

## APPENDIX B



Making a difference...together

### Capital Regional District

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October 14, 2015

File: 0220-20

The Honourable Christy Clark  
PO Box 9041 Stn Prov Govt  
Victoria, BC V8W 9E1

Dear Premier Clark:

### **RE: AUTHORITY TO HAVE FIRST NATIONS AT THE CRD BOARD**

I would like to thank you and the Honourable John Rustad, Minister of Aboriginal Relations and Reconciliation for taking the time to meet with myself and members of the Capital Regional District (CRD) Board and First Nations Task Force at the Union of British Columbia Municipalities Conference.

During the meeting we expressed our interest in exploring ways to have First Nations participate more directly in decision making at the CRD. As a regional district we provide a wide range of local, sub-regional and regional services and are actively involved in providing services to First Nations through a variety of service agreements. As we expand our relationship with First Nations, particularly the 9 Nations which have occupied reserves in the region, it has become evident that there are some barriers to participation in service delivery as compared to the service participation model available to our member municipalities and electoral areas. We recently amended our Procedures Bylaw to allow First Nation participation from the Songhees & Esquimalt First Nations on the Core Area Liquid Waste Management Committee (CALWMC) of the CRD Board. However to enable direct participation by First Nations on specific service decisions, there would need to be legislative changes which are beyond the authority of the CRD Board.

At our October 14, 2015 Board meeting we announced that the Songhees and Esquimalt Nations have formally joined our CALWMC as voting members. These Nations have also expressed a desire to join the Board to vote on issues which impact them directly as participants of a service. Other First Nations with Douglas Treaties have also expressed a desire to participate, however as there is currently no legislative avenue to provide for direct participation on service delivery, outside a modern day treaty, we are unable to make any progress on this issue.

Some of the suggested avenues we would like you to consider include:

1. Removing Legislative Barriers:
  - a. Review of Division 3.1 of Part 24 of the Local Government Act with consideration to allow Douglas Treaty First Nations the ability to join regional districts
  - b. In the interim, create a governance vehicle that allows First Nations to be equivalent participants in local services without mandatory membership on the regional board
    - Issues imbedded in this framework will have to address:
      - o Indemnification/liability/ insurance provisions
      - o Regulatory powers
      - o Exit provisions
      - o Service review
2. Support First Nations Capacity to Participate:
  - a. Training and education for both local government and First Nations staff
  - b. Programming funds, which build on the Community to Community Forum grants

Thank you again for taking the time to meet with us and we greatly appreciate any consideration you are able to give to our concerns and suggestions.

Yours truly,



Nils Jensen, Chair  
Capital Regional District

cc: All CRD Board Members  
Robert Lapham, Chief Administrative Officer, Capital Regional District  
Sonia Santarossa, Corporate Officer, Capital Regional District