EXCHANGE



EXCHANGE is a quarterly magazine published by the Local Government Management Association (LGMA) of British Columbia. It's about sharing information, exchanging ideas on best practices, enhancing professional development and building networks. Reach us at *Igma.ca.*

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Case of Interest

Read about a Supreme Court case that sheds light on how the United Nations Declaration on the Rights of Indigenous Peoples and Declaration on the Rights of Indigenous People's Act will impact local governments.



EXCHANGE

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Cover Image: District of Kitimat

The District of Kitimat and Haisla Nation collaborated on the Friendship Pole, located in Kitimat. Carved by the late Haisla artist Gary Wilson, the Friendship Pole represents the important relationship between the District of Kitimat and Haisla Nation.



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Finding Your Path Toward Reconciliation

Learn about the legal and moral obligations local governments have under B.C.'s *Declaration on the Rights of Indigenous People's Act*, as well as promising practices supporting reconciliation.



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Guest mentor Brian Carruthers kicks off this new regular feature, answering questions on First Nations relationshipbuilding and leadership.

IN THIS ISSUE



Acknowledgement of the histories, cultures and First Nations rights to self-determination, land and territory is an important part of reconciliation.

he Declaration on the Rights of Indigenous Peoples Act (DRIPA) is a game changing piece of legislation that acknowledges the rights of First Nations people in B.C. law. Acknowledgement of the histories, cultures and First Nations rights to self-determination, land and territory is an important part of reconciliation. It reiterates for me how much work really needs to be done to repair the centuries of violence, pain and generational trauma.

Something that Merle Alexander, a lawyer who was part of the co-development team for DRIPA, shared with me stands out as I edit this issue: "Implementing UNDRIP is a generational marathon. It is incremental change. It's not that we don't get really frustrated - we want racism to end now. We want colonialism to end now for our children, but it's more a matter of trying to harness that frustration into something that can be used constructively."

The path to reconciliation is long but an important journey for all of us to embark on for moral, ethical and legal reasons. In this issue of *Exchange*, we explore how local governments are working toward reconciliation. What are the challenges local governments face when developing partnerships with First Nations? What resources can help leaders build long-lasting friendships and partnerships that benefit both parties? How can local governments apply a reconciliation lens to their current and future projects?

In *Case of Interest*, we learn of new case law from City of Vancouver related to the BC Supreme Court interpretation of UNDRIP and its application at the local level. The case studies share best practices for developing municipal services agreements, dealing with conflict and collaborating on economic development while building lasting reciprocal partnerships.

I had the honour and pleasure of speaking with local government public servants and First Nations government staff who shared their unique experiences in building relationships and walking the path of reconciliation together. I am grateful for the generosity of time and knowledge that was shared with me by Indigenous leaders, and hope all of you benefit from their insights and advice.

I am also thrilled to introduce a new column, *Ask a Mentor*. Each issue, a seasoned and experienced local government leader will answer your burning questions about leadership, dealing with a challenging colleague, how to crack the glass ceiling and more. If you have a question to ask or thoughts on this issue of *Exchange*, please email me at editor@lgma.ca.

I hope the thoughtful stories and recommendations shared will be of immense help and inspiration to all of you working for local governments across BC.

Manjot Bains Editor

I write on the traditional and unceded lands of the $x^w m \partial k^w \partial y \partial m$ (Musqueum), $S \underline{k} w \underline{x} w u \partial y \partial w u$ (Squamish), and səlilwətał (Tseil-Waututh) nations, and am committed to solidarity with First Nations and actively pushing for change through my work and art.

PRESIDENT'S REPORT



Local government leaders have engaged in important work to acknowledge truth, work towards healing and identify opportunities for relationship-building to support the important work of ongoing reconciliation efforts at the local level.

reetings from Burns Lake and the Regional District of Bulkley-Nechako, which conducts its work on the traditional territories of the Dakelh, Nedut'en and Wet'suwet'en peoples. I hope you had a restful holiday and a great start to your new year.

The LGMA Board of Directors met in December to review the Association's accomplishments in 2023. Last year, the Association delivered over 25 online, in-person and on-demand programs – one of our busiest years to date! Such an incredible accomplishment would not have been possible without the generous support and expertise of 318 volunteers who have collectively contributed over 2,370 hours to the success of the LGMA's programs and resources.

As the LGMA works to achieve its Strategic Communications Plan, staff gathered video testimony from several members to highlight *Why Work in Local Government*. We are proud to find creative ways to celebrate the local government profession and highlight the voices of our membership.

I look forward to the year to come. The 2024 Learning Calendar has been released and includes a robust offering of programs, both online and in-person. Additionally, staff are busy planning for the 2024 Annual Conference, which will take place in Victoria. I hope to see you all there. As noted in the last edition of *Exchange*, we are working on a number of strategic efforts this year to ensure the Association's programs and services reflect the needs of the local government sector. Enhancing Indigenous-local government relations has been one of the many important strategic priorities the Association has focused on, efforts that I know mirror much of your own organizational priorities.

Thus, this edition of *Exchange* is an important one. Local government leaders have engaged in important work to acknowledge truth, work towards healing and identify opportunities for relationship-building to support the important work of ongoing reconciliation efforts at the local level. This work won't be easy, but I am proud of the dedication of my fellow colleagues in local government for leaning into this discomfort and engaging in such important work.

The articles and case studies noted in this issue are not intended to prescribe the "how to" for enacting the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA), but instead are meant to delve into understanding what the act means for local governments and how to build lasting relationships. I look forward to continuing to learn alongside each of you as we engage in the important work ahead. We are dedicated to helping local governments have the resources they need to enact the DRIPA Action Plan priority actions and foster Indigenous relations.

Curtis Helgesen President

EXECUTIVE DIRECTOR'S REPORT



I would like to acknowledge the important work LGMA staff, volunteers and program faculty have done and continue to do towards truth, healing and reconciliation.

ello! I am honoured to write this column from the traditional territories of the ləkwəŋən (Lekwungen) Peoples, also known as the Esquimalt and Songhees Nations. I hope everyone has had time to rest and recharge over the winter season.

Reflecting back on 2023, I must recognize the amazing LGMA team, Board of Directors, volunteers, partners and sponsors. We are so fortunate to work with wonderful people who are dedicated to local government excellence. Staff and volunteers worked tirelessly to deliver a robust calendar of in-person, online and on-demand programs.

At the same time, we worked to update key resources like the *Records Information Management Manual* and the *Guide for Statutory Approving Officers*, while delivering important member services like Executive Coaching and Pension Consulting. We also reinvigorated the Overseas Exchange program in partnership with Taituarā – Local Government Professionals Aotearoa in New Zealand.

Last year was the first year we delivered all Municipal Administration Training Institute® programs, including the five programs delivered in partnership with our friends at Capilano University. A special kudos to Capilano University and the MATI® faculty for their incredible efforts to carry the "MATI® magic" forward.

In relation to this important edition of *Exchange*, I would also like to acknowledge the important work LGMA staff, volunteers and program faculty have done and continue to do towards truth, healing and reconciliation. I greatly appreciate their efforts to identify learning areas for added competency building around Indigenous relations and reconciliation within existing programs, and for their efforts to find new opportunities for learning. We are honoured to work with Indigenous Corporate Training Inc. to bring their Indigenous Awareness and Indigenous Relations for Local Government (Working Effectively with Indigenous Peoples®) training programs to our members.

I am grateful to work with the wonderful team at the First Nations Public Service Secretariat (FNPSS), a longstanding partner of the LGMA, as we continue to find ways to support relationship building between local and First Nations governments. I commend the work that FNPSS does to support capacity building amongst Indigenous communities, but also as knowledge holders within the sector.

When I think about reconciliation, I think about a quote from Chief Dr. Robert Joseph of the Gwawaenuk First Nation: "Reconciliation includes anyone with an open mind and an open heart who is willing to look into the future with a new way." I understand truth, healing and reconciliation efforts should be an ongoing practice of listening, learning and unlearning, sitting in discomfort and working to do better. I am grateful for those who have taken the time to share their wisdom with me and I am committed to the learning ahead.

I commend the local governments around the province who, amidst everything else on their plates, are working to learn and explore the ways in which they can enact the *Declaration on the Rights of Indigenous Peoples Act* and foster strong relations with Indigenous peoples and communities. As you move forward in this important work, please reach out to us here at the LGMA. As local governments share training, videos, books and other materials they've found helpful, we will continue to gather these resources on our Truth and Reconciliation Resources for BC Local Governments webpage.

Candace Witkowskyj Executive Director





By Tyson McNeil-Hay, Partner and Caleigh Treissman, Associate Fulton & Company



UNDRIP and Local Government Laws

any local governments have been waiting to see how the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA) will apply to how they operate, do business and provide services to residents. The BC Supreme Court recently released a decision reiterating that local governments have an obligation to interpret their governing legislation in a manner that is consistent with UNDRIP.

Background

The Squamish Nation announced a large development on reserve land located within the boundaries of the City of Vancouver. As reserve lands are under federal jurisdiction, the development was not subject to the City's land use, planning and zoning bylaws. Pursuant to a Council resolution, the City and Nation entered into a services agreement whereby the City agreed to provide municipal services to the development.

The petitioners, Kits Point Residents Association, sought an order quashing the resolution and agreement. In particular, the petitioners alleged the City's decision to hold a closed meeting to enter into the agreement was unlawful as the *Vancouver Charter* required this meeting be open to the public. The petitioners further argued that the City should have used its ability to refuse services to the development as a bargaining tool to regulate the development.

The City argued it was authorized to enter into the agreement in the way it did. Squamish Nation argued the petitioners' position was inconsistent with UNDRIP and encouraged the City to use indirect means to regulate the development despite not having the authority to do so directly.

The Court's Decision

The Court noted that section 8.1 of the *Interpretation Act* mandates that every enactment must be construed as upholding the rights of Indigenous peoples and as being consistent with UNDRIP, which emphasizes the importance of Indigenous self-government. The Court affirmed that local governments must interpret their empowering legislation in a manner that upholds the rights of Indigenous peoples and is consistent with UNDRIP.

The petitioners argued the City improperly interpreted the *Vancouver Charter*, which permitted the City to hold a closed meeting for "negotiations that are at their preliminary stages and could reasonably be held to harm the interests of the City if held in public." The petitioners argued that the "interests of the City" should be interpreted as meaning only the interests of Vancouver residents, and that the City's exercise of its discretion to hold a closed meeting was not done to prevent harm to residents, but rather because the Nation wanted the Agreement to remain confidential. The Court held that "interests of the City" encompassed a variety of considerations including the relationship between the City and Nation.

The Court emphasized that when consideration is given to the City's interest in its relationship with the Nation, it was incumbent on the City to recognize the historical and legal context of the development and interpret the *Vancouver Charter* consistent with UNDRIP. The City's recognition of its jurisdictional limitations was correct. The City's choice not to use negotiations as leverage to regulate the development was reasonable in the context of reconciliation. The Court noted the City chose not to undertake public consultation on the development as doing so would imply the City had regulatory control over the Nation's land use decisions, which it does not. The Court concluded the resolution and agreement were valid.

Takeaways

This decision emphasizes that local governments must interpret their governing legislation in a manner that upholds the right of Indigenous peoples to self-government and must negotiate with First Nations on a government-to-government basis. Local governments must recognize their lack of authority regarding development on reserve lands and should communicate their lack of authority to the public.

On a broader scale, this case emphasizes the obligations of local governments to engage meaningfully in reconciliation in action. It is appropriate, and in some cases obligatory, to:

- Enhance relationships with nearby First Nations governing bodies;
- Seek education on the historical context of nearby reserve lands;
- Recognize jurisdictional limitations when it comes to development on reserve lands; and
- Build consideration of UNDRIP into interpretative frameworks.

FINDING YOUR PATH TOWARD Reconciliation



Listening with humility and acknowledging truths are part of the journey to reconciliation.

he relationships between local governments and
First Nations haven't always been positive. In some
places the relationships may still be fraught or not
exist, but increasingly, local governments in B.C.
are cultivating and nurturing deep partnerships with First
Nations communities in their region.

"The first step to reconciliation is acknowledging the truth, and I think for many Canadians, our education system until recently has been void of the country's real history," says Daniel Sailland, Chief Administrative Officer (CAO) of Alberni-Clayoquot Regional District (ACRD). "Being prepared to listen and acknowledge the realities of the lived experiences of Indigenous people is an important first step in building relationships."

Located on west central Vancouver Island, the ACRD is within the territories of 10 First Nations and was the first regional district to welcome treaty First Nations as full voting members on their board in 2012.

With the passing of British Columbia's *Declaration on the Rights of Indigenous Peoples Act* (DRIPA) in 2019, the rights of Indigenous peoples are recognized and protected by law, including rights to land, territories and resources. This has direct implications and opportunities for all B.C. local governments, bringing new requirements that will impact how they serve their residents, plan their communities and work with First Nations.

GENERATIONAL CHANGE

There is an air of optimism and excitement around those who talk about the possibilities of DRIPA and how it has the potential to change the lives of so many across B.C.

"It was a very hopeful and inspiring day," recalls Merle Alexander, a member of the co-development team for DRIPA in B.C. and its ongoing legislative implementation. "After I left the House, I was walking back with the regional chief, and we said, 'Were we just part of a big historical moment, part of historical change?"



Merle Alexander

"After I left the House, I was walking back with the regional chief, and we said, 'Were we just part of a big historical moment, part of historical change?' There was really a sense that something extraordinary occurred on that day, and probably the most empowering day for B.C. First Nations and in Crown history. Things like the constitution changing are federal in nature, but an actual act that will be implemented and mostly be imposed – this is an act of law. That's a gigantic step."

Alexander is a lawyer who practices Indigenous resource law and has done years of pro bono work with the United Nations, which prompted the B.C. Assembly of First Nations to invite Alexander to work on co-developing the act. "Only 10 people developed the legislation, but it has been advocated for a generation," says Alexander.

Developed with the First Nations Leadership Council, DRIPA establishes the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as the framework for reconciliation in line with the recommendations of the Truth and Reconciliation Commission's Calls to Action.

"There are a lot policies and behavioural things that need to change. It will be continuous, generational change."

Passed in 2007, UNDRIP is a guide for how governments should recognize the rights to lands, territories and resources traditionally owned and occupied by Indigenous communities around the world. Canada was one of four countries that voted against the UN resolution, but in 2010, endorsed UNDRIP as an aspirational document and by 2016, removed its objection to the resolution altogether.

While the passing of UNDRIP was a transformative act, few countries around the world have enacted the recommendations outlined by the United Nations. In fact, British Columbia is the first jurisdiction in the world to put the UNDRIP recommendations into law with the *Declaration on the Rights of Indigenous Peoples Act* in 2019, followed shortly by Canada's own *United Nations Declaration on the Rights of Indigenous Peoples Act* in 2021.

DRIPA confirms recognition and respect for the rights of Indigenous peoples supported by improved transparency in the work done between First Nations and the province. The act requires that all B.C. laws are consistent with UNDRIP and that an action plan be co-developed with First Nations in B.C. In addition, all new B.C. laws must be developed in consultation with First Nations.

"There are a lot of policies and behavioural things that need to change," adds Alexander. The creation of a provincial secretariat will help with the implementation of the act, which Alexander says will take years to fully implement. "It will be continuous, generational change."

The DRIPA Action Plan was released in March 2022, and is a five-year plan outlining self-determination and inherent right to self-government, title and rights of Indigenous peoples, ending Indigenous-specific racism and discrimination, and the social, cultural and economic well-being of First Nations communications. There are 89 priority actions to support the implementation of UNDRIP in B.C. over a five-year period.

"There are almost a thousand statutes that need to be looked at," says Alexander. "Every time a new legislation is changed, there will be a new interim legislative process whereby First Nations need to be consulted and cooperated with. So there's a new legal reform process where we see initial discussions about scoping the legislation, what are the relevant UNDRIP-related elements to it, and what will the role of First Nations be in that legislative process."

The scale of involvement varies based on how applicable the legislation is to First Nations.

Alexander notes that with the *Emergency and Disaster Management Act* (EDMA), which replaced the *Emergency Program Act*, First Nations were involved very early with scoping the legislation and working on the legislation draft for 18 months.

WHAT ARE LOCAL GOVERNMENT OBLIGATIONS UNDER DRIPA?

For the past several years, local governments across B.C. have begun work to acknowledge truths, learn and build relationships with First Nations on a path toward reconciliation. Many local governments are also wondering what the moral and legal obligations are for municipalities and regional districts under DRIPA.

Under the DRIPA Action Plan, two areas clearly indicate the role of local governments in implementing the act:

1.11 Support inclusive regional governance by advancing First Nations participation in regional district boards. (Ministry of Municipal Affairs).

4.27 Review the principles and processes that guide the naming of municipalities and regional districts, and evolve practices to foster reconciliation in local processes. (Ministry of Municipal Affairs).

According to Alexander, other actions that will be of interest to local governments are reforms to forest policy, policing, heritage conservation and the recently updated EDMA.

Regarded as the first act of its kind to enact DRIPA during emergencies, EDMA includes several requirements for local government, including consulting and cooperating with Indigenous Governing Bodies (IGBs) during all phases of emergency management, including risk assessments, planning, response and recovery. More details on how to develop risk assessments and emergency management plans with IGBs and when to consult can be found in the B.C. government handout Interim Guidance on Indigenous Engagement Requirements (see *Tips & Tactics* on page 23).

Advice and Advocacy for Local Government

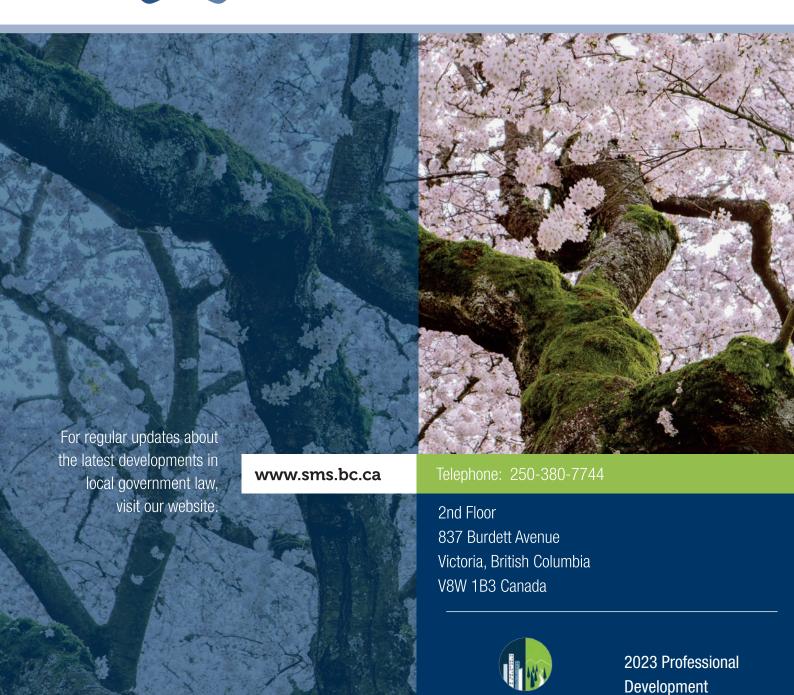
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While DRIPA is not retroactive, local governments can expect ongoing changes to their obligations for including and consulting with First Nations. Alexander also notes that among DRIPA's changes for local governments is a statutory obligation to consult with Indigenous groups, such as when developing Official Community Plans and Regional Growth Strategies. Local governments will need to keep an eye on both new legislation and updates to existing legislation, which are being reviewed for compliance with DRIPA and may implicate local governments at a later stage.

INCLUSIVE REGIONAL GOVERNANCE

Some regional districts are already supporting inclusive regional governance by including First Nations on their Boards. Metro Vancouver's regional district board includes one treaty nation, scəẃa θ ən məsteyəx w (Tsawwassen First Nation), and Alberni-Clayoquot Regional District (ACRD) has had membership from four First Nations on their board for many years.

"Including First Nations representation on the District board provides an opportunity to bring Indigenous perspectives and values to regional governance and gives them power to participate in regional district decisions that impact them," says Sailland.



Daniel Sailland

In 2011 the Maa-nulth Treaty was signed by the Huu-ay-aht, Toquot, Uchucklesaht, Ka:'yu:'k't'h'/

Che:k:tles7et'h' and Yuulu?il?ath First Nations, the Province of British Columbia and the Government of Canada. Signing the modern treaty recognized the nations as governments in provincial legislation with regional district membership.





ALBERNI-CLAYOQUOT REGIONAL DISTRICT PHOTO

"Huu-ay-aht First Nations and Yuulu?il?ath Government were the first to join the regional district where their traditional territory and Treaty Settlement Lands are located, followed later by Toquaht Nation and Uchucklesaht Tribe," notes Sailland.

Having First Nations as voting members on the regional district board was a historic event, and the planning and learnings were chronicled in a resource guide called A Path Forward, which supported Treaty First Nations, regional district and local government collaboration. An orientation guide and workplan were also created (see *Tips & Tactics* on page 23 for more), as well as a community newsletter and information posters.

Over a decade later, the ACRD is exploring how non-treaty nations can become voting members of a regional district. First Nations that have not signed modern treaties – and most nations in B.C. are in this group – were not recognized as governments in legislation until DRIPA.

While Action 1.11 in the DRIPA Action Plan opens up possibilities for expanded First Nations regional district membership as the act supports self-determination and self-government, there are still challenges ahead.

"The provincial legislation currently doesn't recognize nontreaty nations as being able to join a board," adds Sailland. "The barrier is the legal one in spite of DRIPA and the UNDRIP legislation, and the ACRD is actually working with the province, other regional districts and some non-treaty First Nations on how to rework the legislation to allow for other Indigenous governments to join the district Board."

It will likely take a few years for related legislation to be updated, so in the meantime, local governments can focus on developing relationships with First Nations in their region. "Open the lines of communication and find ways to work together," says Sailland. "People often look at the development of an MOU or protocol agreements to start a relationship, but don't wait for an excuse to start talking."

Every two months, Sailland hosts regular CAO executive director meetings and invites First Nations in the region to attend.

"Last year, we did supervisory training for all joint staff and we have joint planning exercises with municipalities, First Nations and the ACRD," says Sailland. "Our newly elected officials orientation involves two days of learning, including one day focused on treaty and non-treaty Nations in the region, differences in terminologies on land application of title rights, and specific histories on the impacts of colonization in the regional district. We try and create spaces where we can do more things together, and in doing so, we're aiming to build a relationship while creating safer spaces for tough conversations."

RENAMING PLACES AS AN ACT OF RECONCILIATION

There are examples across B.C. of local governments engaging with local First Nations on renaming places. In 2017, Powell River Regional District was renamed qathet Regional District after Elders from Tla'amin Nation gifted the name qathet to the District. The name means "working together," and was adopted by the Province in 2018.



Ron Poole

Ron Poole, a former long-time local government CAO who has worked extensively on building relationships between B.C. local governments and First Nations, suggests the Truth and Reconciliation Commission's Calls to Action as required reading for local government management.

"Working on the calls to action are a good starting point to meeting what is outlined in DRIPA," says Poole.
"Consider exploring changing the

names of places back to the original First Nations names. You see that around the province, for example with the Village of Queen Charlotte. That's what the Declaration Act is about."

In 2022, the Village of Queen Charlotte on Haida Gwaii changed back to its original Haida name, Daajing Giids, meaning "community hat," at the request of Elders.

Haida Gwaii was also previously called Queen Charlotte Islands, and that name change was part of a reconciliation agreement signed between Haida Nation and the province in 2009.

"Recognizing their heritage names is one of the things we can do to recognize the interests and rightful ownership that First Nations have in the area," adds Poole.

Other local governments are working with First Nations to recognize Indigenous language, culture and historical ties to the land by changing the names of public spaces.

The City of Vancouver renamed two downtown plazas, šxwÃənəq Xwtl'e7énk Square outside the Vancouver Art Gallery and šxwxexən Xwtl'a7shn, formerly Queen Elizabeth Theatre Plaza. The City of Quesnel honoured the Lhtako Dene Nation by renaming Ceal Tingley Park to Lhtako Dene Park, a name selected by the Nation.

In District of Saanich, hundreds of students from WSÁNEĆ Leadership Secondary School and Stelly's Secondary School demonstrated and wrote letters to District of Central Saanich Council asking them to rename

Pioneer Park to a name in SENĆOŦEN, the language of the local WSÁNEĆ First Nations people. Council agreed on a new name voted on by the students: HEL,HILE¢ (pronounced hul-he-look), which means "place of gladness," and recognizes the park's location on WSÁNEĆ territory.



sparked in the 1990s, when the Parks department inadvertently disturbed an area of significance for the Tsleil-Waututh Nation.

"That was really the flashpoint that alerted both parties that we need to talk more about each other's interests and concerns," says David Stuart, CAO of the DNV.

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"It doesn't cost anything to go and have coffee with the band manager. Starting small means going and knocking on their door and just saving 'hello."

The result was a collaboration agreement and comanagement agreement for Cates Park, which has been in place with a number of renewals and iterations for decades. The park name was changed to have the dual names Cates Park/Whey-Ah-Wichen in recognition of the Tsleil-Waututh Nation history.

And in the District of Kitimat, reconciliation includes ongoing work with Haisla Nation Council on trail signage in their language, x̄a'islakala. They also collaborated on the Friendship Pole featured on the cover of Exchange, which represents the important relationship between Haisla Nation and the District. Carved by the late Haisla artist Gary Wilson, the pole is located on Haisla Boulevard in Kitimat. Read more about the development of their government-togovernment relationship in the case study on page 17.

ENGAGING WITH FIRST NATIONS

Meaningful engagement doesn't have to cost a lot or take up a lot of staff time.

"It doesn't cost anything to go and have coffee with the band manager," says Poole. "Starting small means going and knocking on their door and just saying 'hello.' Once you connect as a CAO with a band manager, the relationship begins."

When starting the relationship, research the community history and territory, and identify mutual interests. Poole recommends setting up a second meeting to determine what you can offer your neighbour, such as mutual initiatives that would benefit them or infrastructure needs.

"All your meetings need to be built around trust, and this is best shown by your actions of doing things that help them," he says.

Poole also suggests applying to the UBCM Communityto-Community Program for grant funding to support relationship-building. This is especially helpful for communities who are starting the journey of building a relationship.





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ACRD engages in training for staff that involves learning about the histories and cultures of local First Nations. Sailland notes that compensating Indigenous partners for training and work is always important. "I think it's important that we ask for guidance from the Nation that we are asking to engage with, ensure we follow that advice and have a budget for it."

Being mindful of the pressures and demands being placed on First Nations is important when starting a relationship.

"The implementation of DRIPA has a huge scope of work and demands put on First Nations as they're being consulted on the volume of laws," says Jehan Casey, Director of First Nations Public Service Secretariat (FNPSS). "There are a lot of Ministry staff, and not as many staff with First Nations governments, and the way governments often do engagement needs to improve. Calling on a Monday and asking for help on a complex issue on Tuesday isn't the best way to consult and isn't in the spirit of reconciliation."



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FNPSS is a First Nation-driven initiative that provides affordable and culturally relevant core administration training for First Nations governance.

Casey notes local governments often report that when they try to engage with their First Nation neighbour for consultation or relationship-building, no one responds or they stop responding. "One of the ways that



Jehan Casey

local governments can support us is by listening and also understanding that First Nations governments have their own priorities. And just because they don't have the ability in that moment to engage or collaborate doesn't mean that it's not important to them. It usually just means that at that moment there are other crises occurring."

While local governments struggle with staff retention and filling vacancies, FNPSS research has found that First Nations governments face the same issues, along with the added struggle of often only being funded for 30 to 50 per cent of basic staff and governance needs.

People often fill multiple roles at once, which is a key reason why First Nations may not have the ability to meet and engage right away.

"It's not an unwillingness or that an initiative is not important, it's a matter of capacity," says Casey. "Sometimes we don't have the time to support your learning and bring you in, but please continue to be available and share while being patient and understanding when making those requests."

Developing a long-lasting partnership often starts with finding common interests, says Stuart.

"Ensure that you're having regular engagement or contact to maintain communication. Part of that is also identifying respective roles on both sides. We have a companion staff structure and as staff changes, we keep in touch with respect to understanding those particular changes. At the end of the day, particularly at the operational level, it's that ability to make a phone call that makes all the difference in the world when you're working together and you can resolve things quickly."

Walking the path of reconciliation is long. However, even the longest journeys can begin with the smallest steps of learning, listening and a humble attitude.

See inspiring examples of relationship-building starting on page 17, and related resources in Tips & Tactics on page 23.





DISTRICT OF KITIMAT PHOTO

Dignitaries at the Haisla Bridge opening celebration included Haisla Elders and elected officials from the District of Kitimat.

CASE STUDIES:

Building Equitable Partnerships

By Manjot Bains

ocal governments across B.C. are building deep relationships with First Nations, and working collaboratively on economic development in their respective regions.

In these case studies, local government and First Nations staff provide insights on how to cultivate a long lasting relationship, work together on projects and build bridges between communities.

JOINING HANDS FOR COMMUNITY ECONOMIC DEVELOPMENT

A conversation to find grant opportunities sparked a transformative partnership for the District of Kitimat and Haisla Nation.

"The opportunity to collaborate came after the former Director of Economic Development and CAO came across the Community Economic Development Initiative program and thought it could help further the District's relationship with Haisla Nation," says Marli Penner, Director of Human Resources and Labour Relations for District of Kitimat.

They reached out to Haisla Nation's economic development team to see if there was interest, and together they applied to the highly competitive program.

Similar to other regions, the relationship between Haisla Nation and District of Kitimat wasn't always strong. "This is something that's been built and developed over the years by previous elected officials and staff from both governments," shares Penner. "There was a genuine desire to improve the relationship and look at how different opportunities could impact the region, and economic



Marli Penner

development has been a driver in uniting both groups."

In 2022, Kitimat and Haisla Nation started the Community Economic Development Initiative (CEDI), a joint program from the Council for the Advancement of Native Development Officers (Cando) and the Federation of Canadian Municipalities (FCM) that aims to improve the economic prosperity of participating First Nations and municipalities.

The program supports equitable, respectful partnerships that work together on joint community economic development and land use planning over a two-year program. Each month, the CEDI working group participates in a facilitated meeting in addition to bi-annual workshops and activities to support relationship and capacity building between the two communities.

The CEDI working group includes staff and council representation from both governments, including Penner and Lisa Grant, the Business Development Manager with Haisla Nation Council.

"It's been a lot of fun and we're talking about continuing the community-to-community relationship between our nation and the municipality beyond the program," says Grant. "It's been interesting to learn about what each side is doing and having guick check-in meetings, which we also plan on carrying on."

For the first few sessions, the working group brainstormed areas of priority for the relationship, facilitated by Marissa Lawrence from the CEDI program. Lawrence led the group through an exercise to determine expectations and how to communicate with each other during the process so that everyone was on the same page.



And like any friendship or professional relationship, conflict can arise and cause friction between groups. A terms of reference was created that is reviewed at the start of each meeting. The terms include being present, speaking from your experience, listening to understand and when intensity arises, finding a productive way to talk and explore the intensity without assigning blame.



"Building strong relationships based on mutual respect, trust and collaboration is key to better engaging with First Nations communities."

They then created subcommittees to discuss employment, land use planning, economic development, small business and entrepreneurial support. Penner adds that action plans were created for each subcommittee, and the working group is in the process of developing a joint economic development plan to guide both governments over the next three to five years.

By building strong relationships at the staff-to-staff level, both governments are able to work collaboratively on different projects. "A small group of us from management on both sides came together to work on a joint strategic plan to bring back to the working group," adds Grant. "It's been a good process as it showcases that we're collaboratively working together, which is really important in relationship building."

According to Grant, the kind of relationship that Kitimat and Haisla Nation are forging is rooted in respect and support - two aspects of B.C.'s *Declaration on the Rights of Indigenous Peoples Act* (DRIPA) and reconciliation.

"Building strong relationships based on mutual respect, trust and collaboration is key to better engaging with First Nations communities," says Grant. "By actively listening and working together, local governments can support the self-determination and well-being of Indigenous peoples within their territories. DRIPA serves as an important framework for promoting these values and strengthening relationships between Indigenous communities and municipalities. The collaborative efforts to ensure that Haisla Nation's language and culture are represented within the District of Kitimat are key steps in reconciliation."

The Kitimat engineering department is currently completing a large capital project that involves rebuilding a bridge in their town.

"Throughout that project, the engineering department has worked in consultation with the Haisla Nation in a few different capacities, including on Haisla artwork along the panels of the bridge," says Penner.

"They're also working together on a totem pole to be featured at the site and creating a documentary to capture that process from the carver selecting the tree all the way through to the final installation."

Other collaborations have emerged from the CEDI working group. The two governments are in the process of working on a memorandum of understanding (MOU) for a joint museum and are exploring doing joint events, in addition to flood mapping and wildfire mitigation issues, with the possibility of a shared Fire Smart position.

For Penner, the work around employment and capacity building has been an important part of the CEDI group's endeavors. "I collaborate with my counterparts at Haisla Nation on identifying different ways for more Indigenous people to work with the District," says Penner.

The creation of an Indigenous Relations Manager position will see the work continue once CEDI is complete, and Kitimat also launched an important pilot program that sees priority hiring of Indigenous people at the municipality.

"I think it's important as municipalities that our workforce is representative of the people who live in our communities," says Penner.



"You cannot deny that Indigenous people have faced systemic barriers in entering the workforce, that's not up for debate here. Our goal is to get more Indigenous people into the workforce as a first step, and then consider how we can support them in advancing through mentorship, training and working with the union."

Equity-enhancing programs are common in education and healthcare, but relatively new to local governments.



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"Be mindful that there's a lot we don't know because it's not our lived experience, and don't place the burden of teaching on Indigenous people."

Penner took the idea for creating an equity-enhancing hiring program to Council, the union and Haisla Nation to gather support for the application. With their support, the District applied to the BC Office of the Human Rights Tribunal for a special program, which allows an organization to give hiring preference to applicants of a certain protected group. In this situation, they applied for a special program to give hiring preference to Indigenous applicants.

The terms are for five years and include reporting and collecting data on the number of self-identifying Indigenous applicants. Once approval was received in spring 2023, Penner worked with her counterparts at Haisla Nation on a communication plan that would target local Haisla members and other Indigenous applicants.

"The program has been so well received in the community, and I've noticed more applicants are choosing to self-disclose that they are Indigenous," says Penner. "We've hired four Indigenous people since the program launched in September."

Penner emphasizes the importance of educating yourself about local First Nations history and culture before beginning a relationship. "Always be respectful, listen and be curious, and come with humility," adds Penner. "Be mindful that there's a lot we don't know because it's not our lived experience and don't place the burden of teaching on Indigenous people."

The District engages in staff training, including cultural awareness training delivered by Haisla Nation's Language and Culture Department, which covers the history of Indigenous peoples in Canada and Haisla Nation, followed by participation in a blanket ceremony. Staff also undergo online training through Indigenous Corporate Training Inc.

Grant recommends strengthening communication between Indigenous communities and municipalities to improve collaboration and cooperation between governments. "Joint community meetings and newsletters or social media pages can help ensure that important information is shared and understood by everyone in the community."

Reconciliation is an ongoing process that requires ongoing effort and commitment. "Local governments must continue to prioritize engagement and collaboration with First Nations communities in order to work towards a more equitable and inclusive society for all," says Grant. "Ultimately, by promoting the recognition of Indigenous rights and supporting self-determination, we can move towards a more just and prosperous future for all Canadians."

WORKING TOGETHER TO ADVANCE RECONCILIATION

It's a snowy morning in December when Shona Nelson joins *Exchange* over Zoom to discuss Naache Commons, a commercial development by Doig River First Nation located in the City of Fort St. John.

"Naache Commons is the first urban reserve development in northeast B.C.," says Nelson, who has been Band Manager of Doig River First Nation (DRFN) for 10 years. Located 70 kms



Shona Nelson

northeast of Fort St. John (known as Gat Tah Kwậ to the Dane-zaa people), DRFN has 335 members who live on and off the reserve.

The new project is expected to break ground this spring, and will include a gas station, cultural pop-up market, Indigenous restaurant, a car wash and electric vehicle chargers.

"Naache Commons is a real enhancement to our community," adds Milo MacDonald, CAO of Fort St. John. "It's a piece of land that's been undeveloped for a long time and it brings real value. The design is beautiful and it will create quite a bit of employment in the community, and also support construction during a tough period for that industry."

Urban reserves are created through a multi-step, multi-year process. Land in a municipality is first purchased by a First Nation government as fee simple lands before entering a federal process called Additions-to-Reserve (ATR) to have the privately-owned land converted into a reserve. DRFN has an urban reserve of over 22 acres throughout Fort St. John and the process to acquire the land began many years ago during their Treaty Land Entitlement (TLE) negotiations with the federal government.

"The City became involved when we signed an MOU in 2009 with Fort St. John mayor and Council," says Nelson.

"We had existing land within the City and then purchased more between 2016-2018 for the purpose of commercial development, and that will be Naache Commons."

The project has had support from the mayor and Council, as well as the larger community. The MOU defined how Fort St. John and DRFN would interact with each other throughout the negotiation process and the development of a Municipal Services Agreement.

The process to negotiate and finalize the agreement took a few years, notes MacDonald, who worked in law



Milo MacDonald

enforcement for 20 years and then as CAO for City of Williams Lake before coming to Fort St. John three years ago.

"Once the lands transition from fees simple to reserve, they leave the municipality from the point of view of the services," explains MacDonald. "But in order to develop the lands, they still require municipal services, so under the leadership of our former planning manager, Renée Jamurat, the

City began work on the Municipal Services Agreement."

The agreement covers many areas of city services, fees for services, as well as bylaws and development standards. "During negotiations, both parties agreed to the specific city services that would be provided to the urban reserve and the fees for services in lieu of property taxes," notes MacDonald.

The agreement recognizes DRFN's independent jurisdiction over urban reserve land while ensuring the urban reserve has similar building and safety standards, and business and land use regulations as other properties in the City. Some of the services agreed upon by both parties include bylaws, water, sewers and snow removal.

During the negotiation process, both DRFN and Fort St. John involved staff and their respective legal counsels to contribute to the document. "The signed agreement requires us to meet a couple of times a year to discuss plans, how things are going, and whether or not any concerns or challenges have arisen," says MacDonald. "The agreement is viewed to be a living agreement, so there's an opportunity to work together and revise the terms if required."

Negotiating an agreement with any level of government can bring about disagreements and frustration, but DRFN and Fort St. John worked together to ensure a more positive, understanding process.



FORT ST. JOHN PHOTO Signing of Municipal Services Agreement by Fort St. John Mayor and Council and Doig River First Nation Chief and Council.

"Doig River First Nation wanted to get the best possible deal for Doig River, and we wanted to make sure we got the best value for our municipal tax responsibilities," says MacDonald. "Collectively we identified common ground and moved forward in those areas where it was easy to find consensus. If there was an area where there was friction or a sticking point, we would table it and have that conversation later in an open way where no one was really threatened by the process and we worked through it."

Local government staff may not understand how First Nations staff provide government services to their band members, and that there are a lot of similarities to how municipalities provide services to their constituents.

"At the end of the day, we have a lot in common with local governments," says Nelson. "We deal directly with constituents or citizens on things like dogs and bylaws. A federal MP isn't going to deal with day-to-day issues like that. We also have a comprehensive community plan, which is like a municipal community plan."

Building Bridges

The relationship between Doig River First Nation and Fort St. John wasn't always positive and has evolved over the years.

"About 10 years ago, the mayor and a few councillors put in an effort to build bridges and develop a relationship," Nelson recalls. "Our community was facing issues of racism and poverty, and there were a lot of misconceptions about First Nations governance. We met with them and said, we need to talk more."

Nelson goes on to share that the mayor and councillors have done a lot to learn and build the relationship. "We've done a lot of workshops over the years, and we're proud of what Fort St. John has done and how far they've come along."

DRFN has also conducted workshops and training with Peace River Regional District and their Leaders Table.

The workshops aim to break down barriers while sharing DRFN history, culture and addressing misconceptions. The work to address racism, ignorance and inequity is ongoing, but as Nelson notes, "Doig River First Nation asserts their presence within their territory here, this is the traditional land. It's continuous work, but Indigenous people are not going anywhere."

For MacDonald, the path towards true reconciliation involves listening and learning. "I think some people are threatened by what the perceived implications are of really embracing reconciliation. DRFN came and did training for our staff to provide insight into how things have evolved for First Nations over the years, provide insight into how their funding systems work and where revenue comes from."

The session was so popular they ran out of space and are looking to book more events in the future.

"They have been so generous with their time and energy, and staff have found the training really meaningful as a way of understanding how we got here, where we go from here to what the future can look like for all of us in this region," says MacDonald.

Nelson notes that it's important to think about being good neighbours when reaching out and building a relationship with First Nations people. "It's not about us versus them, it's we. How can we move forward together? What are the common interests and issues we face?"

Nurturing an open, honest relationship is important, notes MacDonald. It's not unusual for City staff to connect with their counterparts at DRFN, and at a political level, council-to-council meetings take place at least once a year.

"Everybody fumbles and makes mistakes, but approach the relationship in good faith and in the right spirit and it becomes a learning opportunity," says MacDonald.

There are several ways that local governments can better engage with First Nations communities. "Go in with an open mind and open heart. Find those spaces to connect," says Nelson. "Reach out, attend their events, or have a coffee and find out what your shared interests are."

Nelson suggests local government staff look into Indigenous Corporate Training by Bob Joseph or take the free Indigenous Canada course offered by University of Alberta. "Learn the histories, the cultures and our truths. Don't just do token openings with First Nations and remember to ask how we want to be acknowledged. It may get uncomfortable sometimes, but it's important to ask."

With Naache Commons and other economic development projects, DRFN is a part of the growing regional economy and an example of how First Nations and municipal governments can build strong working relationships.



tips & tactics

Learning Resources to Support Reconciliation

RESOURCES REFERENCED IN ARTICLES

- LGMA Truth and Reconciliation Resource Page includes a list of resources that local governments have identified as helpful: *lgma.ca/truth-and-reconciliation-resources*.
- United Nations Declaration of the Rights of Indigenous Peoples: bit.ly/UNDRIPbackground.
- Declaration on the Rights of Indigenous Peoples Act (DRIPA): bit.ly/DRIPA.
- DRIPA Action Plan 2022-2027: bit.ly/DRIPAactionplan.
- Truth and Reconciliation Commission of Canada Calls to Action: bit.ly/TRC_calls.
- Emergency and Disaster Management Act Interim Guidance on Indigenous Engagement Requirements: bit.ly/EDMAguide.
- Fort St. John Municipal Services Agreement with Doig River First Nation: https://bit.ly/FortStJohnMSA.
- Reference materials including an orientation manual and work plan from Alberni-Clayoquot Regional District on welcoming First Nations to its board as voting members: acrd.bc.ca/320.

LEARNING OPPORTUNITIES

- LGMA's Indigenous Awareness Training by Indigenous Corporate Training Inc. on March 12 and June 7: *Igma.ca/indigenous-awareness-training*.
- Indigenous Canada course from University of Alberta, a free learn-at-your-own-pace program with one-hour modules: bit.ly/indigenouscourse.

BOOKS

- 21 Things You May Not Know About the Indian Act by Bob Joseph.
- Indigenous Relations: Insights, Tips & Suggestions to Make Reconciliation a Reality by Bob Joseph.

RELATIONSHIP-BUILDING RESOURCES

- 3 Keys to Effective Indigenous Engagement Strategy: bit.ly/effectiveengagement.
- Stronger Together: A Toolkit for First Nations-Municipal Community Economic Development Partnerships, with step-by-step recommendations on how to bridge differences: bit.ly/fcmtoolkit.
- Pathways to Collaboration case studies showcase successful economic development collaborations between First Nations and local governments, including key steps and lessons learned: bit.ly/pathwayscollaboration.

GRANTS

 Community-to-Community Program, UBCM 2024/2025 intake: ubcm.ca/c2c.

ASK MENT?

In this new column, we bring your questions to local government leaders for their insights and wisdom.

Think of it as your quarterly meetup with a mentor. Gain support to build key competencies, develop a roadmap to transition into leadership roles, ask questions about conflict resolution and managing a team, and more.

If you have a topic or question you would like a mentor to discuss, please email us at editor@lgma.ca.



GUEST MENTOR BRIAN CARRUTHERS

Brian Carruthers is a former CAO with 21 years of senior leadership experience at the municipal and regional district level. He currently provides strategic planning advisory services to local governments.

How should someone new to local government build a relationship with First Nations government staff?

Developing a good working relationship with Indigenous government staff is a critical aspect of effective and lasting relationships between both governments. Elected officials change with each election cycle but there is typically more continuity at the staff level. My advice is to host a gathering of key staff from each government and share respective mandates, goals, governance and organizational structures. These gatherings help to increase cultural and organizational awareness, and can identify common interests and opportunities to work together to achieve mutual goals. Any relationship takes effort and it's ideal if both parties commit to and schedule future meetings to maintain the connections.

We often hear that relationship-building between non-Indigenous and Indigenous people doesn't start with business, but with connection. Can you share a story of a relationship you thought went well?

There are times when relationships between non-Indigenous and Indigenous people do start as business, simply because the two parties come together out of an immediate need or to resolve a pressing issue. However, the best approach to any relationship-building comes with getting to know one another on a personal level, without the expectation of an outcome.

The best example I have was a negotiation process with a local Indigenous government that involved their Chief, senior staff and legal counsel.

The meetings were held at the local government office and were quite formal, with a degree of tension and guardedness on the part of both parties and a consistent lack of tangible progress.

One meeting, at the last minute their lawyer cancelled and the agenda derailed. There was a map of their traditional territory projected on the wall as a backdrop, so instead of abandoning the meeting, the Chief gave attendees a virtual tour of their traditional territory with stories of their culture and language mixed with a lot of humour. The tension immediately lifted and changed the tone of the process moving forward. Meetings were friendly and relaxed with more laughter and more importantly, we were able to draft a protocol agreement framework in a short time, setting the course for a lasting relationship.

What does leadership mean to you?

Leadership, particularly in a community context, means having the ability to motivate and inspire others to work towards a common goal or purpose. In my experience, the most successful and effective community leaders have a vision and are effective communicators. They can envision and articulate a desired goal, they work with focus and are inclusive of others.

This is in contrast to leading with an agenda, which can often be issue-specific, divisive and lack an overall vision. A strong community leader has the ability to address issues and problems in an objective manner, consider all points of view, and have the courage to make decisions or take actions that are the right thing to do, not the popular thing to do.



MEMBERS PAGE

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Jake Rudolph, Chief Administrative Officer, City of Nanaimo.

Wendy Thomson, General Manager of Administrative Services, Alberni-Clayoquot Regional District.

2024 LGMA EVENTS & PROGRAMS

February 20-22 CAO Forum Pinnacle Harbourside Hotel, Vancouver

February 23-28 MATI The Successful CAO Harbour House, Salt Spring Island

March 12, June 7 Indigenous Awareness Training Online

March 26, April 2, 9 Bylaw Drafting Online

April 14-19 MATI Advanced Communications Harbour House, Salt Spring Island

April 30, May 7, 14 Supervisor Essentials Online

May 5-10 MATI Managing People Harbour House, Salt Spring Island

May 10, November 15 CAO Connect Lunch Series Online

May 27, September 23 HR Connect Lunch Series Online

June 11 Approving Officers Workshop Victoria Conference Centre June 11 Communications Forum Victoria Conference Centre

June 11-12 LGMA Trade Show Victoria Conference Centre

June 11-13 LGMA Annual Conference Victoria Conference Centre

2024 PARTNER EVENTS & PROGRAMS

March 25-26 Regional District Chairs and CAO Forum 2024 Victoria

May 19-22 International Institute of Municipal Clerks (IIMC) Annual Conference Calgary

June 3-5 Canadian Association of Municipal Administrators (CAMA) Annual Conference Banff

June 5-7 Government Finance Officers Association of BC (GFOABC) Annual Conference Kamloops

June 6-9 Federation of Canadian Municipalities (FCM) Annual Conference Calgary

June 9-12 Association of Municipal Managers, Clerks and Treasurers of Ontario (AMTCO) Annual Conference Location TBC

September 21-25 International City/County Management Association (ICMA) Annual Conference Pittsburgh

Dates may change. Confirm at *Igma.ca/programs-training*.

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