



Staff Report

DATE: February 3, 2021

FILE: H-G

TO: Chair and Directors
Regional Hospital District Board

FROM: Russell Dyson
Chief Administrative Officer

Supported by Russell Dyson
Chief Administrative Officer

R. DYSON

**RE: Comox-Strathcona Regional Hospital District Letters Patent -
Ka:'yu:'k't'h'/Che:k'tles7et'h' Membership**

Purpose

The purpose of this report is to provide information on the impending Order in Council to amend the letters patent of the Comox-Strathcona Regional Hospital District (CSRHD) to include the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations (KCFN) in accordance with the Maa-nulth First Nations Final Agreement (Treaty).

Recommendation from the Chief Administrative Officer

This report is for information only.

Executive Summary

- The Maa-nulth First Nations Final Agreement came into effect on April 1, 2011. It was negotiated between Canada, British Columbia and the Huu-ay-aht, Ka:'yu:'k't'h' / Che:k'tles7et'h', Toquaht, Uchucklesaht and Yuulu?il?ath First Nations under the BC treaty process. The Treaty enables Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nation to join the Strathcona Regional District (SRD) on the ten-year anniversary of the treaty, that being April 1, 2021.
- In accordance with provincial legislation, in becoming a member of the SRD the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations also becomes a member of the CSRHD. An amendment to the CSRHD Letters Patent is required to incorporate KCFN lands within the boundaries of the regional hospital district for the purpose of health capital cost sharing. These details and other background information were communicated to the Board in the [staff report dated May 17, 2017](#).
- The Ministry of Municipal Affairs and Housing has advised that an Order in Council (OIC) bringing the amendment into force is expected in alignment with the anniversary date. The Province, KCFN and the SRD have been working together in support of the transition. In this regard, an orientation guide entitled “t'ašii” (pronounced ta-shee) has been attached as Appendix A.
- In general, the incorporation of KCFN lands is not anticipated to pose a significant change in CSRHD cost allocation. The OIC is also expected to reflect that debt occurring prior to the date on which KCFN joins the CSRHD is not to be apportioned to it.
- Since 2017 Samantha Christianson has served as the KCFN representative to the CSRHD in a non-voting capacity. Subject to the Order in Council giving such effect, KCFN's regional hospital district director appointee will function just like any other regional director with full

voting rights on all hospital district decisions and bylaws as well as input on matters referred to directors for comment.

- CSRHD staff have engaged with KCFN staff and leadership to ensure an orderly transition.

Prepared by:

Concurrence:

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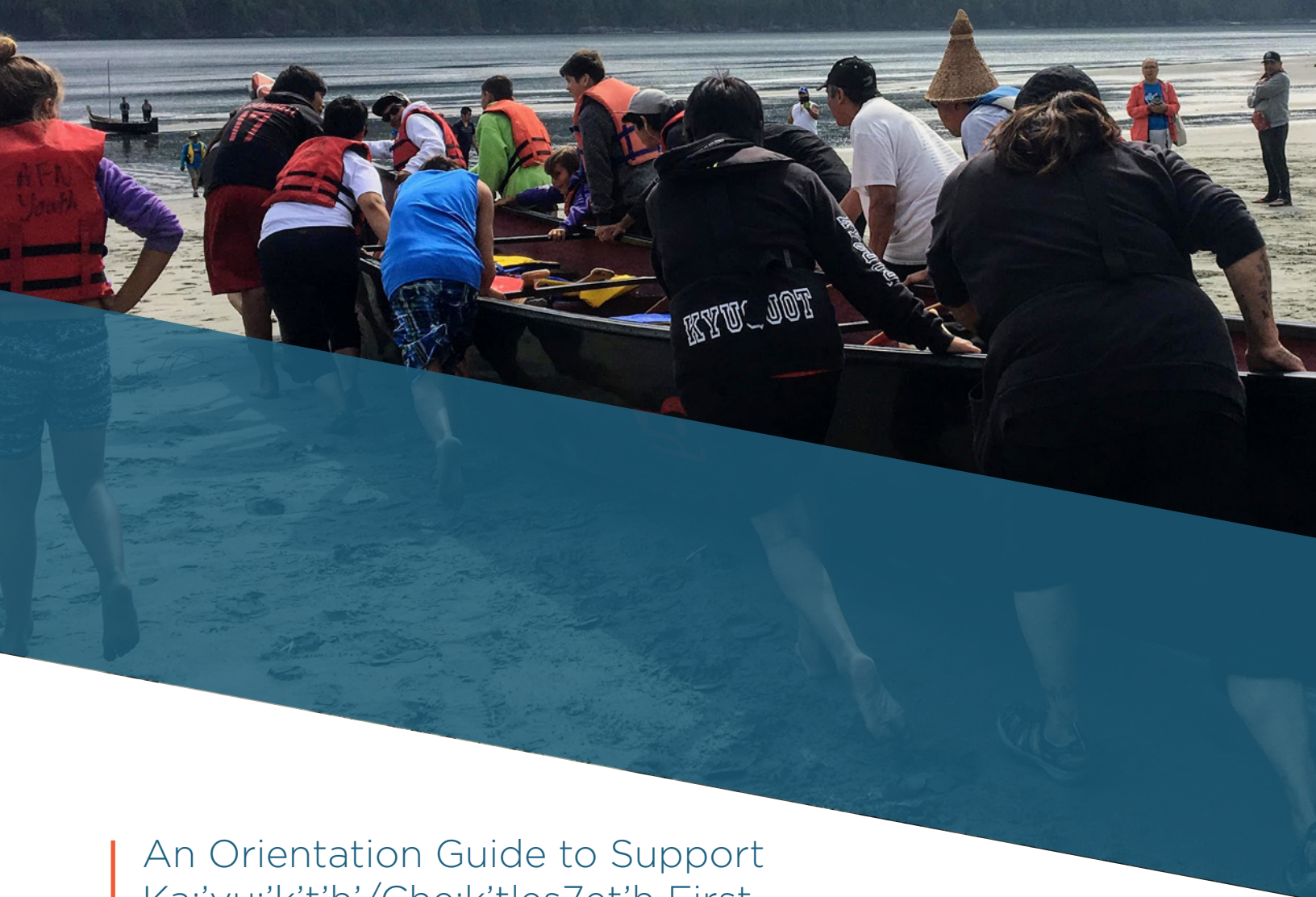
Government Partners and Stakeholder Distribution

Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations	✓
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Attachments: Appendix A – “Tasii A Path Forward – Orientation Guide”

t'ašii

a path forward



An Orientation Guide to Support
Ka:'yu:'k't'h'/Che:k'tles7et'h First
Nations – Strathcona Regional
District Cooperation

December 2020



Appendix A

A NOTE ABOUT PRONUNCIATION AND THE NAME OF THIS DOCUMENT

Historically, many nuučaanuł languages were spoken on the west coast of Vancouver Island. With no English equivalents, new letters had to be created to translate it, making it difficult for most English speakers to pronounce certain words. Ka:'yu:'k't'h'/Che:k'tles7et'h' is pronounced Kie-YOU-cut TSHEH-kleh-szet.

ᑕᑦᑭᑦᑭᑦ (pronounced ta-shee) translates to "trail" or "path," however the name has many layers of meaning depending on how the phrase is used.

To learn and practice pronunciations, visit this link: <https://maps.fpcc.ca/content/ka'yu'k't'h'chehtles7et'h'-first-nation>

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Introduction and Overview

In April 2011, the Maa-nulth First Nations Final Agreement (the Treaty) came into effect. Representing five First Nations along Vancouver Island's West Coast (Huu-ay-aht, Yuułuʔiłʔatḥ, Ka:'yu:'k't'h'/Che:k'tles7et'h, Toquaht, Uchucklesaht), the historic Treaty included direction for the Nations to join the regional district where they are located within ten years of the Treaty's effective date.

On April 1, 2012, Huu-ay-aht and Yuułuʔiłʔatḥ joined the Alberni-Clayoquot Regional District (ACRD). Uchucklesaht joined the ACRD as a government member on February 1, 2014, and Toquaht joined the ACRD on October 1, 2016. Ka:'yu:'k't'h'/Che:k'tles7et'h (KCFN) is scheduled to join the Strathcona Regional District (SRD) by April 2021.

This Orientation Manual is meant to support local elected officials and staff as well as residents and citizens in moving down the path to regional cooperation and governance. It is an initiative supported by BC's Ministry of Indigenous Relations and Reconciliation and expands on an earlier 'Fact Package' called T'ašii: the path forward, which was produced to support cooperation between Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations and the Strathcona Regional District.

The specific goals of this Orientation Manual are to:

- Provide KCFN and SRD with detailed information on the various individual governments (municipalities, Nations) and electoral areas at the table, in order to facilitate understanding, positive communications, and relationship building among leaders and their constituents;
- Provide detailed background information on governance processes, procedures, organizational structures, and systems within both governments to facilitate a smooth transition and efficient ongoing operation; and,
- Help clarify some key facts and concepts on KCFN and SRD corporate structures and governance procedures.

Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations – Our Story

We are the Ka:'yu:'k't'h'/Che:k'tles7et'h' (pronounced Kie-YOU-cut and TSHEH-kleh-szet) First Nations. Our home is on the Pacific west coast of Vancouver Island. Our Territory stretches from Porritt Creek, north of Nootka Sound, to Solander Island at the tip of Brooks Peninsula; inland to the height of land and seaward to the point where you can no longer see land while standing in a canoe.

Due to the drastic reduction in our populations, the Ka:'yu:'k't'h' and Che:k'tles7et'h' Nations amalgamated in the early 1950s and the Che:k'tles7et'h' took up residence on Kamils Island, immediately adjacent to the Ka:'yu:'k't'h' peoples community on Aktis Island. Both islands are in close proximity to Houpsitas. In the early 1970s, the Government of Canada relocated the remaining survivors of disease epidemics, residential schools, and government assimilationist policies from Aktis Island to Houpsitas, our current community, located in Kyuquot, BC.

Together, we are the northernmost of 14 Nuu-chah-nulth First Nations. Like the other Nuu-chah-nulth Nations, the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations (KCFN) are confederacies, comprised of several chiefly families. Each of the chiefly families' names is associated with a stream, inlet, island, or other natural feature. Family names carry the suffix – 'h, which means "the people of." For example, Ka:'yu:'k't'h' (Kyuquot), are "the people of Ka:'yu:'k". In this way, our connection to the lands and waters of this region is evident even in our own tribal names.

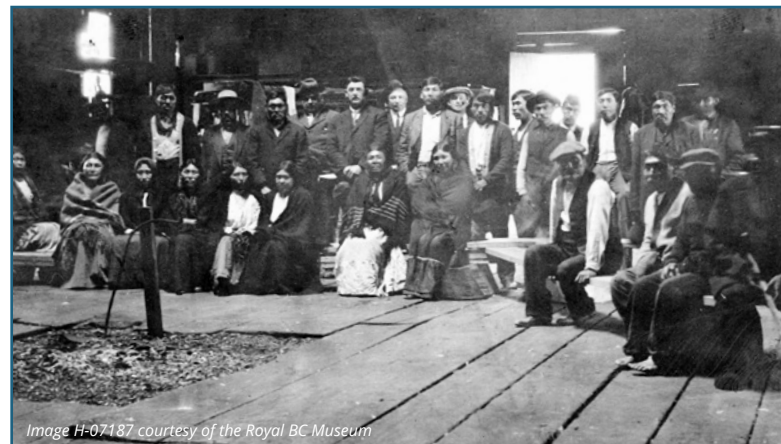


Image H-07187 courtesy of the Royal BC Museum



Photo Mark Reed, CCby-sa

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MAP: Territory- KCFN



In our oral tradition, there is a story about Thlaathluktiinlth (Two Hundred Mouths), one of two beings who created the World as we now know it. According to our tradition, Thlaathluktiinlth “came down” at the sea stack on the western entrance of Walters Cove, directly across the harbour from where we live now. Here he created the Qwowinasath – one of our chiefly families. The Qwowinasath thus became owners of Aktis Island, which was our main village site at that time. The other groups were then created at their respective rivers or sites.

For many generations, people here flourished, sustained by the abundant marine, terrestrial, and coastal resources of this region. Our people were, and still are, a saltwater people. Our ancestors fished for five species of salmon. Halibut and other ground fish, herring,

abalone, sea urchins, mussels, clams, and other fish and shellfish were harvested from the many streams and inlets of the coast. Offshore, we hunted sea otter, seals, sea lions, and whales from ocean going cedar canoes. On land, we picked many berries and roots that made up an important part of our diet.

We were part of an extensive trade network, with routes weaving east through Tahsis and all the way to the east coast of Vancouver Island. Our dentalia shells, which were used as currency in early First Nations trading, have been found in locations across the continent and as far away as Mexico.

Our people traveled the ocean by canoe, made from the great cedar trees that once liberally graced these shores. From cedar wood and bark we also made baskets, clothing, and

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the great totems that recounted our family stories. Our houses, also made of cedar, were painstakingly disassembled and moved each summer when all of our local groups would share a summer village on Aktis Island. Throughout the year, our tribes would unite for feasts, potlatches, singing, dancing, and other communal practices.

With the arrival of European explorers in the mid-1700s, our traditional ways of life began to change. Many of our people died with the spread of diseases such as smallpox, tuberculosis, and measles. We lost the rights to our land and resources, and many of our people lost their traditional language when, as children, they were taken by the residential school system.

Great demand for our once abundant sea life also had a huge impact. Demand for otter pelts moved our people away from their winter villages and decimated our resident sea otter population. In the early 1900s, the arrival of large-scale commercial fisheries, whaling, and forestry industries further changed the landscape and our peoples' way of living here.

Once, our people numbered in the thousands. Today, our numbers have decreased. We have about 600 citizens living both in Houpsitas, our last remaining village and elsewhere. We remain determined to follow the path of our first ancestors, however – to live a life of self-determination, governed by our own ancestral law, and existing in harmony with the natural world of which we are part.





The Maa-Nulth Treaty

This document and the larger regional district integration process were set in motion by the signing of the Maa-nulth Treaty. It is useful to understand that context to see how the Orientation Manual fits into the bigger picture work of the joining process.

Overview

The Maa-nulth First Nations Treaty was negotiated as part of the BC Treaty Commission's six-stage treaty process. This was a tri-partite negotiation involving the Federal Government, the Province of BC, and the Maa-nulth First Nations Treaty Society.

The Maa-nulth First Nations Treaty was initialed in 2006 with an effective date of April 1, 2011. The Treaty first had to be voted on by Nation members and then ratified by both the provincial legislature and federal parliament. The timeline that follows marks some of the milestones in the process.

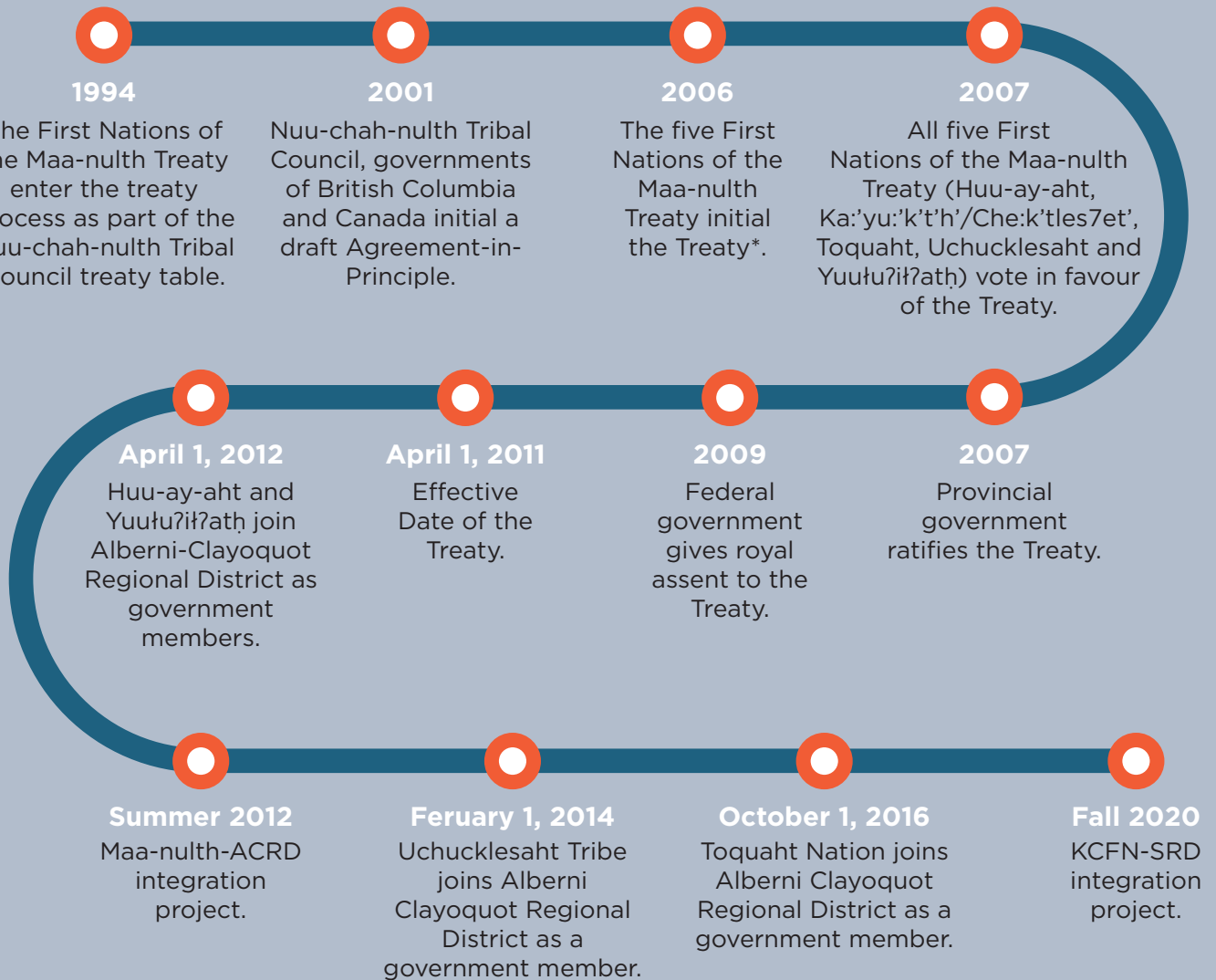
The Maa-nulth Treaty is one of only a few modern-day treaties signed in British Columbia, and the first on Vancouver Island. It is also unique in that it encompasses a group of Nations, where other treaties (Tsawwassen, Tla'amin, Nisga'a) involved only one Nation.

The final Maa-nulth Treaty includes five Nations:

- Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations (Kyuquot Sound area)
- Huu-ay-aht First Nations (Bamfield area)
- Toquaht Nation (Ucluelet area)
- Yuułu'ıł'ath Government (Ucluelet area)
- Uchucklesaht Tribe (near the mouth of Alberni Inlet)

All but Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations (KCFN) have their Treaty Lands within the boundaries of the Alberni-Clayoquot Regional District. KCFN Treaty Lands are located within the boundaries of the Strathcona Regional District (SRD). As illustrated, Treaty Lands are not contiguous.

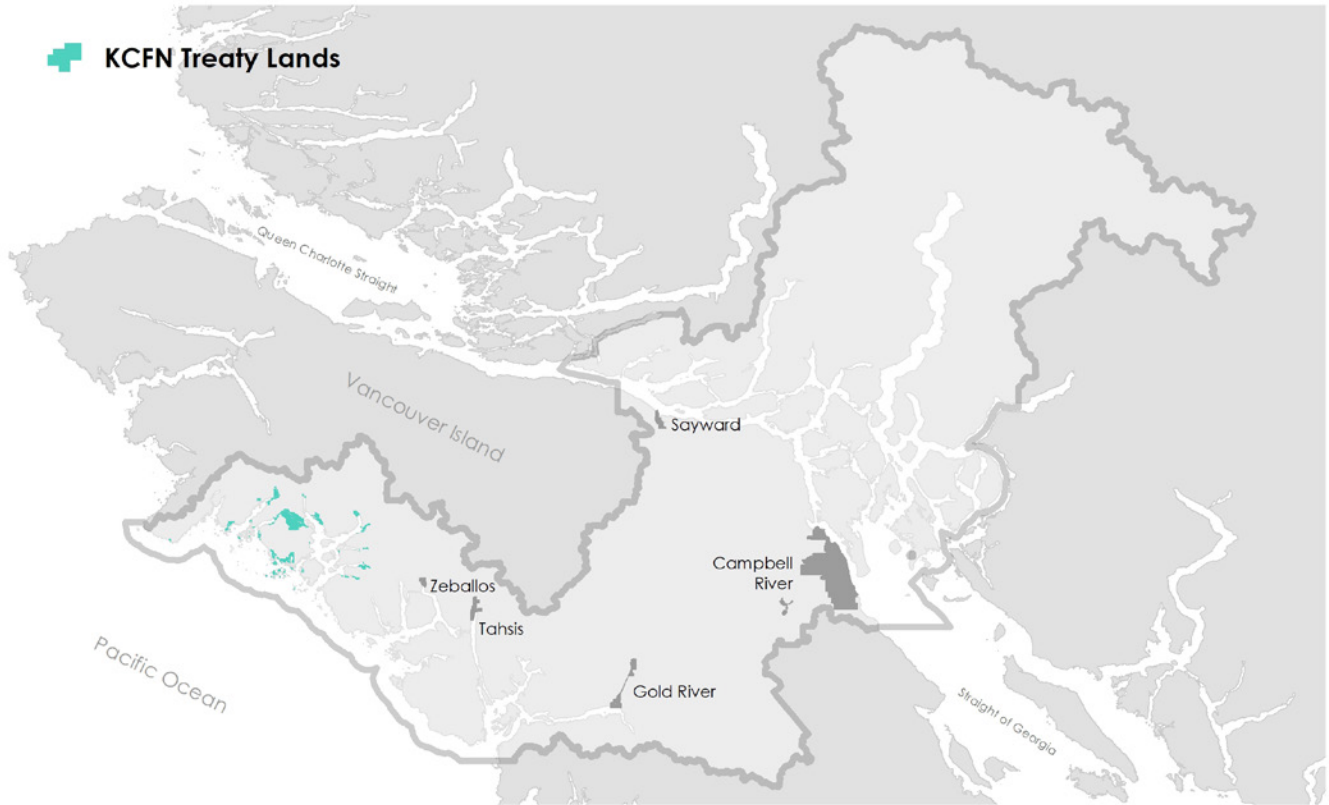
Timeline



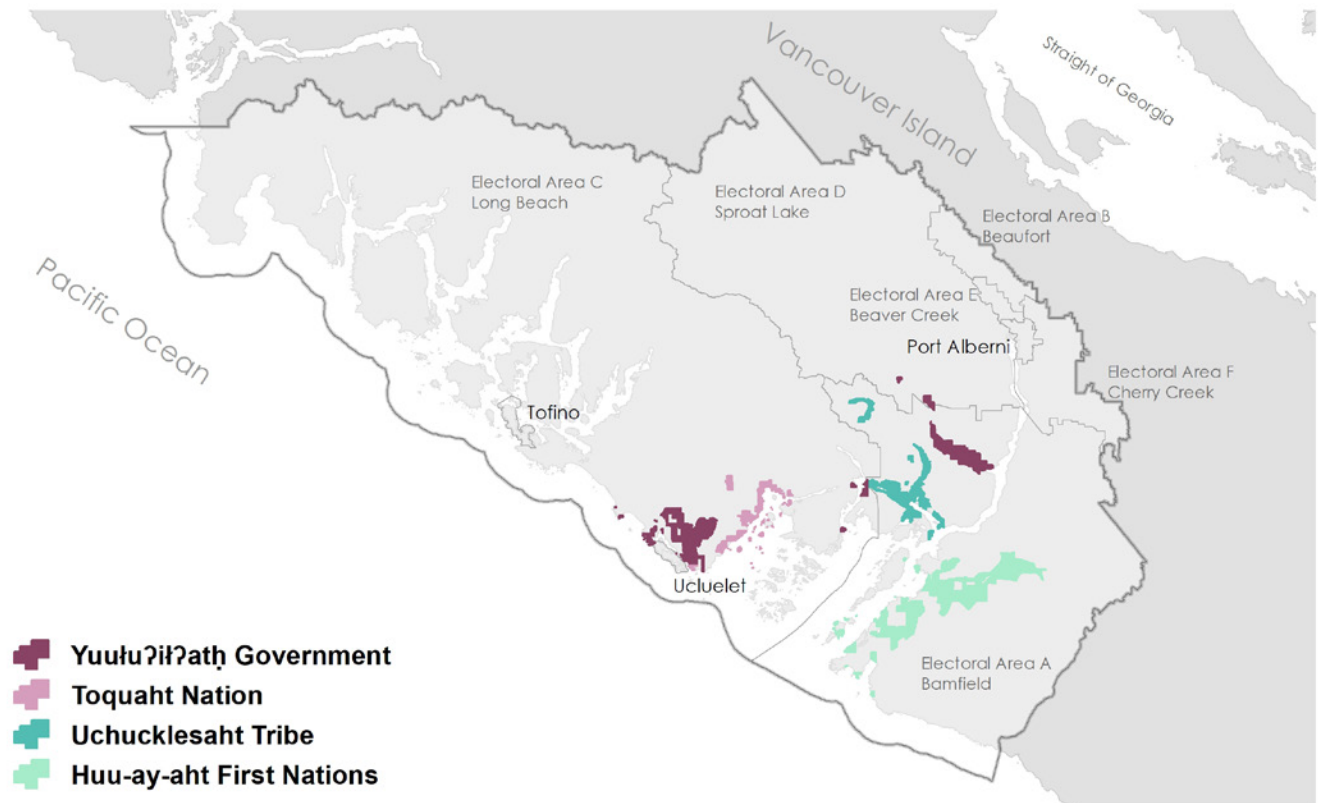
** Six of the 12 First Nations negotiating as part of the Nuu-chah-nulth Tribal Council approved the Agreement-in-Principle. Five of these First Nations joined together to form the Maa-nulth First Nations Treaty Society.*

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MAP: Treaty Lands – KCFN



MAP: Treaty Lands - First Nations of the Maa-nulth Treaty - ACRD



Treaty Details

The Maa-nulth Treaty is a detailed legal document that lays out the governing powers of each Treaty Nation. Each of the five Treaty Nations has their own Constitution, which spells out the rights and responsibilities of its citizens and provides for standards consistent with other governments in Canada. This means they have the authority to enact laws and govern themselves. **These Nations are no longer under the jurisdiction of the federal government's *Indian Act*.**

Each Constitution also spells out law-making powers with regard to a broad range of issues including:

- Lands and land management
- Social development (including education)
- Protection and enhancement of culture
- Heritage and language
- Public administration
- Taxation and financial accountability

The Maa-nulth Treaty is based on a concurrent law-making model, which acknowledges federal and provincial laws and clarifies whose laws prevail in situations of conflict. The laws formed under each Nation's Constitution, however, have the highest priority when it comes to internal matters. Though there are some areas where provincial and federal law prevail, the Maa-nulth Nation's governing authority is more significant than other BC local governments (i.e., municipalities and regional districts).

- **Federal Laws and Provincial Laws:** As a legislative authority within Canada, the KCFN government is included in the Canadian federal system. The Treaty does not alter the Canadian Constitution, including

Aboriginal rights outlined in Sections 25 and 35. The Canadian Charter of Rights and Freedoms applies to all Maa-nulth Members. In the case of conflict, federal and provincial laws prevail over Maa-nulth legislation for issues related to childcare, post-secondary education, health, social development, marriages, order, peace and safety, emergency preparedness, public works, regulation of businesses, and traffic, transportation, parking, and highways. For other issues, Maa-nulth legislation prevail. The BC Building Code applies to Treaty Lands. Federal and provincial environmental assessment laws apply to Treaty Lands, and both Canada and BC have retained the authority to manage fish, wildlife, and migratory birds within their respective habitats. Canada has concurrent tax authority on Treaty Lands (i.e., income tax) and the Province has vacated from property tax on Treaty Lands through a side agreement.

- **Taxation:** Each Maa-nulth Nation has the authority to levy taxes on Treaty Lands. The tax exemptions previously provided under the *Indian Act* will be phased out for Maa-nulth members.
- **Treaty Lands:** Treaty Lands are owned with a few key differences in the character of ownership compared with fee-simple lands elsewhere in BC:
 - Each Nation has law-making authority and is the governing body of their Treaty Lands;
 - Expropriation is limited and can only be done in accordance with the Treaty; and
 - Treaty Lands and Maa-nulth rights to land are protected by section 35 of the Canadian Constitution

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FIGURE: Comparison of Treaty Lands and Indian Act lands

	UNDER THE <i>INDIAN ACT</i>	UNDER TREATY
Land Ownership	Crown	Maa-nulth own land
Land Registration	CIRNAC / ISC	Lawmaking authority for land registration
Expropriation	Yes	Limited expropriation
Sub Surface Ownership	None	Yes
Land Management	None	Yes
Law Making	None	Yes
Economic Development	Limited	Yes
Protection of Land Base	None	Certainty in Constitution
Submerged Land	None	Say in protection
Watershed Land	None	Say in protection

TREATY LAND: THE DETAILS

- **Additional Lands:** Additional lands can be acquired through purchases. Certain lands that were pre-approved in the Treaty process automatically become Treaty Lands.
- **Public Access:** Existing roads within Treaty Lands are listed as Crown corridors and excluded from the Treaty Lands. Private landowners are assured access to their properties. The public has continued access to non-private Treaty Lands including for recreation and non-commercial use. While Treaty Lands can be designated private under certain conditions, key recreation sites cannot be converted without BC's consent.
- **Foreshore:** The government of BC has ownership of the foreshore. Maa-nulth Nations have law-making authority (consistent with the leases) over the marine and freshwater foreshore areas adjacent to their Treaty Lands of these lands in the same way a municipal authority does.
- **Off-Treaty Lands:** The Treaty provides a role for Maa-nulth Nations within their territories beyond Treaty Lands. This includes the opportunity to be consulted and have input on decisions regarding resource management, commercial tenures, resource revenue sharing as well as planning and management for protected and conservation areas, environmental assessments and the harvest of renewable resources.

Source: Adapted from the First Nations of the Maa-nulth Treaty website, http://www.maanulth.ca/downloads/presentation_lands.pdf

Treaty and Regional Governance

Chapter 14 of the Maa-nulth Treaty deals with regional governance and includes specific provisions on how Treaty Nations interact with the regional district they fall within. Four of the First Nations of the Maa-nulth Treaty have joined the Alberni-Clayoquot Regional District, while Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations will join the Strathcona Regional District by April 1, 2021.

In the Treaty, each of the First Nations was given 10 years to join their regional district governments, or until April 1, 2021.

The Treaty also required that First Nations of the Maa-nulth Treaty participate in two service areas of the regional district that are necessary for regional district membership: General Government Services and Regional Hospital District.

General Government Services includes the administrative costs of running the regional district government. Specific costs under the service are directors' indemnities, administrative salaries, office and building costs, audit, insurance, and legal fees.

The purpose of the **Regional Hospital District** is to raise funds for capital expenses and new hospital facilities within the region (e.g., North Island Hospital Campbell River and District).

As the primary purpose of a regional district government is to provide services to member jurisdictions, the SRD provides approximately 44,000 residents with a diverse range of services, including water and sewage systems, fire protection, land use planning, parks, bylaw enforcement, recreation, broadband infrastructure, and emergency planning and response. In total, the SRD provides over 70 regional and local services in 30 different areas.

Individual jurisdictions choose to join additional regional district services when it is in their best interests to do so. When they choose to join a service, they are referred to as **service participants**. Together, participants make up

the **service area**, which is the portion of the regional district where the particular service is provided, and from which the cost of providing the service is recovered. Services are typically provided on a cost-recovery basis through property tax charges on residents living in the service area.

The service participants, through their regional district directors (the representatives of the particular jurisdiction), work together to make decisions for the service and its operations.

KCFN is currently considering participating in other service areas and will likely do so over the next several years as conditions and needs warrant.

REGIONAL GOVERNANCE – ONE OF MANY POST-TREATY TASKS

The Treaty process is a long and complex political process. For the Maa-nulth Treaty, significant resources from the province, Canada and the First Nations of the Maa-nulth Treaty were required over the 18-years of negotiation. Considerable staff, government and community resources are required for ongoing implementation of the Treaty. For the First Nations of the Maa-nulth Treaty, integration at the regional district level is just one of many post-Treaty changes and new responsibilities to be taken on, a fact that should warrant patience and understanding from regional district partners as the process unfolds and the relationship grows.

Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations

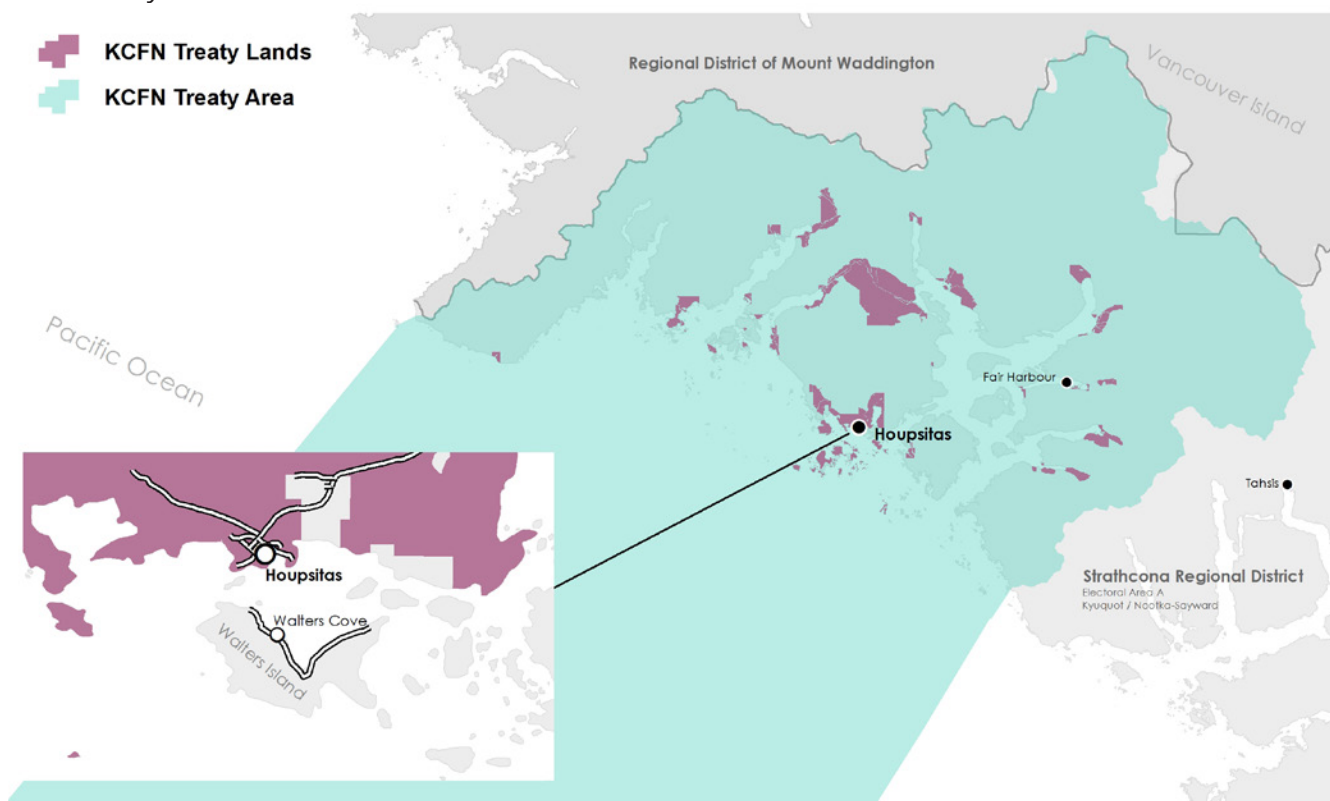
KCFN is one of five Maa-nulth Nations, and the fifth to join a regional district.

KCFN's sprawling territory is located on the northwest coast of Vancouver Island in and around Kyuquot Sound. Their 6,299 hectares of Treaty Lands represents a small portion of KCFN's traditional territory, illustrated on the following map, and includes both coastal and inland parcels. The village of Houpsitas, located on the outer coast across the water from a small community on Walters Island, is KCFN's home to about 200 Citizens and KCFN administration. It is accessible by boat from Fair Harbour.

KA:'YU:'K'T'H'/CHE:K'TLES7ET'H FIRST NATIONS

KCFN refer to themselves as First Nations – in the plural because they are historically made up of two Nations that came together over time.

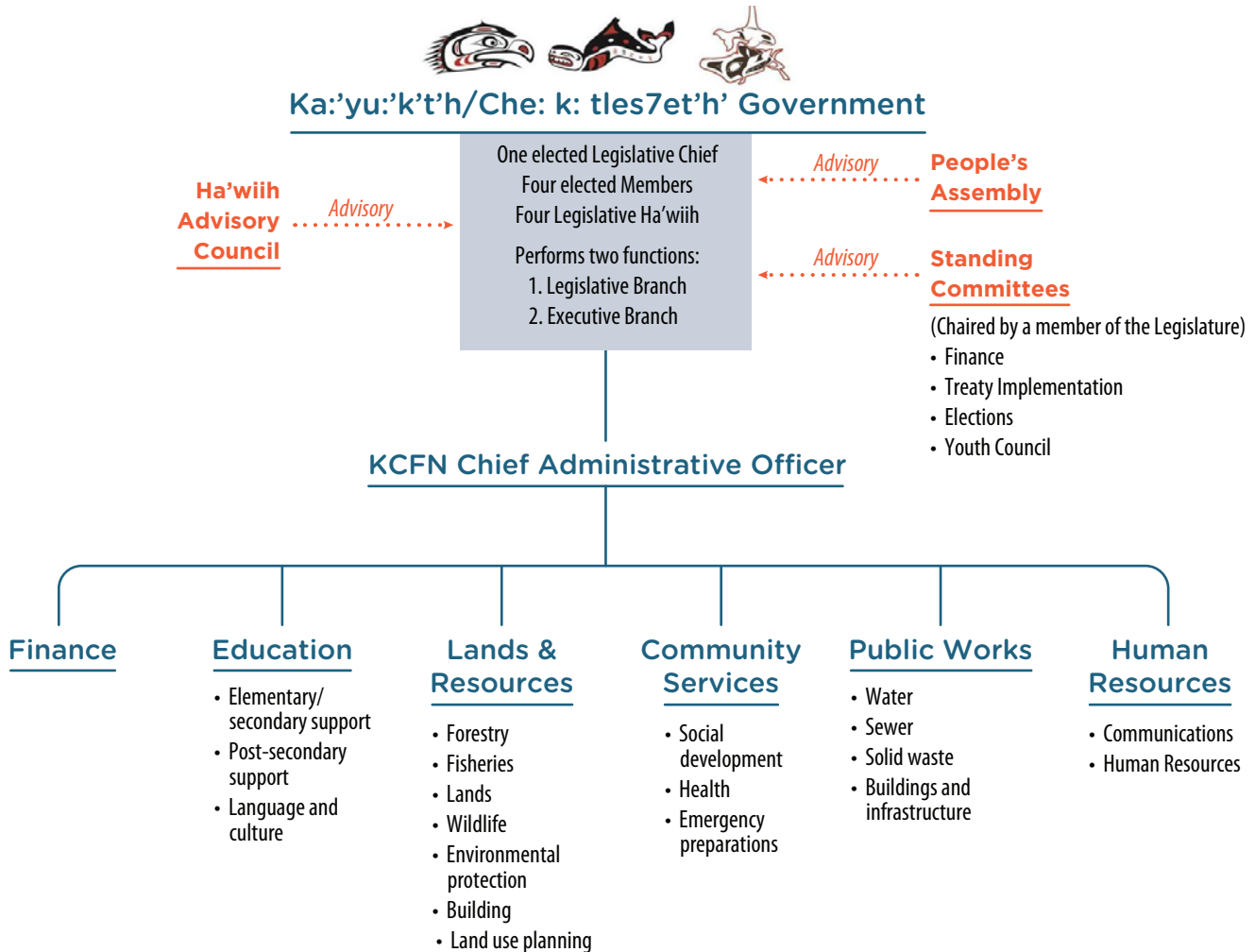
MAP: Territory – KCFN



Government and Legislature

The rights, powers, privileges, and authorities of KCFN Government are clearly laid out in the Maa-nulth First Nations Treaty. Chapter 13 of the Treaty covers all governance issues. The chart below outlines the government legislative structure for KCFN Government.

FIGURE: KCFN government organization



As illustrated, KCFN's government structure has three main components: a legislative branch, an executive branch, and a People's Assembly. This organization has some similarities to BC's provincial system and in some ways resembles a municipal government.

The KCFN Government is made up, primarily, of elected representatives. Elections take place every four years. All KCFN members are able to vote in elections regardless of whether they live on Treaty Lands or in other jurisdictions.

The **legislative branch** has the power and responsibility to pass laws and is composed

of one elected Legislative Chief, four elected Members, and four Legislative Ha'wiih chosen by the **Ha'wiih Advisory Council**, a constituted advisory body composed of Ka:yu:k't'h' and Che:k'tles7et'h' Hereditary Chiefs.

Hereditary Chiefs still play an important role in KCFN governance. Traditionally, they were the caretakers for the lands, waters, and resources of their Haa-huulth. A relatively complex concept, Haa-huulth represents the domains of Ka:yu:k't'h' and Che:k'tles7et'h' Hereditary Chiefs – that which they have traditional authority over and responsibilities for. This includes physical features like lands and

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resources, but also the customs, values, and teachings related to these areas that have been passed down through generations. Today, the Ha'wiih Advisory Council represents this traditional governance, acting as an advisory body to KCFN Government.

The **executive branch** is comprised of the Legislative Chief and any individual members of the Legislature identified by a majority of Legislature to hold specific positions. The executive branch is directly accountable to the legislative branch and is responsible for representing KCFN in all intergovernmental relations, including relations with other First Nations. They are responsible for implementing the laws and general operation oversight of KCFN.

The Legislative Chief acts as Executive Chief and has authority and responsibility for representing KCFN with local, provincial, federal, other First Nations, and Indigenous organizations nationally and internationally.

KCFN citizens are represented through the **People's Assembly**, which convenes at least once annually to hear financial information and set out strategic objectives for the upcoming year. Every KCFN citizen has the right to attend and speak at the Assembly. The body can also pass a resolution requiring a referendum on any issue to go to the Legislative Chief.

Several **standing committees** organize management of core responsibilities, including finance, treaty implementation, economic development, and citizenship. Council can establish other committees, as needed.

Committees and Appointments

KCFN maintains several issue-specific standing committees. These committees do not have decision-making authority; they make recommendations to the KCFN Legislature.



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COMMITTEE	DESCRIPTION AND APPOINTMENTS
Finance Committee	Chaired by the member of the Executive with the Finance Portfolio; advises and makes recommendations to the Executive and Legislature related to budgets, financial statements, financial agreements, hiring a Director of Finance, and amendments to the Financial Administration Act.
Implementation Committee	Advises and makes recommendations to the Executive and Legislature related to Treaty implementation, including KCFN laws, policies, and procedures.
Citizenship and Enrollment Committee	Responsible for granting, renunciation and revocation of citizenship and after the initial enrolment period, the granting, renunciation, and revocation of enrolment under the Maa-nulth Treaty.
Big House and Community Centre Committee	Chaired by the member of the Executive with the Housing and Infrastructure Portfolio; advises and makes recommendations to the Executive and Legislature related to the design and construction of a KCFN big house and a community centre.
Education Committee	Chaired by the member of the Executive with the Education Portfolio; this is a new committee, and the mandate is being developed.
Aa'lichim Child and Family Committee	Chaired by the member of the Executive with the Community Services Portfolio; advises and makes recommendations to the Executive related to Child and Family programs.
Tsa-hiip-nas Committee	Chaired by the member of the Executive with the Community Services Portfolio; advises and makes recommendations to the Executive related to addictions programs.



KCFN's Appointee to the SRD

KCFN's regional district director appointee will function just like any other regional district director. They will vote on services in which they are service participants and provide input with other directors when matters are referred to directors for comment. As with other matters that may be tabled or referred for input from residents, the KCFN director will seek input from Nation citizens at those times as well.

In general, it is anticipated that KCFN's SRD appointee will serve for four years, the same as most other SRD directors. Recognizing that the four-year local government cycle may not always align with KCFN's own four-year election cycle, KCFN will work to harmonize their appointments with the SRD's cycle. As with other SRD directors, KCFN's director can be replaced when necessary (i.e., if they are unable to continue their role).

KCFN Legislation

Relevant KCFN legislation is summarized here.

- **Land Act:** This Act is meant to establish a framework for the protection, management, and disposal of interests in KCFN Treaty Lands including residential leases and resource tenures. The Act enables the Executive to grant permits and leases for up to 99 years, natural resource license for up to 50 years, and licenses for occupation for up to 10 years.

The Act also establishes:

- a Department of Lands and Resources
 - a Director of Lands and Resources
 - a KCFN Lands registry office and land registrar
 - Offences and penalties for trespassing on KCFN lands
- **Planning and Land Use Management Act:** This Act is meant to provide a system for community planning and management of land use. It lays out the regulatory framework to guide KCFN land use management and planning. The following regulations are made under it:
 - Zoning
 - Land Use Delegations
 - Development Permits
 - Development Cost Recovery
 - Subdivision Requirements
 - Foreshore Management Guidelines
 - **Real Property Tax Act:** This Act sets out the legal framework for the collection of property taxes on KCFN Treaty Lands. It stipulates how the BC Assessment Authority will provide property assessments for taxable properties and how KCFN establishes tax rates and collection methods. It also establishes property tax payment deadlines (July 2nd of each year).

KCFN Businesses and Joint Ventures

KCFN owns and operates several businesses and joint ventures, including:

- KCFN Businesses
 - KCFN Marina and Campground operates KCFN's tourism businesses, campground, fuel station and general store in Fair Harbour, a hostel in Kyuquot, and a fishing lodge.
 - KCFN Forestry Ventures operates KCFN's forestry businesses.
 - KCFN Fisheries operates KCFN's fishing licenses and boats.
 - KCFN Aggregate operates KCFN's aggregate business, producing and selling gravel.
 - KCFN Capital Assets holds and manages capital assets for the KCFN group of companies.
- Joint Ventures
 - **Qwa ya ciik Outfitters:** KCFN is majority owner of a guide outfitters operations on Vancouver Island.
 - **Nuu-chah-nulth Seafood:** KCFN is one fifth owner, the primary operation is managing and leasing out fishing licenses and assets.
 - **Nuu-chah-nulth Cannery:** KCFN is part owner of St. Jeans Cannery and Smokehouse through this Limited Partnership that includes four other First Nations.

Strathcona Regional District

The SRD is one of 27 regional districts in BC, which together cover almost the entire province. Regional districts were established starting in 1965 and are widely recognized as an innovative form of regional governance.

Regional districts have two main functions. First, they **provide rural residents with basic local government services and representation**. For example, they may provide water and sewer services, or oversee planning functions in electoral areas with no planning capacity. Second, they **represent all residents – from rural areas and municipalities – on regional issues**. This happens through the regional district board where each of the areas, municipal and rural, have a seat. Typically, this function involves coordinating services that a single municipality or rural area cannot provide on its own, including major infrastructure projects, recreation complexes, and the like. In some cases, the regional district simply provides the framework for member municipalities and local areas to cooperate on service provision.

The rights, powers, privileges, and authorities of the SRD (and all other regional districts) are clearly laid out in the province's *Local Government Act* [RSCB 2015].

MUNICIPAL & RURAL AREAS: WHAT'S THE DIFFERENCE?

Municipalities are incorporated areas, and can be cities, towns, districts or villages. In BC, almost 90% of the population lives in municipalities.

Rural areas are all lands and residents outside of incorporated municipal areas. These account for about 10% of the population in BC. Within regional districts, they are managed as Electoral Areas.

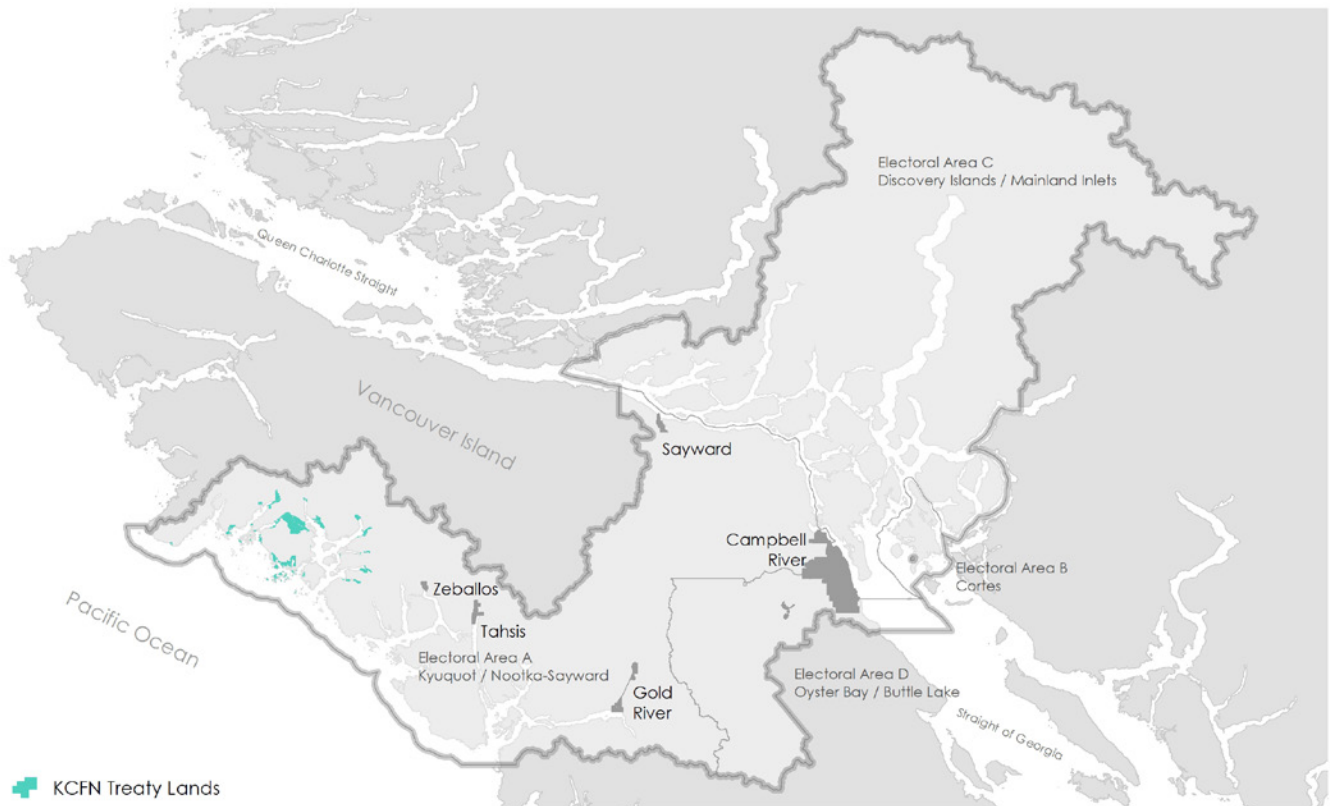
Organizational Structure

The SRD was established on February 15, 2008, as a result of the provincial government's restructuring of the Regional District of Comox-Strathcona. It is a federation of five municipalities and four electoral areas, governed by a 13-member Board of elected officials. When KCFN becomes a Treaty Nation member of the SRD, the Board will expand to 14 members. The five municipalities within the regional federation include Campbell River, Gold River, Sayward, Tahsis, and Zeballos. The four electoral areas within the regional federation include Electoral Area A (Kyuquot/Nootka-Sayward), Electoral Area B (Cortes Island), Electoral Area C (Discovery Islands-Mainland Inlets), and Electoral Area D (Oyster Bay-Buttle Lake).

Appendix A

The map shows the SRD, member municipalities, electoral areas, and KCFN Treaty Lands.

FIGURE: SRD Electoral Areas, Municipalities, and KCFN lands



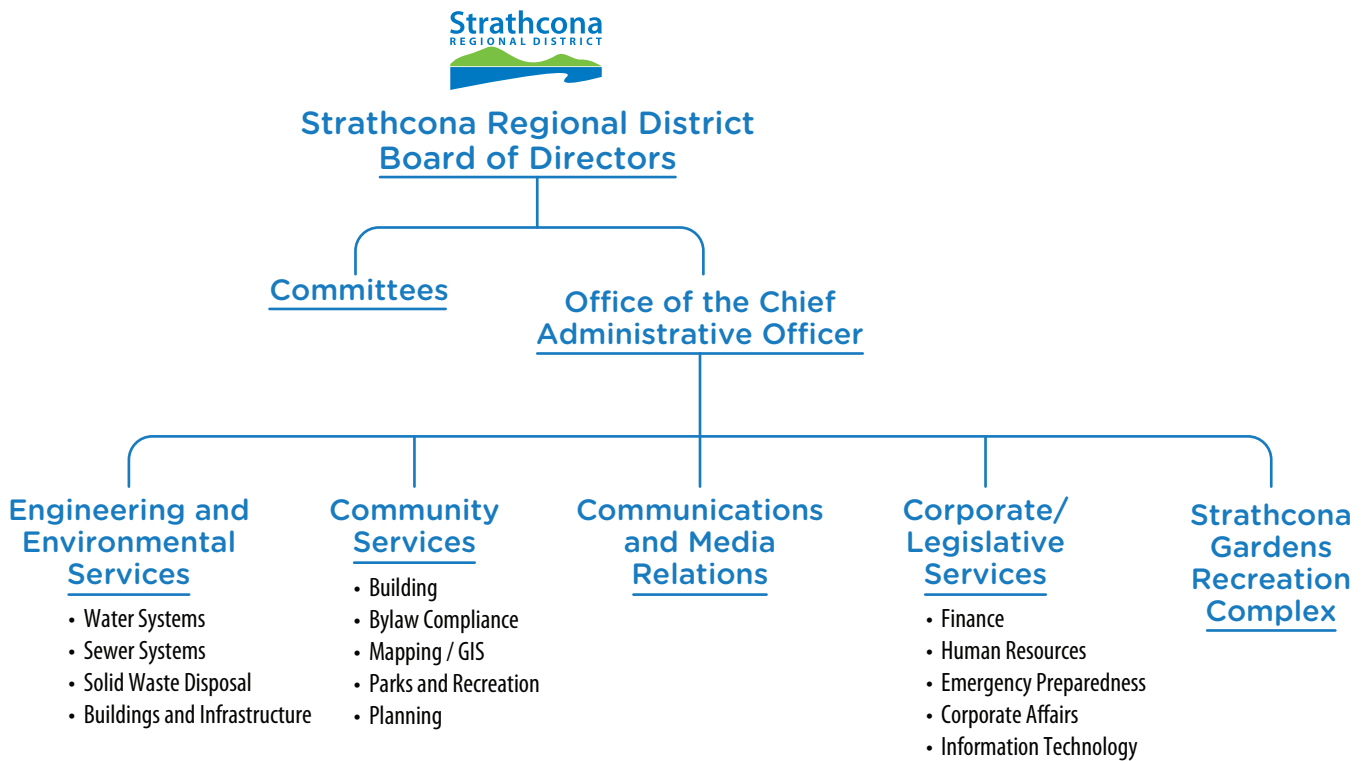
As of the 2016 Census, the SRD was home to a population of 44,671 people. About 73% (32,588) live in Campbell River, the region's largest municipality. Another 3% (1,212) live in Gold River, 1% (311) live in Sayward, 1% (248) live in Tahsis, and less than 1% (107) live in Zeballos.

The combined citizenship of KCFN is 607 citizens. About 25% live in Hupsitas and 20% in Campbell River, while the remainder live throughout BC and Washington State.

The SRD is organized similar to other regional districts in the Province. The Board of Directors, including representatives from each municipality and electoral area in the region, is responsible for high-level decision-making and direction setting.

Staff is organized under four main divisions: planning and development, environmental services, administration service, and finance. How staff spend their time relates to the two main functions of regional districts. At times they are acting as local government staff for rural residents and in other instances, they are working for the entire region. The Chief Administrative Officer (CAO) oversees all staff activities and acts as the link between staff and the Board.

FIGURE: SRD organizational structure



Board of Directors

Regional district boards consist of three types of directors, each representing a specific area and also considering the interest of the regional district as a whole. **Municipal directors** are elected representatives from their respective municipality. They are appointed to be SRD directors by their council. This director acts on behalf of the municipality and represents those interests at the regional district board. An alternate is also appointed to act in place of the primary representative when necessary. Within the SRD, municipal directors are those from **Campbell River, Gold River, Zeballos, Tahsis, and Sayward**.

Electoral area directors are elected directly by the resident electors and non-resident property electors of electoral areas. There are four electoral areas in the SRD. Directors serve four-year terms, with elections occurring on the same cycle as municipal elections.

Treaty First Nations governments have the authority to decide how to appoint a representative to sit as a director on the regional district board, along with a term for service. KCFN also has a four-year election cycle.



Committees and Appointments

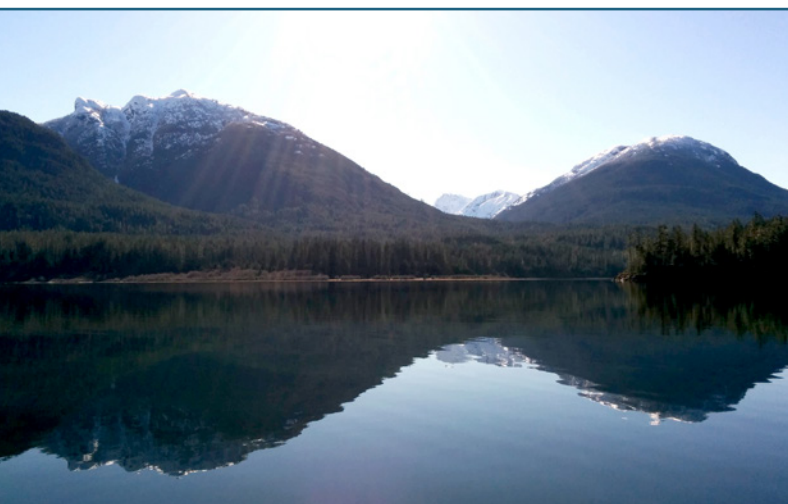
In addition to the Committee of the Whole, which includes representatives from all SRD electoral areas and municipalities, the SRD maintains a number of different, issue-specific working committees. These committees do not have decision-making authority; they make recommendations to the SRD board.

Committees can also take different forms. Standing committees, which make up most of

the SRD's committees, are long-term advisory groups that meet regularly. Select committees are temporary, issue-specific groups which meet only for the duration of the topic under discussion.

Committees meet at the call of the Board Chair or Committee Chair.

COMMITTEE	DESCRIPTION AND APPOINTMENTS
Electoral Area Services Committee	Provides advice and recommendations on service delivery matters for electoral areas. Appointments: All electoral area directors.
First Nations Relations Committee	Makes recommendations to the Board for improving and strengthening relationships with First Nations. Appointments: Six Board members representing a cross-section of municipal, electoral area, small community, large community, and Treaty First Nations.
Municipal Services Committee	Provides advice and recommendations on service delivery matters for municipalities. Appointments: All municipal directors.
Strathcona Gardens Commission	Provides direction to support all matters related to the Strathcona Gardens Recreational Complex, including the arena and swimming pool. Appointments: Two Council members from the City of Campbell River, one director from the City of Campbell River, the director for Electoral Area D (Oyster Bay-Buttle Lake), and one other person appointed by the Board.



Advisory Planning Commissions

In each of the four electoral areas in the SRD for which land use planning and management is conducted, the Regional Board may opt to establish an advisory planning commission (APC) and then appoint members of the public to that APC to provide input on land use management requests and provide insights and relevant information to the electoral area director.

The SRD currently has APCs in Electoral Area 'B' (Cortes Island) and Electoral Area 'D' (Oyster Bay – Buttle Lake).

Services

The SRD provides approximately 44,000 residents with a diverse range of services, including water and sewage systems, fire protection, land use planning, parks, bylaw enforcement, recreation, broadband infrastructure, and emergency planning and response. In total, the SRD provides over 70 regional and local services in 30 different areas.

With the exception of mandated services, individual jurisdictions choose to participate in regional district services when it is in their

best interests to do so. When they choose to join a service, they are referred to as service participants. Together, participants make up the service area, which is the portion of the regional district where the particular service is provided, and from which the cost of providing the service is recovered. Services are typically provided on a cost-recovery basis through property tax charges in the service area. The participants, through their regional district directors (the representatives of the particular jurisdiction), work together to make decisions for the service and its operations.

SERVICE	DESCRIPTION	SERVICE PARTICIPANTS
General Government Services	Includes administrative costs of running the Regional District government. Specific costs under the service are directors' indemnities, administrative salaries, office and building costs, and audit, insurance, and legal fees.	All municipalities and electoral areas
Regional Hospital District	The purpose of the hospital district is to raise funds for capital expenses and new hospital facilities within the region. Joint service with Comox Valley Regional District (CVRD). Sits as separate Board but is administered through SRD (and CVRD).	All municipalities and electoral areas
911 Emergency Answering Service	The North Island 911 Corporation provides fire, police, and ambulance dispatch services for the five regional districts of northern Vancouver Island and qathet Regional District. The SRD has one member on this board.	All municipalities and electoral areas
Regional Broadband	Through the Connected Coast Network Corporation, the SRD is developing broadband infrastructure to remote coastal communities throughout the region and beyond.	All municipalities and electoral areas
Library Facilities	The Regional District will provide capital financing to the VURL for library facilities in the region with all costs to be recovered from the VURL on an annual basis.	All municipalities and electoral areas
Regional Growth Management	Provides a regional context for the development of official community plans and other land use and land development policies that have regional implications.	All municipalities and electoral areas
Grants-in-Aid	Provides grants-in-aid to assist non-profit organizations that provide a "social enrichment service" to residents throughout the region.	All municipalities and electoral areas
Strathcona Emergency Program	Coordinates emergency services for municipalities and electoral areas while also supporting the Emergency Coordinators in Campbell River, Sayward, Gold River, Tahsis, and Zeballos. Program also coordinates regional emergency response, training, communication, and exercises.	All municipalities and electoral areas

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SERVICE	DESCRIPTION	SERVICE PARTICIPANTS
Home Away from Home	The service provides overnight accommodation for patients and their families who are unable to secure suitable accommodation while using the services of the Campbell River Hospital.	All municipalities and electoral areas
Regional Solid Waste Management	Through the combined CVRD and SRD Boards the service is responsible for planning, financing, and operating regional solid waste facilities within the two regional districts.	All municipalities and electoral areas
Regional Library	The Vancouver Island Regional Library District provides services for the region. There are six branches in the SRD, in Campbell River, Gold River, Sayward, Tahsis, Cortes Island, and Quadra Island. Many of the services can be accessed online, and there is a books-by-mail program for remote communities.	All electoral areas
Electoral Area Administration	Electoral area director expenses, electoral area election costs, electoral area costs not covered by another service.	All electoral areas
Land-Use Planning	Provides land use planning services to the residents of the four electoral areas of the Strathcona Regional District. Services include zoning bylaw review and implementation, preparation and review of Official Community and Local Area Plans, working with volunteer Advisory Planning Commissions, processing development applications, and providing daily counter and telephone inquiry service to the public.	All electoral areas
House Numbering (Civic Addressing)	A program to provide unique civic addresses to every structure based on geocoordinates within the SRD.	All electoral areas
Fire Protection	Provides fire protection services in Electoral Area A (Sayward Valley), Electoral Area B (Cortes Island), and Electoral Area D (between Jubilee Parkway and Oyster River)	Electoral Areas A, B, D
Community Halls	The Regional District provides funding and other support for community hall facilities in a number of communities.	Electoral Areas A, B, C
Parks and Recreation	The SRD, in partnership with a number of community groups and individuals, develops and maintains a growing system of parks and trails. Currently, the SRD Parks Service manages over 50 parks and hundreds of kilometres of trails.	Electoral Areas B, C, D
Heritage Conservation	The service provides the ability to designate properties that have significant heritage value and to ensure that those values can be preserved for the future.	Electoral Areas B, C
Economic Development	Provides financial assistance to organizations that promote, advance, or support activities and initiatives that enhance economic health and prosperity.	Electoral Areas A, C
Rescue Services	Provides funding for fire departments to provide rescue services over a larger response area than they are otherwise authorized to travel.	Electoral Areas B, C
Street Lighting	Provides Street Lighting services to Quadra Island, and some portions of Electoral Area D.	Electoral Area C, D

Appendix A

SERVICE	DESCRIPTION	SERVICE PARTICIPANTS
Solid Waste Collection and Disposal	The SRD provides solid waste services to residents living in the Sayward Valley and on Cortes Island. Within the Sayward Valley, once a week roadside waste pick-up is available, and on Cortes Island, weekly roadside pick-up for both waste and recycling is available.	Electoral Areas A, B
Strathcona Gardens Recreation Facility	The Regional District owns and operates the Strathcona Gardens recreation complex which provides recreational programs, events, and opportunities for the greater Campbell River area. The Strathcona Gardens is the home of the Campbell River Storm hockey team.	City of Campbell River, Electoral Area D
Unsightly Premise Regulation	Service may be used where needed to deal with premises deemed to be unsightly and offensive to community standards.	Electoral Area B
Building Inspection	Building inspection services are provided to Electoral Area D and to some of the smaller municipalities under contractual arrangements.	Electoral Area D
Sewer	The SRD owns and operates the Quathiaski Cove Sanitary Sewerage System on the west side of Quadra Island, at Quathiaski Cove. The system provides collection, conveyance, treatment, and disposal of sewage for lands within the Service Area.	Electoral Area C
Transit	The SRD contracts with the City of Campbell River to extend public transportation services into Electoral Area D. The bus runs along the inland highway, from Glenmore Road in Oyster River, north to Erickson Road, where riders can connect to other bus routes.	Electoral Area D
Animal Control	A program to license and control dogs through a contract with the City of Campbell River.	Electoral Area D
River Bank Protection	The service pays for the armouring of part of the bank of Oyster River adjacent to Glenmore Road.	Electoral Area D
Water	The SRD owns and maintains the Electoral Area D Water Service which provides high quality drinking water to approximately 1,135 homes and businesses.	Electoral Area D

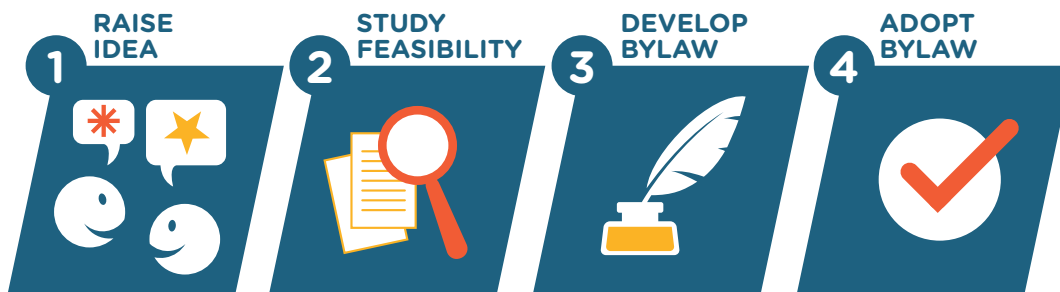
SERVICE CREATION

Each regional district has the authority to create, review, and withdraw the services it provides, with the exception of those mandated by the Province.

Establishing a service begins with the **identification of a service need**. From there, the **feasibility** of the service is typically studied to clarify the purpose and identify the scope, establish costs and delivery standards, establish a process for review, etc. Once the service has been deemed feasible, a **service-establishing bylaw** is created.

If all relevant parties favour the bylaw in an un-weighted corporate vote, the bylaw is adopted, and the service becomes active. Adopted bylaws need the approval of the Inspector of Municipalities and each of the local areas that intend to participate. Local approval can happen through referendum or be given on behalf of the local area by council, the electoral area director, or the board itself.

FIGURE: Service establishment process



(adapted from Regional District Toolkit – Fact Sheet #3: Services)

BUDGETING AND APPORTIONMENT

Separate funds are set up to budget and pay for each individual service. The fund is based on the cost of providing the service and includes a portion for general overhead. This also means that some less direct expenses, including SRD staff time, need to be allocated to various service funds. Determining how all these costs are distributed among funds is known as **cost allocation**. How the revenues are collected is up to the regional government – the SRD has the power to develop its own funding formulas and change them if and when necessary. No service can budget for a deficit.

Apportionment is the term used to define the method used to determine contributions from each participating local area. Property taxes are the most common apportionment method, and a system of calculation known as **converted assessment** is typically used in the SRD for determining value owed. A converted assessment is calculated by taking the assessed value of a property (based on BC Assessment values) and applying a standard rate to that which varies according to the type of property it is (i.e., residential, commercial, industrial). In the SRD most service costs are currently recovered this way.

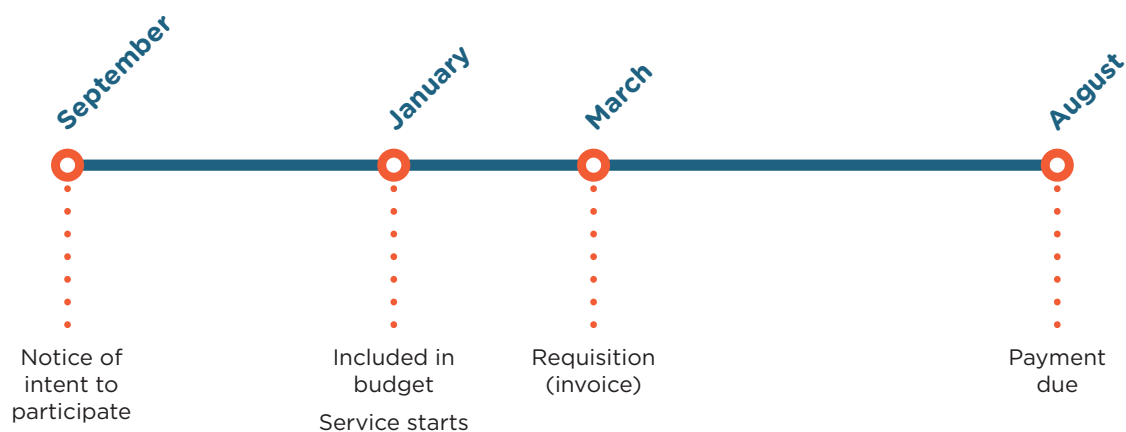
Other apportionment methods include:

- **Dwelling counts:** service cost divided by the number of dwellings
- **Population:** service cost divided by the number of people receiving the service
- **Usage:** service costs based on service use (cost per visit, by volume, by weight, etc.)
- **Land area:** costs divided up by gross land area of service participants

Apportionment can be based on any one of these methods or a combination of them.

With apportionment methods established for each service, the total must be worked into an annual five-year plan. This lays out anticipated revenues and expenditures for each service, every year, for the five years of the plan. This plan must be adopted by March 31st of each year. For the SRD, this means that budgeting discussions start in the fall and all new service agreements and/or expansions are usually confirmed by January 1st of each year.

FIGURE: General timeline for apportionment and budgeting



Ka:'yu:'k't'h'/Che:k'tles7et'h – SRD's newest member

This section outlines procedural details for the SRD board, including meetings, voting, and service delivery. Additional information is available using the Union of BC Municipalities' *Regional District Toolkit* which is available through the organization.

PROCEDURES AND PROTOCOLS: THE DETAILS

- **Directors Resource Guide:** Onboarding and Orientation Process for SRD Directors: Currently being developed, the Directors Resource Guide will support new directors to the SRD board with the fundamental information needed to ease their process of joining. This resource guide will be available before the SRD elections in 2020. It will provide details on Regional Districts broadly, the background of the SRD, the overall vision, objectives, and roles pertaining to the Board of Directors, administrative operations, financial plans and budgets, and a detailed overview of services. Additionally, this guide aims to cover conflict resolution policies and procedures.

- **Preparation for Meetings:** A lot gets accomplished at each SRD board meeting. For this to happen, meetings need to be well organized and directors need to be prepared in advance.

Agendas are circulated ahead of each meeting – usually the week beforehand. The Board Chair develops the agenda with the SRD Chief Administrative Officer, based

on outstanding issues from past meetings, upcoming issues, and any legislative or procedural requirements.

Packages for each meeting are also sent out before each meeting with the agenda. These contain information on items being discussed. All directors are expected to have reviewed the contents of meeting packages and be prepared with discussion points and questions. As much as possible, directors from municipalities and KCFN should use this lead-time to discuss relevant issues with their home councils or governments.

- **Order within Meetings:** Regional district board meetings follow a set process. This helps to ensure that meetings happen smoothly and efficiently and that everyone has the same expectations in terms of how and when discussions happen, and decisions get made.

The Chair is responsible for moving the meeting through the agenda. In certain instances, this may mean that discussions are moved to another committee or “tabled” (meaning the discussion is suspended for the time being).

LIAISING WITH “HOME COUNCILS”

Municipal and KCFN directors, unlike electoral area directors, are part of a larger governing body. This raises questions around the extent to which these directors should be representing the position of their council within regional district discussions and decision-making. The Union of BC Municipalities *Regional District Toolkit* states that:

“One school of thought would suggest that a council may provide guidance to its director(s), and probably should provide guidance on controversial or particularly important topics. A council should not, however, expect its director(s) to stand firm on a position in the face of compelling information and arguments that undermine the position’s validity” (source: Regional District Toolkit, Municipal Directors)

There will be instances where a director needs to consult their home council – on issues that are particularly sensitive or could result in significant impacts. The toolkit suggests that these, however, should be the “exception, not the rule.” How a director from a municipality or Treaty First Nation handles these situations has implications in terms of the pace and flow of discussion and decisions at the regional district board. Having a clear understanding and expectations in place – within the regional district and between directors and their local councils – is in the best interest of all parties.



Robert's Rules of Order provide the general framework for order at SRD meetings. The Chair presents items to be discussed and any items requiring a formal Board decision, or motion, are put to vote, with directors given the opportunity to either vote in favour or against the motion. Thorough meeting minutes are kept.

- **Getting Involved in Discussions:** Most discussions at the regional district board are related to the services that the regional district coordinates among its members. Whether or not a director gets involved in a discussion related to servicing depends in part on whether their community is a service participant (i.e., they pay into and receive benefit from the service).

There are instances, however, where non-participating areas may have legitimate interests in a discussion. For example, a non-participating municipality, electoral area, or KCFN would have a stake in a discussion if the service impacts nearby or

adjacent lands (e.g., potential contamination issues related to landfills, compatibility of land uses in adjacent jurisdictions) or if there are principles under discussion that may have broader implications.

The principle of self-interest is central to regional district governance. Municipalities, electoral areas, and Treaty First Nations choose to participate in services when it is in their best interest to do so. They are, however, also able to participate in service areas that may provide larger, shared regional benefits (e.g., regional park planning, economic development) where the benefits are not easily quantifiable.

- **Voting on Motions:** Regional district boards use motions to create the resolutions and bylaws that they act through. Since committees have no decision-making power, all voting occurs at the regular monthly or semi-monthly board meetings.

Appendix A

Voting can either be **weighted** or **un-weighted** – this is known as **vote weighting**. When a vote is weighted, the power of each director's vote reflects the population that they represent, so the more people a director represents, the more weight their vote gets. The number of people required for each vote varies depending on the regional district. Dense urban areas typically require more people per vote than sparsely populated areas. For example, in Greater Vancouver, a director receives one vote for every 20,000 people. Conversely, in the Regional District of Mount Waddington, a director receives one vote per 600 people. SRD directors receive one vote per 1,500 people. Each municipal and Treaty First Nation director can only have up to a maximum of five votes; after five votes, another director is added, and the votes are shared.

Within the regional district board, only certain directors can participate in votes about certain decisions – this is known as **vote entitlement**. Whether or not a director is entitled to vote depends on their stake in the vote. Often this comes down to

whether or not they are participants in a service. **Stakeholder votes** are for motions on services and only the participants of a particular service are able to vote on these. These votes are always weighted.

Voting that includes all directors is called a **corporate vote** and can be either weighted or un-weighted. Weighted corporate votes are used for all financial matters (e.g., approving the budget, borrowing money). Un-weighted corporate votes are used mainly for establishing service and regulatory bylaws, for passing resolutions to do with service bylaws and in cases where only a single director would otherwise be entitled to vote.

In most cases motions only need a simple majority to be passed (i.e., 50% of the vote plus one). Some matters, including employment termination, delegation of decision making to a commission, the exercise of emergency powers, amendments to service establishment bylaws, and property tax exemptions require two-thirds support.



Appendices

How do we address each other?

There is a long and unfortunate legacy of incorrect terms and terminology associated with First Nations in Canada. Treaty Nations such as KCFN no longer operate under the *Indian Act*. Therefore, terminology used to refer to *Indian Act* First Nations and Bands is not appropriate. As members of regional districts, Maa-nulth First Nations have the same rights, responsibilities, and obligations as other regional district members, and KCFN citizens are entitled to the same rights and respect as other SRD residents.

It is important, more accurate, and respectful to avoid outdated terminology in referring to Maa-nulth First Nations governments and citizens. Correct terminology is not only respectful, but one more step towards reconciliation. Certain incorrect and potentially offensive terms are identified below with their correct equivalent terms for KCFN.

FIGURE: Terms and terminology

COMMONLY USED INCORRECT TERM	CORRECT TERM
Indian Band	Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations
Indian	Ka:'yu:'k't'h'/Che:k'tles7et'h' Citizen
Reserve	Ka:'yu:'k't'h'/Che:k'tles7et'h' Lands
Band or Band Council	Ka:'yu:'k't'h'/Che:k'tles7et'h' Government
Band Office	Ka:'yu:'k't'h'/Che:k'tles7et'h' Administration

Ka:'yu:'k't'h'/Che:k'tles7et'h' Government and Governance Terms

While many of their functions are similar to municipalities, KCFN (as with other Treaty Nations) has additional lawmaking authority in areas, including social, economic, cultural, and political governance. Also, like local governments, KCFN and their citizens are governed by certain provincial and federal laws (e.g., Canadian Environmental Protection Act, Criminal Code).

FIGURE: *Government and governance terms*

TERMS	STRATHCONA REGIONAL DISTRICT	KA:'YU:'K'T'H'/CHE:K'TLES7ET'H'
Proper Name of Governing Body	Strathcona Regional District (SRD)	Ka:'yu:'k't'h'/Che:k'tles7et'h' Government
Head Elected Official	Chair	Legislative Chief
Elected Official	Director	Legislator
Hereditary Leaders	NA	Ka:'yu:'k't'h'/Che:k'tles7et'h' Ha'wiih Advisory Council

Resources

To learn more about the Treaty, KCFN, the SRD, or to learn about other treaties negotiated in British Columbia please visit their websites:

- www.maanulth.ca
- www.kyuquotbc.ca
- www.bctreaty.ca
- www.srd.ca

To learn more about local governments in BC, please visit the Ministry of Municipal Affairs' information and publications page: <https://www2.gov.bc.ca/gov/content/governments/local-governments/facts-framework/publications>

Appendix A

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