

Service Plan for First Nations Relations Division (FNRD)

2016-2019
(2019 – Revised)

Capital Regional District

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1 Overview

1.1 Division & Service Summary

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

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

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

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

The 8 recommendations provided in the final report (December 2018) of the Special Task Force on First Nations Engagement also informs the First Nations Relations Service Plan activities for the year 2019.

a) Service Overview and descriptions

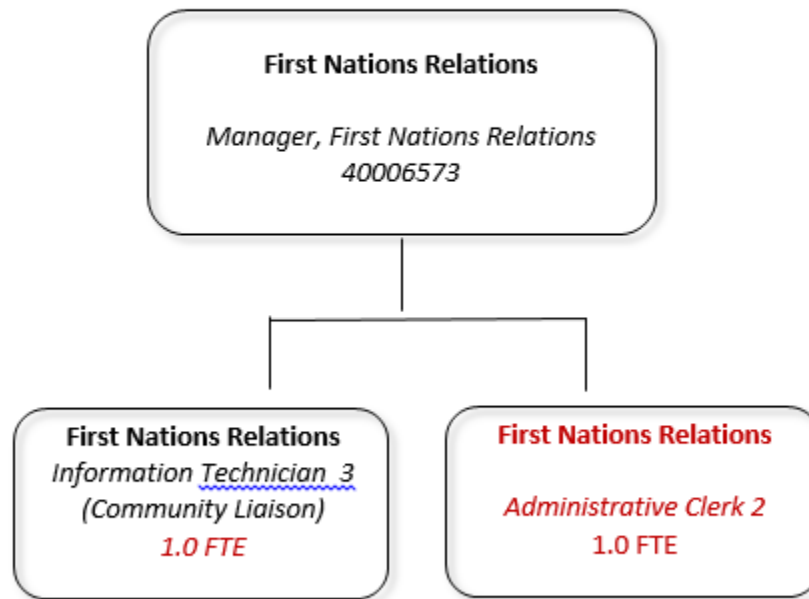
FNRD's operating framework is made up of three areas: Leadership Vision, CRD Internal Dept. Support and Emergent Issues and Opportunities.

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

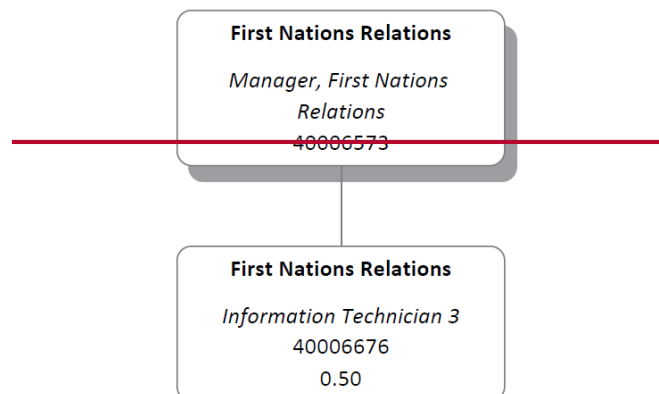
protocols across divisions;			
Developing areas of common interest are supported through <u>Emergent Issues & Opportunities</u> with the Board's direction while working closely with the Nations and affected CRD Divisions.	<p>All local First Nations</p> <p>All municipalities and electoral areas</p> <p>Affected CRD Departments</p>	Internal recovery	<p>Committee of the Whole</p> <p>Governance Committee via Special Task Force on First Nations Engagement</p>

1.2 Organization Chart

First Nations Relations Division



First Nations Relations



1.3 Key Trends, Issues & Risks – Service Specific

Task Force Recommendations: The Special Task Force on First Nations Engagement forwarded a series of recommendations to the Board, which were adopted at the December 2018 Board Meeting. The recommendations reflect the lessons learned from the four year mandate of the Task Force and aim to give direction for building and strengthening the promising relationships that have been established over the years, beginning with adopting a Statement of Reconciliation. The remaining 7 recommendations can be understood and organized into two focus areas:

1. Focus on furthering more inclusive governance:

- Standing committee on First Nations Relations – to provide ongoing direction to the Board.
- Inter-governmental working committee – a collective approach with all levels of government at the table to address systemic barriers to more inclusive governance in the region
- Annual Forum of All Councils – to provide a venue for First Nations and local governments to come together to discuss matters of common interest and to build familiarity.
- Remuneration Policy – to explore the ways and means to address the issue of remuneration for First Nations elected representatives participating on CRD committees and commissions

2. Focus on shared prosperity and opportunity:

- Reconciliation – an ongoing program that seeks to incrementally amend CRD operations that inadvertently or systemically reinforce colonial world views and practices that pose significant barriers to First Nations' participation in regional issues and opportunities
- Equity and Diversity Report – a thorough assessment of the CRD's hiring practices and actions and policies that reduce employment barriers to Indigenous peoples
- Reconciliation through Economic Development - development of a corporate approach to business practices that is designed to be inherently inclusive of First Nations.

The recommendations and the inherent commitment to deeper engagement and development of innovative partnerships requires an increase in staff resources in the form of administrative support for the new committee structures and increased referral and engagement processes. The special projects relating to economic development, equity and remuneration, call for increased outreach activities undertaken by FN Liaison staff member who currently works part-time.

Archaeology Policies, Procedures and Protocols: In 2002 the Archaeology Branch undertook the “Local Government Initiative” which involved the preparation of supporting materials for local governments (forms, pamphlets) and the provision of online access to RAAD maps. The initiative recognized that local governments are usually the first point of contact during development and are in the best position to alert developers to possible requirements under the Heritage Conservation Act as early as possible in the planning process. Some local governments perceived that this was an attempt to effectively download both the screening activity and legal responsibility for identifying conflicts with the HCA. In 2018, the Province has renewed its outreach to local governments and proponents (developers, landowners) in an effort to educate parties on their responsibilities to the regulatory requirements of the act.

In terms of its relationship to the HCA, the CRD is both a local authority (JdF Electoral Area planning) development proponent (various capital projects) and land asset managers (watershed protection and parks). The CRD is in the process of developing policies and procedures that manage and mitigate the risks associated with construction activities in unexpected archaeological sites. A key piece to this work is the CRD's relationship with First Nations interests relative to archaeology, and the development of cultural , referral and communications protocols. The First Nations Relations Division is leading this initiative on behalf of the affected work units across the organization that are affected by archaeology regulations: JdF EA, IWS, Planning and Protective Services, Real Estate, major capital projects, environmental engineering, and Regional Park. This is a complex and potentially resource- impactful initiative that requires additional professional expertise that the organization does not currently have on staff. The expertise can be hired through contract until such time as the CRD builds up internal expertise in archaeology.

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

Recommendations resulting from the Final Report of the Special Task Force on First Nations Engagement (Task Force) focus on implementing Calls to Action identified by each Department. Divisional support to participating Departments to deliver the actions.

- Completion of the Special Task Force's 4-year mandate as a Select Committee charged with exploring governance options that would include First Nations at the Board table.
- Proposal to establish an inter-governmental working group, consisting of Federal, Provincial, Regional and First Nations governments, with the mandate to explore a governance framework that supports greater inclusivity of First Nations in regional decision-making processes.
- BC Treaty negotiations have been reinvigorated with the new Provincial government, with the renewed expectation that several neighbouring Nations will complete their respective Treaties within the next 2 years. The Province has initiated a parallel process with those Nations advocating for their Historic Treaty agreements by way of Reconciliation Agreements; the outcome of which promises to provide greater financial resources to the participating Nations and greater freedom to undertake economic development opportunities on their Reserve lands. Partnership opportunities with First Nations will emerge, which build on the increased trust with the Region; Increased interest on the part of First Nations to negotiate Impact Benefit Agreements from regional services operating in their Territories. As a child of the Province, there may be expectations for negotiated settlements with Regional works and services such as the Hartland Landfill and water and sewer services.

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

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

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

1.4 Link to Priorities

To ensure consistency with the corporate service planning model, this service plan reflects and responds to the 2015-2019 Board Strategic Plan. The next service plan will reflect the priorities established in the 2019 – 2022 Board Strategic Plan.

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

FIRST NATIONS

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

PUBLIC ENGAGEMENT & COMMUNICATIONS

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

2 Services

2.1 Service Levels

The base year consisted of 1.5 FTEs to support the program and the Task Force activities. In 2017/2018 the service levels increased by 1.0 FTE on a temporary basis to undertake the Reconciliation activities directed by the Board. For the latter part of 2018, the service levels returned back to the base year of 1.5.

The recommendations coming from the Task Force Final report result in ongoing activities related to the newly established Standing Committee, the related Inter-governmental Working group and the increased expectations for early, ongoing and deep engagement and consultation that is implicit in the commitment to the Statement of Reconciliation, adopted by the Board.

In addition, the regulatory requirements for archaeology affects several departments, and requires the Divisions support in undertaking referrals to First Nations and navigating adherence to cultural protocols and agreements.

Services levels to deliver this updated mandate calls for an ongoing staff compliment increase of 1.5 FTEs.

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

Service	Base Year	Year 4 (2019)
Leadership Vision	<u>.25 FTE</u> <u>Division supports the work of the Special Task Force, as well as the Board -supported by Division Chair and CAO's relationship building with First Nation leaders.</u>	<u>Return to 2015-2017 staffing levels. No additional staff resources required</u> <u>.80 FTE</u> <u>The Division supports the work of the First Nations Relations Committee and the Intergovernmental Working Group, supported by the Division</u> <u>—</u>
CRD Internal Departmental Support	<u>1.25 FTEs</u> Support for departmental / division activities accommodated within existing service level	<u>Return to 2015-2017 levels. No additional staff resources required</u> <u>2.0 FTEs</u> <u>Increase ongoing staffing levels:</u>

		<p><u>Community Liaison Coordinator position to increase from .5 (half time) to full time. Increased duties incl:</u></p> <ul style="list-style-type: none"> <u>Support to the emergent archaeology corporate policies, procedures and protocols with First Nations</u> <u>Increased and deepened referrals, engagement and consultation processes including tracking and reporting systems</u> <u>Support to deliver and coordinate studies / reports identified in the Task Force recommendations</u> <u>Oversight and reporting on the Reconciliation dashboard</u> <p><u>Full time administrative position to support:</u></p> <ul style="list-style-type: none"> <u>the newly established Standing Committee on First Nations Relations</u> <u>Inter-gov't working group</u> <u>increased tracking and reporting systems in support of referrals,</u> <u>administrative support associated with implementing archaeology policy, procedures and notifications to First Nations</u>
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2.2 Workforce Considerations

Workforce (FTEs)					
Service	Base year 2015	Year 1 (2016)	Year 2 (2017)	Year 3 (2018)	Year 4 (2019)
Leadership Vision	0.25	0.5	0.5	0.5	0.25 <u>0.75</u>
Division Activities	0.5	0.75	1.5	1.5	0.75 <u>1.5</u>
Emergent Issues and Opportunities	0.75	0.25	0.5	0.5	0.5 <u>0.75</u>
Total	1.5	1.5	2.5	2.5	1.5 <u>3.0</u>

Note: The base workforce levels are 1.5 for this Division. . In 2017/2018 there was a 1.0 FTE temporary increase in support of the Board's direction to undertake Reconciliation activities. The 2019 request is an additional 0.5 FTE, however the overall increase is 1.5 FTE from the base workforce. It is expected that the staff complement of 3.0 for this Division would be ongoing.

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

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

3 Divisional Initiatives & Budget Implications

Title & Estimated Completion Date	Description	Priority	Budget Implications
2019			
Economic Development opportunities	Continued management of business partnerships	First Nations Economic Development	Core budget
	<u>Undertake a feasibility study to better understand the opportunities for Reconciliation through Economic Development</u>	<u>Identified as a key focus area in the Task Force recommendations.</u>	<u>\$50,000</u>
Treaty Negotiations	Continued participation in tripartite government process TTAC participation <u>Increased level of reporting to the FN Relations committee</u>	First Nations	Core budget
First Nations Board / Committee and Forum of ALL Councils participation	Continued support and implementation of Task Force recommendations.	First Nations Governance	<u>\$43,000 for administrative support</u> Core budget <u>Allocation via Legislative Services as required</u>
	<u>FOAC identified as a key recommendation in the Task Force Final Report</u>		<u>\$25,000 (contract for services)</u>
Service Agreements / Contract management	Continued updating / renewal of service agreements	First Nations Finance Governance	Core budget
Communications / Outreach <u>Community Liaison</u>	Continued publication of collaborations and common interests <u>Referrals and special project management</u>	First Nations Public Engagement & Communications	<u>\$25,000 for community liaison position to increase by .5 FTE</u> Core budget
Inter-governmental Working Group	Proposed participation (subject to Board direction) in a partnership with Province and First Nations to establish a framework for FN and Local Government collaborative decision-making on matters of common interest	First Nations Governance	Core budget

Title & Estimated Completion Date	Description	Priority	Budget Implications
Archaeological Policies and Procedures	Institutionalize corporate processes that meet Provincial regulations and compliance, mitigate risk, manage relationships with FNs	First Nations	<u>One time additional costs for contract archaeology expertise for 2019-2020</u> <u>Funded from Reserves.</u> <u>Staff burden imbedded into the work of the 1.5 additional FTE's Core budget</u>
Special Management Areas Project	Collaborative environmental restoration model, sponsored by the Provincial Treaty process, in support of Songhees Nations interest in partnerships with local government	First Nations	EPro budget

4 Goals & Performance Indicators

Service Goals	Indicators or Measures
Facilitate Relationship between CRD Leadership and First Nations	<ul style="list-style-type: none"> Established framework for First Nations participation in regional matters* 50% Board participation rate in training sessions Plan and implement a Forum of All Councils by 2019 and achieve a minimum participation rate of one representative from each of the 13 municipalities, 3 electoral areas and 8 First Nations.
Provide Specialized Support for First Nations Engagement and Service Delivery	<ul style="list-style-type: none"> # of successful partnerships established with First Nations annually Participation rates in available CRD services by First Nations*
Address Emergent Issues & Opportunities as Directed by the Board through The Governance <u>Committee-First Nations Relations Committee</u>	<ul style="list-style-type: none"> Bi-annual reports to the Board summarizing the Division's activities. <u>Quarterly Meetings</u> <u>Deliver annual Forum of All Councils</u> <u>Complete at least one of the special reports identified in the Task Force Recommendations</u>

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

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