



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

MAYOR'S AND COUNCILLORS' REPORTS

Report from: Councillor Lynda Hundleby

Subject: Association of Vancouver Island and Coastal Communities (AVICC)
Conference 2016

Council Agenda: May 2, 2016

The AVICC Conference and AGM this year was held in Nanaimo April 8 - 10. Prior to the opening of the Conference, Councillor Brame and I chose to take a ride on the special Excursion Train as guests of the Island Corridor Foundation. It was a lovely day for a ride from the Nanaimo Station to Wellington and back. I think every train buff from around the area was waiting alongside the tracks as photos were taken, cameras rolled, and all were smiling and waving.

The keynote speaker was Dr. Chief Robert Joseph, a hereditary chief in Alert Bay and the Ambassador for Truth and Reconciliation Canada. He began by addressing the delegates with "Greetings all my relatives – we are all one." He spoke with passion and clarity and implored us to reconcile. "This is the time to make things right. A time to right relations". He called on us to "establish new and respectful relationships" and to start by "setting overarching principles". Chief Joseph asked us to reflect on the report of the Truth and Reconciliation Commission and its 94 recommendations.

To the question: When and how do we start? His answer – "Start at this moment in this place... Educate ourselves. Familiarize ourselves... Reconciliation is a 2-way street... We need to understand each other". What does reconciliation mean to you? Reconcile with your neighbour. Reconciliation begins with you. The biggest tragedy is if you never think about this again."

Reconciliation Canada is willing to help. Invite them to help set up respectful tables of reconciliation. Everyone needs to be involved. More on a spiritual basis - to transform relationships. This is certainly something for Council to consider as we move forward with our "Community to Community" processes with the Songhees and Esquimalt First Nations.

Delegates also heard from the Honourable Peter Fassbender, Minister of Community, Sport, and Cultural Development. He spoke about the positives of his government and also about coming to a decision on a Shared Economy specifically about AirBnB, Lyft, and Uber. The Province will be looking for ideas and concerns from municipalities and individuals regarding potential impacts before deciding anything. Certainly there are pros and cons. There is no perfect solution for everybody.

We also learned about the *Moosehide* campaign where the goal is to end violence towards women and children. Moosehide squares were available for all men willing to take the pledge: "We will stand up with women and children and we will speak out against violence towards them. We will support each other as men and we will hold

each other accountable. We will teach our young boys about the true meaning of love and respect, and we will be healthy role models for them. We will heal ourselves as men and we will support our brothers on their healing journey.”

Second Day

The Agricultural Land Commission (ALC) provided a review of recent changes to the ALC Act and the Agricultural Land Reserve (ALR) Use, Subdivision, and Procedure Regulation together with possible impacts on applications considerations and processing in the ALR. Increased funding has been provided by the Province for the ALC to better support the regional panel decision-making process, planning, compliance, and enforcement across the province.

The Union of BC Municipalities reported that Advocacy days with the Province are coming up - several issues to take forward especially on the concern of municipalities for one-third share of federal funding being held up by the Province and downloading for RCMP DNA costs to municipalities.

I attended the workshop on Local Government and First Nations with an overview of foundational legal principles which Local Governments need to know, related to s.35 (1) of the Constitution Act; Aboriginal title cases; duty to consult cases, in its important and evolving relations with First Nations. Lawyer presenter, Reese Harding from Young, Anderson then examined the implications and opportunities for local government resulting from recent decisions. This was followed by an overview discussion of legal and practical principles with a focus on reconciliation and how local government can play an important role.

Section 45(1) Constitution Act – in 1982 amendments did not affect existing treaty rights – these were affirmed. No expropriation of private land. Legally, local governments are responsible for statutory obligations in the Community Charter and the Local Government Act. While there is no legal requirement to consult with First Nations, it is prudent for local governments to do so.

What happens when aboriginal title applies to private land? This is before the courts already (Logging operation in North Island). There are two ways that First Nations can acquire land: (1) aboriginal title (yes, this is a real thing and cannot be taken away) and (2) via Treaty – four have been completed including Douglas Treaty. (Note that Reserves were granted via the Indian Act.)

Another major issue coming: overlapping land claims to land. One or more First Nations competing for the same area – huge implications for First Nations. There is also a First Nation claim involving municipal land in Richmond where the road was originally Crown land.

In the future, it is uncertain what and how current laws will be interpreted or changed and if general laws like Forest Laws will apply to First Nations lands. There are economic and regulatory implications e.g. PST resource agreements must be renegotiated. How do we get ahead of all this? Accept being part of reconciliation. We are part of the process. Legal duties are relatively slim. We are all here to stay and the concept of reconciliation underpins all of it. Get on with it. Opportunities are only limited by the creativity of the partners.

Later on, I participated in the off-site tour to the City of Nanaimo's new state-of-the-art Water Treatment Plant. <http://www.nanaimo.ca/EN/main/departments/Engineering-Public-Works/WaterTreatmentPlant.html> As might be expected, the operations are fully computerized although staff are in attendance during the day and on call after hours 24/7. Treatment consists of screening and filtration through membranes (Zeeweed 1000 Ultrafiltration and Zeeweed 500, if required) and minimal chlorination at a cost of \$72.5M (of which \$22.5M is borrowed). Testing and analysis are done on site in a laboratory environment. Gravity is employed to deliver water throughout the region. Expansion for future growth has been built into the facility and its operations. All in all, this is a very impressive facility on the outskirts of town adjacent to the river.

Third Day

Elections and all resolutions were completed in the time allotted. The resolutions disposition summary has been sent to all Councils by AVICC.

The final session was titled *Moving Forward with Integrated Asset Management* (looking after infrastructure). Managing public assets in a formalized process is an absolute necessity in order to quantify the true cost of providing, maintaining, and renewing community-owned capital assets, and balancing it against the community's willingness to pay for those services and assets.

The next AVICC Annual General meeting and Conference will be in Campbell River in April 2017.

This was a productive weekend with the selection of workshops, presentations, and speakers. It was helpful to connect with fellow Councillors and meet old and new friends. Thank you to Esquimalt Council for the opportunity to participate and learn.

Respectfully submitted,

Councillor Lynda Hundleby