

# Service Plan for First Nations Relations Division (FNRD)

2016-2019  
(2019)

Capital Regional District

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# 1 Overview

## 1.1 Division & Service Summary

First Nations Relations Division (FNRD) is mandated to streamline the Capital Regional District's (CRD) cross-departmental approach to First Nations engagement in support of the Board's strategic priorities which are founded on principles of *regional collaboration* and focus on *building relationships with First Nations governments*.

The division, through its three-pronged service role identified below, provides opportunities to:

- increase the CRD's profile as a relevant government to First Nations (FNs) needs and aspirations;
- acts as a 'hub' for FN government enquiries and shepherds responses and actions that First Nations have identified as helpful to their day to day operations;
- engage in practical activities that foster greater understanding of the CRD's range of services, the agency's mandate and the regulatory framework in which the services are delivered;
- facilitate greater familiarity and more regular interactions which in turn:
  - builds relationships and normalizes interchanges,
  - establishes protocols and MoUs
  - allows effective, respectful approaches to both formally and organically evolve
  - supports improved service delivery.

The Board's 2015-2018 Strategic Priorities identified more specific direction with respect to First Nations relations, which has informed the First Nations Relations Service Plan activities.

### a) Service Overview and descriptions

FNRD's operating framework is made up of three areas: Leadership Vision, CRD Internal Dept. Support and Emergent Issues and Opportunities.

Service Purpose, Role or Overview	Participants	Funding Sources	CRD Board Committee and/or Commission Reporting Structure
<b>The Board's vision is supported by Leadership Vision by facilitating opportunities to build political relationships among the Board Chair, Directors and Chiefs and Councils;</b>	All local First Nations  Electoral Areas	Internal recovery  Allocation from Legislative Services	Governance Committee
<b>Division work plans are augmented by CRD Internal Departmental Support through consistent outreach approaches and protocols across divisions;</b>	All municipalities by way of Inter-municipal working groups  All local First Nations Electoral Areas	Internal recovery  Allocations from each Division	Respective Committees of each Division / Department
<b>Developing areas of common interest are supported through Emergent Issues &amp;</b>	All local First Nations	Internal recovery	Committee of the Whole

<b>Opportunities with the Board’s direction while working closely with the Nations and affected CRD Divisions.</b>	All municipalities and electoral areas  Affected CRD Departments		Governance Committee via Special Task Force on First Nations Engagement
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## 1.2 Organization Chart

### First Nations Relations



## 1.3 Key Trends, Issues & Risks – Service Specific

**Engagement and Participation:** Greater interest on the part of First Nations governments to engage with local government and to participate in regional decision-making matters of common interest. Continued responsibility and duty to undertake meaningful, “early and ongoing” engagement. On projects requiring Provincial or Federal permits, trend towards delegation of the Duty to Consult to the proponent. The onus of Consultation, versus engagement, requires considerably greater resources and expertise to undertake the work effectively. Limitations in the Local Government Act (LGA) pose barriers to full participation of FN governments in regional governance model; limited capacities and resources on the part of FNs, to engage / participate; increase in references to required capacity funding for referral processes and engagement requests. Increased involvement of FNs in the core area wastewater treatment project (WTP), including monitoring of activities in archeology sites, employment opportunities related to the project, communications and support to the First Nations liaison positions established by the project. Recommendations resulting from the Final Report of the Special Task Force on First Nations Engagement (Task Force) focus on implementing Calls to Action identified by each Department. Divisional support to participating Departments to deliver the actions.

- Completion of the Special Task Force’s 4-year mandate as a Select Committee charged with exploring governance options that would include First Nations at the Board table.
- Proposal to establish an inter-governmental working group, consisting of Federal, Provincial, Regional and First Nations governments, with the mandate to explore a governance framework that supports greater inclusivity of First Nations in regional decision-making processes.
- BC Treaty negotiations have been reinvigorated with the new Provincial government, with the renewed expectation that several neighbouring Nations will complete their respective Treaties within the next 2 years. The Province has initiated a parallel process with those Nations advocating for their Historic Treaty agreements by way of Reconciliation Agreements; the outcome of which promises to provide greater financial resources to the participating Nations and greater freedom to undertake economic

development opportunities on their Reserve lands. Partnership opportunities with First Nations will emerge, which build on the increased trust with the Region; Increased interest on the part of First Nations to negotiate Impact Benefit Agreements from regional services operating in their Territories. As a child of the Province, there may be expectations for negotiated settlements with Regional works and services such as the Hartland Landfill and water and sewer services.

**Interests and Precedents:** Legal precedents from court decisions trending in favour of Aboriginal Rights and Title, which in turn has heightened advocacy by First Nations for acknowledgement of Douglas Treaty rights. Unique interests and differing priorities of each Nation including matters relating to governance, land-use, service agreements, water rates, affordable housing development and exploration of collaborative management frameworks for CRD park lands. The creation of the First Nations Relations Division (FNRD) has increased awareness of the CRD amongst First Nations governments and provides an accessible portal through which interactions with local government is streamlined. As First Nations related issues, interests and opportunities arise, the Board is able to provide direction to other CRD Divisions through the FNRD office.

**Resource Requirements and Work Planning:** Division activities, work plans and approaches must be able to accommodate increased demands for engagement processes and delegated Consultation duties. Over time, resource demands will continue to increase as the interactions with First Nations and the responsibilities of effective relationship management require greater attention, knowledge, skills and expertise in the areas of indigenous governance and laws, conflict resolution and legal acumen. The core activities of the work plan for this final phase of the strategic plan timeframe will continue to focus on shoring up the “relationship-based” foundation and building a comprehensive body of protocol agreements that will serve to sustain the region in its interactions with neighbouring First Nations governments over the long-term. As participation in regional matters increases, First Nations will likely request funding contributions to ensure their existing resources are not diverted from other internal governance responsibilities. The work of relationship-building, establishing trust and negotiating acceptable protocols for engagement and communications requires significant investment in time and staff resources and political participation, from all parties.

**Project Delivery and First Nations Engagement:** Potential for increased costs and delays to CRD projects that require meaningful engagement with First Nations, in order to meet emerging standards of engagement / consultation expectations. FN's limited resources impacts their capacity to fully engage in a timely and comprehensive manner. Increased time and resources required to support First Nations and CRD Board and Committees to ensure effective, meaningful participation.

## 1.4 Link to Priorities

The Division provides support to all departments across a variety of services on corporate projects and in support of core service delivery, and as such will have a supporting role in achieving numerous priorities. Specifically the division has a direct link to the following priorities:

### FIRST NATIONS

- collaborate with the First Nations task force to design and deliver Board training and education
- prepare agreements to enable traditional uses of CRD lands and identify First Nations partnership opportunities for economic development activities

### PUBLIC ENGAGEMENT & COMMUNICATIONS

- develop public participation strategies, including implications and performance metrics, as part of all major initiatives and implement more options for two-way dialogue and engagement
- share stories of collaboration and accomplishments

## 2 Services

### 2.1 Service Levels

Decrease in activities relative to 2018's expanded scope of the Special Task Force and in support of Board motion to undertake initiatives relating to CRD's response to the Truth and Reconciliation Commission (TRC) Calls to Action. Services levels to return to the original scope for the final year of this Board's term.

Service	Base Year	Year 4 (2019)
<b>Leadership Vision</b>	Task Force supported by Division	Return to 2015-2017 staffing levels. No additional staff resources required
<b>CRD Internal Departmental Support</b>	Support for departmental / division activities accommodated within existing service level	Return to 2015-2017 levels. No additional staff resources required

### 2.2 Workforce Considerations

Workforce (FTEs)					
Service	Base year 2015	Year 1 (2016)	Year 2 (2017)	Year 3 (2018)	Year 4 (2019)
<b>Leadership Vision</b>	0.25	0.5	0.5	0.5	0.25
<b>Division Activities</b>	0.5	0.75	1.5	1.5	0.75
<b>Emergent Issues and Opportunities</b>	0.75	0.25	0.5	0.5	0.5
<b>Total</b>	1.5	1.5	2.5	2.5	1.5

*Note: 2017 column amended to align with Task Force and Board approved directives,*

*Note: additional FTE originally planned for 2017 actually spanned the budget year of 2017/2018, with 6 months in each year. Auxiliary position ended July 2018.*

## 3 Divisional Initiatives & Budget Implications

Title & Estimated Completion Date	Description	Priority	Budget Implications
<b>2019</b>			
<b>Economic Development opportunities</b>	Continued management of business partnerships	First Nations Economic Development	Core budget
<b>Treaty Negotiations</b>	Continued participation in tripartite government process TTAC participation	First Nations	Core budget

Title & Estimated Completion Date	Description	Priority	Budget Implications
<b>First Nations Board / Committee and Forum of ALL Councils participation</b>	Continued support and implementation of Task Force recommendations.	First Nations Governance	Core budget Allocation via Legislative Services as required
<b>Service Agreements / Contract management</b>	Continued updating / renewal of service agreements	First Nations Finance Governance	Core budget
<b>Communications / Outreach</b>	Continued publication of collaborations and common interests	First Nations Public Engagement & Communications	Core budget
<b>Inter-governmental Working Group</b>	Proposed participation (subject to Board direction) in a partnership with Province and First Nations to establish a framework for FN and Local Government collaborative decision-making on matters of common interest	First Nations Governance	Core budget
<b>Archaeological Policies and Procedures</b>	Institutionalize corporate processes that meet Provincial regulations and compliance, mitigate risk, manage relationships with FNs	First Nations	Core budget
<b>Special Management Areas Project</b>	Collaborative environmental restoration model, sponsored by the Provincial Treaty process, in support of Songhees Nations interest in partnerships with local government	First Nations	EPro budget

## 4 Goals & Performance Indicators

Service Goals	Indicators or Measures
<b>Facilitate Relationship between CRD Leadership and First Nations</b>	<ul style="list-style-type: none"> <li>Established framework for First Nations participation in regional matters*</li> <li>50% Board participation rate in training sessions</li> <li>Plan and implement a Forum of All Councils by 2019 and achieve a minimum participation rate of one representative from each of the 13 municipalities, 3 electoral areas and 8 First Nations.</li> </ul>

<b>Provide Specialized Support for First Nations Engagement and Service Delivery</b>	<ul style="list-style-type: none"> <li>• # of successful partnerships established with First Nations annually</li> <li>• Participation rates in available CRD services by First Nations*</li> </ul>
<b>Address Emergent Issues &amp; Opportunities as Directed by the Board through The Governance Committee</b>	<ul style="list-style-type: none"> <li>• Bi-annual reports to the Board summarizing the Division's activities.</li> </ul>

\* = Corporate indicator – multiple divisions contribute to this measure.

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