

**REPORT TO FIRST NATIONS RELATIONS COMMITTEE
MEETING OF WEDNESDAY, SEPTEMBER 27, 2023**

SUBJECT **Service Planning 2024 – First Nations Community Need Summary**

ISSUE SUMMARY

To provide strategic context and an overview of services, initiatives and performance data related to the First Nations Community Need.

BACKGROUND

The Capital Regional District (CRD) Board approved the 2023-2026 Board Priorities on March 8, 2023. Staff then developed the 2023-2026 CRD Corporate Plan which was approved by the CRD Board on April 12, 2023.

The CRD Corporate Plan presents the work the organization needs to deliver over the four-year term, along with the critical regional, sub-regional and local services, to meet the region's most important needs (i.e., Community Needs) and advance the Board's Vision and Priorities. Board Priorities, Corporate Plan initiatives and core service delivery form the foundation of the five-year financial plan.

The 2024 planning cycle marks the first year of the implementation of the 2023-2026 CRD Corporate Plan. The CRD's annual service plans, known as Community Need Summaries, provide an overview of the operational and strategic context, services levels, initiatives, and performance data for each Community Need. They also provide details of the initiatives, associated staffing, timing and service levels required to advance the work in future years.

The First Nations Community Need Summary is attached as Appendix A. The desired outcome is strong relationships with First Nations based on trust and mutual respect, partnerships and working together on shared goals.

The CRD reports on the progress of its initiatives and services on a regular basis. The Board receives updates about the Board Strategic Priorities through the Chief Administrative Officer Quarterly Progress Reports. The Board also receives an overview of progress made on delivering the Corporate Plan twice a year at the strategic check-in and provisional budget meetings, which take place in the spring and fall respectively. The next strategic check-in will take place in spring 2024. During the year, standing committees and commissions also fulfill an oversight and advisory role in relation to the work.

ALTERNATIVES

Alternative 1

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

That Appendix A, Community Need Summary – First Nations, be approved as presented and form the basis of the Provisional 2024-2028 Financial Plan.

Alternative 2

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

That Appendix A, Community Need Summary – First Nations, be approved as amended and form the basis of the Final 2024-2028 Financial Plan.

IMPLICATIONS

Governance Implications

In 2024, staff have prioritized programs and initiatives that:

- Advance 2023-2026 Board Priorities or Corporate Plan initiatives;
- Operationalize capital investments; and/or
- Are necessary to maintain a core service level following a regulatory change or where there is a safety risk to customers, communities, or staff.

The Executive Leadership Team (ELT) has reviewed and assessed all initiative business cases and confirmed alignment with the criteria. ELT has determined that the consolidated package of work is appropriate and a proportional response to the CRD Board's and communities' expectations of the organization.

Financial Implications

To exercise constraint and cost containment, the CRD Board directed staff to keep the core inflationary adjustment to 3.5% through the 2024 Service and Financial Planning Guidelines. Staff and management have taken the necessary steps to mitigate the financial impact of proposed initiatives as well as cost escalation and high inflation rate experienced in 2022 through to 2023.

Financial and staff impacts for initiatives will be summarized and included in the provisional budget which will be presented at the Committee of the Whole meeting scheduled for October 25, 2023. Starting this year, this will also include a five-year forecast of staffing level changes, which will be reviewed annually.

Service Delivery Implications

Appendix A includes information about existing service delivery, operational considerations and performance. Additional information has been provided below about the proposed changes for 2024.

Staff are proposing to advance two new initiatives for the First Nations Community Need that have financial implications for 2024, as shown in Table 1. The initiatives advance Board or Corporate Plan Priorities.

Table 1. First Nations Community Need Initiatives (2024)

Initiative	Implementation year(s)	Staff impacts (2024)	Incremental cost (2024)	Funding source
15a-1.1 Government-to-Government relationships building	2024–2028	-	\$250,000	Requisition
15a-1.2 First Nations Relations Staffing	2024–ongoing	1 New Ongoing	\$82,633	Requisition

The information in Table 1 reflects the initiative business case costs which ELT reviewed as part of their annual assessment of initiatives.

15a-1.1 Government-to-Government Relationship Building

Many Nations in the region have identified capacity funding as a critical component to building respectful intergovernmental relationships. The CRD has received several direct funding requests from local First Nations in the past year, to support Nations in responding to CRD requests for input and participating in CRD initiatives.

The CRD Board approved a one-time budget increase of \$250,000 in 2023 as capacity funding to support government-to-government relationship building with those Nations with whom the CRD is already engaged in ongoing dialogue related to CRD service delivery, where the CRD has or is actively negotiating service agreements or traditional use agreements. Outcomes from this initiative are anticipated to include requests from First Nations for ongoing capacity funding to support regular intergovernmental meetings.

Initiative 15a-1.1 looks to continue this work and seeks to increase the core budget by \$250,000 annually until 2028 as capacity funding to support ongoing relationship building while longer-term requests are considered.

15a-1.2 First Nations Relations Staffing

First Nations, the Province, and the CRD Board all have increasing expectations regarding First Nations engagement and collaborative decision-making across service delivery planning, operations, and governance. To implement reconciliation-related Board Priorities and to stay responsive to the changing legal context will require increasing capacity to effectively support and advise across CRD Divisions, to provide oversight to numerous First Nations engagement initiatives, and to coordinate an increasing number of ongoing meetings and negotiations with Nations.

Initiative 15a-1.2 seeks to create one new regular ongoing position in the First Nations Relations Division to increase capacity in the team to support this critical work. Note that the cost of the new position for 2024 reflects a half year implementation of that role. The full impact of the position on an ongoing basis will be reflected in the 2025 budget. One additional position is planned for 2025; further information will be submitted for Board approval next year.

CONCLUSION

CRD staff are progressing initiatives identified in the 2023-2026 CRD Corporate Plan, including the Board Priorities. The CRD Board and commissions with delegated authorities determine resourcing through the annual review and approval of the provisional financial plan. To support decision-making, staff provide recommendations on funding, timing and service levels through the service and financial planning processes.

RECOMMENDATION

The First Nations Relations Committee recommends the Committee of the Whole recommend to the Capital Regional District Board:
That Appendix A, Community Need Summary – First Nations, be approved as presented and form the basis of the Provisional 2024-2028 Financial Plan.

Submitted by:	Caitlyn Vernon, MES, Manager, First Nations Relations
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT

Appendix A: Community Need Summary – First Nations

15 First Nations



Strong relationships with First Nations based on trust and mutual respect, partnerships and working together on shared goals

01 Strategy

STRATEGIES & PLANS

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

CORPORATE PLAN GOALS

- 15a Government-to-government relationships
- 15b Indigenous leadership & traditional knowledge
- 15c Shared prosperity

02 Contacts

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03 Operating Context

ACHIEVEMENTS IN 2023

1. Developed and launched the South Island Indigenous Business Directory, in collaboration with the Greater Victoria Harbour Authority, South Island Prosperity Partnership, City of Victoria, Greater Victoria Chamber of Commerce, and Animikii.
2. Government-to-Government Relationship Building Initiative launched; initial meetings underway.
3. Cultural Perspectives Training for Board and for new staff.
4. Released Indigenous Employment Project reports, and collaborated with Human Resources & Corporate Safety Division on a staffing request for 2024 service planning as the first step to implementing the report recommendations (please see People Community Need Summary for more information).
5. Strengthened relationships with First Nations around the conservation and protection of heritage sites.
6. Training and awareness sessions with CRD staff, commissions, contractors and volunteers to support understanding and compliance with provincial and CRD heritage management processes.
7. Supported Regional Parks to implement a new notification process prior to land acquisitions
8. Released a Working with Indigenous Elders guidance document for CRD staff.

FACTORS THAT WILL AFFECT OUR OPERATIONS IN 2024 AND BEYOND

- Increasing requests from First Nations for direct government-to-government meetings with CRD decision-makers, and to have a say in all decisions that impact their traditional territories.
- First Nations are requesting the development of Memorandums of Understanding, partnership agreements, and communications frameworks to guide how we work together. Often with funding requests to support this engagement.
- Increasing requests from First Nations for quarterly staff-level meetings and project information.
- Scope and scale of engagement is creating the need for a new organization-wide systematized approach to tracking action items, communications and information sharing with Nations.
- For projects requiring provincial or federal approvals, formal consultation of First Nations is required, involving detailed tracking.
- Increasing interest from CRD divisions to involve First Nations in collaborative process on plans and projects, yet without a corporate strategic engagement framework to guide culturally safe and respectful mechanisms, timelines and capacity funding for engagement. There is a risk of harming relationships where there is an abundance of requests without adequate timelines or mechanisms to incorporate First Nations input.
- High priority from the province to finalize treaties in the region, with items that intersect with CRD services/interests still to be negotiated. Added request for the CRD to also participate in Recognition of Indigenous Rights and Self-Determination negotiations between First Nations and the provincial and federal government.

- As corporate and region-wide efforts to support reconciliation with First Nations continue, and as the number of requests from First Nations increase, additional capacity within the CRD and within First Nations will likely be required to support continued efforts.
- Increased interest from non-Indigenous community members in restoration of Indigenous place names, signage and other symbols of reconciliation. This needs to be approached carefully in areas of shared territory amongst multiple Nations, so that the CRD is not arbitrating territorial boundaries.
- Many CRD staff are open to cultural competency trainings and to adapting their workflow to accommodate new ways of collaborating with First Nations, however require support from First Nations Relations to do so.
- Heightened interest from First Nations regarding CRD land acquisition.
- Heightened scrutiny from First Nations regarding heritage site protection in the context of land-altering works. Increased interest in co-development of heritage management protocols and policy. Increasing interest in field participation of First Nations' staff during project work (cultural monitors, Guardians, field technicians).
- Implementation of the Declaration on the Rights of Indigenous Peoples Act Action Plan is anticipated to impact the delivery of regional, sub-regional and local services by the CRD, with details still to be determined.
- Provincially-funded initiative to explore inclusion of First Nations on regional district boards.
- Heightened scrutiny on how CRD Board and staff are translating reconciliation commitments into meaningful action, in the context of societal shifts towards increasing diversity, equity and inclusion.
- Increasing expectation of cultural safety for Indigenous employees and contractors, for approaches to First Nations' relations, and for Indigenous peoples interacting with CRD staff and services, pose reputational and relationship risks. For example around Indigenous cultural use and traditional practices in parks.

04 Services

The services listed below rely on the support of several corporate and support divisions to operate effectively on a daily basis. More information about these services is available in the Corporate Services and Government Relations Community Need Summaries.

SERVICE BUDGET REFERENCES¹

- › 1.027 First Nations Relations

STAFFING COMPLEMENT

First Nations Relations Division: **4.0 FTE (including 2 Managers, 1 Advisor, and 1 Administrative Support)**

1. LEADERSHIP VISION

Description

Support the Board Priority through facilitating opportunities to build government-to-government relationships between Board Directors and First Nations' elected leadership.

What you can expect from us

- ▶ Advance inclusive governance across CRD
- ▶ Identify opportunities for gatherings or events
- ▶ Provide updates to committee on the progress of various items related to Board Priority
- ▶ Provide cultural perspectives training and coaching for Board Directors

2. EMERGENT ISSUES & OPPORTUNITIES

Description

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.

What you can expect from us

- ▶ Respond to and work to help coordinate activities related to requests from First Nations
- ▶ Participate in Treaty and Recognition of Indigenous Rights & Self-Determination processes
- ▶ Liaise with provincial and/or federal staff to discuss items and areas of opportunity

¹ Service budget(s) listed may fund other services

3. INTERNAL DEPARTMENTAL SUPPORT

Description

Support, advise and train CRD planning & operations across all service areas to explore and improve internal approaches, processes and protocols for working with First Nations.

What you can expect from us

- ▶ Provide training and support to CRD divisions to ensure implementation of the Protection and Conservation of Heritage Sites Policy
- ▶ Provide support to CRD divisions looking to engage First Nations on planning, activities, initiatives, field visits and regulatory referrals
- ▶ Respond to requests from CRD divisions and offer advice on clear, concise intergovernmental communication.
- ▶ Deliver a Cultural Perspectives training program to new staff and identify opportunities for ongoing education for all staff
- ▶ Collaborate with Human Resources & Corporate Safety to develop and implement an Indigenous Employment Strategy
- ▶ Support CRD divisions in their meetings with First Nations
- ▶ Participate in and/or negotiate agreements with First Nations
- ▶ Collaborate with CRD divisions to develop and implement a Reconciliation Action Plan

4. EXTERNAL FIRST NATIONS SUPPORT

Description

Directly engage First Nations on a range of projects, initiatives, and activities to build and maintain relationships with First Nations.

What you can expect from us

- ▶ Participate in First Nations' community events and gatherings
- ▶ Support First Nations to access information on CRD activities and processes
- ▶ Listen to and work to understand the interests and activities of First Nations and share this information with CRD divisions
- ▶ Identify opportunities to support and participate in First Nations' initiatives and events
- ▶ Participate in Te'mexw Treaty main table discussions and implementation of treaty related projects at the request of First Nations

05 Initiatives

Below are the initiatives listed in the [Capital Regional District 2023-2026 Corporate Plan](#) and the related initiative business cases (IBCs), including financial and staffing impacts, proposed for 2024. The financial impacts reflect full program costs, including cost of staffing.

Initiative	Implementation year(s)	Impacts in 2024
<p>15a-1 Seek First Nations’ guidance on understanding, developing, and implementing new mechanisms to support ongoing government-to-government relations at the leadership and operational levels</p> <ul style="list-style-type: none"> ▶ NEW IBC 15a-1.1 Government-to-Government relationships building ▶ NEW IBC 15a-1.2 First Nations Relations Staffing 	<p>2024-2028</p> <p>2024-ongoing</p>	<p>\$250K requisition</p> <p>\$82,633K requisition 1 New Ongoing (6 months in 2024)</p>
<p>15a-2 Collaborate with First Nations and the province to support inclusive governance by advancing First Nations participation in regional district boards</p>	<p>Ongoing</p>	<p>-</p>
<p>15a-3 Partner with First Nations to develop, monitor and report out on an organization-wide Reconciliation Action Plan</p>	<p>Planned for 2025</p>	<p>-</p>
<p>15b-1 Offer ongoing learning opportunities for staff and Board Directors to build awareness and understanding of Indigenous perspectives, law, and systems of governance</p>	<p>Ongoing</p>	<p>-</p>
<p>15b-2 Seek out and invite opportunities for Indigenous leadership and knowledge to inform and transform approaches to taking care of land and water, across CRD service delivery areas</p>	<p>Ongoing</p>	<p>-</p>
<p>15b-3 Engage First Nations to collaboratively develop inclusive approaches to land acquisition that respects Indigenous rights and strengthens government-to-government relationships</p>	<p>2024-ongoing</p>	<p>-</p>
<p>15c-1 Increase the number of economic partnerships with First Nations, across CRD service delivery areas</p>	<p>Ongoing</p>	<p>-</p>

06 Performance

GOAL 15A: GOVERNMENT-TO-GOVERNMENT RELATIONSHIPS

Targets & Benchmarks

First Nations are requesting direct government-to-government relationships with CRD decision-makers, with associated mechanisms such as Memoranda of Understanding (MOU), capacity funding and inclusion on the regional district board.

Measuring Progress

Ref	Performance Measure(s)	Type	2022 Actual	2023 Forecast	2024 Target	Desired trend
1	Government-to-government meetings involving CRD and First Nations leadership ¹	Quantity	3	10	12	↗
2	CRD governance tables open to First Nations as voting participants ²	Quantity	13	13	14	↗
3	Government-to-governments agreements between the CRD and First Nations ³	Quantity	2	3	5	↗

¹ Number of government-to-government meetings between CRD Directors and First Nations elected leadership. Information collected by First Nations Relations.

² Number of Standing Committees and other governance tables where First Nations have the opportunity to attend as voting participants, whether or not they are currently attending. Information collected by First Nations Relations, with input from other divisions.

³ Number of active government-to-government agreements such as MOUs. Information collected by First Nations Relations.

Discussion

With the launch of the Government-to-Government Relationship Building Initiative, it is anticipated that meetings between CRD Directors and First Nations’ leadership will continue to increase into 2024. MOUs or other government-to-government agreements are anticipated to increase as a result of this initiative.

First Nations have seats available on the Core Area Liquid Waste Management Committee, the Saanich Peninsula Water Commission, Port Renfrew Utility Services Committee, and the East Sooke Fire Protection and Emergency Response Service Commission. In addition, in 2021 the CRD Board amended its bylaws to create spaces for each Nation to appoint an elected representative to site as a First nation Member on CRD Standing Committees, including Environmental Services, First Nations Relations, Planning and Protective Services, Regional Parks, Governance, Finance, Transportation, Hospitals and Housing, and Electoral Areas. There has been very limited uptake from the Nations at least in part due to a preference to be in a decision-making capacity on the regional district Board instead. The provincial government is currently exploring opportunities for more inclusive governance on regional district boards.

GOAL 15B: INDIGENOUS LEADERSHIP & TRADITIONAL KNOWLEDGE

Targets & Benchmarks

Inviting, respecting and incorporating Indigenous leadership and traditional knowledge through engagement and ongoing learning opportunities will enhance CRD initiatives and strategies by informing and transforming approaches to taking care of land and water.

Measuring Progress

Ref	Performance Measure(s)	Type	2022 Actual	2023 Forecast	2024 Target	Desired trend
4	Agreements with First Nations related to taking care of land and water ⁴	Quantity	2	2	3	↗
5	Planning and operations initiatives actively engaging First Nations ⁵	Quantity	18	37	38	↗
6	Learning opportunities: Indigenous perspectives ⁶	Quantity	30	10	11	→

⁴ Number of agreements with First Nations related to taking care of land and water, such as Access Agreements and Traditional Use Agreements. Information collected by First Nations Relations with input from other divisions.

⁵ Number of planning & operations initiatives actively engaging First Nations (each initiative may involve multiple Nations). Does not include regulatory referrals. Information collected by First Nations Relations with input from other divisions.

⁶ Number of opportunities for CRD staff and/or Board to learn directly from First Nations, e.g. through trainings, gatherings, or presentations. Does not include site visits. Information collected by First Nations Relations.

Discussion

Agreements refer to Traditional Use Agreements, Access Agreements, or other formal arrangements with First Nations related to access to, and stewardship of, land and water. Engagement with First Nations for any given planning or operations initiative may include a variety of meetings, review of documents, site visits, and in-field collaborations between CRD staff and First Nations’ staff (including lands managers, cultural workers, Guardians, field technicians, referral officers, administrators). These initiatives include such things as updating the Regional Parks and Trails Strategic Plan, Regional Parks management plans, Juan de Fuca land use planning, Liquid Waste Management Plans, Emergency Management Plans and invasive species removal. The number will depend on the scope of active CRD initiatives and as such may fluctuate each year.

Ongoing learning opportunities for staff and Board Directors will build awareness and understanding of Indigenous perspectives, laws, and systems of governance. These opportunities include trainings, gatherings, lunch & learns, and the Forum of All Councils. Metrics reflect the extra cultural competency training sessions held in 2022 in an effort to reach all staff.

GOAL 15C: SHARED PROSPERITY

Targets & Benchmarks

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 services agreements. Metrics around procurement from Indigenous businesses could be considered in future.

Measuring Progress

Ref	Performance Measure(s)	Type	2022 Actual	2023 Forecast	2024 Target	Desired trend
7	Service agreements with First Nations ⁷	Quantity	13	14	15	↗
8	Economic initiatives involving First Nations ⁸	Quantity	4	5	6	↗

⁷ Total number of active or honoured service agreements with First Nations. Information collected by First Nations Relations, with input from other divisions.

⁸ Number of active initiatives geared to enhancing economic opportunities for First Nations, not including procurement. Includes planning & operations initiatives that include economic opportunities. Information collected by First Nations Relations, with input from other divisions.

Discussion

Economic initiatives refer to the development and launch of the South Island Indigenous Business Directory, housing initiatives, sharing of natural resources such as wood and gravel, and the release of the CRD Indigenous Employment Project final reports, which set the stage for the development of a CRD Indigenous Employment Strategy.

In addition to measuring the number of signed service agreements, measuring the number of contracts awarded to Indigenous businesses would be a valuable indicator of increasing support for First Nations' economic opportunities over time. Currently the CRD does award a number of contracts to Indigenous businesses, including contracts for cultural workers as part of land altering works and a Regional Parks contract with T'Sou-ke to operate the Sooke Potholes Campground. Corporate-wide Indigenous procurement is not tracked at this time; doing so would be a good indicator of progress towards this priority however would require more centralized procurement support.

Offering capacity funding to First Nations can be seen as both an operational statistic, reflecting new ways of doing business and supporting government-to-government relationship building, and a performance metric, as it uplifts the capacity of First Nations to engage with CRD service delivery in meaningful ways. Staff are working towards a way to measure capacity funding organization-wide.

07 Business Model

PARTICIPANTS	All 13 municipalities and three electoral areas
FUNDING SOURCES	Requisition
GOVERNANCE	<u>First Nations Relations Committee</u>