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REPORT TO THE FIRST NATIONS RELATIONS STANDING COMMITTEE

MEETING OF WEDNESDAY, MAY 15, 2019

SUBJECT **Update on Inter-Governmental Working Group and UBCM Indigenous Relations**

ISSUE

This report is to provide the First Nations Relations Standing Committee with an overview of ongoing work to support the development of new regional planning and decision-making systems, that are more inclusive of First Nations, with a focus on Recommendation #2 from the Special Task Force on First Nations Relations Final Report and the possible role of the Union of BC Municipalities (UBCM) in supporting this initiative.

BACKGROUND

The Special Task Force Recommendation No. 2 identifies that the Capital Regional District (CRD) Board support the establishment of and participation on an Inter-Governmental Working Group with the province and federal government to help foster stronger relationships between First Nations and Local Government (p.12). The Inter-Governmental Working Group is intended to bring upper levels of government together around a governance dialogue, to help navigate broader, practical solution to the various barriers to greater collaborative decision-making. Further, it is to collaboratively overcome legislative barriers, limited resources and differing governance models that are impacting the ability of First Nations to engage more fully with the CRD on matters of common interest.

Key background actions include:

- **October 2014** – Songhees Chief Ron Sam signalled interest to the CRD Board at having representation at the Board table.
- **April 2015** – CRD's First Nations Task Force presented its outlined plan to UBCM's First Nations Relations Committee
- **October 2015** – CRD Board Chair Nils Jensen sent letter to Premier Christy Clark with suggested avenues to remove legislative barriers.
 - A brief meeting took place with the Premier, CRD CAO and CRD Board Chair at UBCM.
- **May 2017** – CRD staff met with provincial staff to further understand technical barriers to First Nations joining the Board
- **November 2017** – CRD Board Chair Steve Price sent letter to Minister Scott Fraser asking for a meeting to discuss:
 - Obstacles faced by First Nations and location 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.
- **June 2018** – Meeting with Minister Fraser and Robinson to discuss issues related to governance and opportunities for more inclusivity in regional decision-making.
- **August 2018** - Tseycum First Nation sent a letter to Minister Fraser on expressing an interest in being involved in regional decision-making and “exploring workable solutions for the governance gap that exists with the current Regional District system.”
- **October 2018** – CRD Board approved a set of eight recommendations from the Special Task Force on First Nations Relations Final Report, including recommendation #2.
- **November 2018** – CRD Board Chair Colin Plant sent letter to Minister Scott Fraser and Minister Selina Robinson with the purpose of engaging the Province on overcoming systemic barriers to better and more inclusive governance approaches between First Nations and the CRD
- **February 2019** – Chair Plant received a response from Minister Robinson suggesting a meeting of Ministry and CRD staff to further explore the potential role of the provincial government in a working group initiative (Appendix A).

ALTERNATIVES

That the First Nations Standing Committee recommend to the Board:

Alternative 1:

That the CRD advance Recommendation No. 2 of the Task Force report by engaging with UBCM at a staff and political level to elevate those Special Task Force objectives that have provincial or legislative implications.

Alternative 2:

This report be received for information.

DISCUSSION

On March 7, 2019, CRD staff met with staff from the Provincial Ministry of Indigenous Relations and Reconciliation and the Ministry of Municipal Affairs and Housing to discuss the proposal for an inter-governmental working group. A number of topics were touched upon at the meeting, including: First Nations participation in governance; the role of local governments in First Nation capacity building and impact benefit agreements; and engaging in community service agreements to allow First Nation governments to access public works and emergency services. Staff further discussed the challenges of navigating government to government consultation, in the current environment where local governments have no formal duty to consult (except when delegated that duty by the Province), but still see a need to engage with Nations to preserve existing operational and functional relationships in a respectful way. While there are many areas where CRD could benefit from a working relationship with upper levels of government, the Provincial staff emphasised that UBCM is an existing vehicle through which local governments can bring forward actions and initiatives to the Ministry.

In follow-up to the March 2019 Ministry meeting, CRD staff have been exploring the utility of UBCM in supporting efforts toward the development of a new regional planning and decision-making system with increased First Nations participation.

Role of UBCM:

In 2013 UBCM began to promote the work and the reconciliation message of the Truth and Reconciliation Commission of Canada. It did this through working with Reconciliation Canada, an Indigenous-led organization focussed on engaging Canadians around relationship building between Indigenous Peoples and all Canadians. This work resulted in two key agreements being formed, one provincial and the other federal:

1. UBCM and the Province of British Columbia entered a Memorandum of Understanding (MOU) on Engagement with UBCM and Local Governments on Treaty Agreements, Non-Treaty Agreements and Indigenous Initiatives (Appendix B).
2. UBCM and Indigenous and Northern Affairs Canada entered a MOU on Communication and Information Sharing.

Using the MOUs with the Federal and Provincial government to establish a framework to move forward on Indigenous Relations, UBCM has focussed its effort in two areas (Appendix C):

1. Legislative and Regulatory Framework
 - a. UBCM monitors and responds to legislative changes, proposals, and other initiatives regarding First Nations that are relevant to local government. UBCM also tracks key First Nation court decisions, supports local government in the treaty process, and supports negotiations outside the treaty process.
2. Indigenous Relations Committee
 - a. The Indigenous Relations Committee oversees all areas of policy development work related to Aboriginal issues, including treaty negotiations, self-government and taxation. The Committee's key role is to focus on relationship building between First Nation and local governments.

The MOUs in place between UBCM and both the federal and provincial governments provide the possibility of a formal venue to elevate key aspects of the CRD's effort in working toward new regional planning and decision-making structures alongside First Nations. Staff will need to further explore how active the UBCM Indigenous Relations Committee is in advancing its mandate, and whether the mandate can enhance staff's work on advancing the Task Force recommendations, however, there is an opportunity for CRD staff to continue to explore regionally-developed approaches toward more effective governance with First Nations and the appropriateness of then working with UBCM to elevate the efforts with the intent to help shape legislation and policy at the provincial and federal level.

CONCLUSION

As UBCM is active in engaging, and has an existing role formally in place, with the provincial and federal governments there is an opportunity to utilize the organization to help advance the CRD's efforts around transforming regional governance through enhancing participation of First Nations.

CRD staff have identified two key ways to move this important initiative forward:

1. Engage UBCM at a staff and political level to potentially elevate certain aspects of the CRD's objectives that could have provincial or legislative implications.

2. Continue to engage with staff from the Ministry of Indigenous Relations and Reconciliation as well as the Ministry of Municipal Affairs and Housing to share regional activities and solicit input and feedback.

CRD staff have identified that using a two-pronged approach where local and ongoing efforts are communicated to provincial ministry staff in addition to further exploration as to the specific role UBCM can play in advancing initiatives that have a province-wide impact may offer an opportunity to meaningfully move forward towards new and exciting approaches to engaging First Nations.

RECOMMENDATION

That the First Nations Relations Standing Committee recommend to the Board:

That CRD advance Recommendation No. 2 of the Task Force report by engaging with UBCM at a staff and political level to elevate those Special Task Force objectives that have provincial or legislative implications.

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

Attachments: Appendix A – Letter from Minister Selina Robinson dated Feb. 6, 2019

Appendix B – MOU between Province and UBCM dated Sept. 10, 2018

Appendix C – Information on UBCM Indigenous Relations