



Council Report

Report Number:	LGL2022-011
Meeting Date:	June 21, 2022
Title:	LGL2022-011 - Policies Respecting Consultation with and Repatriation to First Nations, and Related Reconciliation Efforts
Description:	Return of policies following Council endorsement and consultation with the First Nations
Author and Title:	Robyn Carlson, City Solicitor

Recommendations:

That Report LGL2022-011, **Policies Respecting Consultation with and Repatriation to First Nations, and Related Reconciliation Efforts**, be received;

That Council approve policies contained at Schedules A, B, C and D to Report LGL2022-011 to outline and guide acknowledgement, consultation, partnership and education of First Nations interests in Kawartha Lakes; and

That the policies entitled the First Nations Consultation Policy, the First Nations Land Acknowledgement Policy, the Repatriation of Indigenous Artefacts and Remains to, and Sharing Archival Information with, First Nations Policy, and the Education in Response to the 57th Call to Action from the Truth and Reconciliation Commission Policy, appended to Report LGL2022-011, be adopted, numbered and inserted in the Corporate Policy Manual.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The City of Kawartha Lakes does not currently have any policy respecting its consultation practices with the First Nations that have historical ties to the geographic region that is the City of Kawartha Lakes. Many statutes (Planning Act, Heritage Act, Environmental Assessment Act) set out the City's obligations to consult with First Nations that may be impacted by development. The purpose of the proposed Consultation Policy, attached at Schedule A, is to itemize these various statutory requirements, so that Staff have a clear understanding of the City's obligations. It is anticipated that the Consultation Policy, will form the basis for Management Directives and Standard Operating Procedures to better assist the implementation of the Policy. It is anticipated that the costs and time associated with consultation will be incorporated into future project planning, which will better enable the City to plan for and meet its statutory obligations, while reducing the likelihood of unplanned costs and delays to projects.

The City of Kawartha Lakes does not have any policy respecting its commitment to reconciliation with the First Nations and the Indigenous Peoples of Canada. The Land Acknowledgment Policy, at Schedule B, and the Repatriation Policy, at Schedule C, are presented for the purpose of reconciliation.

On June 15, 2021, Council approved the following resolution:

CR2021-328

Moved By Councillor Yeo

Seconded By Councillor Veale

That Staff be authorized to consult with the appropriate First Nations with respect to the contents contained in the draft policies contained at Schedules A, B, C & D of Report LGL2021-008;

That Staff report back to Council on the results and recommendation(s) from the consultations; and

That Council, at that time, approve final City policies to outline and guide acknowledgement, consultation, partnership and education of First Nations interests in Kawartha Lakes.

Carried

Consultation has now occurred, and the purpose of this report is to introduce the policies, inclusive of consultation, and to provide a status update on the implementation of those policies, and next steps in terms of implementation.

Rationale:

Context: Why a Land Acknowledgment?

Each First Nation is a separate, sovereign, one-tier government (unlike the Canadian government, which is broken into federal and provincial governmental entities, and municipal governments, being created by provincial statute). The First Nations each contracted with the British Government that would enable the British (and later, the Canadian) government, to share the land on the same basis that each of the First Nations shared the land with each other.

The contracts, or treaties, applicable to the geographical boundaries now known as Kawartha Lakes are Treaty 20 & the "Williams Treaties".

The Williams Treaty First Nations commenced litigation against the Canadian federal government and the parties settled the litigation in 2018. The federal government paid the Williams Treaty First Nations financial compensation, as well as recognized the First Nations rights to hunt, fish and harvest from provincial and federal lands and waters within this area.

The following is an example of a land acknowledgment that may be used by the City, which may be amended from time to time in consultations with the First Nations:

"The City of Kawartha Lakes respectfully acknowledges that we are situated on Mississauga lands and the traditional territory covered by the Williams Treaties.

We are grateful for the opportunity to work here and we thank all the generations of people who have taken care of this land for thousands of years. We recognize and deeply appreciate their historic connection to this place. We also recognize the contributions of Métis and other Indigenous peoples in shaping and strengthening this community."

The purpose of a land acknowledgment is to foster reconciliation.

The City has reached out to the First Nations listed in the draft Consultation Policy and received substantive response, which recommendations have been incorporated into the attached Policy. Specifically, in addition to Council and Planning Advisory Committee

providing land acknowledgments at certain meetings, Staff conducting consultation meetings with an Elder of a First Nation will start the meeting with a land acknowledgment.

Education Policy

The purpose of the Education Policy, at Schedule D, is to provide a foundation upon which Council and the Planning Advisory Committee can provide a land acknowledgment. In other words, taking advantage of the education provided pursuant to the Education Policy will allow Council and the Committee to understand the factual basis for the land acknowledgment.

A further and related purpose of the education policy is to provide a foundation for staff upon which they can feel confident in carrying out the City's statutory obligation to consult.

The scope of education to be provided is as follows: "on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations[, and including] skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism."

This education, to a lesser scope, is taught in the Ontario public school system (elementary) as of 2016, with outstanding commitments from the provincial government to add further education at the elementary and high school level. Until this younger generation enters the workforce, the employer is left with employees carrying out statutory obligations to consult and no educational context with which to do so. This has resulted in City employees being very willing to carry out the City's statutory obligations, but nervous as to how to do this properly without making a cultural mistake to the detriment of the employer.

To date, the Mayor and all members of Council, all members of the Planning Advisory Committee and 300 members of staff have completed the educational training, and received certification accordingly. A further 400 members of staff will be completing the training in 2022. This will account for all permanent, full time staff that have completed their probationary period with the City. Additionally, a Standard Operating Procedure has been signed to ensure that incoming staff over the years are also trained. A copy of that Standard Operating Procedure is attached as Schedule E.

Alignment to Strategic Priorities

One of the City's strategic priorities is to become an employer of choice. In furtherance of this priority, the City commenced annual employment surveys in 2017 to determine where current staff believe the City could make improvements in this regard. The City has scored low in "innovation" and providing the necessary training to staff in order for staff to complete their jobs. The commitments contained in these policies provide a significant response to this feedback.

The Education Policy provides a template for future policy to be presented to Council for its consideration in the area of Equity, Diversity and Inclusion. A Team of Staff has been struck as of 2021, which Team is currently working towards providing a comprehensive Equity, Diversity and Inclusion program to Staff this year (2022). It is anticipated that staff and Council training will be part of this initiative, to give staff further skills in which to confidently navigate the changing social context in which they carry out their jobs.

Other Alternatives Considered:

None.

Financial/Operation Impacts and Next Steps:

Consultation Policy

The Consultation Policy in large part reiterates what the City is obligated to do, and therefore has no financial or operational impact over and above what is statutorily required. These statutory requirements, however, have a much greater cost and operational impact (Staff time spent) than the Repatriation Policy, as the Repatriation Policy contemplates a one-time financial and time commitment; the Consultation requirements are ongoing obligations.

The Curve Lake First Nation requested an amendment to the Consultation Policy pertaining to the circulation of additional Planning Act applications, which would have an impact on operations, in that it would require additional administration of the Planning process. More specifically, the Planning Department currently circulates the Curve Lake First Nation on every preconsultation application, exclusive of minor variances to the zoning by-law and applications for the severance of land. The Curve Lake First Nation requested circulation on minor variances and applications for the severance of land. A concern of the City is the ability to meet tight statutory turnaround times for comment. In order to address this, Staff are recommending that

further discussions with the Curve Lake First Nation occur, so that this interest can be satisfactorily addressed. Once these discussions have concluded, Staff will bring forward a status update to Council on the outcome of these discussions.

Repatriation Policy

The Federal Government has committed to providing funding to museums to assist with repatriation (return of items belonging to the First Nations). It is overdue on realizing on this obligation, on account of the pandemic. It is unknown at this time whether or not this will be direct grants to museums, or will flow through the province.

The City has recently hired a curatorial services officer. This member of staff will catalogue the full list of Indigenous artefacts in the possession of the City.

Staff will proceed forthwith to secure external funding for repatriation, and will report back to Council on the outcome by Q4 2023. If Staff have succeeded in procuring funding, Staff will provide Council with a plan for repatriation, in consultation with the Historical Society, other participating museums, and relevant First Nation(s).

The Manager of Records will create a database of all City-owned records that may be of importance to First Nations or Indigenous Persons. Once identified, electronic copies of these documents will be made accessible (be shared with) the First Nations that may be interested in these documents. This work will be done using existing staff resources and does not have an associated financial impact.

Education Policy

The City will spend \$31,310 to the end of 2022 in training all of Council, the Planning Advisory Committee and existing staff identified for training. Annual anticipated spend on training new staff is \$750.

Consultations:

Economic Development Officer – Arts & Culture

Manager, Corporate Records and Archival Services

Manager, Planning Division

Economic Development Officer – Heritage Planning

Development Engineering

Strategy and Innovation Specialist

Learning and Development Officer, Human Resources Division

Manager, Human Resources Division
Senior Management Team
First Nations

Attachments:

Schedule A-1 – Consultation Policy updated in tracked change format



Sch A-1 First
Nations Consultatio

Schedule A-2 – Consultation Policy updated in final format



Sch A-2 First
Nations Consultatio

Schedule B-1 – Land Acknowledgment Policy updated in tracked change format



Sch B-1 Land
Acknowledgment Pc

Schedule B-2 – Land Acknowledgment Policy updated in final format



Sch B-2 Land
Acknowledgment Pc

Schedule C-1 – Repatriation Policy updated in tracked change format



Sch C-1
Repatriation Policy -

Schedule C-2 – Repatriation Policy updated in final format



Sch C-2
Repatriation Policy -

Schedule D – Education Policy (no changes proposed)



LGL2022-011
Schedule D - Education Policy

Schedule E – Education Policy Standard Operating Procedure



Sch E - Education
Policy SOP.docx

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Department Head: Robyn Carlson, City Solicitor

Department File: Policies – First Nations and Indigenous Peoples