



## Notice of Meeting and Meeting Agenda First Nations Relations Committee

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Wednesday, September 30, 2020

1:30 PM

6th Floor Boardroom  
625 Fisgard St.  
Victoria, BC V8W 1R7

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### Special Meeting

M. Tait (Chair), G. Orr (Vice Chair), B. Desjardins, D. Howe, B. Isitt, J. Loveday, R. Martin, N. Taylor, R. Windsor, C. Plant (Board Chair, ex-officio)

The Capital Regional District strives to be a place where inclusion is paramount and all people are treated with dignity. We pledge to make our meetings a place where all feel welcome and respected.

#### 1. Territorial Acknowledgement

#### 2. Approval of Agenda

#### 3. Presentations/Delegations

#### 4. Committee Business

##### 4.1. [20-579](#) First Nations Relations Service Plan 2021

**Recommendation:** That the First Nations Relations Committee recommends to the Capital Regional District Board:  
That Appendix A Community Need Summary - First Nations Relations be approved as presented and advanced to the October 28, 2020 provisional budget review process.

**Attachments:** [Staff Report: First Nations Relations Service Plan 2021](#)  
[Appendix A: Community Need Summary - First Nations Relations 2021](#)  
[Appendix B: First Nations Relations - Initiatives Progress Report](#)  
[Appendix C: Presentation - First Nations Relations Mandate Refresher](#)

##### 4.2. [20-580](#) First Nations Inclusion in CRD Governance

- Recommendation:** That the First Nations Relations Committee recommends to the Capital Regional District Board:
1. That Bylaw No. 4368, Capital Regional District Board Procedures Bylaw, 2012, Amendment Bylaw No. 11, 2020 be introduced and read a first, second and third time;
  2. That Bylaw No. 4368 be adopted;
  3. That the Terms of Reference for the First Nations Relations Committee, Governance and Finance Committee, Environmental Services Committee, Solid Waste Advisory Committee, Planning Transportation and Protective Services Committee, and Regional Parks Committee be amended to allow for First Nations Membership starting in January 2021; and,
  4. That staff be directed to include \$75,000 in the 2021 Provisional Budget to support the planned amendments to the Board Remuneration and Travel Reimbursement Policy.

- Attachments:** [Staff Report: First Nations Inclusion in CRD Governance](#)  
[Appendix A: Report to First Nations Relations Comm. Mtg. February 26, 2020](#)  
[Appendix B: Model for First Nations Inclusion](#)  
[Appendix C: First Nations Inclusion Chart](#)  
[Appendix D: Bylaw No. 4368](#)

**4.3. [20-578](#) First Nations Economic Development Partnership Model**

- Recommendation:** That the First Nations Relations Committee recommends to the Capital Regional District Board:  
That the CRD First Nation Economic Development Partnership Model Feasibility Study Report, 2020 be received for information.

- Attachments:** [Staff Report: First Nations Economic Development Partnership Model](#)  
[Appendix A: CRD FN Econ. Dev. Partnership Model Feasibility Study Rpt, 2020](#)

**5. Notice(s) of Motion**

**6. New Business**

**7. Motion to Close the Meeting**

**7.1. [20-592](#) Motion to Close the Meeting**

- Recommendation:** 1. That the meeting be closed under Section 21 of FOIPPA in accordance with Section 90(1)(j) of the Community Charter.  
2. That the meeting be closed for Intergovernmental Negotiations in accordance with Section 90(2)(b) of the Community Charter.

**8. Adjournment**

To ensure quorum, please advise Sherri Closson (sclosson@crd.bc.ca) if you or your alternate cannot attend.

The next meeting is November 25, 2020.



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## REPORT TO FIRST NATIONS RELATIONS COMMITTEE MEETING OF WEDNESDAY, SEPTEMBER 30, 2020

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**SUBJECT** 2019-2022 First Nations Relations Service Planning

### **ISSUE SUMMARY**

To provide the First Nations Relations Committee with an overview of relevant initiatives undertaken by First Nations Relations division in 2020 and planned for 2021 to deliver on approved Board Priorities and the Corporate Plan.

### **BACKGROUND**

The CRD Board completed its strategic planning early in 2019 and approved the CRD Board Strategic Priorities 2019-2022.

The four priorities are:

1. Community Wellbeing – Transportation & Housing;
2. Climate Action & Environmental Stewardship;
3. First Nations Reconciliation; and
4. Advocacy, Governance & Accountability.

The priorities were confirmed at the annual check-in on May 13, 2020.

The 2019-2022 CRD Corporate Plan is aligned to the Board direction. It highlights the initiatives the CRD needs to deliver over the Board's four-year term to address the region's most important needs. The Corporate Plan identified six initiatives under First Nations Relations, which fall under the First Nations Relations Committee's mandate.

Appendix A *Community Need Summary - First Nations Relations 2021* is a summary of the planned activities for 2021. It contains details about core service levels, new initiatives proposed and performance metrics.

Appendix B *First Nations Relations - Initiatives Progress Report* provides insights into what has been delivered through the five delivery initiatives approved last year, for delivery in 2020.

Appendix C Presentation - First Nations Relations Mandate Refresher provides an overview of past CRD efforts to support better First Nations relations and outlines how these efforts have helped to shape the current and planned activities related to Reconciliation with First Nations.

The Service Planning process gathered information necessary to assemble a provisional budget for Committee and Board review. The purpose of this report is to explain how the First Nations Relations divisional program of work connects to the Board Priorities, Corporate Plan and provisional budget.

### **ALTERNATIVES**

*Alternative 1*

The First Nations Relations Committee recommends to the Capital Regional District Board: That Appendix A Community Need Summary - First Nations Relations be approved as presented and advanced to the October 28, 2020 provisional budget review process.

*Alternative 2*

The First Nations Relations Committee recommends to the Capital Regional District Board: That Appendix A Community Need Summary - First Nations Relations be approved as amended and advanced to the October 28, 2020 provisional budget review process.

**IMPLICATIONS**

*Financial Implications*

Initiatives identified in the Corporate Plan (including Board Priorities) cannot be undertaken without resourcing. The Board determines resourcing through its annual review and approval of financial plans. To support the Board's decision-making, staff, through the service planning process, provide recommendations on funding, timing and service levels.

During this years' service planning process, staff have been mindful of the fiscal challenges facing the region in the month ahead. To that end, any budget increase or other impacts have been mitigated, as much as possible.

For 2021, the First Nations Relations Division will advance three distinct initiatives that will be absorbed into core funding. This will ensure that for 2021, all efforts have been made to minimize impacts on the CRD's overall budget.

*Service Delivery Implications*

The Community Need Summary provides an overview of all work that needs to be undertaken in order to meet our regulatory requirements, satisfy Board direction and meet the needs of the communities we serve.

*Alignment with Board & Corporate Priorities*

Staff have identified three new initiatives for 2021 (Table 1).

Table 1: Community Needs Summary - First Nations Relations, Delivery Initiatives

#	Initiative	Description	Year(s)	FTE impacts in 2021	Budget Impacts in 2021
3a-2.1	Indigenous Intern Leadership Program	CRD participation in an established Indigenous internship program	2021	None	Included in Provisional Budget

3a-2.2	First Nations Economic Opportunity Portal Social Value Procurement	Advance shared prosperity through portal to complement CRD Business Opportunities register	2021	None	Included in Provisional Budget
3a-5	Cultural Confidence Program Development & Implementation	Multi-module training program for current and future CRD staff, consistent with best practices	2021	None	Included in Provisional Budget

Blue highlighted areas are initiatives that directly address a Board Priority.

### **Delivery Initiatives**

#### 3a-2.1 – Indigenous Intern Leadership Program

First Nations have identified systemic barriers to employment and have called on the CRD, as an act of Reconciliation and mutual benefit, to create positions that would directly and intentionally hire community members.

This initiative will work towards the CRD becoming a corporate participant in an established Indigenous Internship Program to advance the First Nation Reconciliation Board Priority by attracting, growing and retaining future indigenous leaders. It also builds on the ongoing corporate work relating to diversity and inclusion. The objectives of the initiative are to (1) create meaningful employment opportunities for Indigenous graduates from a range of backgrounds, (2) foster corporate culture change through greater inclusion of Indigenous Peoples and knowledge into CRD operations, and (3) to establish foundational information to aid the future development of an Indigenous Employment Strategy.

Strategic exploration work is planned to take place in 2021, including engagement with key stakeholders and development of an Indigenous intern employment opportunity selection process. Launch of the first set of employment opportunities is expected by early 2022. There are no budget impacts resulting from this initiative and the additional workload will be absorbed within the existing First Nations Relations division staffing capacity, with support from colleagues across the organization.

#### 3a-2.2 – First Nations Economic Opportunity Portal Social Value Procurement

Shared prosperity is an essential component of the CRD’s path to Reconciliation. This initiative will advance the First Nation Reconciliation Board Priority by drawing out connections between First Nations, First Nations’ businesses and CRD procurement.

The objective of initiative is to establish a First Nations Economic Opportunity Portal, an entry point to the CRD Business Opportunities registry that is tailored for First Nations and First Nations businesses. It will also build additional structures in the CRD Procurement Policy that emphasizes Social Procurement Values. Finally, the initiative will form as the foundation for the CRD to build a First Nations’ Skills Index and Service Database. As First Nations continue to develop their business interests and capacity, they will be able to register their businesses with the CRD so that staff can begin to draw from established First Nations businesses when looking to procure goods or services.

The new Opportunities Portal is estimated to go live on the First Nations Relations website by summer 2021. There are no budget impacts resulting from this initiative and the additional workload will be absorbed within the existing First Nations Relations division staffing capacity, with support from colleagues across the organization.

**3a-5 – Cultural Confidence Program Development & Implementation**

The work of Reconciliation falls to all divisions and staff at the CRD. A sound, common level of understanding among staff regarding Indigenous-settler relations and responsibilities is needed to move forward meaningfully with actions that support the CRD's commitment to Reconciliation. In 2017, Blanket Exercises successfully were delivered to over 300 staff along with an introduction to working with Indigenous Peoples for Managers and CRD Directors.

In order to continue deepening staff Indigenous cultural awareness and understanding, this initiative proposes to develop a multi-module training program for CRD staff and Directors, building on similar programs that have been delivered in other organizations, to ensure consistency with best practices. It is hoped that will program will directly support the success of other Reconciliation initiatives across the CRD. The training program will be developed with a consultant, funded through the existing First Nations Relations budget, with roll out to staff expected in Q2 2021.

**CONCLUSION**

Staff have been progressing initiatives and actions identified in the Corporate Plan, including Board Priorities. The Board determines resourcing through its annual review and approval of financial plans. As per previous years, to support the Board's decision-making, staff are providing recommendations on funding, timing and service levels through the service and financial planning processes.

**RECOMMENDATION**

The First Nations Relations Committee recommends to the Capital Regional District Board: That Appendix A Community Need Summary - First Nations Relations be approved as presented and advanced to the October 28, 2020 provisional budget review process.

Submitted by:	Don Elliott, MUP, Manager, First Nations Relations Division
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

**ATTACHMENT(S)**

- Appendix A: Community Need Summary - First Nations Relations
- Appendix B: First Nations Relations - Initiatives Progress Report
- Appendix C: Presentation - First Nations Relations Mandate Refresher

## First Nations Relations

### Strategy

#### Target Outcome

We envision strong relationships with First Nations based on truth and mutual respect, partnerships and working together on shared goals.

#### Strategic Context

##### Strategies

- [Special Task Force on First Nations Relations](#)
- [Statement of Reconciliation](#)
- [Regional Climate Action Strategy](#)
- [Regional Food & Agricultural Strategy](#)
- [Regional Growth Strategy](#)
- [Regional Housing Affordability Strategy](#)
- [Regional Parks Strategic Plan](#)
- [Regional Water Supply Strategic Plan](#)
- [Organizational Development Plan](#)
- [Corporate Asset Management Strategy](#)

##### Trends, risks and issues

- Increasing interest in collaborative process on plans and projects between various First Nations and the CRD
- Moving toward more inclusive governance creating opportunities for shared decision-making
- Increased desire to see Indigenous cultural knowledge and practice within corporate processes
- First Nations increasingly identifying economic reconciliation as an area of interest
- Ongoing risks related to undertaking land-altering works and inclusion of cultural practices and monitoring
- As corporate and region-wide efforts to support reconciliation with First Nations continue, additional capacity within the CRD and/or within First Nations will likely be required to support continued efforts
- Unclear how the ongoing implementation of the *Declaration on the Rights of Indigenous Peoples Act* will impact the delivery of region, sub-regional and local services by the CRD
- Ongoing treaty negotiations between First Nations and the provincial and federal government increasingly touch on items that intersect with CRD services/interests
- With the pending conclusion of the Core Area Wastewater Project it is expected that resources available though that project currently supporting capacity in five First Nations will cease and this will impact the CRD's ability to dialogue on a range of matters

## Services

Core Services Levels	
Service	Levels
<p><b>Leadership Vision</b></p> <p>Support the Board Priority through facilitating opportunities to build political relationships among the Board Chair, Directors, First Nations Chiefs and Councils.</p>	<ul style="list-style-type: none"> <li>• <b>10%</b></li> <li>• Advance inclusive governance across CRD</li> <li>• Identify opportunities for gatherings or events</li> <li>• Provide updates to committee on the progress of various items related to Board Priority</li> <li>• Support implementation of First Nations component of the Board Remuneration and Travel Reimbursement policy</li> </ul>
<p><b>Internal Departmental Support</b></p> <p>Support CRD Departments through consistent and ongoing outreach to explore and improve internal approaches, processes and protocols for working with First Nations though looking at augmenting divisional work plans.</p>	<ul style="list-style-type: none"> <li>• <b>40%</b></li> <li>• Develop and implement training on protection and conservation of heritage sites</li> <li>• Provide support to CRD division looking to engage First Nations on activities and initiatives</li> <li>• Develop Cultural Confidence Program (3a-5) and Indigenous Internship Leadership Program (3a-2.1)</li> <li>• Arrange materials and facilitate First Nations liaison meetings</li> <li>• Manage the CRD's Standing Offer List for Archaeological Services</li> <li>• Participate in and/or negotiate various agreements with First Nations</li> </ul>
<p><b>Emergent Issues &amp; Opportunities</b></p> <p>Explore, develop, and action areas of common interest with First Nations through seeking Board direction while working closely with First Nations and affected CRD Divisions.</p>	<ul style="list-style-type: none"> <li>• <b>27%</b></li> <li>• Respond to and work to help coordinate activities related to correspondence from First Nations</li> <li>• Participate in Treaty and Reconciliation Agreement processes</li> <li>• Liaise with provincial and/or federal staff to discuss items and areas of opportunity</li> <li>• Support the development of an Indigenous Economic Development Partnership Model including: <ul style="list-style-type: none"> <li>• First Nations Economic Opportunity Portal (3a-2.2)</li> <li>• Advance updates to Procurement Policy</li> <li>• Support a review of First Nations' water rates</li> <li>• Develop a First Nations Initiative Endorsement Policy</li> </ul> </li> </ul>

<p><b>External First Nations Support</b></p> <p>Directly engage First Nations on a range of projects, initiatives, and activities to build and maintain relationships with First Nations and share information from the CRD that may align with Indigenous interests.</p>	<ul style="list-style-type: none"> <li>• 23%</li> <li>• Maintain visibility and presence in First Nations' communities</li> <li>• Draft materials and summarize documents for First Nations</li> <li>• Host and/or attend meeting with First Nations to share information on activities and processes</li> <li>• Listen to and work to understand the interests and activities of First Nations</li> </ul>
<p><b>Support Services</b></p> <p>The core services listed rely on the support of several corporate and support divisions to effectively operate on a daily basis. These services are reported on in the Accountability Community Need Summary.</p>	<ul style="list-style-type: none"> <li>• Services include Human Resources &amp; Corporate Safety, Corporate Communications, Asset Management, Financial Services, Information Technology &amp; GIS, Information Services, Legislative Services, Facility Management, Fleet Management, Legal Services, Risk &amp; Insurance and Real Estate Services.</li> </ul>

Initiatives					
Ref	Initiative	Description	Year(s)	Status	2021 impacts
3a-2.1	Indigenous Leadership Program	Corporate participation in an established Indigenous internship program with the goal of advancing Reconciliation through the attraction, growth and retention of future Indigenous leaders	2021	<b>NEW</b> Not started	Included in Provisional Budget
3a-2.2	First Nations Economic Opportunity Portal Social Value Procurement	Complement existing CRD Business Opportunities Portal by providing tailored entry point for First Nations and First Nations' businesses.	2021	<b>NEW</b> Not started	Included in Provisional Budget
3a-5	Cultural Confidence Program Development & Implementation	Develop a multi-module training programme for CRD staff and Directors to raise levels of Indigenous Cultural awareness and understanding.	2021	<b>NEW</b> Not started	Included in Provisional Budget

**Initiative approved in prior years which have now been delivered or absorbed in Core Services:**

- 3a-2 – First Nations Economic Goals – see 3a-2.1 and 3a-2.2 for follow-on initiatives
- 3a-5 – First Nations Strategic Plan
- 3a-6 – First Nations Service Plan and Budget

- 3a-3 – First Nations Collaboration

## Business Model

Funding	
<b>Who contributes</b> <ul style="list-style-type: none"> <li>• All local First Nations</li> <li>• All 13 municipalities</li> <li>• Three Electoral Areas</li> <li>• Support Services: varies per service</li> </ul>	<b>Funding Sources</b> <ul style="list-style-type: none"> <li>• Allocation/internal recovery</li> <li>• Requisition</li> </ul>

Reporting Structure
<ul style="list-style-type: none"> <li>• <a href="#">First Nations Relations Committee</a></li> </ul>

Community Need Key Performance Indicator (KPI)			
Definition and Source	2019 Actual	2020 Forecast	2021 Target
<b>Metric 1: Self-Determination – increase in First Nations Participation in CRD decision-making processes</b> Total number of decision-making tables with First Nation voting representation; data from meeting committee, commission minutes.	2	3	7
<b>Metric 2: Shared Prosperity – increase in the number of agreements/partnerships with First Nations that include, but is not limited to, provision of services and sharing of information</b> Total number of active agreements/partnerships with First Nations; data from partnership index	9	11	13
<b>Metric 3: Relationship with the Land and Water – increase in the number of collaborations related to taking care of the land</b> Total number of active agreements/partnerships with First Nations; data from partnership index	3	4	6

## Discussion

### Link to Target Outcome

Increasing the representation of First Nations' elected representatives around CRD tables will establish additional relationships between all participating First Nations and CRD Directors while ensuring information is shared effectively and all are working toward more collaborative process in support of reconciliation. Economic reconciliation has been identified as a critical interest of First Nations and an area of opportunity within CRD services. These relationships are often detailed through various services agreements and measuring progress using signed agreements helps to track specific steps forward in this area. Finally, First Nations have asserted a deep and reciprocal relationship to the land and water lasting since time immemorial and by looking to collaborations that involve this area the CRD can ensure that corporate activities are undertaken in a way that seeks to include Indigenous knowledge and are done collaboratively with First Nations.

### Discussion

**Metric 1:** Decision-making tables with First Nation voting representation: Saanich Peninsula Water Commission; Saanich Peninsula Wastewater Commission. For the most part, First Nations currently inform CRD decision-making through a primarily advisory role where the Nations are engaged on various projects and initiatives.

*There is now First Nations' representation on the Solid Waste Advisory Committee, an area of increasing interest. Going forward, the CRD is developing a model of more inclusive governance at the Board Standing, Select and Advisory Committees as well as Commissions, which could be transformative in how First Nations' elected representatives are included across the CRD.*

**Metric 2:** Active agreements (excl. those specific to the relationship to the land and water) with First Nations: water/wastewater (6); fire protection/emergency response (2); other (1).

*Efforts are underway to develop additional agreements but capacity challenges continue to impact progress. It takes a great deal of time to work through the specifics on any agreement. This remains an important metric and staff will continue to consider First Nations' capacity and interests when engaging in these processes.*

**Metric 3:** Three parks/camping active agreements with First Nations touching on the relationships to the land and water.

*Staff, primarily in Regional Parks, continue to work alongside the First Nations Relations Division staff to explore and determine opportunities for agreements that fit into this category. There have been some positive engagements, but similar to the agreements identified above, progress can be slow.*

## First Nations Relations

Initiatives approved in 2020 Budget		
Ref	Initiative	Progress to date
3a-1	First Nations Regional Planning	<ul style="list-style-type: none"> <li>Proposed amendments to CRD Procedures Bylaw to include First Nations at CRD Committees.</li> <li>Proposed Terms of Reference updates to various CRD Standing Committees in support of Procedures Bylaw amendments.</li> </ul>
3a-2	First Nations Economic Goals	<ul style="list-style-type: none"> <li>Completed the Feasibility Study of a First Nations Economic Development Partnership Model.</li> <li>Identified three Initiative Business Cases (IBCs) related to reconciliation through economic development to advance in 2021.</li> </ul>
3a-3	First Nations Collaboration	<ul style="list-style-type: none"> <li>Developed a draft MOU for Information Sharing on land-altering activities with the WSANEC Leadership Council Society to support greater collaboration on planning and implementing various activities.</li> <li>Engagement and Consultation with First Nation on a number of items including parks management planning, water and wastewater servicing, heritage conservation and emergency management planning.</li> </ul>
3a-5	First Nations Strategic Plan	<ul style="list-style-type: none"> <li>Expected to be completed in November 2020</li> </ul>
3a-6	First Nations Service Plan and Budget	<ul style="list-style-type: none"> <li>Completed in 2019.</li> </ul>

\* New - Initiatives not in the 2019-2022 Corporate Plan



First Nations Relations  
*a division of the Capital Regional District*

# FIRST NATIONS RELATIONS MANDATE REFRESHER

September 30, 2020



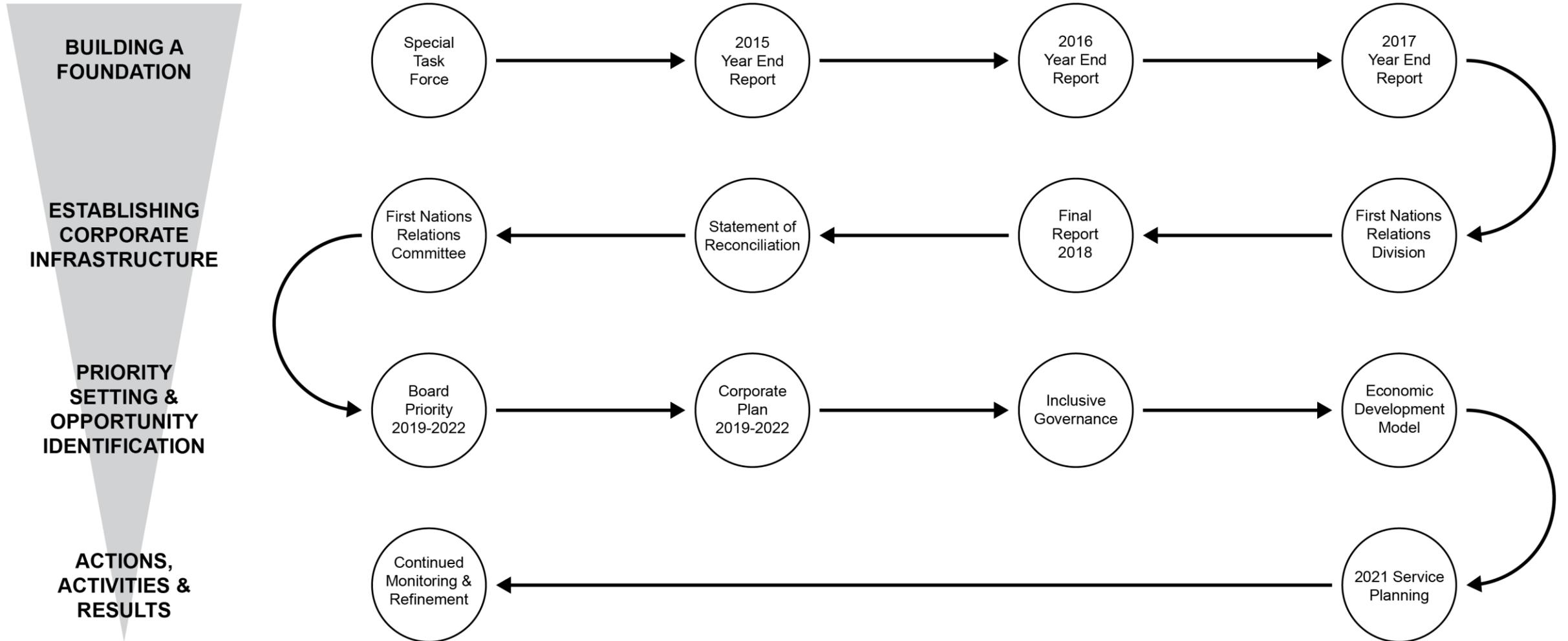
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To provide an overview of past CRD efforts to support better First Nations relations and outline how these efforts have helped to shape the current and planned activities related to First Nations Reconciliation.

Focus on:

- Special Task Force on First Nations Relations
    - 2015 Year End Report
    - 2016 Year End Report
    - 2017 Year End Report
  - Final Report (2018)
  - Statement of Reconciliation (2018)
  - CRD 2019-2022 Board Priorities
  - CRD 2019-2022 Corporate Plan
- 

# FIRST NATIONS RELATIONS TIMELINE



# SPECIAL TASK FORCE (2015 – 2017)

Established in January 2015, initially with a one-year time-frame and the purpose to:

- Meet with the Chiefs and Councils of each First Nation with Reserve Lands in the CRD to hold discussions about how First Nations might want to participate in the CRD governance framework;
- Report out on these conversations with recommendations to the CRD Board through the Governance Committee; and,
- Have conversations about governance and does not extend to other CRD programs or services.

<b>2015</b>	Met with seven First Nations to establish foundational relationships and explore matters of interest including: participation in regional discussions and decision-making, economic development, ecological restoration to allow for a renewed connection to the land and water for food, medicine and culture.
<b>2016</b>	Extended the term of the Task Force, hosted indigenous cultural training and made a number of key recommendations including committee and commissions membership, advocating for changes to the LGA, sharing of information, include First Nations in a COW meeting, and identify resources to accommodate greater participation, engagement and Reconciliation
<b>2017</b>	Worked in support of the WWTP with First Nation Liaisons, Crown consultation, archaeological protocols, completed the Sea to Sea Traditional Use Access Agreement with T'Sou-ke Nation and the E&N Rail Trail Agreement with Esquimalt Nation and developed service agreement templates for water, sewer and fire protection.

# SPECIAL TASK FORCE FINAL REPORT (2018)

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The Final Report summarized the Task Force’s governance and Reconciliation findings and recommendations, documented successes and some of the lessons learned and proposed a CRD Board committee structure to guide future relationship building.

Importantly, the Report introduced “Reconciliation through Economic Development” as a mutually beneficial framework for building partnerships with First Nations governments.

*“Indigenomics is a process of claiming our place at the economic table of this country. This modern claim to our existence, is facilitated as a right to an economy, a right to our modernity, a right to be consulted and is further interwoven with the establishment of legal pressure points for higher standards of stewardship and reciprocal prosperity.”*

*- Carol Anne Hilton, CEO and Founder of the Indigenomics Institute*



# STATEMENT OF RECONCILIATION

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This Statement, approved in 2018, was intended to guide decision-making for years to come. It expressed an understanding that Reconciliation is a long-term goal with no defined end point. The UN Declaration of the Rights of Indigenous Peoples is the reference framework for the CRD's commitment to Reconciliation, which aims to address activities within the scope of the CRD's authority.

- 1. Self-Determination** - The CRD acknowledges the fundamental right of self-determination to Indigenous peoples. In the spirit and intent of inclusivity, the CRD is committed to working with First Nations through the governance systems they choose. When First Nations wish to participate in our decision-making process then we will support them. The CRD will look to First Nations for leadership in understanding how to create new decision-making systems together on their Traditional Territories.
  - 2. Shared Prosperity** - The CRD recognizes the gap in wealth between First Nations and settler governments. The CRD will work towards a prosperous economic future for all of its residents and believes that improving the lives of the most vulnerable citizens creates a stronger and more resilient region for everyone. The CRD will seek partnerships, share information and deliver fair and equitable services in working with First Nations on achieving their economic goals.
  - 3. Relationship with the Land and Water** - The CRD recognizes the integral relationship First Nations have with the land; often the names for the people of the land and the land itself were one and the same. The CRD will work with First Nations on taking care of the land while providing space for cultural and ceremonial use, food and medicine harvesting, traditional management practices and reclaiming Indigenous place names.
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# 2019 – 2022 CRD BOARD PRIORITIES

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While all issues are important, limited resources require the Board to make strategic decisions. The Board carefully selected strategic priorities and associated initiatives that can be addressed within the CRD's legislative mandate, that are new, or that require more intense or urgent effort than has previously been applied.

## **FIRST NATIONS RECONCILIATION**

The CRD Board will take measurable steps toward developing respectful government-to-government relationships and partnerships with First nations to foster shared prosperity for all.

### **WHY?**

It is important to acknowledge historic harms, overcome current inequities and respect local indigenous laws and culture.

### **DESIRED OUTCOME**

We envision strong relationships with First Nations based on trust and mutual respect, partnerships and working together on shared goals.



**RECONCILIATION STATEMENT** - The CRD believes that a positive working relationship with First Nations is good for the whole region. For the CRD to have a positive relationship with First Nations we need to acknowledge, respect and complement their Indigenous laws, customs and systems of governance.

- Look to First Nations for leadership in understanding how to create new regional planning and decision-making systems together on their Traditional Territories.
  - Seek partnerships, share information and deliver fair and equitable services in working with First Nations on achieving their economic goals.
  - Work with First Nations on taking care of the land and water while providing space for cultural and ceremonial use, food and medicine harvesting, traditional management practices and reclaiming Indigenous place names.
  - Prepare an ecological asset management plan that includes natural infrastructure, First Nations guiding principles, First Nations language and place names, historical uses and invasive species management.
  - Develop, monitor and report out on a First Nations Relations Strategic Plan.
  - Present an amended First Nations Relations division service plan & budget to the Board in consideration of Task Force recommendations with financial and resource implications.
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Activities related to First Nations Reconciliation are planned in two ways:

1. Annually, the First Nations Relations Division prepares its Service Plan highlighting critical new initiatives that are intended to be undertaken that either require new resources or may impact the capacity of other CRD divisions. This process provides for an important opportunity to collaborate across the organization and is critical to advance potentially transformative initiatives, such as:
  - Developing a Cultural Confidence Program;
  - Establishing an Indigenous Internship Program; and,
  - Building a First Nations Economic Opportunities Portal
2. In addition to those projects contained within the annual service planning process, CRD staff continue to advance the recommendations contained within the Special Task Force on First Nations Relations Final Report.

As priority projects are identified, planned, and implemented, all efforts are made to work collaboratively with First Nations to **take measurable steps toward developing respectful government-to-government relationships and partnerships with First nations to foster shared prosperity for all.**



THANK YOU

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**First Nations Relations**

*a division of the Capital Regional District*





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## REPORT TO FIRST NATIONS RELATIONS COMMITTEE MEETING OF WEDNESDAY, SEPTEMBER 30, 2020

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**SUBJECT**     **First Nations Inclusion in CRD Governance**

### **ISSUE SUMMARY**

To amend the CRD Board Procedures Bylaw No. 3828 (the Procedures Bylaw) and the identified Board Standing Committee and Advisory Committee Terms of Reference to enable increased inclusion of First Nations' elected representatives in CRD governance beginning in January 2021.

### **BACKGROUND**

On March 11, 2020, the CRD Board accepted the recommendation of the First Nations Relations Standing Committee (Appendix A):

“That staff bring back implications and draft amendments to the Capital Regional District Procedures Bylaw No. 3828 to enable the inclusion of First Nations' elected representatives on Board Standing Committees, Select and Advisory Committees, Commissions and other appointed bodies of the Board.”

Core to the Model of First Nations Inclusion (Appendix B) is the creation of a First Nation Member definition within the Procedures Bylaw that will enable First Nations' elected representatives to participate on matters that are of particular interest to their First Nation in a flexible way while ensuring the CRD's ability to provide essential regional services is maintained. It is important to note that the committees listed in Appendix B do not include each and every discussion topic that could be of potential interest to a First Nation. The intent is to begin with a select number of committees where it has been identified there is a high-degree of interest and to prototype a model of more inclusive governance that can then be refined going forward to reflect the evolving interests of First Nations and the CRD and the growing government-to-government relationship.

At present time, full participation of First Nations in CRD governance is not possible, but there remain opportunities to advance this interest through advocacy for amendments to provincial legislation outlined on the First Nations Inclusion Chart (Appendix C).

### **ALTERNATIVES**

#### *Alternative 1*

The First Nations Relations Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4368, Capital Regional District Board Procedures Bylaw, 2012, Amendment Bylaw No. 11, 2020 be introduced and read a first, second and third time;
2. That Bylaw No. 4368 be adopted;
3. That the Terms of Reference for the First Nations Relations Committee, Governance and Finance Committee, Environmental Services Committee, Solid Waste Advisory Committee, Planning Transportation and Protective Services Committee, and Regional Parks Committee be amended to allow for First Nations Membership starting in January 2021; and,
4. That staff be directed to include \$75,000 in the 2021 Provisional Budget to support the planned amendments to the Board Remuneration and Travel Reimbursement Policy.

*Alternative 2*

The First Nations Relations Committee recommends to the Capital Regional District Board:  
That this report be referred back to staff for additional information.

**IMPLICATIONS**

*Intergovernmental Implications*

The proposed amendments outlined in Bylaw 4368 (Appendix D) will permit First Nations' elected representatives to identify specific issues that are of interest and participate fully in those deliberations. This model of flexible and open participation will enable First Nations to better define their level of engagement on matters being discussed within CRD governance, while also supporting the development of new relationships or strengthening existing ones between CRD Directors, their alternates and First Nations' representatives. It is critical to note that this approach to more inclusive decision-making will not replace the need for direct engagement and, where necessary, consultation as may be required by the Crown. Staff will continue to engage First Nations' staff to share information and discuss various matters in an effort to support a multi-faceted approach to enhanced relationships at both an operational and political level.

*Legislative Implications*

Though s.196(1) and s.253(1) of the *Local Government Act (LGA)* establish limitations restricting CRD Board members to only municipal or electoral area Directors or Treaty First Nation Directors, s.218(3) enables persons who are not directors to be appointed by the Board to a Select Committee or by the Chair to a Standing Committee. S.229(1) of the *LGA* permits the CRD to, by bylaw, delegate its powers, duties and functions subject to any limitations identified in s.229(2). When exercising its power under s.229(1) of the *LGA*, s.229(4) allows the board to establish any terms and conditions it considers appropriate. CRD Commissions may include persons other than a director subject to compliance with the qualifications detailed in the enabling bylaw and any related provincial legislation that would otherwise limit membership. The CRD is acting within its authority to include First Nations' elected representatives as appointed members of the tables outlined in Appendix C.

First Nation Members would not attend the closed session of Committee meetings due to sections 90 and 91 of the *Community Charter* which contain restrictions on sharing *in camera* information with non-CRD Directors. However, in the event the Committee wished to request the attendance of a First Nation Member in a closed Committee meeting, it may do so with a vote of the Committee taken at the start of the closed session. At the start of their term, First Nations Members will be asked to sign a confidentiality agreement as an acknowledgement of their duty to maintain *in camera* information in confidence.

*Social Implications*

Moving toward more inclusive governance could be thought to be introducing uncertainty into existing CRD processes. While there will likely be a need for enhancements of current processes, this is a critical step in improving the understanding how First Nations and the CRD can work together more effectively on matters of shared interest. Establishing space for First Nations to participate will begin to build a shared understanding of how the interests, priorities, values, beliefs

and rights of First Nations can be implemented and expressed within a CRD process to better inform its outcome.

### *Financial Implications*

On endorsement of the recommendation in this report, staff will bring forward a report to the Committee in November 2020 proposing amendments to the CRD Board Remuneration and Travel reimbursement Policy to support the remuneration of First Nations' elected representatives on various CRD tables. It is estimated that the participation of First Nations' elected officials could cost up to \$75,000 in 2021. To ensure these funds are available in the event the proposed amendments to Bylaw No. 3828 and subsequent amendments to the CRD Board Remuneration and Travel Reimbursement Policy are approved, staff are recommending the CRD's provisional 2021 budget include an allocation toward this effort as the costs are expected to begin being incurred in January 2021.

### *Service Delivery Implications*

It is not anticipated that there will be significant implications associated with this proposal to move toward more inclusive governance that would prohibit the CRD from continuing to effectively deliver services. However, there are a number of important considerations that should be reviewed within the context of moving in this direction. There may be an increase in reports being sent back to staff for additional information that would result from First Nations not feeling their interests were adequately considered. Though the frequency of work being sent back to staff as a direct result of First Nations participation in decision-making would likely diminish overtime as CRD staff processes became more inclusive and as First Nations develop their understanding of CRD roles and responsibilities, it could still lead to some uncertainty and/or a rethinking of established corporate processes.

Not every item on a given agenda will be of interest to a First Nation and it could be considered inappropriate for a First Nation to be expected to vote for or against a matter that may not relate to, or impact them. The LGA is explicit that each director present must vote on a matter being considered and when a director does not indicate a vote that person is deemed to have voted in the affirmative. The LGA defines director as a Municipal Director, Electoral Area Director or a Treaty First Nation Director and does not extend to include members of a Standing Committee, Select Committee, Advisory Committee or Commission. First Nations' elected representatives will be extended the opportunity to abstain from a vote. This will add an additional component when recording votes at meetings, but will permit First Nations an opportunity to clearly determine the nature of their participation on any given issue.

The proposed model of First Nations participation in CRD governance will not fetter CRD Board decision-making or limit its ability to provide critical regional services. The CRD Board can exercise discretion on how it weighs the recommendations from a Standing or Select Committees. Commissions do exist with delegated authority as defined in the establishing bylaw, but the approach being taken ensures the CRD will not be limited in moving initiatives forward. However, moving towards greater inclusivity is expected to enhance the process by which the CRD makes its decisions in a way that is more collaborative and respectful of First Nations' interests.

### *Appointment Implications*

The appointment of First Nations' elected officials to CRD Standing, Select and Advisory Committees will mirror that of the existing CRD process. The Board Chair will make the appointments to Standing Committees as outlined in s.26(2) of the Procedures Bylaw. The Board shall make appointments to Advisory Committees and Select Committees though these appointments could be delegated to the Board Chair through s.27(2) or s.28(3) of the Procedures Bylaw.

Through October and November, staff will work to further engage First Nations to solicit a First Nations elected official to participate as an appointed member and another as their alternate to each CRD Standing and Advisory Committees identified on Appendix B. Staff will then provide this list to the Board Chair or to the Board for appointment as appropriate. This process will enable the CRD to host a First Nations Orientation Session in December where those identified as First Nation Members or their alternates could be formally introduced to CRD committee processes and systems.

It is expected this process of identifying First Nation Members and their alternates will take place annually to coincide with the existing CRD appointment schedule.

### *Alignment with Board & Corporate Priorities*

The 2019 – 2022 CRD Board Priorities include Reconciliation with First Nations, specifically:

- 3a Look to First Nations for leadership in understanding how to create new regional planning and decision-making systems together on their Traditional Territories.
- 3b Seek partnerships, share information and deliver fair and equitable services in working with First Nations on achieving their economic goals.
- 3c Work with First Nations on taking care of the land and water while providing space for cultural and ceremonial use, food and medicine harvesting, traditional management practices and reclaiming Indigenous place names.

### *Alignment with Existing Plans & Strategies*

The following strategies have been identified as related to the Reconciliation with First Nations Board Priority:

- Special Task Force on First Nations Relations Final Report and the Statement of Reconciliation
- Regional Climate Action Strategy
- Regional Food and Agricultural Strategy
- Regional Growth Strategy
- Regional Housing Affordability Strategy
- Regional Parks Strategic Plan
- Regional Water Supply Strategic Plan
- Organizational Development Plan
- Corporate Asset Management Strategy

## **CONCLUSION**

First Nations have expressed a desire for an increased role in regional decision-making.

Provincial legislation limits full First Nations participation on the CRD Board except through a modern treaty, but there are significant opportunities for the CRD to create space for more inclusive discussions at Standing, Select and Advisory Committees. Though the proposed model of First Nations involvement in CRD governance does have the potential to impact ongoing or upcoming projects, First Nations participation will support a more collaborative and, ultimately, a more effective process. This effort to facilitate increased participation of First Nations in CRD governance is an important and measurable step towards the Board priority of First Nations Reconciliation and in working toward strong relationships with First Nations based on trust and mutual respect, partnerships and working together on shared goals.

**RECOMMENDATION**

The First Nations Relations Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4368, Capital Regional District Board Procedures Bylaw, 2012, Amendment Bylaw No. 11, 2020 be introduced and read a first, second and third time;
2. That Bylaw No. 4368 be adopted;
3. That the Terms of Reference for the First Nations Relations Committee, Governance and Finance Committee, Environmental Services Committee, Solid Waste Advisory Committee, Planning Transportation and Protective Services Committee, and Regional Parks Committee be amended to allow for First Nations Membership starting in January 2021; and,
4. That staff be directed to include \$75,000 in the 2021 Provisional Budget to support the planned amendments to the Board Remuneration and Travel Reimbursement Policy.

Submitted by:	Don Elliott, MUP, Manager, First Nations Relations
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

**ATTACHMENT(S)**

Appendix A: Report to First Nations Relations Committee Meeting of Wednesday, February 26, 2020

Appendix B: Model for First Nations Inclusion

Appendix C: First Nations Inclusion Chart

Appendix D: Bylaw No. 4368



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## REPORT TO FIRST NATIONS RELATIONS COMMITTEE MEETING OF WEDNESDAY, FEBRUARY 26, 2020

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**SUBJECT**     **First Nations Inclusion on CRD Board Standing Committees**

### **ISSUE SUMMARY**

This report seeks direction for staff to bring back implications and proposed draft amendments to Board Procedures Bylaw No. 3828 (the "Procedures Bylaw") and appropriate Board Standing Committee Terms of References that would enable the inclusion of First Nations elected representatives in discussions that take place through the existing CRD governance structure.

### **BACKGROUND**

Several First Nations within the capital region have signaled their interest in being a part of the CRD Board and its committee structure, expressing a desire for more involvement in discussions and, ultimately, in decisions that may impact First Nations. There are provincial legislative restrictions within the *Local Government Act (LGA)* and practical reasons related to the requisition, regional service structure and weighted voting requirements as to why First Nations are not Members of the CRD Board as defined in the Procedures Bylaw. However, a number of approaches have been explored and implemented by other regional districts that the CRD can consider that are within its authority to create more opportunities for First Nations inclusion in regional discussions.

A complete timeline of activities related to this initiative is attached to this report (Appendix A). Following Ləkʷəŋən (Songhees First Nation) Chief Ron Sam signaling the Nation's interest in having formal representation on the CRD Board in October 2014, the CRD established the Special Task Force on First Nations Engagement (Task Force) with the mandate to recommend more inclusive models of governance and decision-making. The Task Force undertook direct engagements with First Nations and letters were sent to the province from past CRD Board Chair Nils Jensen in 2015 (Appendix B) and past CRD Board Chair Steve Price in 2017 (Appendix C) along with a supporting letter from W̱SIKEM (Tseycum First Nation) in 2018 (Appendix D). The letters all expressed, in various ways, the need for the provincial government to address the legislative and capacity barriers impacting the ability of local governments and First Nations to move their relationships forward.

In December 2016, the CRD Board adopted the suite of recommendations contained within the Year End Report from the Task Force (Appendix E) with the direction that the Task Force guide the completion of the items that include, among others, developing recommendations to allow for First Nations representation and options for increased resourcing to accommodate greater participation, engagement and reconciliation. Staff are now looking to reaffirm the commitment of the sitting CRD Board on this approach in support of more inclusive regional discussions with First Nations participation.

### **ALTERNATIVES**

#### *Alternative 1*

The First Nations Relations Committee recommends to the Capital Regional District Board:

That staff bring back implications and draft amendments to the Capital Regional District Procedures Bylaw No. 3828 to enable the inclusion of First Nations elected representatives on Board Standing Committees, Select and Advisory Committees, Commissions and other appointed bodies of the Board.

*Alternative 2*

The First Nations Relations Committee recommends to the Capital Regional District Board: That this report be referred to staff for additional information, as directed.

**IMPLICATIONS**

*Legislative Implications*

The LGA is explicit under Section 196(1) that a Regional Board consists of municipal Directors and electoral area Directors, except in the specific case under Section 253(1) where a Treaty First Nation is a member of a regional district. This section limits any non-treaty First Nations from full participation on the Board or as a service participant, other than as a third-party client of a service (such as a water supply contract to reserve lands). Section 218(3) of the LGA allows persons who are not Directors to be appointed by the Board to a Select Committee or by the Chair to a Standing Committee. Within the context of this staff report, Section 218(3) allows voting participants at a Select Committee and/or at a Standing Committee to include First Nations at the discretion of the Board or the Board Chair. Should there be a questions of matters discussed in closed meetings, the *Community Charter* Section 91(2)(b) allows for any participants the Board considers appropriate, which could include First Nations, to be present in matters discussed in closed.

Staff have identified that there will remain some specific commissions where First Nations participation will not be possible. In response to First Nations expressing an interest in participating in regional water commissions, staff undertook a review of the ability to do this and identified that the *Capital Region Water Supply and Sooke Hills Protection Regulation*, BC Reg. 287/97 sets a fixed, elected-official-only membership for the Regional Water Supply Commission and the Juan de Fuca Water Distribution Commission. This regulation only allows for local government participants to be members of the commission, with voting being conducted according to LGA weightings. Under the regulation, First Nations participation is limited to the Water Advisory Committee, where they are already included as members in the Water Advisory Committee Terms of Reference. The regulation permits one or more First Nations entities to propose a member, who may be appointed by the Board to the Water Advisory Committee.

*Environmental & Climate Implications*

It is likely that as First Nations participation increases in discussions relating to the environment and climate that elements relating to cultural practices and traditional uses of areas are brought forward with the expectation that these shared teachings are woven into existing approaches. This could add additional time and complexity to projects that are already underway as staff consider how to incorporate any information that may come forward. However, this additional perspective also could enhance the effectiveness of efforts being made by the CRD through the incorporation of cultural knowledge as well as additional partnership or collaborative opportunities as First Nations are also looking to support work related to taking care of the land and water.

*Governance Implications*

The proposed inclusion of First Nations would require amendments to the Procedures Bylaw to define the various appointments as well as amendments to the Terms of Reference of the

identified Committees and Commissions. An amendment to the Procedures Bylaw would then enable Committee and Commission Terms of References to be updated upon request by First Nations Band resolution so as to enable First Nations inclusion. As staff work on the proposed bylaw amendments, consultation will be conducted with the First Nations to gauge specific levels and items of interest.

#### *Intergovernmental Implications*

First Nations currently have the ability to participate on the CRD Water Advisory Committee, the Core Area Waste Liquid Waste Management Committee and the Saanich Peninsula Water Supply Commission. Providing additional opportunities for First Nations to participate in discussions on Committees and Commissions and for the Nations to have the space to bring items forward for discussions or information sharing, will significantly enhance the ability of First Nations and the CRD to work together towards building strong relationships that are based on trust and mutual respect, partnerships and working together on shared goals. Based on the expressed interests of First Nations, staff will look to take an incremental approach towards increased inclusion.

#### *Financial Implications*

Parallel to this report, staff are bringing forward a report proposing amendments to the CRD Board Remuneration Policy and the creation of a First Nations Remuneration Policy in order to establish a corporate approach to providing First Nations elected representatives with remuneration for participation on Committees and Commissions as well as to establish guidelines relating to the way the CRD compensates First Nations for supporting the CRD with meeting openings and cultural work.. In the 2020 CRD Budget, which has received provisional approval, \$12,000 was included in the CRD Board Budget with the intent that these funds would be available to support First Nations participation when an enabling amendment to the Board Remuneration Policy was approved. Specific costs for increased First Nations participation would be borne by each individual commission budget or, in the case of Committees, by the CRD Board budget.

#### *Service Delivery Implications*

Provincial legislation does not permit for First Nations to have a vote at a Regional District Board without signed modern treaties. Increased inclusion of First Nations in discussions at the CRD Board will not fetter the decision-making authority of Directors in any way. However, it will likely bring additional perspectives forward that contain new information or approaches that directors may wish to consider in their decision-making.

#### *Alignment with Board & Corporate Priorities*

The 2019 – 2022 CRD Board Priorities include Reconciliation with First Nations, specifically:

- 3a Look to First Nations for leadership in understanding how to create new regional planning and decision-making systems together on their Traditional Territories.
- 3b Seek partnerships, share information and deliver fair and equitable services in working with First Nations on achieving their economic goals.
- 3c Work with First Nations on taking care of the land and water while providing space for cultural and ceremonial use, food and medicine harvesting, traditional management practices and reclaiming Indigenous place names.

#### *Alignment with Existing Plans & Strategies*

The following strategies have been identified as related to the Reconciliation with First Nations

board priority:

- Special Task Force on First Nations Relations Final Report and the Statement of Reconciliation;
- Regional Climate Action Strategy;
- Regional Food and Agricultural Strategy;
- Regional Growth Strategy;
- Regional Housing Affordability Strategy;
- Regional Parks Strategic Plan;
- Regional Water Supply Strategic Plan;
- Organizational Development Plan; and,
- Corporate Asset Management Strategy.

## **CONCLUSION**

First Nations have previously expressed an interest in increased participation in regional discussions and, ultimately, an impact on regional decision-making. Provincial legislation limits full First Nations participation at the CRD Board prior to the completion of a treaty process, but there are options for the CRD to move towards greater inclusivity in discussions at the CRD Committee and Commission tables. Taking a more inclusive approach has the potential to impact ongoing or upcoming projects with the inclusion of First Nation's perspectives in various plans and strategies. However, the reconciliation mandate adopted by the Board requires that we look to include the perspective of First Nations in CRD projects and plans, and having greater inclusion on Committees and Commissions could support a more collaborative and effective process. It could also strengthen existing partnerships and identify additional collaboration efforts.

## **RECOMMENDATION**

The First Nations Relations Committee recommends to the Capital Regional District Board: That staff bring back implications and draft amendments to the Capital Regional District Procedures Bylaw No. 3828 to enable the inclusion of First Nations elected representatives on Board Standing Committees, Select and Advisory Committees, Commissions and other appointed bodies of the Board.

Submitted by:	Don Elliott, MUP, Manager, First Nations Relations
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

## **ATTACHMENT(S)**

- Appendix A: Background on Activities Related to First Nations Inclusion
- Appendix B: Letter to Premier Christy Clark, 2015
- Appendix C: Letter to Scott Fraser, Minister of Indigenous Relations and Reconciliation, 2017
- Appendix D: Letter to Scott Fraser, Minister of Indigenous Relations and Reconciliation, 2018
- Appendix E: Year End Report on the Activities of the Special Task Force on First Nations Engagement, 2016

## APPENDIX A: BACKGROUND ON ACTIVITIES RELATED TO FIRST NATIONS INCLUSION

Related to this work on First Nations participation at the CRD Board and/or Committees, the following timeline illustrates the various steps that have been undertaken from 2014 to present day. Identified steps include:

- **October 2014** - Ləkʷəŋən (Songhees First Nation) Chief Ron Sam signalled the Nation's interest in having formal representation on the CRD Board.
- **January 2015** – The CRD's Special Task Force on First Nations Engagement (Task Force) was established with a mandate to recommend more inclusive models of governance and decision-making between the CRD and First Nations governments.
- **April 2015** – W̱SIKEM (Tseycum First Nation) Chief XÁLÁTE (Jacks) acknowledged that Tseycum would like to sit and share knowledge with the Board. He said that it is time to “cut the strings that separate us and start working together”.
- **May 2015** - STÁUTW̱ (Tsawout First Nation) Chief Underwood identified that representation on the CRD Board has been an ongoing issue for STÁUTW̱ and recalled that this topic was discussed at Chief and Council 30 years earlier.
- **June 2015** – Alberni-Clayoquot Regional District Chair Josie Osborne shared with the Task Force that the most noticeable benefit of having First Nations at the table is the expansion of minds and diversity of perspectives that is brought to the decision making. It has brought fulsomeness to discussions around the Board table.
- **July 2015** - W̱JOŁŁŁP (Tsartlip First Nation) expressed a challenge relating to existing capacity limitations should W̱JOŁŁŁP sit on committee positions to fully participate in regional decisions.
- **August 2015** - BOKÉĆEN (Pauquachin First Nation) Chief Harris noted that is it time to learn more about local government, the CRD, and is interested in learning more.
- **September 2015** – T'Sou-ke First Nation Councillor Dumont stated that they are looking forward to future meetings and decisions about either sitting on the CRD Board or an alternative that supports shared governance.
- **October 2015** – CRD Board Chair Nils Jensen sent BC Premier Christy Clark a letter thanking Premier Clark and John Rustad, Minister of Aboriginal Relations for a meeting at the 2015 UBCM conference and further detailing that the province remove identified legislative barriers and support First Nations capacity to participate in local government matters.
- **November 2015** - Xwsepsum (Esquimalt First Nation) Chief Andy Thomas expressed to the Task Force that he has asked for a seat at the CRD for a long time.
- **November 2015** - W̱SIKEM (Tseycum First Nation) newly elected Chief Jimmy emphasized the importance of W̱SIKEM involvement in (local government) matters whenever they are able. The Nation is looking to work on together on practical day-to-day activities to build experience at the “lower level” and work up to higher level governance such as the CRD Board.
- **December 2016** – The suite of recommendations contained within the Year End Report from the Task Force were adopted with the direction that the Task Force guide the completion of the items that include the following selected recommendations:

- To undertake a comprehensive review of the suite of policies and procedures bylaws for CRD Committees and Commissions with recommendations for proposed amendments that will allow for First Nations representation; and,
  - Direct staff to develop options for increased resourcing and financial implications to accommodate greater participation, engagement and reconciliation.
- **November 2017** – CRD Board Chair Steve Price sent a letter to Scott Fraser, Minister of Indigenous Relations and Reconciliation requesting the opportunity to connect on obstacles faced by First Nations and local governments, legislative barriers for First Nations in obtaining a vote at the CRD Board, and understanding the provincial governments approach to historical treaties.
- **August 2018** - WSIKEM (Tseycum First Nation) sent a letter to Scott Fraser, Minister of Indigenous Relations and Reconciliation requesting that First Nations not participating in the modern treaty process are offered a formal voice in matters that affect the territories, rights, and WSIKEM people.
- **2018 Onward** – The CRD continue to meet with staff from the Ministries of Municipal Affairs and Housing and Indigenous Relations and Reconciliation to explore other avenues to address the challenges relating to increasing First Nations participation in regional discussions.
- **2019 Onward** – The provincial government tabled Bill 41: Declaration of the Rights of Indigenous Peoples Act, which received Royal Assent on November 28, 2019 and has passed into law. This Bill mandates the provincial government to bring provincial laws into harmony with the UN Declaration of the Rights of Indigenous Peoples through:
  - The development of an action plan to achieve alignment over time;
  - Requiring regular monitoring on progress;
  - Allowing for flexibility for the types of agreements the Province can enter with Indigenous governments; and,
  - Provides a framework for decision-making between Indigenous governments and the province.

## APPENDIX B



Capital Regional District  
625 Fisgard Street, PO Box 1000  
Victoria, BC, Canada V8W 2S6

T: 250.360.3000  
F: 250.360.3234  
www.crd.bc.ca

October 14, 2015

File: 0220-20

The Honourable Christy Clark  
PO Box 9041 Stn Prov Govt  
Victoria, BC V8W 9E1

Dear Premier Clark:

**RE: AUTHORITY TO HAVE FIRST NATIONS AT THE CRD BOARD**

I would like to thank you and the Honourable John Rustad, Minister of Aboriginal Relations and Reconciliation for taking the time to meet with myself and members of the Capital Regional District (CRD) Board and First Nations Task Force at the Union of British Columbia Municipalities Conference.

During the meeting we expressed our interest in exploring ways to have First Nations participate more directly in decision making at the CRD. As a regional district we provide a wide range of local, sub-regional and regional services and are actively involved in providing services to First Nations through a variety of service agreements. As we expand our relationship with First Nations, particularly the 9 Nations which have occupied reserves in the region, it has become evident that there are some barriers to participation in service delivery as compared to the service participation model available to our member municipalities and electoral areas. We recently amended our Procedures Bylaw to allow First Nation participation from the Songhees & Esquimalt First Nations on the Core Area Liquid Waste Management Committee (CALWMC) of the CRD Board. However to enable direct participation by First Nations on specific service decisions, there would need to be legislative changes which are beyond the authority of the CRD Board.

At our October 14, 2015 Board meeting we announced that the Songhees and Esquimalt Nations have formally joined our CALWMC as voting members. These Nations have also expressed a desire to join the Board to vote on issues which impact them directly as participants of a service. Other First Nations with Douglas Treaties have also expressed a desire to participate, however as there is currently no legislative avenue to provide for direct participation on service delivery, outside a modern day treaty, we are unable to make any progress on this issue.

Some of the suggested avenues we would like you to consider include:

1. Removing Legislative Barriers:
  - a. Review of Division 3.1 of Part 24 of the Local Government Act with consideration to allow Douglas Treaty First Nations the ability to join regional districts
  - b. In the interim, create a governance vehicle that allows First Nations to be equivalent participants in local services without mandatory membership on the regional board
    - Issues imbedded in this framework will have to address:
      - o Indemnification/liability/ insurance provisions
      - o Regulatory powers
      - o Exit provisions
      - o Service review
2. Support First Nations Capacity to Participate:
  - a. Training and education for both local government and First Nations staff
  - b. Programming funds, which build on the Community to Community Forum grants

Thank you again for taking the time to meet with us and we greatly appreciate any consideration you are able to give to our concerns and suggestions.

Yours truly,



Nils Jensen, Chair  
Capital Regional District

cc: All CRD Board Members  
Robert Lapham, Chief Administrative Officer, Capital Regional District  
Sonia Santarossa, Corporate Officer, Capital Regional District



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## APPENDIX C

### Capital Regional District

625 Fisgard Street, PO Box 1000,  
Victoria, BC, Canada V8W 2S6

T: 250.360.3000  
www.crd.bc.ca

November 29, 2017

The Honourable Scott Fraser  
Minister of Indigenous Relations and Reconciliation  
Parliament Buildings  
Victoria, BC  
V8V 1X4

Dear Minister:

We are requesting a meeting with yourself to offer an update and to seek assistance with recent activities undertaken by the Capital Regional District's (CRD) Task Force on First Nations Engagement.

Over the past two years, we have met with the majority of First Nations governments in the south island to discuss how they might like to be involved in regional decision making. Last year we approved a report with recommended actions for addressing the issues raised in those discussions. Some of the recommendations require further conversations with provincial officials in order to realize the opportunities that exist around sharing governance with First Nations.

We are requesting a meeting to discuss the following issues:

- Obstacles faced by First Nations and local governments for deep engagement and meaningful relationship building
- Legislative barriers for First Nations to participate as full voting members on the CRD Board
- Current provincial understanding of the responsibilities to pre-confederation treaties such as the Douglas Treaty.

We understand that scheduling can be a challenge and we would be looking to sometime in the New Year when you are already in Victoria on other business. Our staff can follow up to arrange a time. We look forward to this discussion and to working together with you on these issues.

Sincerely,

A handwritten signature in black ink that reads "Steve Price". The signature is written in a cursive, flowing style.

Steve Price  
Board Chair, Capital Regional District

Cc: Director Marianne Alto, Chair, First Nations Task Force, CRD  
Bob Lapham, CAO, Capital Regional District

APPENDIX D



**Tseycum First Nation**

1210 Totem Lane  
Sidney, BC V8L 5S4  
Phone: (250) 656-0858  
FAX: (250) 656-0868

August 21, 2018  
The Honourable Scott Fraser  
Minister of Indigenous Relations and Reconciliation  
Parliament Buildings  
Victoria, BC  
V8V 1X4

Dear Minister Fraser:

Tseycum First Nation is focused on working with other governments towards a better relationship that places the emphasis on moving forward together. We want to be involved in decision making that affects our territories, our rights and our people. It is important for the work of healing and reconciliation that we are able to be in partnership with those decision makers who are active in our territory.

To this end, Tseycum is interested in exploring a workable solution for the governance gap that exists with the current Regional District system where First Nations who have not signed modern treaties are not offered a formal voice at the table. Decisions Regional Districts make have the possibility to affect our rights and so we are looking for a way to be included in the process. We are looking for a respectful solution that incorporates our governance structure and allows us to meaningfully engage with the Capital Regional District.

We are looking forward to hearing from you as to what this could look like and would like to set up a meeting to discuss possibilities at your earliest convenience.

HÍSWKE

A handwritten signature in black ink, appearing to read 'Tanya Jimmy', with a large, stylized flourish at the end.

Chief Tanya Jimmy

Cc: Director Marianne Alto, Capital Regional District

---

**YEAR END REPORT ON THE ACTIVITIES OF THE SPECIAL TASK FORCE ON FIRST NATIONS ENGAGEMENT  
MEETING OF WEDNESDAY, December 14, 2016  
SUBMITTED TO: CAPITAL REGIONAL DISTRICT BOARD  
SUBMITTED BY : THE TASK FORCE MEMBERS**

---

### **EXECUTIVE SUMMARY**

Local government has a critical role to play in supporting First Nations economic aspirations and cultural resurgence. A proactive approach with deep engagement and a commitment to establishing a thoughtful governance framework that both resonates with First Nations and reflects the Board's strategic priorities, will ensure a strong fully regional approach relative to growth management, environmental protection and restoration, efficient service delivery and smart infrastructure planning.

Building on the solid footing established through the Aboriginal Initiatives Office (AIO) and the Special Task Force on First Nations Engagement (Task Force) this report recommends that the Board support a continued and ongoing role for the Task Force in shaping the Aboriginal Initiatives Office as the Board's tool for ensuring strong and enduring First Nations relations, as well as practical ways and means for ongoing two-way information sharing and, where appropriate, establishing a decision making framework on matters of common interest.

This area of governance is emergent and evolving and requires a pragmatic, incremental approach that builds on and is responsive to local successes as well as best practices from other jurisdictions.

The funding for this work is largely covered within the existing AIO budget, which draws from the General Government and Legislative Services requisition. This report recommends that the AIO office be temporarily resourced with a half time term position (to 2018) bringing the staff complement for the division to 2.0 FTE along with a modest increase in funds to accommodate the expected increase in remuneration for First Nations participation on Committees. No new additional funds are required.

In addition to providing oversight to the AIO, the Task Force will continue to foster the leadership relationship with elected First Nations by meeting with Chiefs and Councils. The Task Force will be accountable to the Board, and its strategic priorities, by way of quarterly reports, The term for this mandate would extend to the end of this election cycle in November 2018.

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**SUBJECT**      **Year End Report from the Special Task Force on First Nations Engagement**

---

**ISSUE**

The purpose of this report is to provide a year-end summary of the activities and outcomes of the Special Task Force on First Nations Engagement (Task Force) with recommendations to the Board for seeking direction in how the CRD can continue to move forward on including interested First Nations governments in decision-making on regional matters of common interest.

**1.0 BACKGROUND**

The Task Force was established in January 2015 with a mandate to meet with Chiefs and Councils of each First Nation with Reserve Lands in the CRD to discuss their respective interests in participating in the CRD governance framework. The Task Force had an opportunity to meet with 8 of the 11 First Nations in the first year. A final report was submitted to the Board in November 2015 with a request for a time extension to allow for further engagement with First Nations. The Task Force mandate was extended to December 2016.

The Task Force's second year focused on follow-up actions stemming from feedback received from the initial delegations, as well as research into governance options and some further meetings with First Nations. This report briefly summarizes the outcomes from both years and offers a suite of recommendations for future work for the Task Force.

**1.1 Summary of Task Force Activities**

Over the course of the Task Force's two year mandate, 12 Committee meetings were held (minutes posted [on the website](#) ) and 9 delegations were made to First Nations communities. The Task Force reached out to the Chair of the Alberni-Clayoquot Regional District (ACRD) regarding that region's experience with First Nations participating on the Board. Detailed summaries can be found in the 2015 Year End Task Force 2015 report ([document link](#)) Following that communication, the Task Force approached the Province to discuss the legislative barriers in the Local Government Act (LGA) for First Nations participation on the Regional Board, and met with the Premier during the UBCM conference. Staff followed up with the Ministry of Community, Sport and Development, the results of which are summarized below (Section 2.1.1).

Corollary activities included:

- Undertaking an Indigenous cultural training event as a Forum of Councils ( [YouTube Link](#) )
  - Approval to extend invitations to First Nations for participation in all future Forum of Council events.
  - Approval of remuneration for FN attendance at Forums of Councils

- Amending Procedures Bylaw to better reflect and accommodate cultural protocols
- Inclusion of First Nations on the CALWMP Committee
- Integration of an opening Territorial Acknowledgement by the Board Chair
- Presentation to the Board on FN Taxation Authority

## 1.2 Summary of Findings

The delegations to each of the First Nations revealed a diversity of perspectives, interests and priorities on the part of the First Nations. Although each Nation is unique, there were some common threads:

### 1.2.1 Common messages from First Nations:

- Local and regional government are not tangibly differentiated from Provincial and to some extent, Federal government.
- The legacy of exclusion by all levels of government, in decisions that have directly impacted First Nations, has allowed for a culture of distrust to take hold.
- There is an interest in either exploring improved ways of engagement with the CRD and /or mechanisms for shared decision making on matters of common interest.
- A demonstrable commitment to building trust and establishing an enduring relationship is imperative before any formal commitments can be made.
- Although there is genuine interest in deeper engagement and consultation with local governments, First Nations do not have the capacity to respond to the multitude of requests from all levels of government and agencies.
  - Governments are being asked to consider resourcing these consultation requests in order to meaningfully engage with First Nations.

### 1.2.2 Areas of interest include:

- Employment of First Nations community members in government positions
- Economic development opportunities
- Protection and respect for ancestral remains
- Access to parklands for traditional uses and cultural practices, including harvesting plant medicines, ceremonies
- Protection and promotion of Douglas Treaty Rights
  - Education of local governments on the ways those rights are perceived to be infringed.
- Environmental restoration including eradication of invasive species, shellfish harvesting, habitat protection, ecological stewardship.
- Financial accommodation to support referral and review processes

### 1.2.3 Differing perspectives from First Nations:

- Some Nations are pursuing modern treaties through the BC Treaty process and as a result will have an ability and responsibility to participate in the decision-making process with local government - (Scia'new (Beecher Bay), T'Sou-ke, Songhees, MÁLEXEŁ (Malahat), Pacheedaht First Nations)
- Some Nations are choosing greater independence from the Indian Act through other means such as adopting their own Land Code. (Tsawout, Songhees and T'Sou-ke)
- Each Nation has a unique set of priorities for its community to which its resources are assigned. Communications and familiarity are increasing as a result of the relationship-building activities, but the ability to fully and meaningfully engage with the region is contingent on the Nation's capacity to assign its under-resourced government services to the particular issue, project plan or initiative. In competition for scarce resources, certain priorities take precedence depending on the community.

## 2.0 Governance Options

With increased understanding of the long-term impacts of assimilation on Indigenous cultural recovery and resilience, the Task Force expressly conveyed to First Nations the understanding that while full Board participation may be a long-term goal, accommodating First Nations at the Board table is not the only option for first Nations' participation into the CRD's existing framework. Discussions also considered the development of a common framework that reflects the values, protocols, regulatory and legislative realities of both local and First Nations governments.

The Task Force discussed options that would both include First Nations into the existing CRD governance framework as well as options for new co-developed decision-making models.

### 2.1 Inclusion of First Nations into Existing Regional Governance Framework

#### 2.1.1 Board Membership

In 2007, the *Local Government Act* was amended to enable Treaty First Nation (TFN) membership in a regional district, out of acknowledgement that a TFN is no longer governed by the federal *Indian Act*. As a government with natural person powers, a TFN has the authority and capacity to commit their governments to participating within the regional district legislative framework thereby ensuring the administrative and financial stability of the regional district system.

Of the 11 First Nations with reserve lands within the CRD, 9 of those Nations hold Douglas Treaty rights with the "liberty to hunt over unoccupied lands" and the right to "carry on their fisheries as formerly."

Six of these Nations are in the modern Treaty process (See Table 1).<sup>1</sup> It will likely be years before the final treaties are signed and implemented. The other Douglas Treaty Nations have declared that they have no intention of engaging in the modern treaty process and intend to hold to their Douglas Treaty rights.

Currently within the CRD there are no First Nations with ratified Treaties and therefore under current legislation it is not possible for First Nations to participate as full members of the CRD Board.

Changes in provincial legislation would be required to enable “non-treaty” (in the case of the CRD, this includes Douglas Treaty) First Nations regional district membership. There are a number of complex considerations:

- Any Legislation amendments must be considered for applicability Province-wide and in the context of precedent setting for other Treaty negotiations.
- Under the *Community Charter*, the Province is to consult with municipalities on proposed changes to local government legislation. Generally, this is done through the Union of B.C. Municipalities.
- Regional district members have the capacity to relinquish some autonomy to be part of a larger body and adhere to regulatory frameworks and provincially legislated dispute resolution. Similarly, a regional district director has the authority to make decisions on behalf of their jurisdiction at the board table.
  - It is not known if or how autonomy could be relinquished by a non-treaty First Nation as they operate under the *Indian Act* and other federal legislation and depending upon their governance model, their powers and authorities vary.
- All regional district directors are elected officials with the same functions, powers, duties and obligations including voting rights, provisions for participating in or withdrawing from services, conflict of interest and disqualification rules, all of which fall under provincial legislation. It is not known how equivalency functions and powers within the Federal Indian Act context could be reasonably assured.
- The regional hospital district legislation and system are tied to the regional district membership and therefore would have to be modified to either include or exclude First Nations participation.

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<sup>1</sup> It is not yet known the status of whether a BC Treaty will include the rights inherent in the Douglas Treaty or extinguish the link in favour of the agreements established in the modern Treaty document.

### Examples from other jurisdictions

The following regional districts have Treaty Nations on their boards:

- Metro Vancouver – Tswaassen First Nation
- ACRD – all 4 of the Maa-nulth Treaty Nations are now Board Members

There is an example of non-modern treaty Nations participating as voting members on a regional district by way of representatives in Electoral Areas. First Nations typically fall within the letters patent of Electoral Areas (EAs) therefore citizens living on Reserve, including members can run for the position of EA Director. In the Central Coast Regional District (CCRD) Board is composed of five directors. Four of the five directors are First Nation from each of the Wuikinuxv (Area A), Heiltsuk (Area B) and Nuxalk (Area D and E) Nations. Recently, the Area A position was vacated by the elected representative, who was not First Nations. A subsequent bi-election did not fill the position, so the regional board appointed a member of the Wuikinuxv First Nation. His appointment will stand until the next local government election in October 2018. (Source: *CoastMountainNews*)

#### 2.1.2 Ex-Officio, non-voting board participation

Barring full Board membership there are other ways that non-treaty First Nations can (and do) participate in local government activities within the existing legislative framework.

##### Observer Status

First Nations could propose to join the Board in the capacity of Observer(s) where they engage in the discussions and submit agenda items through the Chair, however they would not be able to vote, second or move on motions. Observer status can take many forms, from an occasional appearance at regional district meetings, to regular ongoing involvement. Typically observers are not permitted in closed meetings, however on topics that are of direct interest, non-disclosure agreements could be signed to allow their attendance, subject to Board approval on an item by item basis.

In other communities where First Nations participate as observers, it is understood that this approach provides opportunities for relationship building, two-way mentorship and capacity building and generating interest in, and understanding of, regional governance as well as indigenous ways of knowing and decision making.

Observer status in BC is typically used by Treaty First Nations or soon-to-be-Treaty Nations to familiarize themselves with regional district governance before becoming full members when their final agreements conclude.

#### **Examples from other jurisdictions**

- Strathcona Regional District has, as “expanded observer” status, Ka:’yu:k’t’h’ / Che:k’tles7e’h’ First Nation which is one of the five Maa-nulth Treaty Nations. This Nation has its own designated seat at the table and the right to participate in debate and to submit items for the agenda.
- Huu-ay-aht, Toquaht, Uchucklesaht and Yuułuʔiłʔatḥ First Nations, originally sat as observers of the Alberni-Clayoquot Regional District board before joining as full members, once they finalized their Treaty.
- Westbank First Nation is a non-voting member of the Central Okanagan Regional District (CORD). Westbank’s appointed representative sits at CORD Board meetings and, by invitation, attends closed Board sessions. Services are provided under a 15 year general servicing agreement that includes all the services of a typical municipality. Some of the services are provided by Westbank to participating areas of the regional district such as law enforcement, snow removal recreation, utilities and public works. The terms and services provided under the agreement are discussed once a year and the parties meet every 5 years to review the agreement as a whole. The Westbank / Regional District of Central Okanagan and Sechelt (Self-government Agreement)

#### **2.1.3 Committee and Commission Membership**

Membership on Board Committees is at the call of the Chair. In 2016, CRD’s procedures bylaws were amended to create two seats for First Nations on the Core Area Liquid Waste Management Committee. The CRD Board could change its procedures bylaws, to allow for First Nations representation on all standing committees at which point the Chair could appoint First Nations representatives to those committees. First Nations members could be remunerated for their participation on those committees, similarly to how Alternates are remunerated.

### **Examples from other jurisdictions**

Metro Van has created an Aboriginal Relations Committee of the Board, made up of 13 Directors of which one is the Treaty First Nation that sits at the Board. (Appendix XX for more detail). This Committee meets quarterly and is supported by the Aboriginal Relations Division. The Committee is also tangentially linked to the work of a municipal working group, made up of staff from other municipalities and First Nations (see below under Technical Committees)

There are over 60 CRD Commissions, the composition and authorities of which vary. Some commissions are set up through letters patent and so may have limits to First Nations membership while other bylaws could be amended as approved by the CRD Board. Appendix C lists the Commissions and their respective structures.

There is (at least) one CRD Commission that currently has seats reserved for First Nations representation (Peninsula Water Commission) and the Advisory Committee of the JdF Water Commission also has a seat allocated to a First Nations representative.

There is a growing interest, on the part of both commission members and First Nations, to have greater First Nations representation on other CRD Commissions. For example, the Southern Gulf Islands Electoral Area (EASC) is working with the SGI Community Economic Sustainability Commission (CESC) to amend its bylaw to provide 4 seats representing the four Nations with Reserve lands on the islands ([link to the staff report](#)). Tsawout First Nation has expressed its interest in having representation on the Regional Water Commission.

Changes to the Commission structure to accommodate First Nations must be thoughtfully considered, to avoid unintended consequences. For example, overlapping territories will inform which communities should be approached for membership, and cultural and political protocols will inform the ability or the authority for one nation to represent another as a commission members. Equitable remuneration that acknowledges the draw on capacity and resources that participation demands must also be considered.

#### **2.1.4 Technical Committees**

The technical committee structure, operating at the staff level, is an increasingly common framework in other jurisdictions. Such a committee can be struck by the Board or can be initiated by staff outside the Board's direction.

### Examples from other jurisdictions

**Metro Vancouver** has a Treaty Nation Board member and 3 non-treaty neighbouring First Nations. Much of the relationship is fostered at the staff level through various technical committees: The Regional Administrative Committee, made up of CAO's from local government and First Nations, meet regularly. There are technical committees that are project specific and First Nations participate if there is a direct interest. For example, Musqueam staff attend Parks Committees for specific parks, Squamish staff attend the Lions Gate Wastewater project committee. There is also a Technical Committee whose purpose is to provide direct and quarterly updates to each of the First Nations on Metro Vancouver projects.

#### 2.1.5 Formal Agreements

Agreements in the form of Memorandums of Understanding (MoU), Protocol Agreements, Consultation Agreements or Community Accords can be useful tools for establishing expectations and protocols. The CRD has completed a comprehensive Cultural Use Access agreement with T'Sou-ke First Nation for the water supply lands and is in the process of developing a similar agreement for Cultural Use in the Sea to Sea Park. These two agreements build on the original MoU developed with T'Sou-ke in 2008 which laid out a blue-print for how to proceed in areas of collaboration. With the establishment of the Aboriginal Initiatives office, resources were allocated this year to foster the relationship and implement the spirit of the MoU.

Appendix D has links to a variety of formal agreements from other local government jurisdictions.

An example of a successful model for consultation has been developed by Parks Canada for the Gulf Islands Conservation Park, which has a requirement for deep consultation on park management. The W̱SÁNEĆ Leadership Committee was developed to facilitate regular and ongoing engagement and oversight. The W̱SÁNEĆ Leadership Committee is made up of 4 Chiefs, 4 Councillors, 4 Elders and a staff person. The committee is charged with providing oversight, guidance and is mandated to speak on behalf of the W̱SÁNEĆ Nations on particular matters. Parks Canada provides an annual contract for services.

This type of model would benefit CRD's engagement process by ensuring timely and deliberate discussion that would include feedback from First Nations on CRD projects where the current process tends to be an extra burden on their communities. However, this type of commitment will result in the requirement for additional staff and financial resources.

## 2.2 Options for a New Co-developed Framework

It was the original hope of the Task Force that through the engagement process, a new governance model, co-developed with First Nations, would be proposed within two years. More time is required to allow for the exploration of and familiarization with, our respective governments. As the number of interactions increases, the closer we are to identifying an approach that both respects indigenous laws and ways of making decisions, while acknowledging the regulatory framework in which the CRD operates.

For example, much has been learned through the negotiation process with T'Sou-ke First Nation in the development of a Traditional Access Agreement. Similarly, engagement with Songhees and Esquimalt Nations with the sewage treatment process and participation on the CALWMP and Westside Committees, the Shellfish Closure project, First Nations participation in Forum of Councils and the newly launched regional emergency management planning initiative are all bringing First Nations communities into the regional planning network.

These and other engagement activities, reveal a variety of ways to share knowledge and decision-making that resonates with First Nations and integrates well with their systems. With more time, there is little doubt that a model will be revealed that is supportable by all, makes CRD decision-making stronger and more inclusive, and is able to be sustained in the long-term.

Some of the concepts that have emerged so far include:

- Annual (or bi-annual) Committee of the Whole Meeting
  - with co-developed agenda topics.
  - decisions to be made by consensus.
  - meetings would not be considered 'consultation' with implied consent for any given topic, rather it would be a forum for information and perspective sharing
- Membership of First Nations on a Task Force, Standing or Select Committee
- Creation of a Leadership Council of south island First Nations, to provide guidance, referral responses and direction to the Board on specific areas of interest.
- Establishment of a staff technical committee from municipalities, Islands Trust and First Nations

### **3.0 RECOMMENDATIONS**

The Task Force recognizes that to meaningfully engage with First Nations, strong relationships must be built and maintained; from that foundation, a mutually agreeable approach to decision-making on a wide array of issues and interests will emerge. There is no single solution, rather a continuum of engagement that involves, but is not limited to:

- Greater accommodation in the form of staff and leadership resources as well as financial remuneration to support First Nations capacity to meaningfully participate
- Incremental development of protocols for referrals and information exchanges that build on real-world practice (versus conceptual approaches that have no practical application)
- Agreement on processes and procedures when First Nations and the region would come together on a regular and routine basis
- Better mechanisms / tools for on-going communications.
- Conflict resolution approaches, in the event a First Nation or Nations do not agree with a regional decision or approach.

The Task Force recommends a renewed commitment to the Board's priority of relationship-building with First Nations, with a focus on experimenting with various mechanisms for engagement. A suite of recommendations has been developed by the Task Force, as a blue print of support for the next phase of relationship building. The recommendations touch on the role of the Task Force itself, its relationship to the AIO and resourcing.

#### **3.1 Collection of Recommendations:**

1. To undertake a comprehensive review of the suite of policies and procedures bylaws for CRD Committees and Commissions with recommendations for proposed amendments that will allow for First Nations representation.
2. Continue to advocate, through UBCM, for changes to the Local Government Act that address complex legal issues raised for regional districts, with respect to non-treaty First Nation regional district membership.
3. At the next UBCM conference, hHst / facilitate an information / knowledge-share session with other local governments with First Nations participation within the governance structure, at the next UBCM conference
4. Dedicate a Committee of the Whole meeting, each year, to include First Nations Chiefs (and Councils where practical), with the agenda for that session to be co-developed with First Nations.
5. Direct staff to develop options for increased resourcing and financial implications to accommodate greater participation, engagement and reconciliation.

6. Extend the term of the Task Force to 2018, to coincide with the next Board strategic priority timeframe.
7. Expand the mandate of the Task Force to include support and oversight of the Aboriginal Initiatives office
8. Amend the Task Force Terms of Reference to include the possibility of First Nations representation
9. Change the name of the CRD Aboriginal Initiatives Office to First Nations Relations to better reflect the scope of the office and the focus on government to government relationship building
10. Expand the scope of the Aboriginal Initiatives Office to support municipalities in relationship building with First Nations in an effort to share emergent best practices, information sharing and efficiencies.
  - a. Activities and services could include:
    - i. Shared cultural training opportunities
    - ii. Facilitated inter-municipal and First Nations staff committee
    - iii. Clearinghouse for service agreements, contracts, protocols in the region; oversight and assistance in drafting agreements in support of consistency, equity and fairness
    - iv. Support for a collaborative approaches to Calls to Action from the Truth and Reconciliation Commission
11. Direct CRD Staff to be directed to survey municipal staff for interest and needs assessment and to report back to the Board with a proposed approach, including resources.

## **4.0 SUMMARY**

The Task Force has made significant strides in reaching out to First Nations, gaining a better understanding of the interests, the opportunities and the challenges to greater collaboration and decision-making between and amongst our respective governments.

Reconciliation and Indigenous resurgence is a national priority, and the next decade promises a significant shift in the role and participation of First Nations in nation-building. Local government has a responsibility to support its First Nations neighbours in their economic development and community-building aspirations, and we have an obligation to our constituency (residents) to ensure a strong, seamless and sustainable relationship with our neighbouring governments.

### **4.1 Resources**

The Task Force supports the thoughtful and often 'deep' engagement undertaken by the Aboriginal Initiatives Division in its first few years of operation, and asserts the importance of continuing the work and the time commitment and the resources required to foster greater understanding, familiarity and strong, resilient relationships.

As the field of "First Nations relations" continues to evolve and inevitably becomes a discipline, the Board's direction will inform the shape and tenor of this area of interest for the CRD. The Task Force is well situated to provide that guidance to the AIO with direct and ongoing accountability to the Board.

The added administrative work of supporting the Task Force in an oversight role, as well as the additional workplan that will inevitably be directed to staff, requires a two-year term position of 0.5 FTE to the existing 1.5 FTE staff complement that makes up the Aboriginal Initiatives Office. Additional funds will be required for the remuneration of First Nations leaders to attend formal meetings. Budgeting for bi-annual meetings with 20 First Nations attendees receiving a \$100 honorarium, results in a funding requirement of \$8,000 over the course of two years. No new funding is required at this time, as funds to support this increase in resources can be drawn for the AIO's reserve fund.

## **4.2 Reporting**

Within the first quarter of 2017, the Task Force will produce a workplan for Board approval, which will address an approach for further governance discussions with First Nations leaders, as well as identification of key policy and procedure reviews to be undertaken.

The Task Force will report quarterly either directly to the Board, or by way of a Committee, at the call of the Chair.

## **4.3 Alignment with Board's Strategic Priorities**

The Board has made relationship building with First Nations a strategic priority specifically:

- Organizing Board Training and education on First Nations' traditions, culture, history and approaches
- Exploring the feasibility of hunting protocols in CRD lands in recognition of the Douglas Treaty
- Investigating ways to best support First Nations economic development activities in co-operation with local government partners
- Completing the work of the Special Task Force on First Nations engagement
- Supporting dialogue between the public, municipalities, electoral areas and First Nations

The recommended actions in this report are all linked to these strategic priorities.

## Appendix A – Summaries of Delegations to First Nations

### TSEYCUM FIRST NATION

Date of Event: April 17, 2015

Location: Tseycum First Nation Band Office

Representing the CRD:

- Ex Officio, Chair Nils Jensen
- Director Ryan Windsor
- Staff from Aboriginal Initiatives, Sue Hallatt and Erich Nahser-Ringer

Representing Tseycum First Nation:

- XÁLÁTE – (Chief Jacks)
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XÁLÁTE began by first thanking the CRD for coming to Tseycum and welcoming the delegation to their community. He said this conversation is a good start and is long overdue. Communication is key to a strong relationship and all he asks is for the CRD to communicate with his government about regional decision making.

Policies have been a hurdle for Tseycum. They are often used as a shield to defend this or that action that is not beneficial to the First Nations peoples of this land. The shield needs to be brought down in order to honour the rights of the Douglas Treaty. XÁLÁTE: “Are you the local government willing to support us on the Douglas Treaty?”

XÁLÁTE also mentioned that his Nation is not just concerned with decisions made in the CRD, but other regional districts that reside in their Traditional Territory. Tseycum needs help protecting the natural environment.

Key issues:

- the cost of fresh drinking water,
- polluted shorelines / access to shellfish,
- desecration of ancestors / archeological protocols,
- potential relocation of CVRD sewage outfall to Satellite Channel.

Regarding participation on the Board, XÁLÁTE acknowledged that Tseycum would like to sit and share knowledge with the Board. He said that it is time to “cut the strings that separate us and start working together”. Chief Jacks does not feel he needs to be a part of all decision making at the CRD, only issues that affect First Nations such as fish, parks, land, food, and data sharing.

## **TSAWOUT FIRST NATION**

Date of Event: May 21, 2015

Location: Tsawout First Nation Band Office

Representing the CRD:

- Director Ryan Windsor
- Director Maja Tait
- Staff from Aboriginal Initiatives, Sue Hallatt and Erich Nahser-Ringer

Representing Tsawout First Nation:

- Chief Harvey Underwood
- Councillor Samantha Etzel
- Councillor Louis Claxton
- Councillor John Wilson
- Cathy Webster
- Councillor Stanley Sam
- Councillor Allan Claxton
- Councillor Elizabeth Hermsen
- Administrator Eric Pelkey

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Chief Underwood welcomed the Task Force.

The many initiatives between the CRD and Tsawout were discussed including the sewage treatment plant, discussions around the land-use referral initiative called WSANEC Connect, stormwater monitoring and Tetayut creek monitoring. There are also service agreements for building inspection, fire protection and a source control agreement to prevent grease from damaging Tsawout's sewage treatment system.

The recently developed watershed maps that show the health of the watershed in the area were shared with Tsawout.

Representation on the CRD Board has been an ongoing issue for Tsawout. It was recalled that this topic was discussed with the Chief and Council 30 years ago. Tsawout has representation on the Peninsula Water Commission but that is not enough.

Legal cases are bringing meaningful consultation forward however the exclusion of First Nations under the *Local Government Act* is "an insult".

Tsawout staff provided background to the Douglas Treaty that stemmed from the Royal Proclamation of 1762 that stated that the Crown had to enter into treaty with the legal owner of the land. "This has led us to where we are today." Tsawout is not part of the BC treaty process and never will be. "Canada and the Province don't recognize our pre-confederation, constitutionally protected treaty." As a practical example of how this plays out, Tsawout wanted to put a sign on the highway pointing to their Nation's reserve land and were told that because they weren't legally part of BC they would not be permitted.

Key issues:

- Concerns regarding agreement for sewage overflow from the CRD system utilising Tsawout's system
- Outstanding service contract to engage CRD to inspect grease traps
- Land use referrals and capacity to fully engage
- Closures of traditional shellfish harvesting sites
- Leachate / pollution into Saanich Inlet
- Biosolids as a valuable resource, going to waste
- Cost of drinking water
- Overall health of WSANEC territory

Closing remarks – Tsawout would like to work with the CRD to produce better solutions for the region.

### **WJOŁEŁP (TSARTLIP) FIRST NATION**

Date of Event: July 03, 2015

Location: Tsartlip First Nation Band Office

Representing the CRD:

- Director Ryan Windsor
- Task Force Chair, Marianne Alto
- Ex Officio Chair, Nils Jensen
- Staff from Aboriginal Initiatives, Sue Hallatt and Erich Nahser-Ringer

Representing Tsartlip First Nation:

- Councillor Gord Elliot
- Councillor Joni Olsen
- Councillor Simon Smith Jr.
- Councillor Verna Ellsworth
- Administrator Karen Harry

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The Task Force was welcomed to the table. It is important to acknowledge the traditional territory. Tsartlip would like to see a change from a consultation paradigm to one of more consent.

Further discussion about erosion of natural resources due to development and the fact that serious changes are needed to protect the environment. "We believe you (CRD) play an important role in protecting the environment and our part is integral to that."

Tsartlip acknowledged efforts by the CRD in the RGS and the CRD's efforts in sensitive areas. Tsartlip has 3 reserves with ~ 1100 members and that they continue to strive in local economic development projects. They face difficult decisions to make for their community and they are looking forward to some meaningful dialogue.

It is difficult to square the Nation's federal connection and to connect the dots to local government and the CRD. The Nation works with the Department of Fisheries to address the Douglas Treaty rights, but it is not clear how CRD fits into the picture. In order to make effective change, it would be helpful to understand better how CRD is structured.

Capacity is an issue if Tsartlip is to sit on committee positions in order to fully participate in regional decisions.

Key issues:

- Marine sewage
- Runoff / pollution to the Todd Inlet
- Stormwater damage to local creeks / watersheds
- Economic development opportunities
- Environmental stewardship
- The draining of Mayber Flats
- Loss of critical habitat
- Access to traditional medicines
- Barriers created by the complexity of bureaucracy and many levels of government

Final comments expressed a desire to have a follow up meeting which focusses on the structure, funding and decision-making framework of the CRD.

The meeting concluded with a promise to have a follow up presentation from the CRD explaining how it operates and how it relates to WJOLELP First Nation.

### **BOKÉCEN (PAUQUACHIN) FIRST NATION**

Date of Event: August 17, 2015

Location: Pauquachin First Nation Band Office

Representing the CRD:

- Task Force Chair, Marianne Alto
- Staff from Aboriginal Initiatives, Sue Hallatt and Erich Nahser-Ringer

Representing Pauquachin First Nation:

- Chief Rebecca Harris
  - Councillor Darlene Henry
  - Councillor Alan Tom
  - Councillor Herman Henry
  - Councillor SI,OLTENOT (see-el-te-not) Madeline Bartleman
  - Acting Administrator Thelma
-

The Task Force was welcomed to the table.

Task Force Chair Marianne Alto opened with appreciation and gratitude for receiving the delegation on Pauquachin Territory.

The newly elected Chief noted that it is time to learn more about local government, the CRD and she is interested in engaging more.

It was noted that it appears that everything the CRD does, Pauquachin also does but on a smaller scale. "We have an interest in all those things that you mentioned in your presentation."

It is important for Pauquachin that the Douglas Treaty be recognized by any table that they sit at.

There was an interest to see an organizational chart that outlines how the CRD works for better understanding of how Pauquachin can relate to the CRD.

The meeting concluded with a promise of further conversation and information sharing about the CRD and ideas for shared governance.

### **T'SOU-KE FIRST NATION**

Date of Event: September 18, 2015

Location: T'Sou-ke Band Office

Representing the CRD:

- Task Force Chair, Director Marianne Alto
- Ex-officio chair Nils Jensen
- Director Ryan Windsor
- Director Maja Tait
- Staff from Aboriginal Initiatives, Sue Hallatt and Erich Nahser-Ringer

Representing T'Sou-ke Nation

- Chief Gordon Planes
- Councillor Alan Planes
- Councillor Rose Dumont

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Chief Planes welcomed the CRD to T'Sou-ke territory. He acknowledged the importance of having strong working relationships with neighbouring jurisdictions to support T'Sou-ke. Chief Planes spoke about Aboriginal rights within Canada and locally with the Douglas Treaty. He acknowledged that the Douglas Treaty was signed by various Chiefs as a *partnership agreement* with the newcomers. Chief Planes sees the Te'mexw Treaty as being a way to "fix the old things that are wrong with the relationship".

The T'Sou-ke people have always been stewards of the lands. They want to work with the CRD to continue as stewards of the park lands and watershed lands. The T'Sou-ke people are forward thinking and image what this place will look like in 100 years from now.

Land is critically important to the T'Sou-ke people because their culture, their way of life, their language and their medicines are linked to the stewardship of the land. "Our discussions when it comes to lands involve imagining fences around the lands that weren't there when we signed the [Douglas] treaty...it is good to establish words in stone so that our future will be preserved...we have to look at how we communicate about hunting and fishing."

Chief Planes believes that a relationship must start around formal recognition and that if the government could agree on formal recognition "we'd go a long way (together)." It is important to T'Sou-ke that these sacred sites and burial sites remain in their hands. It is important to do things in a respectful way, important that local governments formally recognize indigenous culture and spirituality.

Formal recognition lays the groundwork for agreements that are iron clad. The Chief is interested in drawing up formal agreements. He knows there are other examples of cooperation and partnership that can be duplicated from other jurisdictions, such as Cowichan Tribe's participation as Co-chair on the Cowichan Watershed Board.

Councillor Planes expressed his support for CRD's initiative in building relationships with T'Sou-ke by coming out and meeting with Chief and Council. With each visit, everyone learns a little bit more about each other.

Councillor Dumont looks forward to future meetings and decisions about either sitting on the Board or an alternative that supports shared governance.

Key issues:

- Access to land for cultural purposes
- Hunting and fishing in their traditional territory
- Economic development
- Stewardship of the land

## **ESQUIMALT NATION**

Date of Event: November 09, 2015

Location: Esquimalt Nation Administration Office

Representing the CRD:

- Task Force Chair, Marianne Alto
- Ex Officio Chair, Nils Jensen
- Staff from Aboriginal Initiatives, Erich Nahser-Ringer

Representing Esquimalt Nation

- Chief Andy Thomas
- Administrator Janice Rose

Discussion began with reflections on the recent economic development summit that Chief Thomas and Chair Jensen attended. The Chief spoke about the economic opportunities that have been lost to his people over time. "We've been facing a lot of hurdles in terms of economic development. We have a vision and sometimes it takes a generation to achieve that. We are trying to find our place in our own land."

The Chief talked about how he stopped travelling in 1992 and decided to focus here at home on building relationships. Mayor Alan Lowe was a big part in that for him and they have had a good relationship with Victoria since that time.

The Chief spoke about some of the struggles for his community. He said that it is a struggle for capacity with Esquimalt Nation because when a crisis happens it puts everything else on hold and crises happen often enough.

He appreciates that the CRD wants to build partnerships with First Nations and believes it's hard to get 9 nations together but that it would be good to try to do so. It is important to understand that each community has their unique challenges that they are working to address. "The cycle of poverty binds our Nation and stops us from living like the rest of the world. If we build partnerships it has to be something real so that we can be involved in the economy."

A discussion ensued regarding the CRD as a service delivery model, and the work the Task Force is undertaking to find a way for First Nations to participate in regional decision making.

Chief Thomas stated that he is not overly familiar with the CRD and it was agreed that a follow-up presentation on the CRD's structure would be beneficial to be able to move this conversation forward.

The Chief has asked for a seat at the CRD for a long time. In terms of CRD initiatives he has an interest in being able to access financing for housing, working together on sewage treatment and having access to the drinking watershed or other CRD lands for Winter Ceremonies.

Discussion finished with a desire to have another presentation about the CRD and to have a larger presentation about what some other Regional Districts have done in terms of First Nations representation.

### **WSIKEM (TSEYCUM) FIRST NATION (SECOND VISIT, NEWLY ELECTED CHIEF AND COUNCIL)**

Date of Event: November 10, 2015

Location: Tseycum First Nation Band Office

Representing the CRD:

- Ex Officio Chair, Nils Jensen
- Director Ryan Windsor
- Staff from Aboriginal Initiatives, Erich Nahser-Ringer

Representing Tseycum Nation

- Chief Tanya Jimmy
- Councillor Brian Jimmy

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The Chief welcomed the CRD to Tseycum and emphasized the importance of Tseycum's involvement in (local government) matters whenever they are able. They have received a mandate from their community to work on generating economic development, building housing for community members and to continue to practice Douglas Treaty rights in order to keep the community fed.

There was discussion about how the CRD operates as a service delivery model for the municipalities. It was recognized that some of the Chiefs in the area have said that they want to be a part of the decision making and the CRD is now working to figure out how that can be done.

There was a discussion about CRD water services to Tseycum First Nation and what happens in case of a drought. The Chief is concerned about drought years in the future.

Chief Jimmy expressed her interest in "moving forward" and that Tseycum wants to be an active, involved participant; they want to work on practical day-to-day activities in order to build experience at the "lower level" and work up to higher level governance such as the CRD Board.

The Chief's goal is to look after the six generations that come after them. She wants to see Mother Earth taken care of and wants to be a part of that legacy of change for the next generation. Chief Jimmy would like to see more engagement and is happy to start anywhere that is appropriate, with the CRD.

In closing, Chief Jimmy offered herself as a resource in connecting to the other Nations or bringing information that the CRD might be looking for.

## **SONGHEES FIRST NATION**

Date of Event: November 18, 2015, 6:30 pm

Location: Songhees Wellness Centre

Representing the CRD:

- Task Force Chair, Marianne Alto
- Director Ryan Windsor,
- Ex Officio Chair, Nils Jensen
- Staff from Aboriginal Initiatives, Sue Hallatt

Representing Songhees First Nation:

- Chief Ron Sam
- Councillor Gary Albany
- Councillor Jackie Albany
- Councillor Frank George
- Councillor Karen Tunkara
- Councillor John Rice Jr.
- Administrator Christina Clarke
- Director of Programs and Services, Danny Henry

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Chief Sam welcomed the CRD to Songhees. He acknowledged the growing relationship and number of common areas of interest between Songhees and the CRD. He invited the delegates to begin the conversation.

Board Chair and Ex Officio member of the Task Force, Nils Jensen reflected on the CRD Board's strong priority in reaching out to First Nations governments to begin the good work of building enduring relationships. Evidence of this commitment is the creation of the Aboriginal Initiatives Office, which reports directly to the Board's Governance Committee and the creation of this Special Task Force.

Task Force Chair Marianne Alto spoke about the mandate of the committee and gave an overview of the Nations the Task Force has met and summarized the messages the members had received so far.

Ryan Windsor acknowledged Songhees's leadership in calling for greater participation by First Nations in regional matters and acknowledged that it was the Chief's delegation to the CRD Board, requesting full membership on the Board that sparked this Task Force.

Chair Alto spoke about the legislative barriers to membership that fall within the purview of the Province.

Chief Sam noted that Songhees met with the Premier and broached this issue.

The Task Force members noted that the Board had sent a letter to the Premier and also met with the Premier during a very short meeting as part of the UBCM convention.

All parties agreed to keep each other in the loop as discussions progress.

Christina Clarke mentioned that they were asked by UBCM organizers to (2016 convention to be held in Victoria BC) to present on First Nations Tax Authority.

The Task Force members also suggested that the Board would also benefit from learning more about FN Tax approaches and it was agreed that staff would work with Christina to schedule a presentation to the Board.

The meeting ended at 7:00 pm

### **MÁLEXEĒ (MALAHAT) NATION**

Date of Event: August 29, 2016

Location: Malahat Nation Administration Office

Representing the CRD:

- Director Rick Kasper (Alternate for Director Tate)
- Staff from Aboriginal Initiatives, Sue Hallatt, Erich Nahser-Ringer

Representing Malahat Nation:

- Chief Caroline Harry

- Councillor Vincent Harry
  - CEO Renee Racette
  - Administrative Assistant Miya Inkster
- 

Director Kasper expressed gratitude for Malahat Nation welcoming the CRD and conveyed the purpose of the CRD coming was to engage in areas of common interest. It was referenced that the Water Supply Area and other CRD lands are within the traditional territory of the Malahat peoples.

Chief Harry welcomed the CRD and said that the door is always open to meeting with other levels of government.

**CRD representatives discussed:**

- the infrequent communications that they have had with Malahat
- recognition that Malahat is a member of the WSÁNEĆ family
- the purpose of the Special Task Force on First Nations engagement.
- CRD's interest in "becoming whole" by including First Nations in governance and decision making;
- CRD's appreciation for the impact land use decisions can have on Malahat's interests
- The potential interest of Malahat's leadership in participating in decisions of regional concern

Malahat brought up some of their more challenging relationships with other government agencies and expressed support for a more proactive approach towards relationship building.

Malahat further conveyed the following messages:

- It is important to have lines of communication with other levels of government and it is optimal if this is formalized, perhaps in the form of an annual meeting or a one page agreement that lays out how parties can talk to each other.
- There is an important opportunity for Malahat and CRD to model good relationships for other levels of government to witness and build upon.
- It is a good sign that local government has invested in an office dedicated to relationship building with First Nations.
- Malahat is working on a consultation policy and would like to workshop that policy with the CRD.
- Malahat believes that consultation is a two-way responsibility and is committed to keeping its neighbours informed as to the Nation's development aspirations;
- Malahat also has an interest in understanding what decisions the CRD makes that impacts Malahat's decisions.
- Referrals can take up significant resources, but timely responses to referrals is important to Malahat.
- When governments include First Nations, this can showcase what is possible to other governments.
- Malahat Nation is poised for significant and exciting economic development in the near future;
- The Chief mentioned that as a leader, she is also focused on learning more about language, culture, history, treaty rights and family connections. People are coming to help in this regard and such support is welcomed by Malahat.

Summary Comments:

The CRD has come to understand the importance of building strong relationships with First Nations as a foundation on which to build government to government protocols. Because Malahat's primary local government relationship will be with the CVRD, it will be helpful to establish ongoing communications with CRD; the Board would prefer direct channels with Malahat so that any decisions or discussions are not received second hand or in the media and Malahat feels confident it can approach the CRD with its concerns.

Director Kasper framed his perspective by saying: "It's about negotiating the needs and wants of each community, it is not a *problem* discussion but rather an *opportunity* discussion."

The CRD has begun to include First Nations Chiefs and Councils in the bi-annual Forum of Councils events with the hope of holding regular *all council* gatherings to discuss emerging topics of common interest. The first Forum of Councils was held in June 2016 around the topic of Indigenous Cultural Training. Future topics include Food Security (October 2016) and Adaptation to Climate Change (Nov. 2016).

The CEO will try to make sure a technician or other representative from Malahat attends future meetings of this kind.

A map of the region was left with Malahat Nation and gifts were shared with the attendees.

**Next Steps / Action Items:**

- Both the CRD and Malahat are keen to have a follow-up meeting.
- CRD staff will meet with Malahat Lands Department to begin the work of establishing a communications protocol between the two governments.
- The CRD will extend invitations to Malahat Nation to future Forums of Councils or other relevant regional meetings.
- The CRD also offered support in terms of connecting to regional counterparts with the CVRD as well as any mapping resources they may need.

## Appendix B – Examples from other jurisdictions

### METRO VANCOUVER

One Treaty FN sits on the Board (Tsawassen)

- They did not sit as an observer before Treaty but rather had workshops and meetings with Metro representatives to get an understanding of the governance system

Regional Administrative Committee

- Composed of all the CAOs in Metro Van
- First Nations staff attend these meetings
- Formal meetings that take place regularly throughout the year

Technical Committee for parks or specific projects

- Separate staff committees with staff from different First Nations
- Musqueam staff and Metro Van staff on a parks committee for a specific parks
- Squamish staff on Lions Gate Wastewater project committee
- Meets at least quarterly depending on the project
- Committees were set up by staff and did not need direction from the Board

Technical Committees to update First Nations on projects

- Three separate meetings with three separate First Nations
- Take place every three months
- Aboriginal Relations staff, technical staff and staff from First Nations
- Terms of Reference is to update First Nations on projects
- Found to be more effective than sending letters

*Other general notes:*

- Committees were mainly initiated by Metro Van after hearing feedback from First Nations however, recently a new committee was suggested by Musqueam First Nation.
- Metro Vancouver does **not** pay meeting fees, they were clear from the beginning that they would not be compensating these meetings
- Regional Politicians and FN elected leadership have had informal breakfast meetings before Aboriginal Relations Committee meetings
- Metro regularly engages with 3 of the non-Treaty FNs in addition to the Treaty FN that is a member. There is very little engagement with the other First Nations, who have not, as yet, expressed interest.

## **REGIONAL DISTRICT OF CENTRAL OKANAGAN**

Westbank First Nation has signed a self-government agreement with the Province

- They were invited to participate as an observer member by the Regional District Board
- Observer can't vote, move motions or put items on the agenda but they can speak to any item that is on the agenda
- Westbank pays in the wastewater treatment service and sits on that committee as a member
- Sometimes staff members attend on the committee instead of the elected councillor who attends the Board meetings

The Regional District of Central Okanagan has no other standing committees as it is all dealt with through Board meetings.

They have a services agreement:

[http://www.civicinfo.bc.ca/Library/First Nations Service Agreements/Services Agreement--CORD Westbank First Nation--2007.pdf](http://www.civicinfo.bc.ca/Library/First_Nations_Service_Agreements/Services_Agreement--CORD_Westbank_First_Nation--2007.pdf)

And a protocol agreement:

[http://www.civicinfo.bc.ca/Library/First Nations Service Agreements/Protocol Agreement--CORD Westbank First Nation--1999.pdf](http://www.civicinfo.bc.ca/Library/First_Nations_Service_Agreements/Protocol_Agreement--CORD_Westbank_First_Nation--1999.pdf)

The protocol agreement outlines meetings at least twice a year to discuss issues of mutual concern. Recently they met regarding issues of Regional parks.

The Regional District of Central Okanagan also shares a border with the Okanagan Indian Band however they don't deliver any services to that community and they do not have a relationship with them.

## **REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN**

The Regional District of Okanagan Similkameen as a protocol agreement with three First Nations which form part of the Okanagan Nation of the Region - <http://www.rdos.bc.ca/departments/office-of-the-cao/community-to-community-relations/>

Staff Steering Committee on First Nations issues

- Senior Staff and Band Managers meet to discuss common issues
- Meet every 6 weeks to 2 months
- Relationship Building meetings and to discuss projects or issues

Joint council meetings twice a year

- Composed of 3 of the Chiefs, The Chair, Vice Chair and 1 other Director
- They receive reports from the Staff Steering Committee
- The Regional District has a task to look at including FN membership on their Board in 2017

#### Celebrate the Anniversary

- Ceremony every year to celebrate signing of the protocol agreement (It's been three years since it was signed)

#### Referrals working group

- Land use departments from the First Nations and planning departments from member municipalities and the Regional District are meeting to discuss how to better do referrals
- Referrals are not paid at the moment but First Nations have indicated that they would like compensation for their time

#### **ALBERNI-CLAYOQUAHT REGIONAL DISTRICT**

- There are now 4 Board members from Treaty First Nations who sit on the ACRD Board, the Board totals 14 members.
- Before First Nations joined they sat as Observer members where they could participate in discussion but could not vote or move motions
- The Treaty First Nations had up to 10 years to join as formal members however they have all now joined the board.
- Under the treaty the First Nations have to join the general government services and the Hospital district, all other services were up for negotiation.
- The ACRD also has several service agreements with some of the First Nations around Fire services and Building Inspection
- First Nations sit on committees for geographical areas and for specific projects at the appointment of the Chair
- The ACRD sends all of its Board minutes and agendas to all other neighbouring First Nations who may attend to watch from time to time if there is an issue that concerns them

Orientation manual For ACRD and Maa-nulth Treaty Nations Cooperation -  
<http://www.acrd.bc.ca/cms/wpattachments/wpID320atID1233.pdf>

# Appendix C – CRD Commissions



## Appendix D – Formal Agreement Examples

A number of non-treaty First Nations are participating in local government activities within the existing legislative framework. Examples include:

- The City of Penticton and Penticton Indian Band have an [agreement](#) on joint economic development, land use and revenue sharing;
- The City of Kimberley and Ktunaxa Nation have a [Memorandum of Understanding](#) (MOU) to explore opportunities in economic projects, infrastructure, services, emergency preparedness and events;
- Sts'ailes First Nations and Fraser Valley Regional District have a [MOU](#) and Intergovernmental Relations Protocol) with plans to work together on economic development, land use, emergency services, and transportation;
- The District of Ladysmith and the Stz'uminus First Nation have a [Community Accord](#) guiding their work together on joint initiatives and partnerships, and;
- The Songhees Nation and Esquimalt Nation are voting members on the Core Area Liquid Waste Management Plan Committee (CALWMP) of the CRD Board

Non-treaty First Nations also sit as ex-officio (non-voting) members on the following regional district boards:

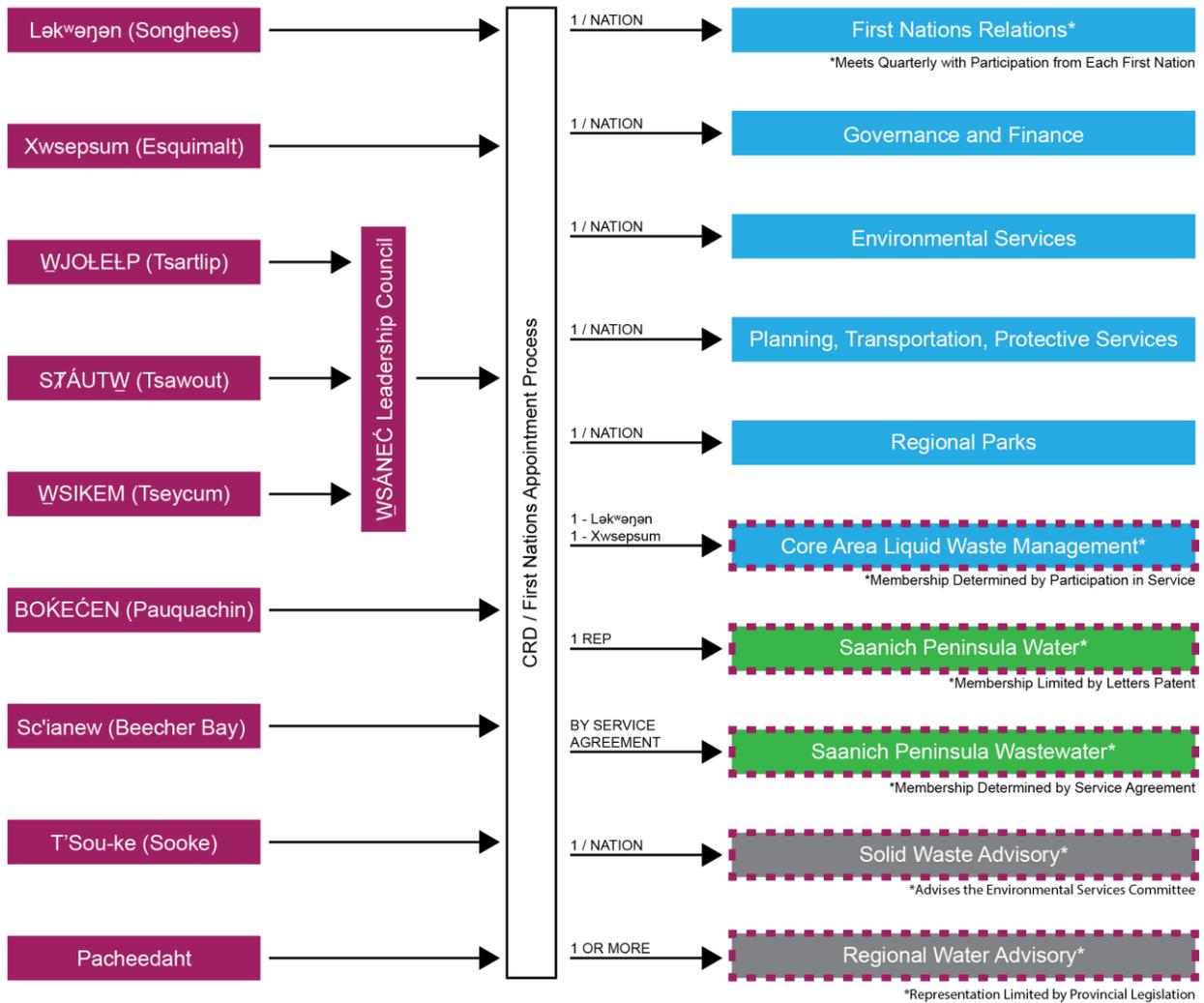
- Westbank First Nation / Regional District of Central Okanagan and
- Ka:'yu:'k't'h' / Che:k'tles7et'h' First Nation / Strathcona Regional District
- The Toquaht and Uchucklesaht Nations were ex-officio members of the Alberni-Clayoquot Regional District board before joining as TFN members

### Protocol Agreements and MOUs:

Formal protocol agreements and MOUs are typically a first step towards deeper participation and collaboration. They are usually high-level agreements between two or more parties to work together on areas of mutual interest. Often they acknowledge the history and rights of both parties and *may* include specific points like a certain number of meetings per year to ensure continued dialogue or dispute resolution processes for the parties. There have been attempts to craft protocol agreements between the CRD and First Nations, but none executed, with the exception of a 2008 Relationship MoU with T'Sou-ke. There are some protocol agreements in place within the CRD with First Nations, including a 2011 Relationship Agreement between the District of Central Saanich and Tsartlip First Nation. This Relationship Agreement serves the intended purpose of supporting a stronger connection between the local government and the First Nation. There are numerous examples from across BC, including:

- Powell River Regional District - Tla'amin First Nation protocol agreement
- Squamish-Lillooet Regional District - Lil'wat First Nation
- Caribou Regional District – Williams Lake Band protocol agreement

## APPENDIX B: MODEL FOR FIRST NATIONS INCLUSION



**LEGEND**

- First Nations can participate at these tables under current Terms of Reference or establishing Bylaw
- Committee or Commission established & appointed by Board
- Standing Committee established & appointed by Board Chair
- Committees or Commissions established & appointed by Board report through another committee
- Provincial legislation determines membership

Provincial legislation limits the ability of including First Nations so an advocacy approach is recommended.

- ADVOCACY → Regional Water Supply
- ADVOCACY → JDF Water Distribution
- ADVOCACY → CRD Board

## APPENDIX C: FIRST NATIONS INCLUSION CHART

### CRD & FIRST NATION INCLUSION

Governance Body	Current Status	Proposed Status	Notes
First Nations Relations Committee	0	1 Seat Per Nation	Proposed approach is to bring together nine First Nations' elected representatives and nine CRD Directors quarterly to monitor progress on advancing the Board Priority of First Nations Reconciliation.
Governance and Finance Committee	0	1 Seat Per Nation	Create space for each Nation to have a single elected representative participate on matters that are of interest to their First Nation.
Environmental Services Committee	0	1 Seat Per Nation	
Planning, Transportation & Protective Service Committee	0	1 Seat Per Nation	
Regional Parks Committee	0	1 Seat Per Nation	
Core Area Liquid Waste Management Committee	2	2	Bylaw No. 3999 amended the Procedures Bylaw to include Songhees and Esquimalt First Nations as full participants of this committee. Participation on this is service-based and remains specific to Songhees and Esquimalt First Nation elected representatives.
Saanich Peninsula Water Commission	1	1	The Letters Patent allows for two members, appointed annually, each of whom shall be a resident of the participating municipalities but not from the CRD Board, Central Saanich, North Saanich or Sidney. Because of the residency requirement only a representative from Tsawout or Tsartlip First Nation is eligible. Additionally, in 1997 the CRD identified that it would look to use these two seats to engage both a representative from the agricultural community and a First Nation.
Saanich Peninsula Wastewater Commission	N/A	N/A	Under the Letters Patent, one representative from each service recipient that has concluded a written Service Agreement for capacity in the Peninsula Treatment Plant can serve a two-year term. Staff are currently working with First Nations on the Saanich Peninsula to explore interest and opportunity to engage in service agreement discussions.
Solid Waste Advisory Committee	2	1 Seat Per Nation	Create space for each Nation to have a single elected representative participate on matters that are of interest to their First Nation.
Regional Water Advisory Committee	1 or More	1 or More	The <i>Capital Region Water Supply and Sooke Hills Protection Regulation B.C. Reg. 284/97</i> lists members for the Advisory Committee, including that a First Nation may be invited to provide a representative provided there is a vacancy on the Advisory Committee.

## ADVOCACY FOR INCLUSION

Governance Body	Current Status	Proposed Status	Notes
Regional Water Supply Commission	N/A	N/A	The <i>Capital Region Water Supply and Sooke Hills Protection Act</i> and <i>Capital Region Water Supply and Sooke Hills Protection Regulation B.C. Reg. 284/97</i> establish the membership for the Regional Water Supply Commission and the participation of First Nations would require an amendment to the act and regulation.
JDF Water Distribution Commission	N/A	N/A	
CRD Board	N/A	N/A	S. 196(1) and S. 253(1) of the <i>Local Government Act</i> limit First Nation participation on the CRD Board and advancing this interest will require an amendment to the act.

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4368**

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**A BYLAW TO AMEND BYLAW 3828, "CAPITAL REGIONAL DISTRICT  
PROCEDURES BYLAW, 2012"**

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**WHEREAS:**

- A. Bylaw No. 3828 regulates the proceedings of the Capital Regional District Board and establishes how the Board Standing Committees, Select and Advisory Committees, Commissions and other appointed bodies of the Board operate within CRD governance;
- B. The CRD Board approved a Statement of Reconciliation in October 2018 that includes supporting First Nations in participating in CRD decision-making processes and looking to First Nations for leadership in understanding how to create new decision-making systems;
- C. The 2019-2022 CRD Board Priority of First Nations Reconciliation includes looking to First Nations for leadership in understanding how to create new regional planning and decision-making systems together on their Traditional Territories; and,
- D. The Board wishes to amend Bylaw No. 3828 to allow for First Nations' elected representatives to participate on Board Standing Committees, Select and Advisory Committees, Commissions and other appointed bodies of the Board.

**NOW THEREFORE**, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

- 1. Bylaw No. 3828, "Capital Regional District Board Procedures Bylaw, 2012" is hereby amended as follows:

- (a) By adding a definition for a First Nation Member to Section 1 to state:

**"First Nation Member"** means a First Nations' elected representative who is permitted to participate on an Advisory Committee, Select Committee, or Standing Committee by the relevant Terms of Reference and includes their alternate if acting in the place of a First Nation Member;

- (b) By replacing Section 26(2)(b), "An elected representative and alternate from each of the Songhees Nation and the Esquimalt First Nation Councils may be appointed to a committee established for the purposes of the Core Area Liquid Waste Management Plan."

In its entirety with:

Where a Board Standing Committee Terms of Reference allow a First Nation Member to participate;

- (c) By changing Section 32, "The quorum in a Standing or Select Committee shall be a majority of the persons appointed to the Committee."

In its entirety with:

The quorum in a Standing or Select Committee shall be the majority of the Persons appointed to the Committee, but shall not include First Nation Members.

(d) By adding section 33(2)(c) and (d) as follows:

(c) First Nation Members are permitted to abstain from voting on an item, provided that they declare their abstention prior to the vote being called on the item.

(d) When an abstention from voting on an item is declared by a First Nation Member, it shall be noted in the meeting minutes and the total number of votes on the item shall not include those First Nation Members who have abstained from voting.

(e) By adding a Section 35(6) to "Procedures for COW Meetings" to state:

First Nation Members may attend COW when invited in advance by the Board Chair.

(f) By adding a new section 39 as follows:

The provisions of sections 22 and 24 of this bylaw that apply to Members shall apply to First Nation Members.

(g) By renumbering sections 39 and 40.

2. This Bylaw may be cited for all purposes as "Capital Regional District Board Procedures Bylaw, 2012, Amendment Bylaw No. 11, 2020."

READ A FIRST TIME THIS	the	day of	2020
READ A SECOND TIME THIS	the	day of	2020
READ A THIRD TIME THIS	the	day of	2020
ADOPTED THIS	the	day of	2020

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER



Making a difference...together

## REPORT TO FIRST NATIONS RELATIONS COMMITTEE MEETING OF WEDNESDAY, SEPTEMBER 30, 2020

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**SUBJECT**     **First Nations Economic Development Partnership Model**

### **ISSUE SUMMARY**

This report seeks approval of a recommendation to the CRD Board of Directors to receive the *CRD First Nation Economic Development Partnership Model Feasibility Study Report, 2020* (the Report) attached as Appendix A for information.

### **BACKGROUND**

In October 2018, the CRD approved the *Special Task Force on First Nations Relations Final Report* which included a recommendation under reconciliation through economic development that the Board direct staff to undertake a feasibility study for an Indigenous Economic Development Partnership Model to be considered by the incoming Board.

At the same time, the CRD approved a Statement of Reconciliation which includes the following theme:

**Shared Prosperity** – The CRD recognizes the gap in wealth between First Nations and settler governments. The CRD will work towards a prosperous economic future for all of its residents and believes that improving the lives of the most vulnerable citizens creates a stronger and more resilient region for everyone. The CRD will seek partnerships, share information and deliver fair and equitable services in working with First Nations on achieving their economic goals.

Through 2019 and into 2020, the Indigenomics Institute, on behalf of the CRD, directly engaged eight of the nine First Nations with occupied reserve lands within the capital region. This engagement allowed these First Nations to share interests, opportunities and barriers around economic development, current relationship with the CRD, and potential actions supporting First Nations' economic inclusion within CRD services.

The model presented within the Report is based on understanding the social/cultural, environmental and economic characteristics of each First Nation, the identified principles underpinning model development, and a consideration of strategic opportunities within CRD programs and services. The specific recommendations contained within the report are intended to help guide staff activities over the coming years and also allow for flexibility as the landscape underpinning reconciliation through economic development continues to evolve rapidly.

### **ALTERNATIVES**

#### *Alternative 1*

The First Nations Relations Committee recommends to the Capital Regional District Board: That the *CRD First Nation Economic Development Partnership Model Feasibility Study Report, 2020* be received for information.

*Alternative 2*

The First Nations Relations Committee recommends to the Capital Regional District Board: That this report be referred back to staff for additional information.

**IMPLICATIONS**

*Environmental & Climate Implications*

Environmental considerations have been identified as an overarching component of the model alongside social/cultural practices and beliefs and economic opportunities. The Report outlines that these three underpinning facets are not static in how they inform economic development opportunities and First Nations will likely be looking to acknowledge the interplay between these components which will then inform the type of partnership opportunities or resources the CRD could contribute in support of a potential activity or partnership.

*Intergovernmental Implications*

Goal three within the Report identifies a need to be working towards greater inclusivity of First Nations in CRD governance and decision-making. This goal touches on work that is already underway and is being more fully considered in a separate staff report.

Further, the Report outlines complementary actions that are intended to increase the effectiveness of more inclusive decision-making. First, identifying opportunities to First Nation's staff capacity in receiving referrals from the CRD and supporting their leadership in participating at CRD tables will establish a multi-pronged approach in supporting success at decision-making tables. Second, joint planning around economic development has been identified as another important component of bringing the CRD and First Nations together to work towards a prosperous economic future for all residents of the capital region.

*Social Implications*

The CRD, through the Statement of Reconciliation, recognized the gap in wealth between First Nations and settler governments. Goal one and four within the report are directly related to increasing opportunities for employment and the proportion of economic opportunities that go to First Nations. These two goals both seek to address wealth inequality within the context of CRD service delivery and acknowledge the CRD's limited, but important, role in broadly addressing significant systemic and structural barriers affecting Indigenous Peoples.

*Financial Implications*

There may be increases in the cost of certain activities associated with shifting the way the CRD procures goods and services from First Nations. Any increases in cost would be considered within the context of the CRD's Procurement Policy and the Board Priority of Reconciliation with First Nations and would be determined by staff on a project-by-project basis.

*Alignment with Board & Corporate Priorities*

The 2019 – 2022 CRD Board Priorities include Reconciliation with First Nations, specifically:

- 3a Look to First Nations for leadership in understanding how to create new regional planning and decision-making systems together on their Traditional Territories.
- 3b Seek partnerships, share information and deliver fair and equitable services in working with First Nations on achieving their economic goals.
- 3c Work with First Nations on taking care of the land and water while providing space for cultural and ceremonial use, food and medicine harvesting, traditional management practices and reclaiming Indigenous place names.

*Alignment with Existing Plans & Strategies*

The following strategies have been identified as related to the Reconciliation with First Nations Board Priority:

- Special Task Force on First Nations Relations Final Report and the Statement of Reconciliation
- Regional Climate Action Strategy
- Regional Food and Agricultural Strategy
- Regional Growth Strategy
- Regional Housing Affordability Strategy
- Regional Parks Strategic Plan
- Regional Water Supply Strategic Plan
- Organizational Development Plan

**CONCLUSION**

The Report begins to establish an approach for the CRD to better identify areas of opportunity within its service structure to advance reconciliation through economic development. Looking to enable partnerships and working directly with First Nations will be critical in supporting the First Nations in achieving their economic goals. This will help the CRD in defining its appropriate role in providing inputs towards an opportunity, being flexible in understanding and acknowledging the specific interests of each nation, and also taking a whole of CRD approach as there have been identified potential economic opportunities within a wide range of CRD departments. The final key component is for the CRD to maintain a focus on action and to look to taking measurable steps in supporting the Statement of Reconciliation theme of Shared Prosperity.

**RECOMMENDATION**

The First Nations Relations Committee recommends to the Capital Regional District Board: That the *CRD First Nation Economic Development Partnership Model Feasibility Study Report, 2020* be received for information.

Submitted by:	Don Elliott, MUP, Manager, First Nations Relations
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

**ATTACHMENT(S)**

Appendix A: CRD First Nation Economic Development Partnership Model Feasibility Study

Report, 2020



CRD  
First Nation Economic  
Development Partnership Model  
Feasibility Study Report

May 2020

By The Indigenomics Institute



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# 1.0 Introduction

This Indigenous Economic Development Partnership Model Feasibility Study Report sets the stage for building a strong understanding of the economic opportunities and interests of First Nations within the Capital Regional District's (CRD) spectrum of services. This work is intended to focus on existing services but also includes a recognition of longer-term opportunities that may require new services to be established or for legislative amendments at a provincial-level. It is important to note that innovative economic opportunities are constantly emerging, grounded in new and existing provincial legislation, some of which is not yet fully implemented or detailed. With this in mind, it is also important to consider this work as a living document. The model put forth should be revisited regularly to both measure impact and progress, as well as determine the need for revising the model as senior levels of government continue to evolve their approach to modern treaty and to reconciliation activities more broadly.

***'Economic reconciliation is a form of reconciliation in action. It encourages material prosperity within the context of a holistic approach that is consistent with the notion of 'Namwayut – We Are All One.' The work of reconciliation is multifaceted and ultimately influences every aspect of life.'***  
- Reconciliation Canada

The capital region spans the territories of approximately 20 First Nations, of which 11 have Reserve lands and 9 have settlement populations made up of over 5,000 members. For the purpose of this report, the focus has been on engaging those Nations with settlement populations contained within the capital region.

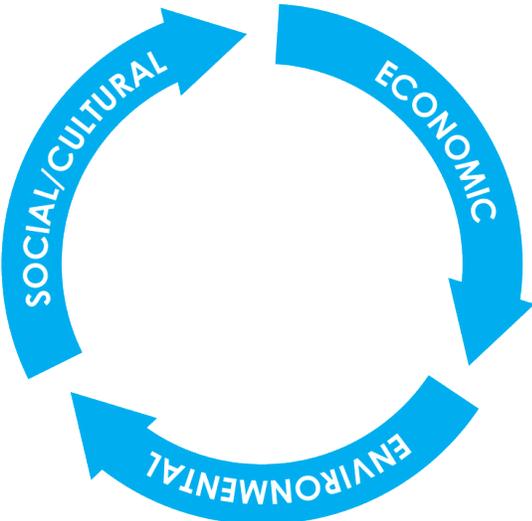
This report identifies specific opportunities for the CRD to establish enhanced partnership opportunities with First Nations that will support these Nations in moving towards their desired economic development outcomes. The CRD must first examine its own services and core activities and establish a clear pathway toward economic reconciliation in areas that are of particular interest to First Nations.

The Indigenomics Institute defines economic reconciliation as the space between the lived realities of Indigenous Peoples, the need to build understanding of the importance of the Indigenous relationship, and the requirement for progressive actions for economic inclusion. In an environment of economic reconciliation, this Partnership Model must consider the lived realities of Indigenous Peoples while building an understanding and process to facilitate a positive relationship between First Nations' economic interests and clear actions for economic inclusion.

This report sets the foundation for developing an initial understanding of a CRD Indigenous Economic Development Partnership Model that supports the engagement, planning, participation, and evaluation of results that can be used to establish the necessary structure for First Nations economic inclusion going forward. This project aims

to detail goals and objectives and maps the necessary preconditions for organizational change and the implementation of positive actions to establish a framework for the process and structure for Indigenous economic inclusion. This report identifies some immediate opportunities and highlights significant considerations for a coordinated CRD approach to more actively support First Nations economic inclusion.

The CRD is committed to a 'community focused approach' which means building First Nation economic development processes within the organization and setting the foundation for facilitating opportunities in partnership with the communities. Understanding the community's social and environmental context is important to consider in terms of the economic development process. By engaging with the Nations directly, this project highlights the interconnections between the social, economic, and environmental aspects of this emerging economic development model. It is important to draw particular attention to these areas of high-potential that can support the development of a reconciliation-focused economic model for First Nations.



**Figure 1- Interconnections within a CRD First Nation Economic Model**

Critical to exploring an Indigenous Economic Development Partnership Model is the recognition of the interplay between economic opportunities, environmental considerations and social/cultural interests. This interplay is foundational and will help to create the space for exploring ideas and opportunities while also working to empower First Nations in all aspects of advancing their economic interest. These three facets underpinning the model are not static in nature and First Nations will likely need the space to explore the connections between these themes in order to better detail what type of partnerships and resources would support moving an opportunity forward with the CRD.

There are considerable economic opportunities for First Nations and it is timely for the CRD to examine its own spectrum of services and activities and establish the structure and process to support economic reconciliation. In establishing a foundational model, it can help the CRD to have a better understanding of the key economic interests of First Nations and how it can support working towards eliminating barriers and build on existing strengths to better support and work alongside First Nations.

## 2.0 Project Core Objectives

This project aims to support relationship building between the Nations and CRD in its delivery of programs and services with an economic focus. Further, it looks to support the development of strategic objectives that provides the CRD with a clear direction on First Nations economic reconciliation. The projects core objectives include:

- 1) Establish processes for organizational alignment with strategic inclusive planning;
- 2) Develop understanding for the need for education content relevant to reconciliation, *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), local protocols with Nations, the Douglas Treaties, and the Nations governance systems;
- 3) Establish Indigenous economic planning processes within the CRD;
- 4) Establish clear mechanisms and processes for First Nation's economic inclusion within CRD; and,
- 5) Focus on metrics to identify key outcomes for First Nation economic growth activities within the CRD's existing slate of services and deliverable areas.

## 3.0 Understanding the CRD and the UNDRIP Context

The broader national and provincial context informing reconciliation and the relationship between Indigenous Peoples and the Crown shapes the role of local government. Significant recent developments include new provincial negotiation practices that are shifting mindsets for reconciliation, new agreement models called “Comprehensive Reconciliation Agreements”, the Recognition and Reconciliation of Rights Policy for treaty negotiations in British Columbia, and the passage of the *Declaration on the Rights of Indigenous Peoples Act (DRIPA)*.

At the center of this shifting context is the **Truth and Reconciliation Report** on the Calls to Action. Specifically, #92 on Business and Reconciliation which states,

*“We call upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous Peoples and their lands and resources. This would include, but not be limited to, the following:*

- *Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous Peoples before proceeding with economic development projects.*

- *Ensure that Aboriginal Peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.*
- *Provide education for management and staff on the history of Aboriginal Peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.”*

This shift in approach is occurring at a much more rapid pace through UNDRIP becoming embedded within BC law. With these ongoing developments also comes a shift in narratives. Organizations are now asking questions like, ‘What does change look like?’, ‘How do we do things differently?’, and ‘What is our role and responsibility in reconciliation?’ As the CRD undertakes framing economic development through its relationship with First Nations and its existing services, it will also see a clear shift in narrative. The CRD will move away from a common narrative of ‘This is how we have always done things’ or ‘That’s not our responsibility’ towards a stronger understanding of operating in a new environment of First Nations economic reconciliation.

### **3.1 The United Nations Declaration on the Rights of Indigenous Peoples as a Framework for Economic Reconciliation.**

We are in a moment of significant transformation in the work of reconciliation in Canada. A further examination provides important insight into key factors and approaches the CRD and local First Nations may wish to pursue through economic reconciliation.

Since 2015 with the release of the Calls to Action of the Truth and Reconciliation Commission, governments of all levels have been called to adopt and implement the **United Nations Declaration on the Rights of Indigenous Peoples** as the “framework for reconciliation”. Call to Action 43 states:

*We call upon Federal, Provincial, Territorial, and Municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.*

Placing the focus on the UN Declaration as a framework for reconciliation – and calling on governments, including local governments to adopt it – is a reflection of growing public awareness of Canada’s long history of colonialism, its enduring impacts, and the slow pace of progress in addressing urgent social, cultural, and economic issues that relate to reconciliation. Through the process of reconciliation, it is increasingly being

recognized that all Canadians have a role to play in building a renewed future between Indigenous and non-Indigenous Peoples, and that much of the vital work that must occur is between individuals, families, neighbours, within our communities, and in how we live amongst each other in new ways.

The UN Declaration does not create or identify new rights. Rather, it was a co-operative effort by States and Indigenous Peoples to articulate long-standing and globally accepted human rights norms, including those in the Universal Declaration on Human Rights, in the particular context of Indigenous Peoples. These are international human rights norms that Canadians have been in the forefront of advancing, and which are at the foundation of Canada's legacy of protecting human rights including our Charter of Rights and Freedoms.

There are two aspects of the UN Declaration that are particularly relevant to the CRD's initiative to advance economic reconciliation with local First Nations:

- The economic rights of Indigenous Peoples are emphasized throughout the UN Declaration. Examples include: the right of Indigenous Peoples to pursue economic development (Article 3), to determine and develop economic priorities (Article 23), to maintain and strengthen their own economic institutions (Article 5), and to improve their economic and social conditions (Article 21). In addition, numerous articles of the UN Declaration affirm the right of Indigenous Peoples to the "lands, territories, and resources", including to redress where these may have been used or taken without their consent, and to determine and develop priorities for their development (Article 28; Article 32)
- The right of self-determination (Article 3) and the inherent right of self-government (Article 4; Article 5) are cornerstones of the UN Declaration, and are expressed in many articles that uphold the jurisdiction of Indigenous Peoples, and the requirement of free, prior, and informed consent (Article 19; Article 28; Article 32)

What these elements of the UN Declaration emphasize is a vision of reconciliation within which First Nations are increasingly self-governing, with clear structures and mechanisms in place for meaningful decision-making, and not merely as a relationship of stakeholders, consultation, or engagement.

### **3.2 Actions Taken by Federal, Provincial, and Local Governments**

Since the Calls to Action were established, a number of steps have been taken by governments at all levels. The overarching and on-going trend is towards ever more concrete and meaningful steps to adopt and implement the UN Declaration.

The Federal Government formally endorsed the UN Declaration in 2016. Subsequently it adopted the **Principles respecting the Government of Canada's relationship with Indigenous Peoples** to help guide the government as it re-shapes its laws, policies, and practices to align with the UN Declaration and the recognition and implementation of Indigenous rights. One expression of this shift is a change in litigation practices, and an explicit effort to accelerate building more co-operative relations and less adversarial and conflict-oriented ones. This was codified in the **Attorney General of Canada's Directive on Civil Litigation Involving Indigenous Peoples**. The Federal Government has also promised legislation related to the implementation of the UN Declaration, and more broadly re-shaping relations with Indigenous Peoples.

Even more directly relevant for the CRD is the steps that have been taken by the Provincial Government. In addition to taking similar steps as the Federal Government, such as adopting the Draft Principles that guide the Province of British Columbia's Relationship with Indigenous Peoples, the Provincial Government recently adopted the **Declaration on the Rights of Indigenous Peoples Act (DRIPA)** the first legislation to enshrine the UN Declaration in law. Almost a year has passed since that Act and the Province has completed its first [Annual Report](#) and [Concrete Actions Document](#). There are a number of aspects of DRIPA which are of particular relevance to CRD and how it further builds relations with local First Nations, including through economic reconciliation initiatives:

1. Section 3 of DRIPA requires the Provincial Government, in consultation and co-operation with Indigenous Peoples, to align its laws – both new and existing – with the UN Declaration. This means that in the upcoming years there will be reviews conducted of legislation under which the CRD operates, including the *Local Government Act*, as well as other statutes through which economic relations and opportunities are impacted.
2. Section 4 of DRIPA requires the Provincial Government, in consultation and co-operation with Indigenous Peoples, to develop an action plan to meet the objectives of the UN Declaration. This means that a comprehensive plan must be developed and implemented to end discrimination, ensure the human rights of Indigenous Peoples are upheld, the impacts of colonialism addressed, and more just, equal, and harmonious relations advanced. It can be expected the action plan will ultimately require new policies, practices, investments, public education and other initiatives. The Provincial Government has made clear that local governments and stakeholders will have roles to play in shaping the action plan, and it should be expected that the action plan will require certain action by local government.

3. Sections 6 and 7 of DRIPA create the space and expectation that agreements will be entered into between the Province and “Indigenous governing bodies” that implement consent based decision-making. While the decision to enter into such agreements is discretionary, it is important to note that the range of topics that could be the subject of such agreements is not limited, and certainly there is an expectation that they could include economic, planning, land use, and stewardship matters. Relatedly, it should be noted that some steps have already been taken by the Provincial Government to broadly re-shape its approach to negotiations, and to make agreements more open, flexible, living, and expansive.

There are also other Provincial Government developments that align with the directions that DRIPA further advances:

- The **Shishalh Foundation Agreement** is typically held up as a model for new agreements and has a number of implications for local government planning and relations.
- A new **Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia** was adopted in September that is intended to accelerate treaty negotiations and align them with the UN Declaration. It should be expected by the CRD that local First Nations will pursue, and in some instances complete, agreements in the near to medium-term that reflect these new models and policy directions.
- DRIPA states that agreements may be with “Indigenous governing bodies”, a definition that is broader than *Indian Act* Bands, and societies (such as those formed as Tribal Councils). This could mean, over time, change and clarification in the Indigenous governments that the CRD must work with.

Furthermore, it should also be expected that local First Nations will increasingly view DRIPA and the UN Declaration, as the legally required lens through which relations with all governments, including the CRD, must be structured.

Alongside these efforts by the Federal and Provincial Governments, local governments have also been making strides in their reconciliation efforts. Historically, agreements around services have been the primary vehicle for economic relationships, however in recent years there has been an increasing diversification and expansion of models of relations. Across British Columbia one can find examples of these new types of relationships including: land transfers and joint land development; the sharing of revenue streams; employment and training; joint economic development structures and initiatives; shared planning processes for regional growth; cooperation on specific

resources; and broad protocols and commitments to principled approaches to reconciliation including through the UN Declaration. In addition, there are numerous examples of tripartite arrangements between the Provincial Government, local government, and First Nations that address particular land, economic development, cultural heritage, or other matters.

### **3.3 Setting the Stage for Economic Reconciliation**

As the CRD sets out to revitalize its economic reconciliation efforts with local First Nations, it will be critical to maintain a clear view and understanding of the transitions which have been occurring, and the directions of change the future will continue to advance. It should be expected that the next five to ten years will witness a number of significant developments that may influence CRD activities including:

- 1) The adoption of more legislation federally and provincially related to Indigenous rights, including the UN Declaration;
- 2) The acceleration of negotiations between the Provincial Government and First Nations, including new agreement models;
- 3) The implementation of consent-based decision making models including, for example, through joint boards that have decision-making authority;
- 4) A decreasing reliance on the Courts to resolve matters, and a greater expectation that co-operative, alternative forms of dispute resolution will be more readily used to address matters;
- 5) Greater expectations, and actual levels of economic sharing between all levels of government and First Nations;
- 6) Significant increases in investments by Federal and Provincial Governments in supporting the rebuilding of Indigenous governments and Nations;
- 7) Formal pathways for First Nations to move out of the *Indian Act* and be governed by structured they have determined, including with clarified jurisdictions and applications of their own laws;
- 8) An increased ethic of "co-development" between First Nations and governments, where matters (including laws and policies) that may impact First Nations are addressed collectively from the earliest stages; and

- 9) A focus on structured regular, formal, mechanisms of interaction between Indigenous governments and Federal, Provincial, and local governments, and a reduced focus on how First Nations may be within or a part of already established government structures or processes.

## **4.0 Underpinning Principles of the CRD Economic Development Partnership Model**

Understanding the characteristics of First Nations economic reconciliation within the context of the CRD requires the ability to draw on leadership, develop consistency and pursue planning objectives. The underpinning principles of the CRD's Indigenous Economic Development Partnership Model will help guide its development and implementation moving forward:

### **1. Appropriate Role for the CRD**

- The CRD can work within its service structure to both take a leadership position and work to support First Nations in advancing their own economic interests in pursuit of economic reconciliation, but does not have all levers, responsibility and resources.
- A collaborative partnership approach will be critical to the CRD in working with First Nations, including their economic development corporations, municipalities, electoral areas and other organizations and entities that are active in economic development and intersect with First Nations economic interests.

### **2. Flexible Approach to Supporting First Nations Economic Development Opportunities.**

- CRD focus should reflect the unique opportunities within the context of the specific conditions of each First Nation. This will prevent a one size fits all approach and will better position the CRD as a partner working in support of First Nations' economic activities.
- The CRD must employ a 'whole-of-CRD' approach to acknowledge and support the diverse interests of First Nations. This will consider both regional and sub-regional services and will be critical in achieving the greatest benefit for First Nations and the CRD.

### **3. Focus On Action**

- Strengthened and more inclusive governance structures across First Nations and CRD political leadership that is rooted in the recognition and

implementation of Indigenous rights, incorporates UNDRIP/DRIPA within an economic framework and incorporates the Truth and Reconciliation Calls to Action will support enhanced collaboration, coordination and accountability.

- Ongoing engagement at a staff level with First Nations, Provincial/Federal partners as appropriate and other potential partner organizations will help to ensure CRD actions and activities are in-step with a dynamic and changing environment.

## **5.0 Defining the Problem- Issues and Challenges in First Nation Economic Development**

In a National context, the emerging **100 billion dollar National annual Indigenous economy agenda** is framing the potential of Indigenous economic growth and this growth is a key outcome of reconciliation.

It is in this context of the emerging potential of Indigenous economic growth, that the need to examine the current barriers and challenges in advancing the identified recommendations becomes important. Identifying the internal strengths and weaknesses to mobilize CRD economic resources, creating appropriate policies, understanding the business development needs and decision-making systems are all important outcomes in establishing feasibility for a CRD First Nations Economic Development Partnership Model.

Of particular note, the following identifies some of the current overarching challenges Nations experience both within their own economic development process and within the relationship to the CRD:

- a) The absence of First Nation inclusion in plans and strategies within the CRD and the municipalities, and no direct connection or structure between regional planning processes for economic growth and First Nations.
- b) The absence of the requirement for consent for the CRD's delivery of activities affecting the land/resource base.
- c) Costs of water services are a barrier to First Nations. For reasons outside of control of First Nations, many are only able to access water at a retail rate and not the more affordable wholesale rate. This limits the Nations from being able to turn water provision to an economic activity with the possibility of generating own-source revenue through charging 'lift' to on-reserve residential, commercial, and/or industrial activities.
- d) There is a need for increased advocacy from CRD in engaging in tri-lateral level discussions with First Nations, the Province and the Federal Government on joint

issues of which the CRD also has a part. The CRD can play an advocacy role in some areas in collaboration with the First Nation communities.

- e) Modern treaties have a strong economic component that can and will affect the CRD. Opportunities for enhanced communication to the CRD on upcoming modern treaty negotiation developments that may have impact on lands, parks and other structures is important to consider.
- f) The communication and engagement process to First Nations in regard to the CRD's land acquisition activities and process has not met their expectations.
- g) Lack of First Nation specific focused land or resource policies within the CRD.
- h) Lack of transportation systems to/from some of the community's reserves is a significant barrier to economic development and employment.
- i) Need to establish a process to connect CRD's economic opportunities with First Nation skilled employees as well as ensuring education and training programs to support skills development that can match CRD opportunities.
- j) Need to develop understanding of the existing CRD infrastructure such as docks, moorage, parks etc. and how this has impacted First Nations ways of being, access, and treaty rights.

## **6.0 CRD First Nation Economic Opportunity Scan**

This report identifies overarching economic themes within services that reflect the current situation, strengths, and weaknesses of both First Nations and the CRD, and serves to help identify specific areas, activities or services where the CRD can focus on supporting the economic interests of First Nations.

It is important to note that in order for the economic development potential of the CRD's various services to be fully explored, the enabling corporate infrastructure including the development or amendment of various policies, strategies, training programs and governance initiatives would also need to be examined. It was not within the scope of this report to undertake these pieces of work, but rather to highlight the connection between areas of economic development potential for First Nations and CRD specific tools and processes. The recommendations detailed further in the report include the specific CRD-wide components that will help to create additional economic development potential through CRD services and activities.

The specific CRD services identified reflect expressed interests by First Nations and will help CRD staff to focus efforts where they align with First Nations' capacity and where there is opportunity for follow-up and action. In the existing services and programs that the CRD delivers, this project identifies focus areas that establish a structure or process for First Nation economic inclusion.

It is important to consider that this report provides a high-level overview of the potential intersections between CRD activities and services and First Nations' economic interests. As First Nations continue to develop their own specialties and economic areas of focus, the CRD will need flexibility to explore various opportunities alongside First Nations.

An important component to consider is the relationship between broader corporate activities such as legal services, human resources, communications, etc. and how those services play a critical role in supporting the identification of an economic opportunity for First Nations in a specific service. In other words, in some instances the tools needed to create opportunities within a specific division are better utilized at a corporate-level, which can then help to support additional actions or activities within a particular division. The following figure details the relationship between the corporate infrastructure and support required to enable maximizing the opportunities for First Nations at the service level.

Within the service areas identified in Figure 2, the Nations have expressed interest in opportunities that establish training and education programs and employment readiness. Core CRD service areas such as site maintenance, resource/system management, site expansions and preparation, clearing in restoration areas, connecting research with Indigenous knowledge, cultural monitoring, recreation activities, security, driving, horticultural areas, sewer, watershed stewardship roles, cultural tours, fire prevention/management and cultural activities all offer areas for relationship and process development.

## CRD SERVICES AND PROGRAMS WITH FIRST NATIONS ECONOMIC POTENTIAL

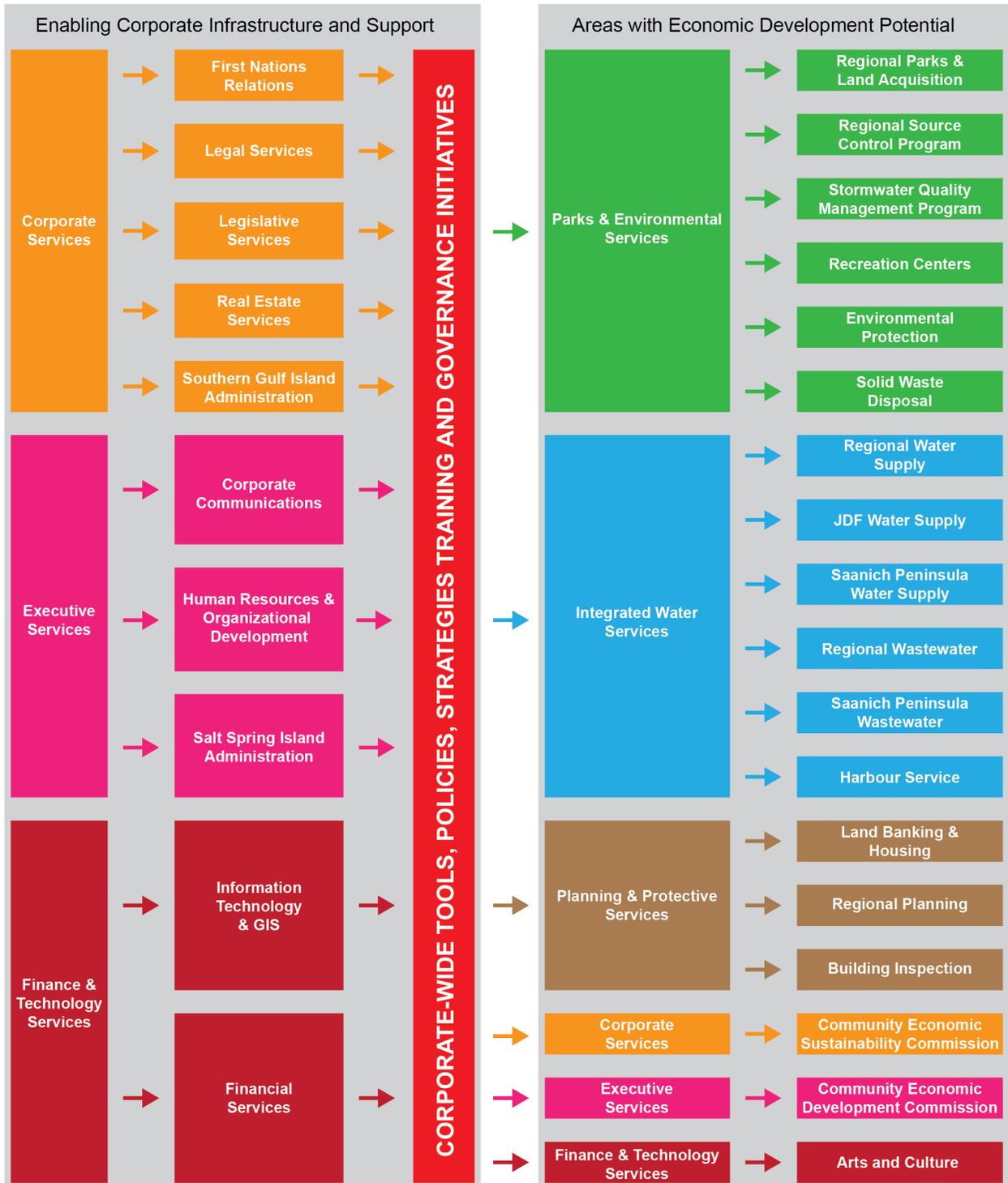


Figure 2 – Strategic Opportunities within current CRD Services

## 6.1 Enabling Corporate Infrastructure and Support

Three CRD departments have been identified as critical to building various tools, policies, strategies, training programs and governance initiatives that will provide a more robust foundation from which CRD staff will better be able to engage First Nations to examine economic development potential within specific service or activity areas.

### Corporate Services

Corporate Services plays a critical role in providing professional advice and expertise related to a variety of services and functions of the CRD. In total, there are five divisions within Corporate Services that will have an important role in supporting the development and implementation of a First Nations Economic Development Partnership Model.

- |                         |   |
|-------------------------|---|
| First Nations Relations | <ul style="list-style-type: none"><li>• Advance CRD Board Priorities</li><li>• Support other CRD departments in advancing economic reconciliation or related works</li><li>• Directly engage and support other departments in engaging First Nations</li><li>• Build capacity within CRD of working effectively with First Nations</li></ul>  |
| Legal Services          | <ul style="list-style-type: none"><li>• Review and support development of contracts and service agreements</li><li>• Support amendments to or development of policies, procedures, and bylaws related to engaging First Nations on economic opportunities</li><li>• Enhance or update CRD Procurement Policy as needed to better support awarding of CRD works to First Nations</li></ul> |
| Legislative Services    | <ul style="list-style-type: none"><li>• Support efforts towards more inclusive governance</li><li>• Support amendments to bylaws or committee and commission terms of reference as needed</li></ul>   |
| Real Estate Services    | <ul style="list-style-type: none"><li>• Support and/or manage the appraisal, acquisition, and disposal of property interests</li><li>• Develop and manage leases with First Nations where applicable</li></ul>  |

- |   |  |
|---|--|
| Southern Gulf Island (SGI) Administration | <ul style="list-style-type: none"> <li>• Facilitate and coordinate actions and activities on SGI where these activities interest with First Nations' interests</li> <li>• Support the exploration and identification of collaborations and partnerships with First Nations as they may relate to the ongoing work of the SGI Economic Sustainability Commission</li> </ul> |
|---|--|

**Executive Services**

In addition to those divisions within Corporate Services, Executive Services will also play an important role in supporting the CRD to implement a First Nations Economic Development Partnership Model through providing professional advice to other departments and division across the organization.

- |  |  |
|--|--|
| Corporate Communications                       | <ul style="list-style-type: none"> <li>• Support the CRD in working to share information and opportunities through various channels that aligns with First Nations' interests</li> </ul>   |
| Human Resources and Organizational Development | <ul style="list-style-type: none"> <li>• Provide leadership, consultation, guidance, and professional support to corporate efforts to better recruit and retain Indigenous Peoples</li> </ul>  |
| Salt Spring Island Administration              | <ul style="list-style-type: none"> <li>• Facilitate and coordinate actions and activities taking place on Salt Spring Island where these activities interest with First Nations' interests</li> <li>• Support the exploration and identification of collaborations and partnerships with First Nations as they may relate to the ongoing work of the Salt Spring Island Community Economic Development Commission</li> </ul> |

**Finance and Technology Services**

Finance and Technology Services also plays an important role in working to develop enhanced infrastructure that will enable other departments to effectively identify and engage First Nations in various economic development initiatives.

- |                    |  |
|--------------------|--|
| IT & GIS           | <ul style="list-style-type: none"> <li>• Engage and support efforts to develop Information Technology tools and strategies in line with economic reconciliation activities and projects</li> </ul> |
| Financial Services | <ul style="list-style-type: none"> <li>• Work in support of identifying more effective procurement and contracting approaches with First Nations</li> </ul>  |

## 6.2 Areas with Economic Development Potential

The following areas were identified as core elements within the economic reconciliation model that the CRD can jointly develop with First Nations. Each of these planning areas has an interconnection between the social, economic, and environmental aspects within the development of the CRD First Nation economic model.

### Parks and Environmental Services

Interests in Parks and Environmental Services was expressed by almost every First Nation engaged through this project. One of the challenging aspects of identifying the intersections between First Nations economic interests and CRD programs and services is the fact that First Nations interests are rooted in the significant social, cultural, and economic ties to the land that stretches back to time immemorial. Often an interest articulated by a First Nation stretches across multiple services or extends beyond any particular jurisdiction. With this in mind, this project has identified the following areas of opportunity that are within the purview of regional government:

Governance	<ul style="list-style-type: none"><li>• Parks and natural assets management</li><li>• Land acquisition process engagement</li></ul>
Human Resources	<ul style="list-style-type: none"><li>• Employment opportunities within Regional Parks</li><li>• Affirmative action for hiring and contracting opportunities</li><li>• Cultural Monitors engaged on CRD works</li><li>• Employment opportunities at Hartland</li><li>• Guardian Stewardship Initiative</li></ul>
Communications	<ul style="list-style-type: none"><li>• Enhanced/additional recognition of territories</li><li>• Connect CRD and parks users to First Nations' presence and cultural importance of areas</li><li>• Share land acquisition process and/or areas of interest with First Nations</li></ul>
Operations	<ul style="list-style-type: none"><li>• Invasive species management and monitoring activities</li><li>• Better processes for notification of First Nations' hunting activities on CRD lands</li></ul>
Resourcing	<ul style="list-style-type: none"><li>• Work with First Nations on the creation of an Ecosystem Service Fee</li><li>• Explore benefits to Nations from operations at Hartland</li></ul>

## Integrated Water Services

First Nations have indicated that water and wastewater service provision could provide a considerable economic development opportunity, provided they are able to access these services at a wholesale rate. It is important to note that there are ongoing conversations with a number of Nations relating to water and wastewater servicing and the potential for working with the Nations to leverage these services into Nation-led economic opportunities. It is the intention of this Economic Development Partnership Model to build on this established work, develop a replicable corporate approach to negotiating with each Nation and provide a timeline to develop a more thorough review of the CRD's services with the intention of supporting greater equity in the Nations' ability to access services and the resulting economic opportunities.

Two other elements have been identified by the Nations that touch on aspects of Integrated Water Services. First, additional employment or contracting opportunities relating to watershed operations including cultural monitoring works or the procurement of services is an area where there may be considerable potential to support First Nations' economic interests. Though not raised by First Nations through this specific project, CRD staff have signaled that First Nations have previously expressed an interest in interisland transportation activities. It is understood that there is no current CRD service that could support this work, and there would likely need to be significant upfront investment to explore this type of economic opportunity. However, there may be potential partnerships that could be explored or considered where First Nations could lead a business planning process, and this may be an area of further opportunity for the CRD.

- |                 |  |
|-----------------|--|
| Human Resources | <ul style="list-style-type: none"><li>• Employment opportunities within watersheds</li><li>• Affirmative action for hiring and contracting opportunities</li><li>• Cultural Monitors engaged on CRD works</li><li>• Guardian Stewardship Initiative</li></ul>                          |
| Communications  | <ul style="list-style-type: none"><li>• Enhanced/additional recognition of territories</li></ul>   |
| Operations      | <ul style="list-style-type: none"><li>• Additional inclusion on infrastructure planning, construction activities and docks maintenance</li><li>• Interisland transportation<sup>1</sup></li><li>• Training on wastewater treatment plant and water infrastructure operations</li></ul> |
| Resourcing      | <ul style="list-style-type: none"><li>• Water and wastewater connectivity and rates</li></ul>  |

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<sup>1</sup> Please note this was not raised by the Nations through this work. However, CRD staff wish to acknowledge that First Nations have identified this as a possible opportunity in previous discussions.

## **Planning and Protective Services**

- First Nation focused Fire Service Agreements with municipalities- align CRD activities with these agreements
- Lands and land use/management within the CRD

## **Finance and Technology Services**

- Tourism – there is a strong interest in Indigenous culture and arts
- CRD/First Nation annual economic development planning and prioritization

## **CRD-Wide**

- CRD procurement policy- increase access to contracting opportunities for First Nations
- CRD First Nation focused hiring policies to increase employment opportunities for First Nations
- Develop a CRD lands profile of traditional territories- maps of CRD lands in First Nation territories, parks, assets and designations
- Roads issues with Nations access for hunting/fishing
- Acknowledging and bringing visibility to the former villages sites within CRD
- Cultural monitoring and archeological activities- joint collaboration protocols
- CRD and First Nations shared decision- making frameworks in relation to CRD lands.

## **Other – Non CRD**

- Foreshore jurisdiction issues
- First Nation's participation in spill response systems
- Transportation linking First Nations to urban centers and across Southern Gulf Islands and Salt Spring Island

## **7.0 Indigenous Economic Development Partnership Model**

The following model has been developed looking specifically at the relationship between:

- Social/cultural, environmental and economic characteristics of each First Nation;
- Identified principles underpinning model development; and,
- Consideration of strategic opportunities with CRD programs and services.

The heart of the model includes the CRD, First Nations and other partners working collaboratively. This acknowledges that at the core of advancing First Nation economic

opportunities, the interests of multiple parties should be considered equitably and in ways that support a clear understanding of each potential partner's inputs towards a specific opportunity. Inputs from all potential partners may include the following as a baseline:

1. **Financial Contributions** that could include loans and/or grants for capital or operational expenditures;
2. **Capacity Development** within the workforce for both First Nations and CRD staff;
3. **Information Technology** infrastructure development;
4. **Service or Opportunity Demand** that aligns or reflects First Nations capacity and interest; and,
5. **Advocacy and Lobbying** in support of First Nations - led projects.

Having multiple participants at the core of the Indigenous Economic Development Partnership Model allows for clear expectations around anticipated inputs and outcomes within the context of each economic development opportunity and each First Nation's social/cultural, environmental and economic context.

It is important to reflect on the identified inputs from potential partners within the context of the underpinning principles detailed earlier in this report. Fundamentally, this model expresses a need for partnerships to be at the core of identifying initiatives in support of economic reconciliation. It is within that context that the CRD can then determine its appropriate role in supporting inputs. Capacity development is a critical area where the CRD can, and should, look to meaningfully support economic reconciliation. Generally speaking, capacity development contains two key components. First, the CRD can establish an approach to systematically working to reduce unintended barriers to First Nations recruitment and retention through examining its own processes through the lenses of equity, diversity, and inclusion. It is understood there is an ongoing process to begin this important work, but the specific context surrounding Indigenous employment and capacity should be explored.

Service and/or opportunity demand is another area where the CRD can play an important role as a partner in advancing economic reconciliation. The CRD provides critical regional, sub-regional and local services to more than 418,000 residents across the capital region. This presents an opportunity for the CRD to examine its existing approaches and identify where it can engage First Nations through its procurement process, or by working to understand where it could indicate a commitment of a certain volume of service demand in those areas that align it First Nations' interests and/or capacity.

The final area where the CRD can provide critical input into a potential economic reconciliation partnership is related to advocacy and lobbying. The CRD has an

advocacy strategy designed to support the organization in clearly committing its priorities, and using its collective voice to leverage change where and when needed to support the advancement of the approved 2019-2022 Board Priorities. As First Nations Reconciliation has been identified as a Board Priority, there is considerable space to engage external stakeholders through any combination of primary, secondary, or operational level advocacy that supports First Nations in working with the CRD and others to advance their economic interests.

The next section of the model includes the following key components that are outlined so as to support greater focus in taking a CRD-wide and an action-oriented approach:

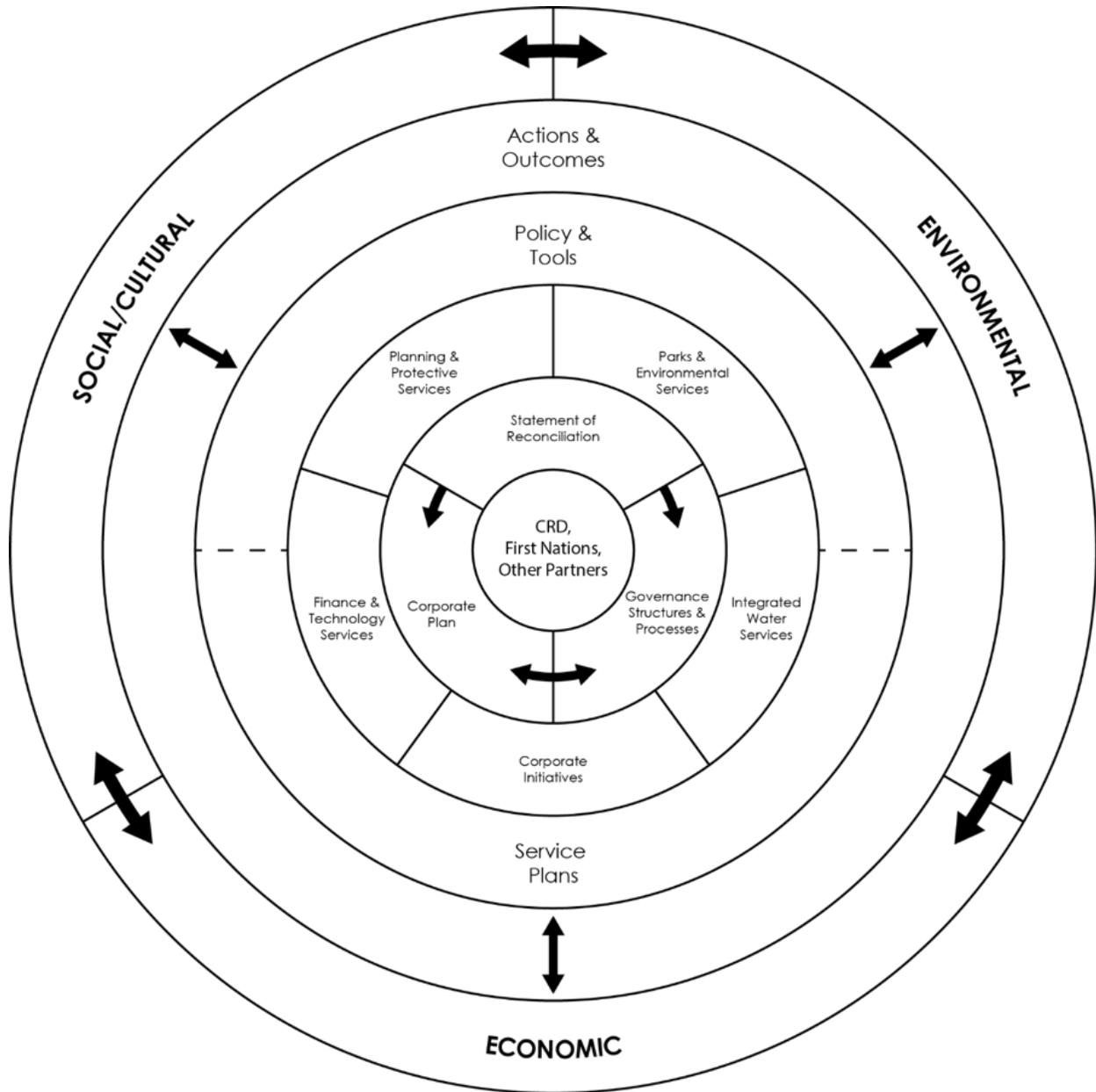
1. The CRD's Statement of Reconciliation simultaneously informs and guides activities related to inclusive governance and project processes, as well as the development and interpretation of specific initiatives detailed within the CRD's Corporate Plan;
2. Governance structures and project processes provide opportunities for more inclusive discussions regarding areas of opportunity, and further refinement of partner inputs and expectations; and,
3. The CRD's Corporate Plan identifies services and strategies to support the organization's four year vision. The document serves as a road map to enable staff to align work with the corporate vision of achieving exemplary environmental stewardship, a dynamic and vibrant economy, and an inclusive, caring society.

The core elements of the Indigenous Economic Development Partnership Model, based on input from First Nations and the intersection of these interests and CRD services, include:

- Parks and Environmental Services;
- Planning and Protective Services;
- Finance and Technology Services;
- Integrated Water Services; and,
- Corporate-wide initiatives that, in addition to supporting the services identified above, advance specific projects and activities.

Having the appropriate policies in place, along with an implementation strategy that identifies the necessary tools, is essential to supporting the CRD in working to realize opportunities for partnership in support of Indigenous economic development. These must work in conjunction with the divisional Service Plans and the related Initiative Business Cases that will map out annual allocation of resources on projects/activities, and the relationship to the CRD's Corporate Plan.

Actions and outcomes are established based on the contents of the Service Plans and the available policy and tools, and are informed on the consideration of the three underpinning principles: appropriate role of the CRD, flexibility in approach, and action-orientation. This component of the model reinforces the importance of this work taking place in a way that acknowledges the interconnectedness of the social/cultural, environmental, and economic characteristics of each First Nation and the interplay of those characteristics with various CRD services, activities, and initiatives.



**Figure 3 – Indigenous Economic Development Partnership Model**

In a practical sense, the development of this model has supported the identification of both priorities for action within the corporate CRD context, as well as a range of short, medium, and long-term actions intended to support enhanced advancement in working to support the economic interests of First Nations.

The model itself, places CRD, First Nations, and other potential partners at the core, and then maps out how specific areas of opportunity can be explored, and actions identified that consider the uniqueness of each Nation and of each opportunity.

It is important to note that this model sets out a series of actions that seek to establish additional CRD capacity to support First Nations’ economic interests, while simultaneously creating the flexibility to explore emerging opportunities as they come forward. Building CRD capacity while also allowing for exploration and adaptation moving forward, will be critical in the effective implementation of this model in the years to come.

## 8.0 Planning Priorities within The CRD’s Management/ Operation/Governance Structure and Approach

The following actions and their corresponding timeline targets begin to set the CRD on a path towards meaningful economic reconciliation with First Nations. One of the important pieces to consider as the CRD looks to begin implementing the Indigenous Economic Development Partnership Model is that this work will require a multi-pronged and corporate-wide approach. In other words, many of the identified actions are interconnected, and successful implementation will require the identified suite of actions forward in an incremental way.

<b>Goal 1:</b>	<b>Increased opportunities for First Nations employment across CRD</b>		
	<b>Objective 1a:</b>	<b>Increase opportunities for Indigenous employment</b>	
	Action 1a(1):	Partner on supporting mentorship/shadow short-term employment opportunities	2020
	Action 1a(2):	Engage in Indigenous Internship Program	2021
	Action 1a(3):	Develop a CRD Indigenous Employment Strategy that is complementary to the Diversity and Inclusion Framework to specifically increase the participation of Indigenous Peoples	2022
	Action 1a(4):	Adopt Indigenous Employment Target(s) based on Indigenous Employment Strategy	2022
	<b>Objective 1b:</b>	<b>Support a more inclusive employment environment</b>	
	Action 1b(1):	Develop and implement a Cultural Confidence Program for all CRD Staff	2021
	Action 1b(2):	Explore opportunities for tailored training for those CRD staff in management roles	2022

<b>Goal 2:</b>	<b>Support First Nations in having a better awareness of CRD opportunities and activities</b>			
	<b>Objective 2a</b>	<b>Streamline communications to First Nations</b>		
		Action 2a(1):	Develop First Nations Communications Plan	2020
		Action 2a(2):	Prepare enhanced communication materials tailored to First Nations interests	2021
		Action 2a(3):	Build First Nations Economic Opportunity portal to highlight CRD procurements	2021
	<b>Objective 2b</b>	<b>Establish more robust communication channels with First Nations</b>		
		Action 1b(1):	Engage First Nations to identify interest in developing a Community Engagement Hub	2023
<b>Goal 3:</b>	<b>Work towards greater inclusivity of First Nations in CRD governance and decision-making</b>			
	<b>Objective 3a:</b>	<b>Increase engagement of First Nations in CRD decision-making</b>		
		Action 3a(1):	Allow for First Nations representation at the CRD Board, CRD Board Committees and Commissions	2020
		Action 3a(2):	Identify opportunities to support First Nation's staff capacity to receive referrals and support leadership in participating at CRD tables	2021
	<b>Objective 3b:</b>	<b>Work more collaboratively with First Nations</b>		
		Action 3b(1):	Establish a joint annual Economic Development planning process	2022
<b>Goal 4:</b>	<b>Support greater equity for First Nations in participating in and accessing services and resources across the region</b>			
	<b>Objective 4a:</b>	<b>Establish updated Service Agreements with First Nations for water and wastewater</b>		
		Action 4a(1):	Identify inequity in First Nations access to water at a wholesale rate	2020
		Action 4a(2):	Engage municipal partners, where needed, to review the feasibility of providing water to First Nations through the Regional Water Supply Service or at a rate equivalent to that service's wholesale rate.	2021
		Action 4a(3):	Engage Nations and prioritize efforts to enter into service agreements for water and/or wastewater	2022
	<b>Objective 4b:</b>	<b>Increase proportion of economic opportunities that go to First Nations</b>		
		Action 4b(1):	Amend CRD Procurement Policy to include Social Procurement Values	2021
		Action 4b(2):	Develop First Nations Skills Index and Service Database	2022
	<b>Objective 4c:</b>	<b>Increase First Nation's role in stewardship of land and water</b>		
		Action 4c(1):	Establish Cultural Interpretation Program	2022
		Action 4c(2):	Work with First Nations to identify interest in and support for establishing a CRD-wide Guardian Program	2023
	<b>Objective 4d:</b>	<b>Express support and/or endorsement of First Nations-led initiatives and activities</b>		
		Action 4d(1):	Develop a First Nations Initiative Endorsement Policy	2021
	<b>Objective 4e:</b>	<b>Establish partnership focused on land and/or water transportation</b>		

		Action 4e(1):	Undertake assessment of partnership potential for supporting an interisland transportation operation	2023
		Action 4e(2):	Undertake assessment for partnership potential for on-demand bussing service with First Nations	2024

## 9.0 Conclusion

This is a time of economic reconciliation. As the CRD goes through an exercise of locating its leadership in the economic reconciliation process, new opportunities are emerging that support the development of the structures, processes, and outcomes to substantiate First Nation economic outcomes.

The intention of this report is to lay the foundation for the CRD to move forward on the development of a structure and process to move the Indigenous economic reconciliation relationship forward with constructive, progressive actions. Determining the strength of actions for Indigenous inclusion within the CRD will require addressing the existing current structure and processes, understanding the need for engagement, and strategic design to ensure the targeted economic outcomes are achieved. Another important purpose is to help the CRD planning process to focus on economic priorities.

Furthermore, identifying the strategic pivot towards economic inclusion within the current practices and programs allows the space for new actions/processes as foundational to this model.

## Appendix A- Resources

The following are important resources in consideration in the further development of a CRD First Nation Economic Model

- CRD Statement of Reconciliation: <https://www.crd.bc.ca/about/what-is-crd/statement-of-reconciliation>
- Special Task Force on First Nations Relations Final Report: [https://www.crd.bc.ca/docs/default-source/crd-document-library/plans-reports/first-Nations/stf-finalreport2018.pdf?sfvrsn=dd11f0ca\\_6](https://www.crd.bc.ca/docs/default-source/crd-document-library/plans-reports/first-Nations/stf-finalreport2018.pdf?sfvrsn=dd11f0ca_6)
- Bill 41: <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/4th-session/bills/first-reading/gov41-1>
- New BC Treaty Policy: [https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-Peoples-documents/recognition\\_and\\_reconciliation\\_of\\_rights\\_policy\\_for\\_treaty\\_negotiations\\_in\\_bc\\_aug\\_28\\_002.pdf](https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-Peoples-documents/recognition_and_reconciliation_of_rights_policy_for_treaty_negotiations_in_bc_aug_28_002.pdf)

## Appendix B- Project Process

This project builds upon the work of the Capital Regional District's (CRD) Special Task Force on First Nations Relations which was established to recommend more inclusive models of governance and decision-making between the CRD and First Nations governments. The work of the Task Force's term was extended to 2018 with a broadened mandate to explore ways the CRD can engage in reconciliation. The Task Force recommended that the Board direct staff to undertake a feasibility study for an Indigenous Economic Development Partnership Model to be considered by the incoming Board.

This project set out to engage the nine First Nations within the capital region with populated reserve lands to consider feasibility options and strategies for economic reconciliation and inclusion.

This specific project scope includes the following deliverables:

1. Establish an initial scan of current regional, sub-regional, and local-level CRD services and identify specific areas of opportunity.
2. Meeting with Nations within the CRD to assess opportunities and identify feasibility for the development of an Indigenous Economic Development Partnership Model
3. Undertake an initial feasibility for the development of an Indigenous Economic Development Partnership Model.
4. Conduct analysis to develop initial recommendations to establish an environment of economic reconciliation to reduce barriers and challenges that support a corporate environment more open to Indigenous inclusion.
5. Provide a written report with findings and recommendations that includes concrete actions and approaches in supporting reconciliation through economic development

The project team was able to meet with eight out of the nine Nations and listened to the current barriers around economic development, current relationship with the CRD, and the potential for actions for First Nation economic inclusion within the existing management/governance practices.

## **Appendix C Economic Reconciliation**

Economic reconciliation aims to create meaningful partnerships and mutually beneficial opportunities based on a holistic, values-driven approach to attaining community economic prosperity. This shared prosperity approach draws on the values of the community to inform the structures, processes, and environments to stimulate action towards community resilience.

Traditional economic development tends to emphasize individual material wealth, often at the expense of community relationships or the health of the physical environment. This contradicts notions of oneness as expressed by Indigenous Peoples through the concept of 'Namwayut – We Are All One.

As a community-led and community defined process, economic reconciliation in any particular community will reflect the values of that community. Reconciliation Canada is piloting a process in which it serves as a facilitator, partnering with communities to coordinate various threads supporting economic reconciliation.

### **What is Economic Reconciliation?**

Economic reconciliation is for all Peoples in Canada. It seeks to engage an entire community in an inclusive process of developing shared understanding and agreed-upon values. All people have an opportunity to learn from each other.

Economic reconciliation stimulates concrete action. Although the specific goals and outcomes will be unique to each community, economic reconciliation aims for concrete actions such as creating businesses, modifying the built environment, and strengthening institutional capacity to enhance shared prosperity. It is not merely a theoretical exercise.

Economic reconciliation builds upon local heritage and positions communities within broader contexts. The benefits of economic trade at regional and international levels are widely recognized. Economic reconciliation builds on local strengths to forge strong paths within a larger community.

Economic reconciliation employs a holistic view of prosperity. Material prosperity is an important dimension of prosperity. However, material wealth, including how it is generated and spent, is placed within the context of community wellbeing and values.

### **Structure and Process**

Engage in dialogue to revitalize relationships, increase understanding of shared histories, and explore the meaning of reconciliation.

In the first step, a Reconciliation Dialogue Workshop, participants engage within their community to gain a deeper understanding of personal stories and shared histories. This allows participants to build resilient and mutually beneficial relationships, explore shared pathways to reconciliation, and to develop reconciliation action plans.

### **Develop plans in line with community values.**

Participants deeply reflect on their values, consider their practical implications, and take steps to implement change. Plans and progress harmonize with local values such that they meaningfully and holistically contribute to community wellbeing.

### **Strengthen local institutions and develop entrepreneurial capacity.**

By expanding the capacity of local institutions to function effectively, and the ability of individuals to identify opportunities, design and execute business plans, communities are better able to mobilize their energies towards desired, effective ends.

### **Maintain ongoing reflection of plans and progress.**

Ongoing reflection on plans and progress allows the community to reinforce inclusive participation from many community members in order to forge a New Way Forward.

### **Outcomes**

Economic reconciliation is a form of reconciliation in action. It encourages material prosperity within the context of a holistic approach that is consistent with the notion of 'Namwayut – We Are All One.' The work of reconciliation is multifaceted and ultimately influences every aspect of life. Economic reconciliation works towards building opportunities for all Peoples to achieve their full potential and shared prosperity.

Source: <https://reconciliationcanada.ca/programs-initiatives/economic-reconciliation/>