



Committee of the Whole Report

Report Number: ED2023-026
Meeting Date: June 6, 2023
Title: **First Nations Reconciliation Initiatives**
Description: Overview of City initiatives related to the Truth and Reconciliation Commission's Calls to Action
Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report ED2023-026, **First Nations Reconciliation Initiatives**, be received;

That Policy CP2022-010 (Education in Response to the 57th Call to Action from the Truth and Reconciliation Commission Policy) be amended as outlined in Appendix A of this report; and

That this recommendation be brought forward to Council for consideration at the next regular Council meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

Kawartha Lakes is located on the traditional territories of the Mississauga nations and the lands covered by the Williams Treaties. The first treaty in the region that includes the City of Kawartha Lakes was the Rice Lake Treaty, also known as Treaty 20, which was signed at Port Hope in 1818 and was the last of three treaties made in central Ontario in the wake of the War of 1812. These three treaties were aggressively pursued by the Crown at this time to secure land for non-indigenous settlement and the Rice Lake Treaty, specifically, ceded nearly 2 million acres of land to the Crown and displaced the Mississauga to a number of reserves throughout the region. In 1923, subsequent treaties, with seven Anishinaabe communities, were signed encompassing the Treaty 20 area as well as additional lands to the north and south of the 1818 treaty; collectively, these treaties are known as the Williams Treaties. These treaties transferred the title of large tracts of land to the Crown and Province of Ontario and terminated the rights of the First Nations to hunt, trap and fish outside of the previously allocated reserve lands. Subsequent lawsuits throughout the 1990s challenged these treaty rights and, in 2018, the Governments of Canada and Ontario agreed to a financial settlement, additions to reserve lands, and the restoration of harvesting rights off of reserve lands.

The City is one of a large number of central Ontario municipalities located within the Williams Treaty area and, like many municipalities and levels of government, has historically not prioritized partnerships, collaboration and consultation with First Nations throughout the treaty area. With increasing awareness of First Nations treaty rights and the benefits of building good partnerships and relationships, as well as legislative and policy requirements related to the duty to consult, the City is currently in the process of developing better policies and processes related to a range of topics to advance reconciliation with First Nations communities, build better relationships, and fulfil its legislative, policy and treaty obligations.

There are seven First Nations who are signatories to the William Treaties and with whom the City consults: Alderville First Nation, Chippewas of Beausoliel Island First Nation, Chippewas of Georgina Island First Nations, Chippewas of Rama First Nation, Curve Lake First Nation, Hiawatha First Nation and Mississaugas of Scugog Island First Nation. These seven Nations are the treaty holders for the region in which the City is located and are often referred to collectively as the Williams Treaty First Nations. In addition, the City also consults with the Metis Nation of Ontario and the Huron-Wendat

Nation on some matters who, while not the treaty holders in this region, may have interest in certain matters due to historic presence in the area.

This report is intended to provide Council with background information related to the duty to consult and reconciliation as well as an overview of the various ongoing initiatives at the City intended to address the City's obligations with regard to consultation and to build better and more respectful working relationships with local First Nations.

Constitutional Duty to Consult and Legislative Direction

Consultation with indigenous people is legislated and a required part of any decision making process that would impact their treaty rights. Section 35 of the Constitution establishes the Crown's duty to consult. This means that the Crown, through the federal and provincial governments, must consult with and accommodate the interests of indigenous groups when undertaking actions that may impact their treaty rights. Consultation includes three components: providing information, listening to the response from indigenous groups, and taking action to attempt to mitigate those concerns. Meaningful consultation requires involving First Nations in project planning from an early stage and being willing to change the scope, type or process of work in order to respond to First Nations concerns, as opposed to simply providing information or taking notes. The responsibility to undertake consultation is often delegated to municipal governments and can also be delegated to private third-parties, although the responsibility to ensure meaningful consultation has occurred ultimately rests with the provincial or federal government.

In Ontario, the role of municipalities in fulfilling the Crown's duty to consult is more fully established through provincial legislation and policy. In particular, the Provincial Policy Statement requires indigenous communities to be consulted and their interests considered as part of the land use planning process. Legislation, including the Planning Act, Environmental Assessment Act, and the Ontario Heritage Act, and associated provincial policy and regulations broadly sets out a municipal role in consulting with, and taking into account the interests and concerns, of indigenous communities throughout both the land use planning and development process and through City-initiated capital projects where indigenous treaty rights may be impacted.

Truth and Reconciliation Commission Calls to Action

In addition to legislative and policy requirement, direction on reconciliation also derives from the final report and calls to action of the Truth and Reconciliation Commission (TRC). The TRC was formed in 2008 in response to years of calls from survivors of residential schools to investigate Canada's legacy of racism against indigenous people through the residential school system, support survivors and their families, promote awareness of the residential school system, and chart a way forward for reconciliation and healing. The final report of the Commission was released in 2015 and included two primary components: detailing the history, impacts and legacy of residential schools on survivors, their families and indigenous communities as a whole, and providing through calls to action, steps forward to advance equity for indigenous people and begin the healing process. The TRC report included 94 Calls to Action, primarily directed at the federal government, intended as actionable policy recommendations to acknowledge the legacy of residential schools and to advance reconciliation and the equitable treatment of indigenous people in Canada today.

Of the 94 calls to action, there are a number of action items which are directly applicable to municipal governments, their legislated role, and the programs they support in the community. These are:

Action 45.iii: Action 45.iii calls on the federal government to renew or establish Treaty relationships based on mutual recognition, mutual respect, and shared responsibilities for the future. This action applies to municipalities by providing direction to build relationships with local and regional indigenous organizations and communities to open space for conversation on various issues and initiatives.

Action 47: Action 47 calls on federal, provincial, territorial and municipal government to repudiate and reform concepts that justify European sovereignty over Indigenous peoples and lands and reform laws, policies and litigation strategies relying on these concepts. This action is extremely high level and directs all levels of government to re-think how land is managed in relation to indigenous culture and rights.

Action 57: Action 57 directs all levels of governments, explicitly including municipalities, to provide training to public servants related to the history of indigenous people, the United Nations Declaration on the Rights of Indigenous People (UNDRIP),

treaties and treaty rights, indigenous law, and indigenous-crown relations. This action is explicitly directed at municipal governments.

Action 67: Action 67 directs the federal government, in conjunction with the Canadian Museums Association, to undertake a national review and develop best practices and policies to implement UNDRIP in the museum context. This action applies to the municipal sector through municipally-run and supported museums.

Action 69.iii: Action 69.iii directs Library and Archives Canada to commit resources to public education and material on residential schools. This action applies to municipalities through municipally-run libraries and their programming.

Action 70: Action 70 directs the federal government, in conjunction with the Canadian Association of Archivists, to undertake a national review of archival policies and best practices to determine the level of compliance with UNDRIP related to indigenous peoples' right to information and produce a report outlining a reconciliation framework for Canadian archives. This action applies to the municipal sector through municipally-run and supported archives and records services.

Action 77: Action 77 directs provincial, territorial, municipal, and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect records relevant to the history and legacy of the residential school system. This action is explicitly directed at municipal archives.

Action 92: Action 92 is directed at the corporate sector to adopt UNDRIP to corporate policy and operational activities to provide education, ensure equity, and commit to meaningful consultation and informed consent prior to proceeding with economic development projects. This action applies to the municipal sector through the support provided to and review undertaken of private development through both Economic Development and the development approvals process.

Action 93: Action 93 directed at the federal government to work with national indigenous organizations to revise the information kit for newcomers to Canada and the citizenship test to reflect a more inclusive history of indigenous people in Canada, including residential school. This action applies to municipalities through services and information provided to newcomers at a local level.

These items provide both high-level and specific guidance and some, such as the actions related to museums, archives and libraries, are directed at pan-Canadian organizations which, in turn, provide guidance to their members, which may include municipalities or municipally-supported institutions. Implementation of these actions is an ongoing and evolving process and involve different levels of planning and resourcing to achieve.

Rationale:

In order to respond to the calls to action, and to build better relations and partnerships with local First Nations, the City has implemented a number of program-specific actions to begin this process. The actions that have been undertaken are intended to build partnerships and trust between the City and Williams Treaty First Nations and to lay the foundations for an ongoing relationship. The major initiatives that are currently underway are summarized below. Reconciliation and relationship building are ongoing processes and will continue to evolve and grow with new projects and initiatives.

Policy Development and Implementation

In 2022, the City adopted four policies directly intended to respond to the TRC's Calls to Actions and to build better relationships with First Nation in our region. These policies are:

- CP2022-007 First Nations Consultation Policy
- CP2022-008 First Nations Land Acknowledgement Policy
- CP2022-009 Repatriation of Indigenous Artifacts to and Sharing Archival Information with First Nations Policy
- CP2022-010 Education in Response to the 57th Call to Action from the Truth and Reconciliation Commission Policy

The intent of these policies were to provide clear and transparent direction to staff, Committees and Council on ensuring that the City's legislated obligations with regard to its relationship with First Nations were met, to recognize the historic and contemporary presence of First Nations in Kawartha Lakes, and to build better working relationships with the City's First Nations partners. The action items coming out of these policies are outlined more fully below. The implementation of these policies is ongoing and will continue to evolve.

Williams Treaty First Nations were circulated and consulted as part of the development of these policies.

Land Acknowledgement

In accordance with the Land Acknowledgement Policy, the City has adopted a Land Acknowledgement which is used at the beginnings of certain events and meetings. As part of the policy development process, the acknowledgement was reviewed by local First Nations for accuracy and appropriateness. Under the Policy, the Land Acknowledgement is used at the initial swearing ceremony for each new four-year term of Council and the Planning Advisory Committee, at the meeting of Council and the Planning Advisory Committee immediately preceding National Indigenous Peoples Day, and at any events which involve or are about First Nations or at which Elders are present. More informally, the Land Acknowledgement is also used at a variety of City events and meetings where it is deemed appropriate and has been shared with outside organizations as an appropriate land acknowledgement for the local area.

Land Acknowledgements are the most easily implemented action to respond to call to Action 47 and should form the basis for additional learning about and action related to indigenous relationships with the land.

Council, Committees and Staff Education

The City's Education Policy provides that Council, certain statutory Committees of Council and staff participate in training related to the history of First Nations in Canada and anti-racism, as outlined in the TRC's 57th Call to Action. This training was first provided in 2021 through both online and in person sessions for different staff groups. The education of staff, Council and Committees of Council is an ongoing initiative and will continue into the future as new staff are on-boarded and with subsequent Councils and Committees. The intention of providing training is to help foster an understanding of First Nations history, including treaties and residential schools, and culture to public service staff so that interactions with First Nations people and communities are respectful and sensitive.

To date, approximately 50% of full time staff (325 of 643 full time staff, including Kawartha Lakes Police Service) have been trained through a mix of online and in person training to best meet the needs of each work group. All decisions-makers and leaders have been trained and additional staff are being trained for expanded education and

understanding. Training for remaining staff who have not yet participated will be scheduled for throughout 2023 and new staff will be enrolled in training as they are on-boarded.

With regard to Committees of Council, training is intended for statutory Committees that deal specifically with land-related matters where decisions are being made which has the potential to impact First Nations Treaty rights. This includes the Planning Advisory Committee, Committee of Adjustment and the Municipal Heritage Committee. Currently, training has been provided for the Planning Advisory Committee and Committee of Adjustment, while training for the Municipal Heritage Committee will take place at a later date in 2023.

In order to fully implement the education initiatives with the three statutory Committees, the terms of reference for each Committee will require amendment. These amendments will be presented to Council at a later date under the cover of a separate staff report. Similarly, the Education Policy also requires an amendment to include the Municipal Heritage Committee in the list of Committees that require training. The Municipal Heritage Committee was initially not included in the policy, but staff have deemed it appropriate that they be included as the Committee deals with land-related matters, including policy review which impacts First Nations treaty rights related to archaeology. An amendment to the Education Policy is proposed to reflect this and a copy of the policy with the proposed amendment highlighted is attached as Appendix A of this report.

Consultation

Consultation with First Nations is guided by the First Nations Consultation Policy and is undertaken for a variety of matters related to City business. These include:

- Capital projects
- Development application review
- The development of policy, plans and studies
- Site alterations (fill, road construction, and similar)
- Archaeology

The intent of the policy is to provide high level direction to consult on a variety of matters which may impact First Nations communities and their treaty rights. Processes for achieving meaningful consultation are in development and continue to evolve to ensure that they are functional for both City staff and local First Nations. These

processes vary based on the type of project being undertaken and the scope of consultation is largely dependent on the type and scope of the project, as well as the interests and concerns of individual First Nations on a case by case basis. All consultation is initiated early in the planning stages for various projects and in line with consultation of affected provincial and federal government entities. While the City initiates the consultation process through the provision of notice and information regarding proposed and upcoming projects, the form of consultation is largely driven by First Nations and their interests and concerns on specific projects, and can range from information sharing only to commenting to more in-depth consultation, discussion, and mitigation on a project.

New processes have been developed to guide consultation for capital projects and other City-initiated projects related to site alteration and SOPs are being developed to formalize these processes. As requested by First Nations, consultation is coordinated through a single point of contact at the City and is initiated at the planning stages for these projects to ensure ample time for commenting and meaningful consultation where it is required. The scope and complexity of consultation is largely dependant on the type of project, the potential impact on First Nations treaty rights, and the level of consultation requested by impacted First Nations.

Consultation for Planning Act applications is coordinated by Planning staff who circulate First Nations on a variety of applications, including for pre-consultation. Comments received from First Nations are circulated to the applicant and conditions of approval related to First Nations concerns may be included as required. Additionally, applicants are required to consult First Nations when submitting archaeological assessments and are advised to engage with First Nations at an early stage of their proposal. The scope of consultation and First Nations involvement varies on an application to application basis.

Consultation on policy, plans and studies is undertaken when the documents in question are related to matters of interest to First Nations. These include policies, plans and studies related to land use planning, natural resource management, protection and management of watersheds, shorelines and ecosystems, and cultural heritage resource management, or as directed. First Nations are circulated at the commencement of the development of these documents and provided updates on the projects as they develop. Meaningful consultation is undertaken at the discretion of First Nations and to

the degree that they deem appropriate to ensure that their interests are reflected in the final documents and recommendations.

Additional initiatives to ensure First Nations are included in discussions surrounding City projects and studies are being considered and could include the designation of positions on task forces specific to First Nations representatives, as appropriate. Any recommendations to establish task forces or allocate positions on existing task forces or committees will be brought forward individually to Council for consideration.

Repatriation

The City is committed to the repatriation of any First Nations artifacts, documents, and remains that are housed in City collections. Staff are currently working to identify the type and scope of artifacts and documents of this nature, if any, in the City's collection to begin discussion with local First Nations as to their desires with regard to repatriation. Should the repatriation of any artifacts or remains occur, this will have budgetary implications and a report will be brought forward to Council at that time outlining the scope of repatriation, next steps, and budget.

Similarly, the City staff are in the process of working with external local museum and historical organizations to provide training and information related to the repatriation of artifacts, the processes and costs associated with it. As many of our local cultural organizations do not have the internal expertise or experience related to repatriation, City staff are working to assist these organizations with the knowledge required to undertake this work through direct support, information sharing, and workshops. At present, it is not known what the full scope of indigenous artifacts in external museum collections is or the level of assistance that may be required. Funds for this work have allocated through existing City budgets and any additional funds required for this work will be brought forward through a request to Council, if needed.

The City's Artifact Policy (CP2022-011) Artifact Collection Management Directive, Archive Policy (CP2021-037), and Archives Acquisition Management Directive guide the acquisition of artifacts and archival records at the City. Under these documents, the City does not collect First Nations artifacts, human remains, documents, or records as these items are and should remain the property of First Nations communities. Items of indigenous origin will only be accepted by the City if they are gifted directly from an indigenous government, Chief or Council and accessioning of these items into City

collections will follow existing procedures outlined in the relevant policies and management directives.

Information and Document Sharing

In addition to the repatriation of artifacts and documents belonging to First Nations, the City is committed to ensuring that First Nations have access to documents and records in the City's possession that are about them or in which they may have an interest. This may include a wide array of items, ranging from nineteenth century accounts of local First Nations to more contemporary archaeological assessments that address indigenous artifacts. This direction is contained in the Archives Acquisition Management Directive. Corporate Records and Archives staff are currently in the process of identifying these documents and developing an information sharing strategy that is both efficient for City staff and meets the need of any First Nations interested in accessing this information.

The most efficient method for information sharing will be through digital file sharing. The majority of these files are not digitized and digitization work will have to be undertaken to fulfil this commitment. Specialized digitization equipment will be required to digitize certain records in the City's collection as the City holds a number of fragile records that cannot be scanned in a flatbed scanner and are not able to lie flat due to the physical condition of the documents as many of these date from the nineteenth century. The equipment required to digitize these documents must include both a cradle to hold bound documents and a scanner that is capable of digitizing records of this type that are both legible and of a high enough quality for information sharing.

There are variety of scanners of different qualities that can be used for digitizing these types of records ranging from around \$1,000 to around \$35,000. Staff have investigated different solutions and anticipate that a scanner and associated equipment of an appropriate quality that is sufficient for the records the City holds can be acquired for around \$15,000. A budget request for this equipment will be brought forward at a later date.

Archaeology

Kawartha Lakes has a substantial concentration of known archaeological sites related to First Nations. These include both on land and underwater archaeological sites. It is understood that known sites only comprise a small fraction of archaeological resources, both indigenous and non-indigenous, within the City and it is expected that additional

archaeological resources will be discovered as the City experiences additional growth and development. Archaeology, at a high level, is guided by the Ontario Heritage Act and Provincial Policy Statement, which, while requiring municipalities to ensure that consultation with First Nations has been undertaken, only provide high level direction on archaeological matters and First Nations consultation. More specifically, direction to engage is outlined in the province's Standards and Guidelines for Consultant Archaeologists but is aimed specifically at practitioners. However, it is vital that First Nations are fully involved in the archaeological process as it often has a direct impact on resources related and belonging to their communities, which may include artifacts and burials.

At present, the City has initiated an Archaeological Master Plan which will be undertaken throughout 2023 and 2024. The budget for this project has been approved through the 2023 Special Projects budget. A key component of this plan will be engaging with First Nations and developing procedures and policy that will guide the relationship between the City and First Nations with regard to indigenous archaeological resources. The final plan, including components related to First Nations and a record of engagement, will be presented to Council when it is completed in 2024.

Events and Projects

City staff are working to build partnerships with local First Nations where it is appropriate on various events and projects which might impact First Nations or which would benefit from a partnership approach. These initiatives are being undertaken on a case by case basis and are intended to build positive working relationships between First Nations communities and the City. For example, Economic Development staff are currently engaging with Curve Lake First Nation to garner thoughts and identify possible areas of interest for Williams Treaty First Nations in the development of a Cultural Centre in the City. Formal consultation occurred with members of Curve Lake Council during Phase 1 of the Feasibility Study. The concept of Hub and Spoke, archival and curatorial space and meeting and ceremonial space was discussed with the intention to continue discussions and collaboration through future phases of the project.

Libraries

The Kawartha Lakes Public Library has undertaken a number of initiatives to highlight and support information about indigenous peoples in Canada and advance reconciliation initiatives. Specifically, the library has strengthened its collection of materials and

information on residential schools and their generational impacts, as well as material related to the history and culture of indigenous people across Canada. The Library has also developed an Indigenous Resources page on the library website to help guide library patrons of all ages to appropriate and informative content.

The Library has also been working to implement the use of respectful subject headings to ensure they are decolonizing access and classification as directed by the Canadian Federation of Library Associations. This initiative began in 2020. The intent is to ensure that outdated and colonial subject matter headings in reference to indigenous peoples are removed and replaced with respectful and appropriate terminology.

Economic Development Initiatives

In order to help the local business community respond to Action 92, Economic Development staff are in the process of developing a suite of resources directly related to the items outlined in the call to action. These include resources related to land acknowledgements, sources for education and training for staff, general background information on the Williams Treaties and First Nations in the region, and resources specific to businesses and their employees. These resources, when compiled, will be made available to the local business community through the City's website and Economic Development publications and business programming. The intent of these resources is to assist local businesses who are interested in implementing the actions outlined in the TRC's recommendations. These resources will also be available for newcomers to Kawartha Lakes to help provide awareness of the significant historical indigenous presence in the region and contemporary First Nations communities.

Other Alternatives Considered:

There are no recommended alternatives.

Alignment to Strategic Priorities

The various initiatives outlined in this report support the Strategic Priority area of Good Government as Make It Better initiatives that promote improvement in our services areas to build better relationships with local First Nations and respond to both the TRC's Calls to Action and legislative and policy direction relation to consultation.

Financial/Operation Impacts:

There are no specific financial or operational impacts as a result of the recommendations of this report, although there will be financial implications in future as the City further develops its reconciliation initiatives. Funds have already been allocated through the 2023 budget for most of the ongoing initiatives outlined above. Specific budget requests, such as for the scanner or for the repatriation of artifacts, will be brought forward separately to Council at a later through a separate report specific to the request or through the annual budgeting process.

Consultations:

IDEA Team
City Solicitor
Library CEO
Manager, Corporate Records and Archives
Manager, Economic Development
Manager, Planning
Economic Development Officer – Arts and Culture
Economic Development Officer – Business
Economic Development Officer – Curatorial Services
People Partner – Inclusion, Diversity, Equity and Accessibility

Attachments:

Appendix A – Education Policy (Tracked Changes)



CP2022-010
Education in Responsi

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services