

Committee of the Whole Report

Report Number:	ED2023-026
Meeting Date:	November 7, 2023
Title:	Indigenous 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, **Indigenous 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:

The City of Kawartha Lakes is located on the traditional territories of the Michi Saagiig Anishinaabeg and the lands now 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 throughout the 1810s 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 Michi Saagiig 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 reserve lands.

The City is one of a large number of central Ontario municipalities located within the lands covered under the Williams Treaties and, like many municipalities and levels of government, has historically not prioritized partnerships, collaboration, or consultation with First Nations and other indigenous communities. With increasing awareness of First Nations, Métis and Inuit 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 to advance reconciliation with First Nations and Métis communities, build better relationships, and fulfil its moral, legislative, policy and treaty obligations and duties.

There are seven First Nations who are signatories to the William Treaties and with which 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 First Nations are the treaty holders in the William Treaties and are often referred to collectively as the Williams Treaties First Nations. In addition, the City consults on some matters with the Metis Nation of Ontario, the Peterborough Wapiti

Métis Council and the Huron-Wendat Nation as they, while not the treaty holders in this region, may have interest in certain matters due to their 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, Métis people, and other local indigenous communities.

Constitutional Duty to Consult and Legislative Direction

Consultation with Indigenous people is required as part of any decision making process that would impact Indigenous 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, where appropriate, accommodate the interests of Indigenous peoples when undertaking actions that may impact their rights. Consultation may include three components: providing information, listening to the response from Indigenous people, governments and representative institutions, and taking action to attempt to include their rights and interests and mitigate impact. Meaningful consultation requires involving First Nations, Inuit and Métis peoples 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 duty to consult 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 peoples and communities to be consulted and their interests considered as part of the land use planning and municipal infrastructure development processes. Legislation, including the Planning Act, Environmental Assessment Act, and the Ontario Heritage Act, and associated provincial policies and regulations establish a broad municipal role in consulting with, and taking into account the rights, interests and concerns, of Indigenous peoples and communities throughout both the land use planning and development process and through City-initiated capital projects where Indigenous rights may be impacted.

Truth and Reconciliation Commission Calls to Action

In addition to Constitutional duties, legislative obligations, and policy requirements, direction on reconciliation 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 and abuse of Indigenous people through the residential school system; support survivors of abuse 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 advance reconciliation and the equality of Indigenous people in Canada today.

Of the 94 calls to action, a number of action items directly apply 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 governments 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 require different levels of planning and resourcing.

Rationale:

In order to respond to the calls to action, and to build better relations and partnerships with local First Nations and Métis Community Councils, the City has implemented a number of program-specific actions intended to build partnerships and trust between the City, Williams Treaty First Nations, and the Peterborough and District Wapiti Métis Council and to lay the foundations ongoing relationships. The major initiatives that are currently underway are summarized below. These program-specific actions are an initial step towards building better partnerships and relations and should not be regarded as an end product. Reconciliation and relationship building are ongoing processes that will evolve and grow with new projects and initiatives.

Policy Development and Implementation

In 2022, the City adopted four policies to respond to the TRC's Calls to Actions and build better relationships with First Nations and Métis people, governments, and representative institutions in the region:

- 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

These policies were intended to provide clear and transparent direction to staff, City Committees, and Council to ensure that: the City's legislated obligations with regard to its relationship with Indigenous people are being met; the historic and contemporary presence of First Nations and Métis people in Kawartha Lakes is recognized, and working relationships with the City's First Nations and Métis people, governments and representative institutions are established and improved. The action items arising from

these policies are outlined below. The implementation of these policies is ongoing and will continue to evolve.

Williams Treaty First Nations and the Metis Nation of Ontario were consulted in developing these policies. The draft policies were developed and circulated in 2021, with consultation occurring throughout 2021 and early 2022 prior to their adoption by Council.

Land Acknowledgement

In accordance with the Land Acknowledgement Policy, the City has adopted a Land Acknowledgement, which is used at the beginnings of designated 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 swearing ceremony of each new term of Council and the Planning Advisory Committee members, at the meetings of Council and the Planning Advisory Committee immediately preceding National Indigenous Peoples Day, and at events which involve or are about First Nations people or at which Elders are present. More informally, the Land Acknowledgement is 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. Council may wish to expand the scope of the Land Acknowledgement Policy to formalize its use at additional City events and meetings.

Land Acknowledgements are the most easily implemented action to respond to call to Action 47 and should form the basis for additional learning and action.

Council, Committees and Staff Education

The City's Education Policy provides that Council, certain statutory Committees of Council, and staff received training about the history of Indigenous peoples 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 various staff groups. The education of staff, Council and Committees of Council is an ongoing initiative and will continue as new staff are on-boarded and with subsequent Councils and Committees. The intention of providing training is to help foster an understanding of Indigenous history and culture to public service staff so that interactions with First Nations, Métis and Inuit people and communities are equitable, respectful and appropriate.

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 leaders and decision-makers have been trained. Training for remaining staff is ongoing and programs for staff who have not yet completed the training has been scheduled throughout 2023 and into 2024. 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 have the potential to impact Indigenous rights. This includes the Planning Advisory Committee, Committee of Adjustment and the Municipal Heritage Committee. Currently, training has been provided to members of the Planning Advisory Committee and Committee of Adjustment. Staff are intending to schedule training to the Municipal Heritage Committee in 2024. Training may be extended to other Committees of Council in future.

In order to fully implement the education initiatives with these three statutory Committees, the terms of reference for each Committee require amendment. These amendments will be presented to Council at a later date in a separate staff report. Similarly, the Education Policy requires 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 may impact First Nations treaty rights related to archaeology. A copy of the Education Policy with the proposed amendment highlighted is attached as Appendix A.

Consultation

Consultation with First Nations and Metis Nation communities is guided by the First Nations Consultation Policy and is undertaken for a variety of matters related to City business. These include, but are not limited to:

- Capital projects
- Development application review
- Preparation of various policies, plans and studies
- Site alterations (fill, road construction, and similar); and
- Archaeology.

The intent of the policy is to provide high level direction to consult on a variety of matters which may impact First Nations and Métis Nation communities and their rights, and interests. 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 and the Métis Nation. 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 and Métis Councils on a case-by-case basis. Internal Standard Operating Procedures (SOPs) are being developed to guide how consultation occurs based on municipal best practice as well as Consultation and Accommodation Standards, which have been developed and provided to the City by Williams Treaties First Nations. 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 Métis governments and their rights, interests and concerns on specific projects. The form of consultation can range from information sharing to commenting to more in-depth consultation, discussion, and mitigation on a project. In undertaking consultation, the City follows the relevant Consultation and Accommodation Standards provided by First Nations and the direction and depth of consultation requested by First Nations and Métis representatives.

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. Through the consultation process for the Consultation Policy, it was agreed upon between the City and First Nations representatives that consultation should be coordinated through a single point of contact at the City. Consultation is initiated at the planning stages for projects to ensure ample time for meaningful consultation when required. The scope and complexity of consultation is largely dependant on the type of project, the potential impact on First Nations and Metis rights, and the level of consultation requested by impacted First Nations and Metis communities.

Consultation on Planning Act applications is coordinated by the Planning Division who circulate applications to First Nations and Metis communities on a variety of applications, often initially through pre-consultation. Comments received from First Nations and Metis communities 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 and Métis communities when submitting archaeological assessments and are advised to initiate engagement an early stage of their proposal. The scope of consultation and Indigenous involvement varies on a case by case basis.

Consultation on policies, plans and studies is undertaken when they are related to matters of rights and interests to First Nations and the Métis Nation. 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. Williams Treaty First Nations and the Métis Nation are circulated the documents at the commencement of their development and provided updates on the projects as they develop. Meaningful consultation is undertaken at the discretion of First Nations and the Métis Nation and to the degree that they deem appropriate to ensure that their rights and interests are respected and reflected in the final policies, documents and recommendations.

Additional initiatives to ensure First Nations and the Métis Nation are included in discussions regarding City projects and studies are being considered and could include the designation of positions on task forces to First Nations and Métis Nation representatives. Pursuant to established practice, 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 or Métis artifacts, documents, and remains 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 and the Métis Nation regarding repatriation. Repatriation of any artifacts will have budgetary implications. Should artifacts be identified for repatriation, a report will be brought forward to Council outlining the scope of repatriation, next steps, and budgetary implications.

Similarly, 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 and associated processes and costs. As many local cultural organizations do not possess the internal expertise or experience related to repatriation, City staff are

working to assist these organizations acquire the knowledge required to undertake repatriation through direct support, information sharing and workshops. At present, the full scope of Indigenous artifacts in local museum collections is unknown as is the level of assistance that may be required. Funds for this work have allocated through existing City budgets and additional funds required 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 Indigenous artifacts, human remains, documents, or records as these items are and should remain the property of Indigenous communities. Items of Indigenous origin will only be accepted by the City if they are gifted directly from an Indigenous government, Chief, President, or Council. Accessioning of these items into City collections will follow existing procedures outlined in the relevant policies and management directives. City policies and management directives related to artifact and archival collections and their approach to Indigenous materials are derived from best practice documents including the Canadian Museum Association's guide Moved to Action: Activating UNDRIP in Canadian Museum and the Reconciliation Framework produced by the Steering Committee on Canada's Archives, which were developed to respond to Calls to Action 67 and 70.

Information and Document Sharing

In addition to the repatriation of Indigenous artifacts and documents, the City is committed to ensuring that Indigenous peoples and communities 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. Direction related to document sharing is contained in the Archives Acquisition Management Directive. Corporate Records and Archives staff are in the process of identifying these documents and developing an information sharing strategy that affirms the rights and interests of Indigenous peoples and communities while being efficient for City staff.

The most efficient method for information sharing will be digital file sharing. The majority of 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 a 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 approximately \$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, including both on land and underwater archaeological locations. It is understood that known sites comprise only 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 continued 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 and the Métis Nation 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 the Métis Nation in our development of 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 the Métis Nation and a record of engagement, will be presented to Council in 2024.

Events and Projects

City staff are working to build partnerships with local First Nations and the Métis Nation where it is appropriate on various events and projects which might impact First Nations or the Métis Nation 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 and Métis governments and communities and the City. For example, Economic Development staff are currently engaging Curve Lake First Nation to identify areas of interest for Williams Treaties 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 archival and curatorial space and meeting and ceremonial space was discussed with the intent 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. Specifically, the library has strengthened its collection of materials and information on residential schools and their inter-generational impacts, as well as material related to the history and culture of Indigenous peoples across Canada. The Library has also developed an Indigenous resources page on its website to guide library patrons of all ages to appropriate and informative content.

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

Economic Development Initiatives

In order to help the local business community respond to Action 92, Economic Development staff have developed 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 have been 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 interested in implementing the actions outlined in the TRC's recommendations. Additional resources will be added to the page as it continues to evolve. These resources will also be available for newcomers to Kawartha Lakes to provide awareness of the significant historical Indigenous presence in the region and contemporary First Nations and Métis 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 Métis people, their governments, representative institutions, and communities and respond to both the TRC's Calls to Action and legislative obligations and policy direction related to consultation and relationship building.

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
William Treaty First Nations and Metis Nation of Ontario

Attachments:

Appendix A – Education Policy (Tracked Changes)



CP2022-010
Education in Respons

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services