

**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, JANUARY 13, 2021**

SUBJECT Outreach Summary on First Nations Inclusion in CRD Governance

ISSUE SUMMARY

Summarizing outreach efforts and the feedback received from regional First Nations on the CRD's proposed model for inclusive governance.

BACKGROUND

At the October 28, 2020 Committee Of the Whole (COW) meeting, staff were directed to consult with all nine First Nations on the proposed model of inclusion of First Nation Members at CRD Standing Committees, before adopting proposed changes to the CRD Board Procedures Bylaw and Committees' Terms of Reference.

Through the month of December, staff and the Board Chair reached out to all nine First Nations to offer a presentation on the model and to receive any feedback. Presentations were given to three First Nations and formal responses of support were received from the WSÁNEĆ Leadership Council and the Esquimalt First Nation. A summary of outreach and feedback is attached at Appendix B.

From the responses, overall there is general support for the proposed model in its ability to improve relationship building and provide a further opportunity for First Nations to participate in decisions that may affect their interests. There was also an interest in participation at other standing committee tables than those suggested initially. First Nations have been clear that this proposed model must not replace the CRD's consultation responsibilities where there is a formal requirement to consult. Some Nations expressed that it does not go far enough in acknowledging their rights, however it is seen as a step in the right direction.

Not all Nations were available for a presentation and three nations did not provide any substantive feedback. It is expected that further engagement would take place following the Board's decision in order to continue to build understanding on the proposed model. Each Nation has its own unique areas of interest and capacity challenges in being able to engage with CRD's governance system and it is expected that attendance at CRD committee tables will reflect that.

ALTERNATIVES

Alternative 1:

1. That Bylaw No. 4368, Capital Regional District Board Procedures Bylaw, 2012, Amendment Bylaw No. 11, 2020, be adopted;
2. That the Terms of Reference for all CRD Standing Committees be amended to allow for First Nation Member participation, as follows: "First Nation Members are permitted to participate in standing committee meetings at their pleasure, in accordance with the CRD Procedures Bylaw, where the Nation has an interest in matters being considered by the committee."

Alternative 2:

That this report be referred back to staff for additional information.

IMPLICATIONS

Intergovernmental Implications

The proposed model of flexible and open participation will enable First Nations to better define their level of engagement on matters being discussed within CRD governance, while also supporting the development of new relationships or strengthening existing ones between CRD Directors, their alternates and First Nations' representatives. Some First Nations have indicated their interest in this participation while others have yet to confirm their involvement. No First Nations have rejected this proposed model as it is generally seen to be an improvement to the current structure. It is critical to note that this approach to more inclusive decision-making will not replace the need for direct engagement and, where necessary, consultation as may be required by the Crown. Staff will continue to work with all local First Nations on items that may be of interest to them.

Financial Implications

In conjunction with this staff report, the Board will be receiving a companion report proposing remuneration in the amount of \$110 per meeting plus travel expenses for First Nation Members. The CRD Board's 2021 provisional budget has already been approved with an allocation of \$75,000 to support the estimated level of participation by First Nations at CRD committees.

Appointment Implications

Upon endorsement of the proposed membership model, staff will work to further engage First Nations to solicit a First Nations elected official and alternate to participate as an appointed First Nation Member at CRD. Staff will then provide this list to the Board Chair for confirmation of appointment and to the Board for information once the appointment is confirmed. To prepare First Nation Members for participation, staff will develop and host an Orientation Session where those identified as First Nation Members and their alternates could be formally introduced to CRD committee processes and systems.

It is expected this process of identifying First Nation Members and their alternates will take place annually to coincide with the existing CRD appointment schedule.

Alignment with Board & Corporate Priorities

The 2019 – 2022 CRD Board Priorities include Reconciliation with First Nations, specifically:

- 3a Look to First Nations for leadership in understanding how to create new regional planning and decision-making systems together on their Traditional Territories.
- 3b Seek partnerships, share information and deliver fair and equitable services in working with First Nations on achieving their economic goals.
- 3c Work with First Nations on taking care of the land and water while providing space for cultural and ceremonial use, food and medicine harvesting, traditional management practices and reclaiming Indigenous place names.

Alignment with Existing Plans & Strategies

The following strategies have been identified as related to the Reconciliation with First Nations Board Priority:

- Special Task Force on First Nations Relations Final Report and the Statement of Reconciliation
- Regional Climate Action Strategy
- Regional Food and Agricultural Strategy
- Regional Growth Strategy
- Regional Housing Affordability Strategy
- Regional Parks Strategic Plan
- Regional Water Supply Strategic Plan
- Organizational Development Plan
- Corporate Asset Management Strategy

CONCLUSION

First Nations have expressed a desire for an increased role in regional decision-making. Provincial legislation limits full First Nations participation on the CRD Board except through a modern treaty, but there are significant opportunities for the CRD to create space for more inclusive discussions at Standing, Select and Advisory Committees. Through outreach to regional First Nations there is enough support to move forward with interested Nations while continuing to work with the other First Nations who have been unable to provide feedback. While this model does not offer full integration of First Nations participation in CRD governance, it is an incremental step in the right direction. This model will build more familiarity and common understanding of CRD decision-making process, and could provide an avenue for networking between municipal and First Nations elected leadership.

RECOMMENDATION

1. That Bylaw No. 4368, Capital Regional District Board Procedures Bylaw, 2012, Amendment Bylaw No. 11, 2020, be adopted;
2. That the Terms of Reference for all CRD Standing Committees be amended to allow for First Nation Member participation, as follows: “First Nation Members are permitted to participate in standing committee meetings at their pleasure, in accordance with the CRD Procedures Bylaw, where the Nation has an interest in matters being considered by the committee.”

Submitted by:	Erich Kelch, Outreach Coordinator, First Nations Relations
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Bylaw No. 4368

Appendix B: Summary of Outreach Efforts and Feedback from First Nations

Appendix C: Letter from W̱SÁNEĆ Leadership Council

Appendix D: Letter response from Sc'ianew First Nation

Appendix E: Correspondence with Pacheedaht

Appendix F: Staff Report: First Nations Inclusion in CRD Governance

Appendix G: Supplementary information provided at October 28, 2020 COW Meeting