, but not limited to:

- ◆ changes to negotiated agreement process, and
- ◆ the implementation of B.C.'s *Declaration on the Rights of Indigenous Peoples Act*, the Calls to Action of the Truth and Reconciliation Commission, and relevant court decisions.

The Province will engage and provide information to UBCM on policy related to initiatives with First Nations and seek feedback.

UBCM will share information in a timely manner with the Province on emerging issues for local governments and initiatives relating to First Nations.

UBCM will advise local government members of joint initiatives and engagement with the Province addressing First Nations.

The Parties will work jointly on initiatives to foster equity, diversity and inclusion, build understanding and awareness and to further lasting and meaningful reconciliation.

The Parties may jointly develop an implementation plan to operationalize the MOU, including a schedule of meetings.

UBCM will monitor the progress of provincial information sharing, notification and consultation with local governments on relevant agreements with First Nations.

REVIEW

THIS MOU WILL BE REVIEWED three years from the date of signing unless the Parties jointly agree to an earlier review.

HONOURABLE MURRAY RANKIN
*Minister of Indigenous Relations and Reconciliation
Province of British Columbia*

TRISH MANDEWO, PRESIDENT
Union of British Columbia Municipalities

DATE