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REPORT TO FIRST NATIONS RELATIONS COMMITTEE MEETING OF WEDNESDAY, NOVEMBER 27, 2024

SUBJECT **Inclusive Regional Governance Study Grant Update**

ISSUE SUMMARY

To provide an update on the Inclusive Regional Governance Study Grant and share the draft Final Report before it is submitted to the Ministry of Municipal Affairs.

BACKGROUND

In 2019 B.C. passed the Declaration on the Rights of Indigenous Peoples Act. In 2022, the province released a five-year Action Plan to support implementation of the Act. Action item 1.11 in the Declaration Act Action Plan is for the Ministry of Municipal Affairs to “Support inclusive regional governance by advancing First Nations participation in regional district boards.”

In March 2023 the Ministry of Municipal Affairs contacted the CRD with the offer of a \$60,000 grant to support engagement with First Nations to build a stronger understanding of key themes and interests, questions, and barriers that will need to be explored in the development of mechanisms to enable First Nations representation on regional district boards. The Terms of Reference for the study grant was brought to the Board for information on April 26, 2023. The original grant deadline has since been extended. As a condition of the grant, CRD is to submit a final project report before December 31, 2024.

The goal of the funding was to explore, with First Nation partners, how to enable First Nations outside of the treaty process to join the regional board table as voting members. Specifically, how the regional district board might operate with the addition of First Nation directors representing their community governments.

For the duration of the grant, CRD staff have been on a steering committee with other regional districts and Municipal Affairs to provide updates and learn from one another. A total of five regional districts, including CRD, are participating in the initiative including Alberni-Clayoquot, Central Coast, Nanaimo, and Central Okanagan. At the time of the Ministry’s interim progress report in October 2024, over 22 First Nations with communities, reserve lands or asserted ancestral lands within the participating regional districts had been engaged through this initiative.

The Inclusive Regional Governance Study Grant Draft Final Report (the ‘Draft Final Report’), attached as Appendix A, outlines the process and outcomes of this initiative. CRD staff gathered information and feedback from First Nations in the following four ways:

1. Review of past meeting minutes and correspondence, in recognition that the CRD has been engaging with First Nations on the topic of regional governance since the First Nations Relations Task Force was established in 2015;
2. Engagement through the Government-to-Government Relationship Building Initiative, in leadership meetings as well as staff-level meetings;
3. Funding a South Island Nations Forum on Inclusive Regional Governance that was attended by five First Nations, hosted by the W̱SÁNEĆ Leadership Council and facilitated

- by the JWR Group, and building on the suggestion of an All Nations gathering that had been recommended by First Nation participants at the 2023 Forum of All Councils; and
4. Offering meetings, presentations or workshops on the topic of inclusive governance with each First Nation, which are currently being scheduled with two Nations.

The report summarizes the feedback heard from First Nations into five key themes and four potential next steps for the CRD and Municipal Affairs to advance inclusive governance.

The Draft Final Report has not been reviewed by First Nations. Concurrently with bringing it to the Board, the Draft Final Report is being circulated to participating First Nations for their review. Any comments on the report or additional input received from First Nations before the deadline will be incorporated into the Final Report to the province, and any comments received later will be shared with the province as well.

IMPLICATIONS

Alignment with Board & Corporate Priorities, Plans & Strategies

Exploring governance mechanisms to enable First Nations to join the Regional Board table or otherwise participate in shared decision-making is directly aligned with the Board priority of collaborating with First Nations to build new processes for respectful, reciprocal government-to-government decision-making.

First Nations Implications

The key themes heard from First Nations regarding inclusive governance, as outlined in the Draft Final Report, were as follows:

1. Support for a more inclusive approach to regional governance and the importance of being involved in decisions that impact their territories;
2. Need for a decolonized approach to regional governance to better respect Indigenous self-determination and not further marginalize an already marginalized population;
3. Barriers to meaningful participation were identified, such as a lack of time, capacity or interest in making decisions on all regional district matters; overlapping territory with more than one regional district; and concerns of not being heard or being outvoted in a weighted voting system based on population, all of which would need to be addressed in any new governance structure;
4. Acknowledgement of other effective ways of shared decision-making, with some Nations advocating for government-to-government agreements with the CRD as a way to ensure meaningful involvement in advance of decision-making rather than joining the board; and
5. Need for direct communication with Municipal Affairs and perhaps direct interactions with the province rather than absorbing First Nations into the existing regional district structure.

The observations from First Nations on possible next steps, summarized in the Draft Final Report, include:

1. Changes to the Local Government Act are critical to addressing issues of representation and shared decision-making;
2. First Nation involvement in processes outside of the regional board is also essential to inclusive governance;
3. Diverse views of First Nations require diverse approaches to inclusive governance, as there is no 'one size fits all'; and
4. The relationship with regional districts must focus on services and operations.

Financial Implications

Of the \$60,000 received from Municipal Affairs, \$45,000 was offered to First Nations as capacity funding to support their engagement in this initiative, at \$5,000 per Nation. Eight First Nations participated. The remaining \$20,000 was used to bring on a consultant to support outreach and engagement from the Nations and the drafting of the final report. Additional funds from the CRD's First Nations Relations annual budget were used to support the South Island Nations Forum on Inclusive Governance, hosted by the W̱SÁNEĆ Leadership Council and facilitated by the JWR Group.

Intergovernmental Implications

The Union of BC Municipalities (UBCM), First Nations and several regional districts have directly requested that the Ministry of Municipal Affairs explore how First Nations could become voting members of regional districts without concluding a modern treaty that specifies regional district membership.

CONCLUSION

The provincial *Declaration on the Rights of Indigenous Peoples Act* Action Plan calls on the Ministry of Municipal Affairs to advance First Nations participation on regional district boards. The CRD received a study grant from Municipal Affairs in 2023 to reach out to First Nations in the region to explore their interests, questions and concerns related to joining the regional district board as voting members. The approach taken, the key themes identified by First Nations and observations for next steps are summarized in the Inclusive Regional Governance Study Grant Draft Final Report, which is also being shared with First Nations for their review. The Final Report will be updated to include any additional comments from First Nations and will be submitted to the province before the December 31, 2024 grant deadline.

RECOMMENDATION

There is no recommendation. This report is for information only.

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: Inclusive Regional Governance Study Grant Draft Final Report