

Capital Regional District | October 28, 2020

Who is a “First Nation Member”?

A First Nation Member is an elected First Nation Chief or Councillor who has been appointed by their First Nation to a Standing, Select or Advisory Committee of the CRD. A First Nation Member also includes their alternate when acting in the place of a First Nation Member.

Can First Nation Members vote?

Yes. In the proposed model First Nation Members will be able to vote on matters that are of interest to their communities and may abstain from voting on matters that are not. The recommended changes to the Procedures Bylaw do not establish different classes of participants around committee tables and therefore First Nation Members would be afforded the same responsibilities of a CRD Director at a committee. This is consistent with the existing CRD approach to First Nations participation on committees that currently have appointed First Nations members.

Why would we permit First Nation Members to vote on issues pertaining to services that they do not participate in?

All Directors have 1 vote on each item at Standing Committees, regardless of whether their Municipality or Electoral Area participates in the service to which the item pertains. Weighted and participant voting only applies for decisions of the Regional Board and commissions with delegated Board authority (i.e. Regional Water Supply Commission). There are some committees and commissions where membership is defined by participation in the service, such as the Core Area Liquid Waste Management Committee. The proposed model does not recommend any changes to the membership of those committees and commissions and only recommends First Nation Members be permitted on Standing Committees that currently have broad regional representation.

What about bringing forward a Notice of Motion?

Yes. First Nation Members will be permitted to advance items to a Standing Committee agenda through the Notice of Motion process. This is to enable First Nation Members the opportunity to also bring forward items and issues that are of particular interest to their communities, provided the issue is within the Terms of Reference for that committee. Additionally, all of Section 22 (Motions) and Section 24 (Debate and Conduct) of the Procedures

Inclusive Governance

Appendix E - Supplementary Information

Capital Regional District | October 28, 2020

Bylaw will apply to First Nation Members. This is deliberate, to ensure that the meeting rules of conduct apply equally to all members at the table.

What if a committee votes against advancing an initiative?

All items received by committee are reported to the Board, unless the committee refers the item back to staff for more information. The Board then has the authority to endorse or reject the recommendation of the committee. Standing Committees are advisory to the Board and there are no circumstances where a committee could prohibit the CRD Board from considering or advancing an initiative that is within its authority.

Do First Nations support more inclusive governance?

The proposed model for inclusive governance has been shared with all nine First Nations with occupied reserve lands within the capital region. Staff have been able to follow-up and speak with seven First Nations to present options, discuss process, determine the specific committees to include and to share limitations. First Nations have expressed an interest in having opportunities for participation around committees and continue to reinforce how important greater collaboration with First Nations is in helping to shape regional decision-making. First Nations have expressed that they see this work as an important step in supporting stronger relationships between First Nations and the CRD.

Will this model create too much uncertainty?

Within the context of more inclusive governance, certainty is not to suggest a certainty of outcome; rather, it is to mean clarity and a predictability on the basic elements of decision-making. Clarity through this effort will be gained through achieving a shared understanding on where and how are decisions made, what are the processes and timelines shaping decision-making, what is the information being used to inform the process and what are the respective roles and responsibilities of those involved. Predictability will be achieved through establishing a governance structure that more fully includes First Nations so that complex items and issues can be discussed with regular frequency and in a way that reflects the roles, responsibilities and services of regional government.

Capital Regional District | October 28, 2020

What about items that don't include First Nations, such as the Regional Growth Strategy (RGS)?

Broadly speaking, determining where, when and how First Nations are to be engaged on specific initiatives is best determined collaboratively with First Nations. However, there are certain items where there is a duty to consult such as with permitted archaeological works or the RGS. Though this duty is the responsibility of senior levels of government and cannot be delegated, there is a significant opportunity for more engagement with First Nations. Establishing space for First Nations to participate on committees will begin to build a shared understanding of how First Nations' interests, priorities, values, beliefs and rights can be expressed and implemented within CRD process to better inform outputs and to help shape regional outcomes.

What about items being discussed in closed meetings?

Staff have determined there are a number of important implications associated with First Nation Members participating in closed meetings that need to be fully considered on an item-by-item basis. Therefore, participation in closed meetings is not a part of this initial model. Staff have prepared a separate report that explores the implications of First Nation Members participation in closed meetings for consideration by the Board.