

**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, October 10, 2018**

SUBJECT **Final Report of the Special Task Force on First Nations Relations**

ISSUE

The purpose of this report is to provide the Board with staff's preliminary assessment of the organizational implications related to the recommendations in the Final Report of the Special Task Force on First Nations Relations (Attachment A).

BACKGROUND

The Special Task Force on First Nations Relations (Task Force) is a select committee of the Board, originally established in 2015 with a mandate ending upon completion of this Board's term in October 2018.

The Task Force has produced its Final Report which provides a summary of the activities undertaken over the course of the committee's four year term. The Final Report presents eight recommendations for the Board's consideration. The recommendations capture the committee's view of optimal next steps to guide the CRD's path towards a more inclusive governance model for the Region.

Key recommendations of the Task Force:

Governance

1. That the CRD Board commit to hosting an annual Forum of All Councils with political representation from all levels of government including 11 neighboring First Nations, 13 municipalities, 3 electoral areas, the Federal government (represented by the Department of Crown-Indigenous Relations and Northern Affairs Canada) and the Province (represented by the Ministry of Indigenous Relations and Reconciliation and the Ministry of Municipal Affairs)
2. That the CRD Board support the establishment of and participation in an Inter-governmental Working Group with the Province to foster stronger relationships between First Nations and Local Government.

Reconciliation in Action

3. That the Board adopt the proposed Statement of Reconciliation (Appendix B of this staff report).
4. That the Board pursue a proposed First Nations Remuneration Policy, and direct staff to provide recommendations for consideration by the incoming Board (2018-2022).
5. That the Board direct staff to provide recommendations on eliminating barriers and systemic discrimination to ensure a corporate environment that promotes equity and diversity in the workplace, for consideration by the incoming Board.

6. That the Board direct staff to draft a program of future concrete actions to support the CRD's commitment to Reconciliation, for consideration by the incoming Board.

Economic Reconciliation

7. That the Board direct staff to undertake a feasibility study for an Indigenous Economic Development Partnership Model to be considered by the incoming Board.

Looking Ahead

8. That the Board recommend to the incoming Chair, the establishment of a First Nations Relations Committee as a Standing Committee of the Board.

ALTERNATIVES

Alternative 1:

That the Capital Regional District Board:

1. Receive the First Nations Task Force Final Report as set out in Appendix A;
2. Adopt the Statement of Reconciliation as included as Appendix A in the First Nations Task Force Final Report (Appendix B of this staff report);
3. Recommend to the incoming Chair, the establishment of a First Nations Relations Committee as a Standing Committee of the Board;
4. Direct staff to work with the Province and First Nations to establish and participate on an Inter-governmental Working Group;
5. Direct staff to bring forward proposed amendments to the First Nations Relations Division 2019 Service Plan to accommodate work on the approved Task Force recommendations including the following:
 - (a) Ongoing new resources to host, organize and support an annual Forum of All Councils;
 - (b) Ongoing new resources to administer and support a new First Nations Relations Standing Committee;
 - (c) Ongoing new staffing for coordination and administration of First Nations engagement and to support the work of the First Nation Relations Division and Intergovernmental Working Group;
 - (d) One time resources to produce a report on barriers to equity and diversity hiring;
 - (e) One time resources to develop a First Nations remuneration policy;
 - (f) One time resources to produce an Indigenous Economic Development Partnership Feasibility Study.

6. That staff be directed to bring forward proposed amendments to the CRD Financial Plan to provide for the staffing and funding requirements to implement the Task Force recommendations for consideration as part of the final 2019 budget review and approval.

Alternative 2:

That the CRD Board receive this report for information and refer consideration of the recommendations to the new Board strategic planning process.

IMPLICATIONS

The recommendations made by the Task Force are consistent with the feedback heard from First Nations regarding tangible next steps that continue, incrementally, on the path towards strengthening the foundational relationships that have been established in the past four years. Importantly, the recommendations also consider engagement formats that bring upper levels of government to the table. Below is a summary of the implications associated with each recommendation.

Recommendation	Implications
1 Undertake an annual Forum of All Councils	This approach of bringing First Nations and Local Governments together provides for a time-efficient way to have all parties in one room, once a year, discussing matters of common interest. Many of the non-urgent issues, concerns and questions that arise over the course of the year can be directed to this annual conference for a fulsome, transparent discussion and potentially facilitate consensus-based decision-making. In addition to addressing regional matters, the event would provide an opportunity for municipalities and neighbouring Nations to strengthen their respective government to government relationships. A standing, annual event will allow for all parties to plan for and secure the date, mitigating the scheduling challenges inherent in planning for a meeting with numerous governments. The breadth of the participants (13 municipalities, 3 EAs and 9 First Nations) will also potentially draw the interest and attendance of upper levels of government.
2 Form an Inter-governmental working group	There are a myriad of issues on which the CRD, in its efforts to build stronger relations with First Nations, requires upper levels of government to help solve. Topics range from: treaty-related issues; referral processes; overlapping territories; archaeological protocols; consultation and consent; and barriers to collaborative governance. Both Provincial Ministries and several Nations have identified a need for and an interest in, participating in an inter-governmental working group. Participation in an inter-governmental working group will ensure

		CRD's objectives are aligned with the province and the regional as a whole.
3	Adopt proposed Statement of Reconciliation	The CRD Board's priority to build strong relationships with First Nations has provided a good foundation on which many excellent initiatives have taken hold, including the work undertaken by the First Nations Relations office on behalf of the Board. The statement, as crafted by the Task Force, provides for concise direction to staff regarding the nature of the commitment underpinning the overarching goal of building stronger relationships with First Nations. Some of the goals in the statement of reconciliation will take time to achieve and may require the cooperation of senior levels of government to fully realize. Adoption of the statement may impact the Board's future approach to parks and land management issues-
4	Develop a First Nations Remuneration Policy	<p>First Nations have consistently expressed that the administrative costs associated with participating in CRD processes is a burden to already over-subscribed budgets. There are other non-financial barriers to participating on CRD committees and commissions, however the issue of remuneration is a foundational issue that, if addressed, sends a signal that the CRD values First Nations government representation in regional decision-making processes.</p> <p>It's important to acknowledge that CRD has a number of commissions comprised of community members that do not receive any remuneration. In its report back to the Board, staff will provide an analysis of potential implications that may arise with the implementation of a compensation model for First Nations that is different from that offered to other commission participants.</p>
5	Produce a report on barriers to equity and diversity hiring	By responding to First Nations concerns that there are systemic barriers to employment in the civil service, the CRD indicates its commitment to understanding and addressing any underlying, unintentional barriers. With inclusion of First Nations members into the CRD's workforce, comes greater familiarity between and among our respective governments.
6	Produce a Reconciliation Plan	The act of producing a Reconciliation Plan will necessarily involve First Nations governments, which in turn, provides a platform for strengthening understanding and familiarity.
7	Undertake an Indigenous Economic	Indigenous economic development and capacity building is an area of increased focus and investment by senior levels of government. Staff see potential for CRD to strengthen its business relationships with First Nation partners to jointly develop infrastructure and programs that could

	Development Feasibility study	contribute to regional development. The consultation associated with this recommendation will provide further insight and direction on potential areas of practical partnership with First Nations governments.
8	Establish a Standing Committee of the Board	Creation of this committee provides a framework into which ongoing and emergent matters can be directed for transparent discussion and deliberation, potentially with First Nations represented at the table. Implementation of the Task Force's recommended structure for the proposed Standing Committee, including an elected Chair and First Nation representation, would require the Board to adopt amendments to the CRD Board Procedure Bylaw.

FINANCIAL IMPLICATIONS

The baseline budget for the First Nations Relations Division is derived from the General and Legislative requisition and departmental allocations from across the organization. The funds principally cover the staffing costs.

Overall, the additional costs associated with the Task Force recommendations range between \$87,500 to \$100,000 of which up to \$50,000 would be ongoing costs and up to \$50,000 relate to one-time expenditures to undertake studies that will be presented to the incoming Board to inform its direction to staff.

Recommendation		Budget Implications
1	Undertake an annual Forum of All Councils	Staff estimate approximately 150 attendees would participate in the forum. The proposed annual budget will include costs associated with delivering this event, including catering, event space rental, communications, and speaker and attendance fees.
2	Form an Inter-governmental working group	No additional costs are anticipated as a result of participating in this working group. Staff resources can be integrated into the staff responsibilities identified in the divisional Service plan however there will be incremental support costs depending on the number of initiatives generated by the group.
3	Adopt proposed Statement of Reconciliation	The Reconciliation commitments will ultimately be implemented by making adjustments to operational programs and management plans to align CRD operations with the principles imbedded in the Statement of Reconciliation.
4	Develop a First Nations Remuneration Policy	Costs associated with implementation of the policy will be considered as part of the process of reporting out to the Board.

5	Produce a report on barriers to equity and diversity hiring	This report should be undertaken by a consultant with specific expertise in best practices in the area of equity and diversity assessment with a one- time cost.
6	Produce a Reconciliation Plan	Staff resources will be required to undertake the plan and will be addressed in the amended service plan and proposed financial plan amendment as part of the consideration of additional staffing.
7	Undertake an Indigenous Economic Development Feasibility study	This recommendation calls for specific expertise of consultants as well as extensive engagement with First Nations with a one-time cost with future program support undetermined at this time.
8	Establish a Standing Committee of the Board	The additional costs associated with this recommendation include remuneration for First Nations representatives and their Alternates, catering and technical support that would be estimated and included as an ongoing cost within the proposed financial plan amendment.

Adoption of the Task Force recommendations will require revisions to the existing First Nations Relation Division (FNRD) 2019 service plan and budget. The FNRD currently has one dedicated full-time manager and a .5 program assistant working at full capacity on existing programs and initiatives. While many of the recommendations dovetail with existing divisional initiatives, staff will have limited scope to advance the Task Force recommendations without additional dedicated staff resources.

The creation of the Standing Committee would also result in a requirement for additional staff support from Legislative Services and Information Technology to undertake agenda management, scheduling, minute-taking and webcasting of meetings. The existing staff compliment of the First Nations Relations Division currently does not have a dedicated administrative support clerk to assist with the administration of the added services and this role will be required to advance the implementation of the recommendations if approved by the Board.

CONCLUSION:

The Task Force has developed eight recommendations for the Board's consideration that function as a comprehensive body of work and represent the Committee's considered approach for continuing to strengthen relationships with First Nations governments. The recommendations aim to reinforce the Board's commitment to Reconciliation, and as such, send clear direction to staff to undertake actions and engage in processes that reflect, respond and consider First Nations perspectives in CRD business activities. This direction will potentially have incremental impacts on various CRD Divisions – most notably, but not exclusively, Regional Parks (regarding land management practices) and Corporate Services (regarding governance processes) and Integrated Water Services (regarding archaeological processes associated with construction and the maintenance of linear infrastructure). The recommendations have both one-time and ongoing financial commitments.

RECOMMENDATION:

That the Capital Regional District Board:

1. Receive the First Nations Task Force Final Report as set out in Appendix A;
2. Adopt the Statement of Reconciliation as included as Appendix A in the First Nations Task Force Final Report (Appendix B of this staff report);
3. Recommend to the incoming Chair, the establishment of a First Nations Relations Committee as a Standing Committee of the Board;
4. Direct staff to work with the Province and First Nations to establish and participate on an Inter-governmental Working Group;
5. Direct staff to bring forward proposed amendments to the First Nations Relations Division 2019 Service Plan to accommodate work on the approved Task Force recommendations including the following:
 - (a) Ongoing new resources to host, organize and support an annual Forum of All Councils;
 - (b) Ongoing new resources to administer and support a new First Nations Relations Standing Committee;
 - (c) Ongoing new staffing for coordination and administration of First Nations engagement and to support the work of the First Nation Relations Division and Intergovernmental Working Group;
 - (d) One time resources to produce a report on barriers to equity and diversity hiring;
 - (e) One time resources to develop a First Nations remuneration policy;
 - (f) One time resources to produce an Indigenous Economic Development Partnership Feasibility Study.
6. That staff be directed to bring forward proposed amendments to the CRD Financial Plan to provide for the staffing and funding requirements to implement the Task Force recommendations for consideration as part of the final 2019 budget review and approval.

Submitted by:	Sue Hallatt, MCIP, RPP, Manager, First Nations Relations
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Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

Appendix A: Final Report of the Special Task Force on First Nations Relations
Appendix B: Proposed Statement of Reconciliation (Appendix A Final Report)