

PROTOCOL AGREEMENT FOR COMMUNICATION AND COOPERATION Building a K'ómoks First Nation and Comox Valley Local Governments Relationship

This **PROTOCOL AGREEMENT** dated for reference the 14th day of June 2010.

BETWEEN: **K'ÓMOKS FIRST NATION**

3320 Comox Road, Courtenay, BC, V9N 3P8
(referred to as K'ómoks)

AND: **COMOX VALLEY REGIONAL DISTRICT**

600 Comox Road, Courtenay, BC, V9N 3P6
CITY OF COURTENAY
830 Cliffe Avenue, Courtenay, BC, V9N 2J7
TOWN OF COMOX
1809 Beaufort Avenue, Comox, BC, V9M 1R9
VILLAGE OF CUMBERLAND
Box 340, Cumberland, BC, V0R 1S0
(referred to as the Comox Valley local governments)

(collectively referred to as the Parties)

WHEREAS:

- A. K'ómoks translates to 'Land of Plenty'. The K'ómoks First Nation's lands, air, waters and resources extends from Sayward south to Englishman River encompassing some off-shore islands (as identified on schedule 'A').
- B. To this day the K'ómoks First Nation have not ceded, surrendered or extinguished their aboriginal rights and title to their lands and waters as acknowledged under section 25 and 35 of the Canadian *Constitution Act, 1982*.
- C. The Comox Valley local governments' area (as identified on schedule 'B') fall within the K'ómoks First Nation territory.
- D. K'ómoks and the Comox Valley local governments have distinct governance authorities and responsibilities towards their residents and members, and acknowledge that the interests of all persons living in the Comox Valley are best served by working together in the spirit of communication and cooperation.
- E. The Parties recognize that building a K'ómoks First Nation and Comox Valley local governments relationship now will create an increased level of certainty for each other and our neighboring communities and is a first step in a dialogue towards a consultative relationship.

NOW THEREFORE the Parties enter into this Protocol Agreement with the intention and desire to improve the lives of all people in the Comox Valley by providing fair and equitable opportunities through a cooperative K'ómoks First Nation and Comox Valley local governments relationship that shares information, communicates openly and proactively, addresses specific interests and raises awareness and understanding of K'ómoks aboriginal rights and title and the responsibilities of the Comox Valley local governments under the *Local Government Act*, *Community Charter* and other provincial and federal legislation.

PURPOSE

1. The purpose of this Protocol Agreement is to:
 - (a) Enter into a formal arrangement between K'ómoks and the Comox Valley local governments with respect to establishing and maintaining a long-term cooperative relationship through effective and adequate communications; and
 - (b) Provide a venue to encourage discussion related to common areas of interest and responsibility.

PRINCIPLES OF COOPERATION

2. The Parties agree that K'ómoks and the Comox Valley local governments will:
 - (a) Meet regularly to promote and encourage open and constructive dialogue based on mutual trust, honesty and respect;
 - (b) Work cooperatively to ensure that the Parties have a full understanding of each others' governing structures, culture, and roles and responsibilities; and
 - (c) Respect the views and authority of each of the Parties.

KEY INTERESTS

3. (1) The Parties agree to work together to explore and, as required establish cooperative action plans, addressing the following key interests:
 - Culture and heritage protection
 - Environmental protection
 - Intergovernmental coordination: improving communications with a focus on roles, responsibilities and aspirations
 - Joint economic development
 - Land-use planning and management: including but not limited to regional growth strategies, official community plans, treaty land issues, resource management plans, provincial planning processes, park management, and other land use plans and regulations
 - Property taxation issues

- Shared / reciprocal services
 - K'ómoks / local government governance relations
 - Emergency preparedness
 - Consultation and accommodation
 - Other key interests as agreed to by the Parties
- (2) The Parties agree to establish and prioritize key interests on an annual basis to ensure progress on the interests is made.

COMMUNICATIONS

4. The Parties recognize the success of a K'ómoks First Nation and Comox Valley local governments relationship will hinge upon open and transparent communications based on trust, respect and mutual understanding. The Parties agree to share information on matters that affect each other to as great an extent as possible while respecting each other's interests.

CONSULTATION

5. (1) It is the intention of the Parties to ensure consultation practices are exercised to increase the opportunities for collaborative decision-making on common areas of interest and responsibility.
- (2) The Parties recognize there are legal obligations for consultation in particular instances and will work towards defining roles and responsibilities to meet such requirements.
- (3) This protocol agreement does not constitute consultation.

WITHOUT PREJUDICE

6. (1) This protocol agreement is without prejudice to and shall not abrogate or derogate from the Aboriginal rights and title and other rights of the K'ómoks First Nation.
- (2) This protocol agreement is without prejudice to the legal obligations and commitments that may or may not be incumbent upon the Comox Valley local governments

DISPUTE RESOLUTION

7. (1) Where a dispute arises between the Parties, the Parties agree that the chief of K'ómoks, the chair of the Comox Valley Regional District and the mayors of the City of Courtenay, the Town of Comox and the Village of Cumberland, as required, will engage in informal communications in an attempt to resolve specific issues. The chief, chair and mayors can appoint alternate representatives to attend on their behalf.

- (2) Where a dispute between the Parties has not been resolved by informal communications, any Party may, upon reasonable notice, call a special meeting of the Parties to discuss the dispute. Where the Parties are unable to resolve a dispute by special meeting, any Party may request a dispute resolution session.
- (3) The Parties shall mutually agree upon the procedure for carrying out a dispute resolution session.
- (4) The applicable Parties will share dispute resolution costs equitably.

IMPLEMENTATION

8. (1) The Parties will establish a K'ómoks /Comox Valley local governments working committee to assist with implementing this protocol agreement.
- (2) The working committee will develop terms of reference for approval by the Parties and will report to the Parties as required in implementing and administering the protocol agreement.

TERMS OF THE AGREEMENT

9. (1) The Parties agree this Protocol Agreement shall take effect upon the adoption by resolution by each respective council and board.
- (2) The Parties agree this Protocol Agreement is a living document and may be subject to revision from time to time by mutual consent. The revisions must be agreed to in writing and adoption by resolution of each respective council and board.
- (3) This Protocol Agreement will remain in effect unless terminated by K'ómoks by providing sixty (60) days notice in writing, to be delivered to the Parties by hand, facsimile or registered mail.
- (4) Any of the Comox Valley local governments may provide sixty (60) days notice to withdraw from the Protocol Agreement in writing, delivered to the Parties by hand, facsimile or registered mail. The Protocol Agreement remains in effect for all remaining Parties.

IN WITNESS OF the Parties have hereunto affixed their signatures as of the day and year first written above.

K'ómoks First Nations

E. Hardy
Chief Hardy

Comox Valley Regional District

E. Grieve
Vice-chair Grieve

City of Courtenay

G. T. Phelps
Mayor Phelps

Town of Comox

P. Ives
Mayor Ives

Village of Cumberland

F. Bates
Mayor Bates



