



COOPERATION PROTOCOL

Between



THE QUALICUM FIRST NATION (QFN)

And

THE REGIONAL DISTRICT OF NANAIMO (RDN)

("The Parties")

**WHEREAS** the Qualicum First Nation has occupied their traditional territory since time immemorial and assert Aboriginal Title and Rights in and to this territory; and

**WHEREAS** the Regional District of Nanaimo is a duly constituted government incorporated under the laws of British Columbia; and

**WHEREAS** the Qualicum First Nation is an *Indian Act* Band, with a duly elected Chief and Council, federally recognized under the *Indian Act*; and

**WHEREAS** the Parties wish to learn more about each other and in so doing build trust and greater understanding about each other; and

**WHEREAS** the Parties wish to renew their ongoing commitment to developing a working relationship that considers the needs of the members of the Qualicum First Nation and the constituents of the RDN and enables opportunity to work collaboratively on matters of mutual interest, and in doing so, not to supersede the Qualicum First Nation's Section 35 Aboriginal Rights; and

**WHEREAS** principles of reconciliation are at the heart of the Truth and Reconciliation Commission of Canada's Report, the United Nations Declaration on the Rights of Indigenous peoples and British Columbia's Declaration on the Rights of Indigenous Peoples Act, and this agreement is grounded on these principles and values;

**THEREFORE the Parties agree that:**

**1.0 PURPOSE**

1.1 The Parties are committed to developing and maintaining a long-term cooperative government-to-government relationship built on trust and respect; and

- 1.2 Through a Cooperative Protocol, the Parties wish to clearly articulate how they intend to establish and maintain effective and meaningful communications in areas of mutual interest or concern.

## **2.0 SHARED VALUES**

The Parties commit to, while respecting the autonomy of Qualicum First Nation:

- 2.1 Listen and learn with mutual respect;
- 2.2 Build trust through integrity, honesty and transparency in all communications;
- 2.3 Practice collaboration and inclusion on matters of mutual interest, respecting that there will be confidential matters that must be protected;
- 2.4 Listen and understand each other's interests;
- 2.5 Practice inclusion in discussions on matters affecting shared interests;
- 2.6 Demonstrate support for the Truth and Reconciliation principles; and
- 2.7 Make a long-term commitment to support and maintain this Protocol.

## **3.0 PRINCIPLES FOR WORKING TOGETHER**

The parties agree to:

- 3.1 Implement this Protocol meaningfully, and monitor activities and outcomes;
- 3.2 Demonstrate strong commitment to working collaboratively and cooperatively by actively engaging in the implementation of this Protocol;
- 3.3 Respect the interests and jurisdiction of each Party recognizing the Parties may agree to disagree;
- 3.4 Ensure all communications are open, honest, and respectful and listen to the interests of both Parties;
- 3.5 Hold safe confidential information shared by each Party; and
- 3.6 Seek opportunities to advance the interests of both Parties and generate mutual benefits.

#### 4.0 OPPORTUNITIES FOR COOPERATION AND COLLABORATION

The parties agree to:

- 4.1 Respect the jurisdiction, authority and interests asserted by the Parties;
- 4.2 Build a positive relationship based on mutual recognition and respect;
- 4.3 Seek opportunities to collaborate in the provision of services to our communities;
- 4.4 Within its legal authority, the RDN will follow the *Heritage Conservation Act* legislation by:
  - 4.4.1 Notifying applicants that property owners must follow the applicable sections of the *Heritage Conservation Act*;
  - 4.4.2 Making QFN aware of an application for a Development Permit or Building Permit on lands subject to the *Heritage Conservation Act*;
  - 4.4.3 Not issuing development permits or building permits until application has been made by property owners to appropriate Provincial Ministry under the *Heritage Conservation Act*; and
  - 4.4.4 Including language in the development permits or building permit application package that highlight the legal requirement for property owners to adhere to the applicable aspects of the *Heritage Conservation Act*.
- 4.5 Subject to Section 6.6, collaborate in development of policy and planning to meet objectives of mutual interest, including but not exclusive to:
  - Strategic and community planning
  - Economic development
  - Sustainability
  - Truth and Reconciliation
  - Emergency preparedness and response
  - Protection of the natural environment, water and air quality
  - Promotion and celebration of cultural values, heritage and history
  - Supporting tourism reflective of community values
  - Supporting local business and entrepreneurship
  - Supporting services and programming for elders and youth
  - Recreational programs
  - Transit, transportation and access
  - Wastewater and solid waste management
  - Water quality and water supply
  - Accessing BC and federal government services and resources

## 5.0 COMMUNICATIONS STRATEGY

The parties commit to:

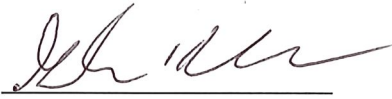
- 5.1 Open, honest, meaningful and transparent communications on matters of mutual interest or concern. Discussions can be informal, agreements reached during discussions will be documented;
- 5.2 Collaboration on planning processes that may impact the interests of the Parties. This will include an invitation to participate in any open meeting or process that may potentially affect the jurisdiction of the other Party.
- 5.3 A representative appointed by QFN will be invited to observe, be informed, and provide comment, in the development of new Official Community Plan, major update to an existing Official Community Plan or Regional Growth Strategy. The planning process will provide opportunity for information sharing and input by QFN.
- 5.4 QFN will invite the RDN Board to appoint a representative to attend meetings and provide input when developing a Comprehensive Community Plan on matters of overlapping interests where information sharing and cooperation can offer efficiencies and improved services, or better inform the planning process for QFN.
- 5.5 RDN will invite QFN to provide cultural awareness training and education to RDN Directors and staff to better understand QFN interests and values.
- 5.6 Improve public awareness about First Nation interests, culture and history in RDN communities, including seeking opportunities to respond to action items and recommendations arising from the Truth and Reconciliation Commission Report.
- 5.7 Support and encourage positive communications and cooperation by delegated representatives of both Parties.
- 5.8 RDN will share meeting agendas with QFN in advance of open meetings. A QFN appointed representative is welcome to attend RDN Board meetings as a participating non-voting member of the Board.
- 5.9 Where QFN is participating in a service agreement, QFN will be invited to appoint a representative to sit on the associated Committee as a voting member.
- 5.10 Committees that may be of mutual interest to the Parties may be inclusive based on discussion and mutual agreement.

- 5.11 Joint meetings of the elected Council and Board of each Party will occur annually or as requested by either Party. During the annual meeting the Action Plan (as per Sec. 5.12) will be reviewed in relation to commitments made in this Protocol.
- 5.12 A working group of up to two appointees from each Council and Board will meet within 90 days of the signing of this Protocol to prepare an Action plan.
- 5.13 Celebrate and communicate efforts and successes from collaboration.
- 5.14 Engage in meaningful discussion and efforts to seek mitigation and resolution when areas of potential negative impact or conflict are identified by one of the Parties, such as the implementation of the *Heritage Conservation Act*.
- 5.15 Maintain confidentiality in mutual communications when appropriate, while recognizing the nature of governance and specifically, the *Freedom of Information and Protection of Privacy Act* that relates to the Parties.

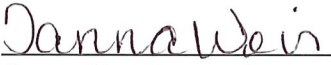
## **6.0 TERM**

- 6.1 The Protocol will have a term of five (5) years. During the last year of the term, and at least 6 months before the term expires, both parties will meet to review the activities and benefits attributable to the commitments in the Protocol, with a view to extending the agreement;
- 6.2 The Protocol may be extended with mutual consent by both Parties, in writing;
- 6.3 The Parties agree that the Protocol is a living document and can be revised from time to time by mutual consent. Any changes must be agreed to in writing by all Parties;
- 6.4 The Protocol may be terminated upon sixty (60) days written notice by either Party, which will include the reasons for termination. Prior to issuing a written notice the Parties agree to meet and attempt to resolve any concerns;
- 6.5 During the sixty (60) day written notice of termination the Parties agree to meet again and attempt to address the reasons for termination given in the written notice in Sec 6.4;
- 6.6 Nothing in this Protocol prejudices or affects the rights and interests or powers of either Party, or constitutes consultation on Aboriginal rights or interests.

**IN WITNESS WHEREOF** the Parties execute this Agreement as of the 8 day of November, 2022.



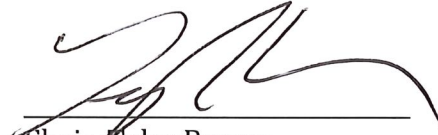
Chief Michael Recalma  
Qualicum First Nation



Councillor Tanna Weir  
Qualicum First Nation



Councillor Donna Kennedy  
Qualicum First Nation



Chair Tyler Brown  
Regional District of Nanaimo



Vice Chair, Vanessa Craig  
Regional District of Nanaimo