

MEMORANDUM OF UNDERSTANDING
TE'TUXWTUN PROJECT
COMPREHENSIVE LAND USE PLANNING & DEVELOPMENT PROJECT

BETWEEN: SNUNEYMUXW FIRST NATION
668 Centre Street, Nanaimo, BC, V9R 4Z4

AND: BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 68
(NANAIMO LADYSMITH PUBLIC SCHOOLS)
395 Wakesiah Avenue, Nanaimo, BC, V9R 3K6

AND: CITY OF NANAIMO
455 Wallace Street, Nanaimo, BC, V9R 5J6

AND: BC HOUSING MANAGEMENT COMMISSION
Suite 201 – 3440 Douglas Street, Victoria, BC, V8Z 3L5

This Memorandum of Understanding (MOU) sets out the terms and understanding between Snuneymuxw First Nation (SFN), the Board of Education of School District No. 68 (Nanaimo Ladysmith Public Schools, NLPS), the City of Nanaimo (CoN), and BC Housing – collectively known as the Knowledge Partners – to embark on an unprecedented and remarkable journey together to realize the comprehensive land use planning and development of the collectively-owned properties that are part of the Fifth Street Corridor, and located at 564 Fifth Street, 502 & 505 Howard Avenue, Nanaimo, BC.

The project will forthwith be known and recognized as the **Te'tuxwtun Project**.

1. INTRODUCTION

- 1.1 The Te'tuxwtun Knowledge Partners (SFN, NLPS, CoN, and BC Housing) have been inspired to work in a unique way, securing a relationship that is as seamless as the land itself. The depth of this connectivity is such that the partners' efforts will become inseparable. It is the intention of the partners to become a force, enhancing the community through housing, services and amenities, to be a benefit to many. All intend to complete the project described herein and wish to continue to honour this sacred respectful relationship to achieve the mutually desirable objectives of all four Partners.
- 1.2 Snuneymuxw First Nation will guide the growth and development of the three properties in a way that will recapture the cultural essence of the land. The four Partners are mutually inspired and collectively committed to viewing these great lands through an ancestral lens, forever inspired by stories that follow.

2. Snuneymuxw First Nation – Our Story: Sea People and Mountain People

For thousands of years before the arrival of European settlers, Snuneymuxw First Nation have occupied the land between Mount Benson (Te'tuxwtun) and the east coast of Vancouver Island, including Departure Bay (st'lillup).

The origin story of the Snuneymuxw people, passed on from generation to generation, as it is told, the genesis of the nation occurred both at Departure Bay and at the foot of Mount Benson. The landscape, as described in this ancient story, is the anchor and the essence of the Snuneymuxw people. As it is for all Island Coast Salish communities, the mountain realm and the sea world are two sacred systems that play a critical role in Coast Salish pedagogy. A beautifully balanced world beginning with a marriage between the sea world and the majestic lands of the mountain. This has always been Snuneymuxw's dominion.

Both are sacred systems that are interconnected and play a critical role in the wellness of the Snuneymuxw people. Snuneymuxw Elder Jerry Brown explains:

"I am Snuneymuxw, born and raised here, in Nanaimo. I have been so fortunate to learn the ways of our people from my parents, grandparents, and numerous elders. Their stories, our rituals, and ceremonies have always brought me to the mountain. It is an amazing world.

From the beginning of time, our mountain has provided materials for our canoes, food, and our medicines. The Ancestors, including my parents and grandparents, have always lived with these sacred resources in a delicate, humble, reciprocal relationship.

The mountain realm is known to be a place of significant spiritual power. In the stillness of the mountain, I found time for quiet reflection and prayers, finding a path to a deeper understanding of self and spirit.

This is one of the rituals that have helped me understand the importance of respect and kindness. This is how I have come to know our lands, and to grow with the spirit of our lands as our teacher."

3. Look to the Mountain – viewing these great lands through an ancestral lens

It is an interesting condition of the property at 564 Fifth Street that when viewed from above, there appears to be a shape pointing to the base of Mount Benson. While it is a man-made phenomenon, it is a clear sign to "look to the Mountain". In Indigenous culture, the idea of "looking to the mountain" offers a remarkable metaphor for viewing a situation from a different viewpoint. When discussing an important topic where there may be a difference of opinion, someone might say, "look to the mountain" as a way to ask the person(s) or parties to examine their position differently or to see a different point of view. As we, the partners – SFN, NLPS, CoN, and BC Housing – embark on this journey of creation, partnership, and collaboratively working towards a more equitable and inclusive future, we will need to look to the mountain often to ask for help in finding our way forward.

4. PROPERTY OWNERSHIP

- 4.1 This MOU is specific to the properties listed in this agreement as part of the Fifth Street Corridor. The specific properties are as follows:

Nanaimo Ladysmith Public Schools

505 Howard Avenue (0.48 hectares, 1.17 acres)

PID: 008-744-700, Section 25, Range 6, Section 1, Nanaimo District, Plan 630.

This triangular property is bounded by Fifth Street, Howard Avenue, and Harewood Mines Road. The former Harewood School was demolished on the property in the summer of 2016. The former gymnasium remains on the property and is actively used by the school district and the public. NLPS is exploring options for the redevelopment of the site.

City of Nanaimo

502 Howard Avenue (0.95 hectares, 2.34 acres)

PID: 008-734-437, Section 25, Range 7, of Section 1, Nanaimo District, Plan 630, except Part in Plan 5935.

This property was acquired by the City in 2013 from the School District. The lands are used as a community sports field. The City is open to working with the community to identify additional parks and recreational opportunities on the property.

BC Housing

564 Fifth Street (0.92 hectares, 2.28 acres)

PID: 001-568-795, Lot 1, Section 1, Nanaimo District, Plan 5935, Except Parts in Plans 17471 and 18147.

The property was acquired by BC Housing in 2017 and contains 36 units of multi-family housing. The property presents an opportunity to maintain and perhaps increase the provision of affordable housing in the neighbourhood.

4.2 The three properties for the Te'tuxwtun Project are illustrated in Attachment A.

5. PURPOSE

5.1 The purpose of the Te'tuxwtun Project is for the Partners to explore opportunities for joint development and partnership in coordination with each other on all three properties.

5.2 The overall goal is to develop a comprehensive land use plan for the redevelopment of the properties with focus on:

- The identification of a location for a learning alternative school program
- The location and types of housing options suitable for the site and area
- The integration of parks and recreation services, and
- The incorporation of other community services identified through the planning process such as health services, a library, a daycare etc.

5.3 The comprehensive development plan may also explore phasing, costings, and lead partners for each future phase of the project.

6. VISION

It is the Partners' vision to create a relationship-based community, a village grounded in ancestral knowledge. We hope to inspire a way of living that will reveal the interconnectedness and importance of the sacred mountain scape and the glorious seaway. The Te'tuxwtun Project, built on the teachings of the land, will provide the foundation to both protect and improve the quality of life for all present and future community members.

Representatives of the Partners share their perspectives on the significance of the Te'tuxwtun Project:

Nanaimo Ladysmith Public Schools Superintendent/CEO, Scott Saywell:

"Growing up in central Vancouver Island, the narrative I was told about Indigenous peoples both in school and in the larger community was negative, damaging, and false.

As Superintendent, I have a responsibility to ensure the next generation of children are told the truth about Canada's ugly history with Indigenous peoples. A history that includes the development of Indian residential schools, the 60's scoop, and other related policies intended to appropriate Indigenous land and eliminate Indigenous peoples as a culturally distinct society.

Truth and Reconciliation is a significant goal in Nanaimo Ladysmith Public Schools and will influence our thoughts and actions as we work together with our partners on the Te'tuxwtun Project.

City of Nanaimo Mayor, Leonard Krog:

"The City of Nanaimo's collaboration in the Te'tuxwtun project reflects Council's priority to renew and strengthen relations with Snuneymuxw First Nation.

Reconciliation is a journey and this special project provides us with a unique opportunity to walk together in the spirit of co-operation that is reflected in the words of our renewed May 2019 protocol agreement with Snuneymuxw.

We are honoured to join our partners, Snuneymuxw, School District 68 and the Province, to co-create a safe, healing, welcoming community space at Te'tuxwtun that reflects our shared vision. This project is an important chance to deepen understanding, build trust, and learn new ways of working together with our Indigenous government partners and community members in a way that supports our commitment to Truth and Reconciliation."

BC Housing's Chief Executive Officer, Shayne Ramsay:

"BC Housing supports true and lasting reconciliation with Indigenous peoples in British Columbia. We want to see a way ahead together and improve our understanding in realizing the steps towards reconciliation, which we believe includes adopting and implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Calls to Action of the Truth and Reconciliation Commission (TRC). We embody respect, trust, collaboration, and openness in our actions because we want strong relationships and supportive partnerships inside and out: there is value in every person and community we work with.

We are truly honoured to look to the mountain to view these great lands through an ancestral lens with Snuneymuxw First Nation, the City of Nanaimo, and School District 68. Alongside the Knowledge Partners of the Te'tuxwtun Project, we look forward as well, in partnership and collaboration, to create a more equitable and inclusive future that makes a positive difference in people's lives and communities."

7. GUIDING PRINCIPLES

These principles shall accompany the Vision, providing the Partners with a foundation to be used in guiding the social, economic, political, land, and community development of the Te'tuxwtun Project.

| Four House Posts | Guiding Principles |
|---|--|
| <p>Land</p> <p>Land is the essence of our people, the cornerstone of our connectivity and wellness</p> | The importance of Te'tuxwtun is understood and practiced |
| | To the Snuneymuxw People, the land is precious, the land is sacred, and the preservation of land is a communal responsibility |
| | There is a healthy interdependence within every community, and this helps to create community |
| <p>People</p> | We are committed to inspiring the importance of sacrifice, service, dedication, cooperation, and humility as caretakers of the land |
| | Individual health and community health are interconnected and highly dependent on each other. The community quality of life is directly tied to the wellness of family and community |
| | If we listen from a place of connection to the spirit that lives in all things, we will learn to take care of these sacred lands in a holistic, enduring, and beneficial way |
| <p>Infrastructure</p> | This way of being emphasizes the importance of building a community in the context of the surroundings – these sacred lands |
| | A community is a construct of individuals, but it is the working together of the individuals that creates community |
| | The community we build, like the land, will be here for generations. Community building should look towards healthy economic, social, and cultural exchange |
| <p>Education</p> | The project will promote lifelong learning |
| | Education is to be seen as a part of life, as opposed to a "preparation" for life |

8. TIMING AND PROCESS

The following key steps are anticipated with the preparation of a comprehensive land use plan for the Te'tuxwtun Project.

- Terms of Reference approval and naming of project – Fall 2019
- Consultant Engagement – Winter 2019
- Background Research – Winter 2019/2020
- Initial Public Consultation Event – Early Spring 2020
- Options Development – Spring 2020
- Second Public Consultation Event – Early Summer 2020
- Preferred Options – Summer 2020
- Final Public Consultation Event – Fall 2020
- Plan Endorsement (SFN, NLPS, CoN, BCH) – Fall 2020

9. PARTNERS' – TEAM STRUCTURE

- 9.1 Each Partner will identify up to 2 representatives from each party to participate regularly on the Project Team.
- 9.2 The Project Team members will report directly to their respective Senior Management Teams and Councils/Boards

10. TERMS OF REFERENCE

The Project Team may prepare a Terms of Reference (and/or accompanying documents) to guide and serve the Partner organizations as needed. Guiding documents may be developed throughout different phases of the project, including the public input and stakeholder options phases.

11. FUNDING

Project Planning

BC Housing will provide predevelopment funding for the comprehensive land use plan, including consultant fees, background studies, research, legal surveys, engineering assessments, planning, preliminary conceptual architecture, and final report preparation.

The Te'Tuxwtun Project Partners (SFN, NLPS, CoN, and BC Housing) will each be responsible for their proportionate share of project costs incurred during the predevelopment phase. Each partner will be responsible for repayment back to BC Housing once capital funding has been secured for their portion of the improvements. The Project Team will work towards a mutually agreeable arrangement for reviewing and approving costs and budget.

Nanaimo Ladysmith Public Schools and City of Nanaimo will cover their respective staff time and costs associated with participating in the planning process and will provide venues for public meetings and consultation.

12. COMMUNICATION

- 12.1 All public announcements relating to the project shall be reviewed and approved by the Partners and Project Team prior to issuance.
- 12.2 All Partners will identify a key point of contact within each organization for communication purposes.
- 12.3 All Partners will work together in preparing a communication plan for the project.

13. RESOLUTION OF DISPUTES

The Project Team shall mediate problems and concerns related to the Te'tuxwtun Project. If the designated representatives are unable to resolve the dispute on their own, they shall refer the dispute to the City's Chief Administrative Officer, the Board's Superintendent, and BC Housing's Associate Vice President or Vice President of Development Services.

If the Partners continue to be unable to resolve the dispute, they shall refer the dispute to City Council, the Board of Education, and BC Housing's Executive Committee.

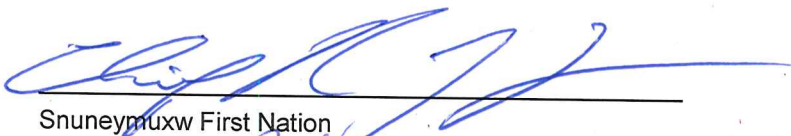
Notwithstanding Article 14, if the Partners are still unable to agree on a resolution of a dispute, the dispute shall be referred to arbitration pursuant to the *Arbitration Act of British Columbia*, for a final and binding decision on the Partners.

14. STATUS OF THIS MEMORANDUM OF UNDERSTANDING

This MOU does not create or result in legally binding rights or obligations between SFN, NLPS, CoN, or BC Housing.

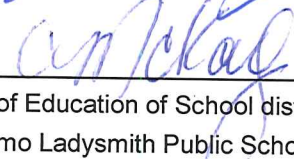
15. TERMINATION OF THIS MEMORANDUM

This MOU shall terminate upon completion of the comprehensive land use plan, or prior, by written notice to the other Partners. The MOU anticipates that the final plan will be completed by Fall 2020.




 Snuneymuxw First Nation

Date: Dec 3, 2019



 Board of Education of School district No. 68
 (Nanaimo Ladysmith Public Schools)

Date: Dec 3, 2019



 City of Nanaimo

Date: DEC 3, 2019



 BC Housing Management Commission
Michael G. Flarigan
British Columbia Housing
Management Commission

Date: November 21, 2019

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