

Agenda

General Purposes Committee Electronic Meeting

Council Chambers, City Hall 6911 No. 3 Road Monday, May 1, 2023

4:00 p.m.

Pg. # ITEM

MINUTES

GP-3 *Motion to adopt the minutes of the meeting of the General Purposes Committee held on April 17, 2023.*

ENGINEERING AND PUBLIC WORKS DIVISION

1. CHANGES IN PROVINCIAL LEGISLATION NEEDED TO ADDRESS GAS UTILITIES IN BRITISH COLUMBIA (File Ref. No. 10-6000-00) (REDMS No. 7185313)

GP-8

See Page GP-8 for full report

Designated Speaker: Peter Russell

STAFF RECOMMENDATION

- (1) That, as described in the report titled 'Changes in Provincial Legislation Needed to Address Gas Utilities in British Columbia' from the Director, Sustainability & District Energy, dated March 17, 2023:
 - (a) Letters be sent to the Premier, the Minister of Municipal Affairs, the Minister of Environment and Climate Change Strategy, the Minister of Energy, Mines and Low Carbon Innovation and to local Members of the Legislative Assembly, asking the Government of British Columbia to

Pg. # ITEM

- (i) reform the British Columbia Utilities Commission in the context of a changing climate as noted in the report; and
- (ii) urgently enact legislation that regulates greenhouse gas emissions from gas utilities; and
- (b) Letters be sent to Metro Vancouver, Metro Vancouver member local governments, the City of Victoria and the District of Saanich requesting their support by sending letters to the Office of the Premier, the Minister of Municipal Affairs, the Minister of Environment and Climate Change Strategy and the Minister of Energy, Mines and Low Carbon Innovation accordingly.

CAO'S OFFICE

2. **TRUTH AND RECONCILIATION UPDATE** (File Ref. No. 01-0152-01) (REDMS No. 7120015)

GP-28

See Page GP-28 for full report

Designated Speaker: Jason Kita

STAFF RECOMMENDATION

That the report titled "Truth and Reconciliation Update" dated April 11, 2023 from the Director, Intergovernmental Relations and Corporate and Strategic Planning be received for information.

ADJOURNMENT



Minutes

General Purposes Committee

Date: Monday, April 17, 2023

Place: Council Chambers Richmond City Hall

Present: Mayor Malcolm D. Brodie, Chair Councillor Chak Au Councillor Carol Day (entered the meeting at 4:05 p.m.). Councillor Laura Gillanders Councillor Kash Heed Councillor Andy Hobbs Councillor Alexa Loo Councillor Bill McNulty Councillor Michael Wolfe

Call to Order: The Chair called the meeting to order at 4:04 p.m.

MINUTES

It was moved and seconded That the minutes of the meeting of the General Purposes Committee held on April 3, 2023, be adopted as circulated.

CARRIED

1.

PRESENTATION

1. Patti Caldwell, Manager Volunteer Resources, Vancouver Coastal Health, presented a plaque and read a COVID Partnership Appreciation letter (attached to and forming part of these Minutes as Schedule 1).

Councillor Carol Day entered the meeting (4:05 p.m.).

ENGINEERING AND PUBLIC WORKS DIVISION

2. RICHMOND CIRCULAR CITY STRATEGY

(File Ref. No. 10-6125-07-04) (REDMS No. 7137074)

It was moved and seconded

That the Richmond Circular City Strategy in Attachment 1 in the report titled "Richmond Circular City Strategy" from the Director, Sustainability and District Energy, dated March 1, 2023, be endorsed.

The question on the motion was not called as in reply to queries from Committee, staff noted that (i) green infrastructure is an important priority and the Community Energy and Emissions Plan and Circular City Strategy will find synergy together, (ii) partnerships with schools and other organizations are always explored, (iii) smaller initiatives such as the pollinator program, are broadcasted to the community to encourage involvement, (iv) the Environmentally Sensitive Area review will take place alongside the Official Community Plan review, and (v) a portion of the survey was completed by stakeholders and a more detailed workshop was held to allow for deeper discussions and questions.

The question on the motion was then called and it was **CARRIED**.

COMMUNITY SAFETY DIVISION

3. SISTER CITY ADVISORY COMMITTEE 2022 YEAR IN REVIEW (File Ref. No. 01-0100-30-SCIT1-01) (REDMS No. 7167063)

It was moved and seconded

That the staff report titled "Sister City Advisory Committee 2022 Year in Review", dated March 8, 2023, from the General Manager, Community Safety, be received for information.

The question on the motion was not called as in reply to a query from Committee, staff advised that no requests for Sister City delegates to Richmond have been received to date.

The question on the motion was then called and it was **CARRIED**.

CAO'S OFFICE

4. COUNCIL CODE OF CONDUCT REVIEW

(File Ref. No. 01-0005-01) (REDMS No. 7145172)

Staff provided a memorandum related to Council Code of Conduct (attached to and forming part of these Minutes as Schedule 2).

It was moved and seconded

That the updated Council Code of Conduct Policy No. 1500 as outlined in the report titled "Council Code of Conduct Review" from the Director, Intergovernmental Relations and Corporate and Strategic Planning, dated February 16, 2023, be adopted.

CARRIED

LAW AND LEGISLATIVE SERVICES DIVISION

5. 2023 COUNCIL AND COMMITTEE MEETING SCHEDULE ADJUSTMENTS (File Ref. No. 01-0105-01) (REDMS No. 7182958)

It was moved and seconded

- (1) That the amended 2023 Council and Committee meeting schedule, as shown in Attachment 1 of the staff report, "2023 Council and Committee Meeting Schedule Adjustments" dated March 21, 2023, from the Director, City Clerk's Office, be approved; and,
- (2) That the following revisions as detailed in the staff report titled "2023 Council and Committee Meeting Schedule Adjustments" dated March 21, 2023 from the Director, City Clerk's Office, be approved:
 - (a) That October 2, 2023 General Purposes Committee and Finance Committee meeting be rescheduled to October 3, 2023; and
 - (b) That the October 3, 2023 Planning Committee meeting be rescheduled to October 4, 2023.

CARRIED

ADJOURNMENT

It was moved and seconded *That the meeting adjourn (4:23 p.m.).*

CARRIED

Certified a true and correct copy of the Minutes of the meeting of the General Purposes Committee of the Council of the City of Richmond held on Monday, April 17, 2023.

Mayor Malcolm D. Brodie Chair Sarah Goddard Legislative Services Associate



February 16, 2023

City of Richmond 6911 No. 3 Rd Richmond BC

Dear City of Richmond,

Office of the President and CEO 601 West Broadway, Vancouver, BC V5Z 4C2

Schedule 1 to the Minutes of the General Purposes Committee meeting of Richmond City Council held on Monday, April 17, 2023

Over the past two years, our communities and our healthcare system have faced unprecedented challenges associated with the pandemic. COVID-19 significantly increased the demands on our healthcare system, as we adjusted and expanded our services to reflect the evolving needs of our communities.

COVID-19 vaccines first became available in British Columbia in Dec. 2020 and immediately became one of our most important tools in combating the impact of the virus on our communities. Vaccines provide the best protection available against serious illness and hospitalization, and our priority was to deploy them as efficiently and safely as possible to neighbourhoods and communities, including First Nations communities, across every corner of our region.

To help facilitate distribution, our leadership team issued a broad appeal for support to our municipal, community and NGO partners to collaborate with us as we launched our region's most ambitious vaccination campaign to date. We requested supports, including resourcing and suitable spaces, to operate mass and pop-up vaccination clinics, which would serve as accessible, inclusive and welcoming clinics to adults and children getting immunized in the months to follow.

The response from our trusted partners was extraordinary. For over two years, your organization along with others, helped us establish COVID-19 vaccine sites in over 100 different locations throughout Vancouver Coastal Health (VCH). Today, over 90 per cent of people living in the Vancouver Coastal Health (VCH) region have been vaccinated against COVID-19, and we record the highest coverage of any other health authority in British Columbia. This is attributable, in part, to the significant support your organization and others have generously provided us, including the infrastructure needed to run vaccination clinics.

On behalf of our entire organization, I would like to extend my deepest gratitude for your continued partnership during the COVID-19 vaccination campaign, which has offered important protection to the vast majority of British Columbians today. In recognition of this, we would like to gift you a commemorative plaque on behalf of VCH. It marks a pivotal moment in our response to the COVID-19 pandemic and acknowledges the role your organization played in helping to serve British Columbians.

Yours sincerely,

Vivian Eliopoulos President and Chief Executive Officer

iP ---



Schedule 2 to the Minutes of the General Purposes Committee meeting of Richmond City Council held on Monday, April 17, 2023.

Memorandum

Corporate Programs Management Group

| To: | Mayor and Councillors |
|-------|---|
| From: | Jason Kita Director, Intergovernmental Relations and Corporate and Strategic Planning |

| Date: | February 27, 2023 |
|-------|------------------------|
| File: | 01-0005-01/2023-Vol 01 |

Re: Council Code of Conduct Survey Responses

The purpose of this memorandum is to provide an update on the Council Code of Conduct review process and share the responses of the survey conducted in January 2023.

The City of Richmond's *Council Code of Conduct Policy No. 1500* was adopted on November 25, 2019. The policy draws on best practices and examples from other municipalities, as well as guidelines and resources established by the Province of BC and the Working Group on Responsible Conduct.

On June 13, 2022, new legislative requirements came into effect with the *Municipal Affairs Statutes Amendment Act (No. 2)* requiring municipal councils to consider adopting or reviewing a code of conduct for council members within six months after its first regular council meeting following a general local election.

In January 2023, a survey was conducted in support of the review of the existing code of conduct. The results of the survey are included in **Attachment 1**. Based on the results, staff have prepared a report to Council with proposed changes to the existing policy.

The following questions were raised and responses are provided below:

Q: Can members of the public lodge a Code of Conduct complaint? Section 15.3 mentions "members."

A: In the policy, "members" are defined as the elected members of Council, which includes the Mayor and Councillors. As such, members of the public cannot lodge a Code of Conduct complaint per the current policy.

Q: Section 11.2 regarding gifts needs clarification about declaration, such as a dollar value. Do we need to claim a box of cookies?

A: In the policy, section 11.3 (a) provides an exception that notes *Paragraph 11.2 does not apply* to a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of the office or the appointment. In addition, the



GP – 7A

Community Charter Part 4, Division 6, Section 106 (1) outlines the regulations for disclosure of gifts that exceed \$250 in value.

Conclusion

Staff have prepared a Report to Council outlining the proposed updates to *Council Code of Conduct Policy No. 1500* based on the feedback received in the survey conducted in January 2023 in accordance with the legislative requirements to review a code of conduct for council members within six months after its first regular council meeting following a general local election.

Should you have any questions, please contact me at 604-276-4091 or jkita@richmond.ca.

Jason Kita Director, Intergovernmental Relations and Corporate and Strategic Planning

Att. 1



Council Code of Conduct Survey Summary

Mayor and Councillors

The following is a summary of the responses received for the Council Code of Conduct Survey in support of the review of the Council Code of Conduct Policy No. 1500 as required by new legislation introduced in 2022. The information gathered through the survey informed a staff report to Council on this topic.

- 3 -

1) What do you like about the current Council Code of Conduct?

Appreciate all the Foundational Principles (integrity, respect, accountability, etc.)

Appreciate the direction on how to handle matters with the public

It is general and covers most issues

It is wide-ranging and general without being too specific

Respectful to a certain extent

Section 5.2, members can share information from outside sources

Sections 1.4 and 1.5 are a little too broad

The Foundational Principals are good, especially sections 1.1, 1.2, and 1.3

The whole policy

2 a) What don't you like about the current Council Code of Conduct?

A little too prescriptive in places, such as sections 3.1 and 6.1

Areas of violation are not defined

Current code has served the City well

Issues such as "conflict of interest" need support in the form of appendices to help members of Council better understand and recognize when they have a conflict of interest

Members repeating the same things without regard for the venue. For example, repeating the same reasoning as was discussed in Committee with the same result/vote

No opinion

Nothing about the policy

Section 11.2 regarding gifts needs clarification about declaration, such as a dollar value

The current process that we have in place is not an efficient use of member's time

There are no consequences for any violations

2 b) What changes (if any) do you think should be considered to make this a more effective Code of Conduct?

Add appendices/FAQs to help members better understand

Although not intended to be punitive or disciplinary in nature, the policy should at least be developmental and corrective so if it ever gets to section 15, there is a purpose/outcome to section 15.2

Change the process; dissolve Committees and have everything that was covered in the other Committees moved to General Purpose

Clarify in all sections that "Council" means "Mayor and Councillors"

Collectively work on strategies to better achieve collaboration (section 1.4)

Establish an ombudsperson to report things to who could assist with conflict resolution if needed For clarity, can members of the public lodge a Code of Conduct complaint? Section 15.3 mentions "members"

Have more open discussion on what respect is and is not for members of Council (Foundational Principle 1.2)

Provide a budget for members to take an ethics course to more fully understand the terms and wording

Put priority on seniority and highest vote count when making Committee appointments

Sections 7 and 8 need more accuracy and clarification

Separate existing policy sections 7, 8, 9, 11, 12 and 13. They seem to be existing City policies or exist in other policy.



| То: | General Purposes Committee | Date: | March 17, 2023 |
|-------|--|-------|-------------------|
| From: | Peter Russell, MCIP, RPP Director, Sustainability and District Energy | File: | 10-6000-00/Vol 01 |
| Re: | Changes in Provincial Legislation Needed to Address Gas Utilities in British Columbia | | |

Staff Recommendation

- 1. That, as described in the report titled 'Changes in Provincial Legislation Needed to Address Gas Utilities in British Columbia' from the Director, Sustainability & District Energy, dated March 17, 2023:
 - a) Letters be sent to the Premier, the Minister of Municipal Affairs, the Minister of Environment and Climate Change Strategy, the Minister of Energy, Mines and Low Carbon Innovation and to local Members of the Legislative Assembly, asking the Government of British Columbia to
 - i. reform the British Columbia Utilities Commission in the context of a changing climate as noted in the report;
 - ii. urgently enact legislation that regulates greenhouse gas emissions from gas utilities; and
 - b) Letters be sent to Metro Vancouver, Metro Vancouver member local governments, the City of Victoria and the District of Saanich requesting their support by sending letters to the Office of the Premier, the Minister of Municipal Affairs, the Minister of Environment and Climate Change Strategy and the Minister of Energy, Mines and Low Carbon Innovation accordingly.

Peter Russell Director, Sustainability and District Energy (604-276-4130)

Att. 3

| REPORT CONCURRENCE | | | | |
|----------------------------|-------------|--------------------------------|--|--|
| ROUTED TO: | CONCURRENCE | CONCURRENCE OF GENERAL MANAGER | | |
| Law 🛛 | | - gh hing | | |
| SENIOR STAFF REPORT REVIEW | INITIALS: | APPROVED BY CAO | | |
| | ĹB | que. | | |

Staff Report

Origin

Council adopted the Community Energy & Emission Plan 2050 (CEEP) in February 2022, which emphasized that advocacy, alongside regulation, education, partnerships and the provision of infrastructure and incentives, is an essential tool for achieving the City's greenhouse gas (GHG) 2030 and 2050 emission reduction targets. In this report, it is recommended that the City ask the Government of British Columbia (Province) to take swift action to regulate gas utilities, as committed in the Province's CleanBC plan. This report also recommends that the Province take action to reform the British Columbia Utilities Commission (BCUC) to restore public confidence and to revise its mandate in the context of the Province's GHG reduction targets and.

Related to the above, Council endorsed the call for a Global Fossil Fuel Non-Proliferation Treaty in May 2022, and endorsed a Union of British Columbian Municipalities (UBCM) resolution asking the Province to do the same. The resolution additionally asked the Province to implement a GHG reduction cap on gas utilities. The resolution was not endorsed by the UBCM membership but staff observed that there was a vigorous debate on the matter at the 2022 annual convention.

Finally, on March 14, 2023, the Province announced the launch of a new energy action framework in the context of approval requirements for LNG export facilities. The announcement noted that the Province will '*put in place a regulatory emissions cap for the oil and gas industry to ensure B.C. meets its 2030 emissions-reduction target for the sector*' and '*create a BC Hydro task force to accelerate the electrification of B.C.*'s economy by powering more homes, businesses and industries with renewable electricity'. The recommendations in this report are consistent with these directions but also further expands on how the BCUC can be reformed to support the clean energy transition.

This report supports Council's Strategic Plan 2022-2026 Focus Area #1 Proactive in Stakeholder and Civic Engagement:

Proactive stakeholder and civic engagement to foster understanding and involvement and advance Richmond's interests.

1.1 Continue fostering effective and strategic relationships with other levels of government and Indigenous communities.

This report supports Council's Strategic Plan 2022-2026 Focus Area #5 A Leader in Environmental Sustainability:

Leadership in environmental sustainability through innovative, sustainable and proactive solutions that mitigate climate change and other environmental impacts.

5.1 Continue to demonstrate leadership in proactive climate action and environmental sustainability.

Findings of Fact

Methane is a greenhouse gas with a global warming potential 28 times that of carbon dioxide, when impacts are compared over a 100-year period.¹ Conventional natural gas is 95% methane, sourced from plant material that was buried over the past 540 million years and chemically transformed into this fossil fuel through heat, pressure and time. Renewable Natural Gas (RNG) is also methane but it is generated through the anaerobic digestion of organic wastes, such as sewage sludge, food waste, and yard waste, that would have otherwise released methane and carbon dioxide to the atmosphere through decomposition within a conventional landfill. RNG can displace fossil methane without further increases in atmospheric concentrations of methane or carbon dioxide. Renewable Gas (RG) includes RNG as well as other potentially low-carbon gases such as hydrogen, which may be derived from fossil fuels with carbon capture, biomass, or green electricity. This report highlights concerns related natural gas, RNG and hydrogen.

Analysis

This report brings together a number of policy and regulatory concerns to light and makes connections as the report progresses. To support readability, the content is organized under the follow section headings:

- Ongoing BCUC and Court of Appeal_Proceedings
- The Case for Expedited Regulation of Gas Utilities in BC
- Best Regulatory Practices and Utility Responses
- Urgent Need for Provincial Policy and Review of BCUC's Related Mandate

Ongoing BCUC and Court of Appeal Proceedings

The BCUC is an independent regulatory tribunal of the Government of British Columbia. The BCUC is primarily governed by the Utilities Commission Act. The City is participating or monitoring the following BC Utilities Commission proceedings, based on the rationale below:

• FortisBC Revised Renewable Gas Program: FortisBC recognizes that RNG is not a cost-competitive low-carbon solution, so they are proposing to provide new construction with 100% RNG, with additional costs paid for by existing ratepayers who would receive a lower percentage of RNG in their own natural gas supply. The subsidy aggregates to over \$750 million over an eight year period from 2024 through 2032, expressed in real dollar terms in 2022 dollars.² The use of RNG can be positive and supports circular economy outcomes; RNG is currently being harvested at the Lulu Island Waste Water Treatment plant in which the City purchases RNG credits in order to offset natural gas use at select City facilities for a portion of their annual energy consumption. As active Interveners in this proceeding, staff intend to argue against FortisBC's proposed allocation of 100% RNG in new residential construction on the grounds that existing ratepayers should not be subsidizing new ratepayers at such high levels. Staff will further argue that the highest and best use of this scarce resource is in existing buildings where full

¹ Methane has a much higher GWP of 84-87 when measured over a 20-year period, but breaks down relatively quickly in the atmosphere, resulting in the lower 100-year value.

² https://docs.bcuc.com/Documents/Proceedings/2022/DOC_69044_C7-5-CoV-Intervener-Evidence.pdf, page 26.

electrification is not economically feasible. Ultimately, RNG should be used to reduce natural gas use for existing ratepayers and not for the expansion of gas infrastructure. The City is working with other local government Interveners in this proceeding including Metro Vancouver, the cities of Vancouver, Surrey and Victoria and the districts of North Vancouver and Saanich.

- FortisBC Long-Term Gas Resource Plan: FortisBC is seeking approval for its vision of continued system growth with an increased overall use of gaseous fuels including natural gas, augmented by RNG, hydrogen and other fuels. Much of the fuel used would be conventional natural gas to which the "attributes" of low-carbon fuel are transferred. Most of the actual RNG and other low-carbon fuels would be generated in other provinces or the United States, and most of this supply would not be physically transferred to BC for use. Rather, offsets, similar to carbon credits, are transferred from out-of-province and international RNG suppliers. As active Interveners, staff are currently requesting more information from FortisBC regarding current and anticipated RNG agreements and the viability of using of other gases, such as hydrogen in their distribution network. Staff are also concerned that FortisBC's long term gas demand projections do not take into consideration the impact of energy efficiency and carbon reduction standards for cities participating in the BC Energy Step Code and those anticipating to adopt the newly released Zero Carbon Step Code;
- BCUC Inquiry into Regulation of Municipal Energy Utilities: The BCUC continues to inquire into issues related to ownership structures and operational arrangements of utilities affiliated with municipalities and regional districts in order to determine whether the BCUC has a mandate to regulate these entities. The City is seeking leave from the Court of Appeal to appeal and quash the BCUC's Stage 1 Inquiry report which concluded that wholly-owned municipal corporations fall under BCUC regulation;
- BCUC Inquiry into Regulation of Municipal Energy Utilities: The BCUC continues to inquire into issues related to ownership structures and operational arrangements of utilities affiliated with municipalities and regional districts in order to determine whether the BCUC has a mandate to regulate these entities. The City is seeking leave to appeal the BCUC's Stage 1 Inquiry report which concluded that wholly-owned municipal corporations fall under BCUC regulation;
- BCUC Inquiry into Hydrogen Energy Services: BCUC is inquiring into the appropriate regulation of hydrogen in different sectors. Staff note that the applicability of hydrogen is not defined in provincial policy and the findings in this inquiry could be used as *defacto* policy in the absence of policy direction from the Province. This inquiry is a good example of the BCUC effectively setting policy within a policy vacuum created by provincial government inaction; and,
- City of Richmond v. the BCUC and FortisBC Energy Inc. (Court of Appeal): The City has been granted leave to appeal the decision of the BCUC in relation to FortisBC natural gas pipeline relocations in City highways in Burkeville that were necessary to accommodate City infrastructure projects. The BCUC imposed a term which the City

maintains it had no jurisdiction to impose that limits the City's ability to sue and recover damages from Fortis. Recognizing the importance of this issue, the Court of Appeal granted the City leave. The decision of the Court of Appeal is attached as Attachment 1 to this report.

The Case for Expedited Regulation of Gas Utilities in BC

The Province's CleanBC Roadmap to 2030 highlights that 'local governments play a vital role in meeting provincial climate targets. Along with directly controlling emissions from their own facilities, operations and vehicle fleets, municipalities and regional districts have the capacity to influence about 50% of our GHG emissions through decisions on land use, transportation and infrastructure that affect where people live and work, how they get around, and how their communities grow and change with time. This puts local governments on the front lines of climate action, where all these policies converge.'³

In support of the above, the Province has provided local governments with a number of important tools for achieving GHG emission reductions at the local level, including: the opt-in Energy Step Code for energy efficiency in 2017; increased funding through the Local Government Climate Action Plan in 2022; and most recently, the opt-in Zero Carbon Step Code, adopted into the BC Building Code in February 2023.⁴

Despite these advances, the Province has yet to implement key measures that will determine whether or not Richmond and the Province can fully achieve their respective 2030 and 2050 GHG emission reduction targets. Of particular concern is Province's delayed and piecemeal implementation of specific climate action measures related to the gas sector. The result is a policy vacuum that has enabled provincial agencies and industry to initiate projects that threaten, impede or prevent effective climate action by local governments.

The BCUC has become an agency of particular concern in this context. Staff have the following concerns regarding the wide scope and potential for *de facto* policy-making within current BCUC proceedings, specifically because of their potential to restrict the ability of provincial and local governments to achieve GHG reductions:

• Feasible North American RNG Supplies: Because of the finite sources of RNG, research indicates that feasible North American RNG supplies are limited to 5- 20% of existing North American natural gas consumption. The allocation of highly-subsidized 100% RNG in new residential construction as proposed by FortisBC, where electrification is most cost-effective, is not the highest and best use of this scarce resource. While FortisBC has been quick to recognize the value of RNG, and has secured significant supplies from around North America, it is anticipated that once these initial supply contracts expire, the amount of affordable RNG available to FortisBC will decline dramatically as other jurisdictions compete for this limited resource, ultimately leaving ratepayers at risk;

³ https://www2.gov.bc.ca/assets/gov/environment/climate-change/action/cleanbc/cleanbc_roadmap_2030.pdf p.44

⁴ Richmond Council and staff were vocal advocates for all of these advancements.

- **Cost Competitiveness of RNG**: At present, using unsubsidized RNG in boilers in new construction is not cost-competitive with electric heat pumps and/or with district energy services. Further, heat pumps and Richmond's district energy utilities also provide cooling services, providing resilience for new buildings in the face of climate change. FortisBC's proposed Revised Renewable Gas Program relies on existing natural gas ratepayers to subsidize RNG consumption in new construction to the tune of \$750M from 2024 through 2032, enabling the utility to keep increasing overall demand for the fuels it provides. Under the new Zero Carbon Step Code, new construction is already required to reduce GHG emissions so this subsidy has the potential to divert new buildings away from heat pumps, leading to an inefficient use of scarce RNG resources;
- Overreliance on Hydrogen Gases to Reduce GHGs: Low-carbon hydrogen is currently not a viable or cost-effective approach for heating buildings. This is validated in over three dozen independent international studies of hydrogen for heating. Producing zero-carbon hydrogen from green electricity for heating could require up to six times as much electricity as using that same electricity directly in a heat pump. In addition, research indicates that existing natural gas infrastructure cannot safely convey a gaseous fuel blend containing more than a 20% hydrogen. At a 20% hydrogen mix, GHG emissions reductions would be less than 7% relative to natural gas. At higher concentrations of hydrogen, major upgrades would be required both to the existing gas distribution network and to end-use devices, including household equipment, to convey the fuel.
- Health Considerations: Leakage of methane and hydrogen from gas grids, and end use devices within homes and building is also a growing health and environmental concern, whether these are produced from green energy sources or not.

Best Regulatory Practices and Utility Responses

Research indicates that other jurisdictions have recognized that building heating must largely transition away from gas. There is an emerging consensus that while gas utilities will not disappear, these networks will likely be trimmed and reshaped over time to provide heat and process energy to those existing users that are the most challenging to electrify due to cost and/or location considerations. Given the above concerns, policymakers in the US and in Europe are taking steps to manage this transition to avoid further stranded investments and reduce the impacts on consumers, with policies such as (see Attachment 2 for examples):

- a) Prioritizing "non-pipe alternatives" over sustaining, upgrading or expanding gas grids. This approach seeks to implement deep retrofit and fuel-switching programs within defined areas so as to enable the decommissioning of less cost-effective portions of the gas grid, reducing overall systems operations costs.
- b) Limiting or banning gas connections for new construction, as has already been done in a number of US cities and parts of Europe;
- c) Requiring accelerated depreciation rates for new methane-based fuel infrastructure, reflecting the risk that these assets will need to be retired early and signaling clearly to

gas utilities that they will bear risk for their investments, as is already being done in the UK and Australia;

d) Establishing local "heat planning" processes to coordinate and manage the optimal transition away from gas and towards alternative heating solutions including electrification and low carbon district energy. This could also include consideration of strategic investments to upgrade portions of the gas grid to hydrogen (i.e. to individual users or to supply peaking energy intense users). Staff completed such heat mapping to as part of the City Centre District Energy Utility due diligence work.

Policymakers are aware of the potential for RNG and hydrogen and have determined that these low-carbon gases can play a crucial, but necessarily limited role in decarbonizing BC's economy. When supply limitations, higher costs inherent with RNG and hydrogen fuels are considered, together with the risks of reverting to the use of natural gas in the wake of supply shortfalls, makes it imperative that demand for building heating be transitioned from methanebased fuels to near-zero GHG electricity wherever it is practical to do so. The City is a leader in this regard: building electrification policies in the BC Energy Step Code, district energy services and forthcoming building retrofit initiatives together will support a gas grid transition that will minimize costs and stranded investments compared to an uncoordinated and ad hoc approach.

Urgent Need for Provincial Policy and Review of BCUC's Related Mandate

BC is lagging in addressing the above noted issues. An ongoing policy vacuum at the provincial government level is resulting in continued demand for gas and expansion of gas grids, without any clear and cost-effective pathway to decarbonize existing demand and infrastructure. Natural gas utilities in BC continue to operate within BCUC's utility regulation regime that guarantees profits as a function of investments in infrastructure expansion. Natural gas utilities in BC have continued with a business-as-usual approach without any credible path to full decarbonization that is cost-competitive with significant electrification. For context, FortisBC will invest \$666 million in new expansion infrastructure into service in 2023, equivalent to 9% of their total existing infrastructure.

Regarding the utility regulator, the BCUC allows gas utilities to subsidize service extensions, and approves infrastructure expansion plans on past rates of demand growth rather than the projected reductions in energy demand produced by high-performance buildings now being built to BC Energy Step Code requirements. Continuing expansion of gas infrastructure heightens the risk of stranded assets and imposes greater costs and risks for ratepayers, particularly low-income households with fewer options to avoid these costs in future.

As noted above, the long-term potential supply of RNG and alternative gases available for BC residents is limited to a fraction of current demand for natural gas. FortisBC has secured a number supply contracts before many other utilities had entered the market. These contracts are, however, limited in volume and will expire before 2050, placing homeowners and businesses at risk. Further, many of the supply contracts that FortisBC has secured were from sources outside of BC. Most of these fuels will not actually be consumed within BC, foregoing provincial economic and employment opportunities. Instead, FortisBC will transfer the "RNG" attributes

from the producer, similar to carbon credits. By contrast, current provincial energy policy stipulates that all additional electricity supply, virtually all of which is to come from low-carbon technologies, will have to be generated within BC. According to BC Hydro's 2021 assessment of new generation resources, most of this new supply will come from wind farms, solar arrays, small hydro facilities, and biomass plants, at locations throughout the province, powering local jobs and economic activity.

There are also risks for the Province. BC does not have a viable pathway to decarbonize existing demand using natural gas, let alone any increased demand resulting from new development, as would occur if the BCUC approves FortisBC's current application to provide new customers with RNG.

The BCUC is not well-suited to lead the transition of the heating sector, let alone reconfigure energy regulation in the context of the climate crisis. The BCUC was not designed to do so but in the context of a provincial policy vacuum in the regulation of GHGs from gas utilities, this is what is occurring. Regulatory commissions, such as the BCUC, are meant to take a passive approach by assessing proposals by utilities within a relatively narrow set of issues. The scale, complexity and rapidity of the energy transition requires proactive provincial regulation to address emerging issues and cultivate new solutions rather than manage incremental changes. The ongoing provincial policy vacuum on these matters has left the BCUC as the *defacto* lead entity, establishing the Province's energy policies despite its lack of a elected mandate to make these strategic policy determinations.

The BCUC as a *defacto* lead entity is even more concerning given that the BCUC is a captured regulator whose primary objective is advancing the commercial interests of FortisBC. Both the Deputy Chair of the BCUC and a sitting Commissioner are former senior executives of FortisBC. The legitimacy of the BCUC as a regulator depends upon its independence and a clear separation of the BCUC from those it regulates. Public confidence, therefore, demands that the appointments to the BCUC do not include former FortisBC executives. Filling the ranks of the BCUC at its highest levels with former long serving executives and senior employees of FortisBC, who are then tasked to regulate and investigate FortisBC's past and present activities that have resulted from the implementation of corporate policies and procedures which they played a role in establishing, is the opposite of regulatory independence and separation. Moreover, these corporate policies and procedures, combined with BCUC advancing the commercial interests of FortisBC under the guise of ratepayer protection, not only frustrate the GHG reduction goals, but have also resulted in a history of the BCUC saddling municipalities with onerous terms including bearing 100% of the costs of natural gas infrastructure relocations that are necessary to accommodate municipal infrastructure within municipal highways that FortisBC occupies without paying any compensation to municipalities. In effect, the BCUC has forced municipalities to subsidize the shareholders of FortisBC at the expense of the public purse and to the detriment of GHG reduction goals of municipalities and the Province.

A final point and concern is the consideration of local governments in BCUC proceedings. The City should be concerned when an agency of the province, as is the case for the BCUC, independently acts to limit the Provincially-granted jurisdiction of local governments as was the case for BCUC's Inquiry into Regulation of Municipal Energy Utilities. The BCUC does not

have a mandate to establish policy and its regulatory mandate is limited to certain considerations. Ultimately, many aspects of the energy transition will be carried out by local governments and the BCUC does not have the purview of a provincial regulator.

For the above reasons, Attachment 3 includes a set of requests to be sent to the Premier's Office and other Ministers, asking that the Province take urgent action consistent with the Province's commitment to achieve deep GHG emission reductions. More specifically, these requests call upon the Province to:

- 1) Bring forward legislation implementing the 2030 GHG cap on the gas sector without further delay as committed to in the Province's CleanBC plan and recently reaffirmed by the Premier on March 14, 2023 with the launch of a new energy action framework;
- 2) Launch an independent gas utility planning exercise that plots a course for addressing an expected decline in throughput of gas grids and the transition of gas grids towards transporting RNG and hydrogen to sectors and/or locations that are hard to decarbonize, leading to the increased role of electrification in building heating and transport;
- 3) **Reject the use of RNG and hydrogen in new construction** to meet GHG limits in the Step Code, so that the limited and costly supply of these alternative fuels can be put to highest and best uses;
- 4) **Develop policies to assess, certify and track the GHG intensity** of RNG, hydrogen and other alternative gases;
- 5) **Reform the BCUC in the context of a changing climate to** consider, quantify and minimize the potential costs of lock-in and stranded investments when evaluating capital plans, rate setting and extension policies for gas utilities. This direction should also include greater consideration of non-pipe alternatives to marginal investments in gas grids as well as consideration of strategic opportunities to prune gas grids in conjunction with targeted electrification strategies. Finally, proceedings should be guided by a framework or set of guidelines that do not impact or limit the jurisdiction and authority of local governments without provincial direction;
- 6) Bring forward legislation and other regulatory changes specific to the heat transition that, among other issues, establishes a distinct BCUC regulatory framework for public district energy systems more aligned with their small scale and localized nature; and,
- 7) Require that a minimum percentage of low-carbon methane-based fuels (i.e. up to 100%) be produced within BC.

Attachment 3 includes further information related to the above concerns based on information and recommendation in the Climate Solutions Council's (CSC) 2022 Report. The CSC is an advisory group with a legislated mandate under the Climate Change Accountability Act to advise the Minister of Environment and Climate Change Strategy regarding plans and actions to achieve climate targets and reduce emissions and related matters.

Financial Impact

None.

Conclusion

The report highlights and makes a case for the urgent need to implement Provincial legislation that regulates GHG emissions from gas utilities, as committed in the Province's CleanBC Plan and recently reaffirmed by the Premier on March 14, 2023. The report also details ways in which the BCUC can be reformed to better consider GHG reductions from gas utilities. In support of the recommendations, the report highlights a number of international best practices for how gas utilities are being regulated in the context of climate change. Given the importance of the issues highlighted in the report, a recommendation is also included asking Metro Vancouver, other Metro Vancouver local governments, the District of Saanich and the City of Victoria to support the recommendations in the report and send their own support to the Premier, Ministers and their local MLAs.

Peter Russell, MCIP, RPP Director, Sustainability and District Energy (604-276-4130)

- Att. 1: Decision of the Court of Appeal Richmond (City) v. British Columbia (Utilities Commission)
 - 2: Best Utility Regulatory Practices
 - 3: City of Richmond Requests for the Government of British Columbia

Attachment 1

COURT OF APPEAL FOR BRITISH COLUMBIA

Citation: Richmond (City) v. British Columbia (Utilities Commission), 2022 BCCA 348

Date: 20221013 Docket: CA48336

Between:

City of Richmond

And

Appellant (Applicant)

British Columbia Utilities Commission

Respondent (Administrative Tribunal)

And

FortisBC Energy Inc.

Respondent (Respondent)

Before: The Honourable Madam Justice Saunders (In Chambers)

On appeal from: A decision of the British Columbia Utilities Commission, dated May 9, 2022 (Order Number G-123-22).

Oral Reasons for Judgment

| Counsel for the Appellant: | T. Kruger |
|---|---|
| Counsel for the Respondent, British Columbia Utilities Commission: | J.M. Coady, K.C. T. Shoranick |
| Counsel for the Respondent, FortisBC Energy Inc.: | D.G. Cowper, K.C. M.T. Ghikas T. Ahmed |
| Place and Date of Hearing: | Vancouver, British Columbia October 6, 2022 |
| Place and Date of Judgment: | Vancouver, British Columbia October 13, 2022 |

Summary:

The application is for leave to appeal a decision of the British Columbia Utilities Commission taking jurisdiction to limit liability as between the parties. Held: The jurisdictional issue is sufficiently arguable as to meet the criteria of Queens Plate Dev. Ltd. v. Vancouver Assessor, Area 09 (1987), 16 B.C.L.R. (2d) 104. Leave to appeal is granted.

[1] **SAUNDERS J.A.**: The City of Richmond seeks leave to appeal a decision of the British Columbia Utilities Commission acting under the *Utilities Commission Act*, R.S.B.C. 1996, c. 473, on issues between the City and FortisBC Energy Inc.

[2] The issues of appeals to this court are governed by s. 101(1)(b) of the Act, which requires leave to appeal:

101 (1) An appeal lies from

(b) any other decision or order of the commission to the Court of Appeal, with leave of a justice of that court.

[3] The application for leave to appeal, in turn, is guided by the factors listed in *Queens Plate Dev. Ltd. v. Vancouver Assessor, Area 09* (1987), 16 B.C.L.R.
(2d) 104. For purposes of this application, the key factors are Mr. Justice Taggart's points: (a), (b)(i), and (d):

(a) whether the proposed appeal raises a question of general importance as to the extent of jurisdiction of the tribunal appealed from (*Chevron Can. Ltd. v. Vancouver Assessor, Area 09,* [1986] B.C.W.L.D. 2210, No. CA005532, 17th April 1986 (not yet reported));

(b) whether the appeal is limited to questions of law involving:

(i) the application of statutory provisions (*Allard Contr. Ltd. v. Coquitlam* Assessor, Area 12, [1986] B.C.W.L.D. 2601, No. CA003122, 29th March 1985 (not yet reported));

(d) whether there is some prospect of the appeal succeeding on its merits (*Clarke v. Supt. of Brokers* (1985), 67 B.C.L.R. 294, 23 D.L.R. (4th) 315 (C.A.), and *Re Wasmuth* (1984), 58 B.C.L.R. 17 (C.A.)); although there is no need for a justice before whom leave is argued to be convinced of the merits of the appeal, as long as there are substantial questions to be argued;

[4] In the impugned decision, the Commission declined to reconsider its earlier affirmation of jurisdiction under s. 32 of the *Act* to impose an order limiting the

liability of Fortis to the City, in tort, for loss resulting from Fortis' work directed by the Commission to be performed.

[5] The work concerned offsetting gas mains to enable completion by the City of drainage, sewer, water main and sanitary sewer upgrades in the Burkeville area. The question sought to be raised on appeal is whether ss. 32 and 36 of the *Act* give the jurisdiction propounded by the Commission. Relevant is also s. 92.

[6] Fortis resists the application. The question of liability, it says, is intimately tied to establishment of rates and the recent decision of this court in *Coquitlam (City) v. British Columbia (Utilities Commission)*, 2021 BCCA 336, applies, with the result that the Commission has jurisdiction to make the impugned order.

[7] While the proposed appeal raises a question of jurisdiction, and is limited to a question of law involving the application of the *Act*, Fortis says it cannot meet the merits threshold as the City cannot succeed on the authority of *Coquitlam*. In the vernacular, Fortis says the appeal is a dead duck. In support of that submission, Fortis also refers to *ATCO Gas & Pipelines Ltd. v. Alberta (Energy & Utilities Board)*, 2006 SCC 4.

[8] The City contests Fortis' view of *Coquitlam*. It says *Coquitlam* addressed the jurisdiction of the Commission to order decommissioning and abandonment of a line. That circumstance, says the City, is materially different from orders shielding Fortis from liability.

[9] It seems to me that the application of *Coquitlam* to the circumstances here is sufficiently questionable that the City should have the opportunity to advance its position on that question fully before a division of this court.

[10] Going further into matters that may engage this court, should a division conclude that *Coquitlam* does not answer the jurisdictional question, the questions of statutory interpretation will follow. Those questions, absent *Coquitlam*, have substance, are important, and have the degree of merit required for the granting of leave to appeal.

[11] The application of the City is allowed.

"The Honourable Madam Justice Saunders"

Best Utility Regulatory Practices

a) Prioritizing "non-pipe alternatives" over sustaining, upgrading or expanding gas grids. This approach seeks to implement deep retrofit and fuel-switching programs within defined areas so as to enable the decommissioning of less cost-effective portions of the gas grid, reducing overall systems operations costs.

California: On December 1, 2022, the California Public Utilities Commission (CPUC) adopted a new framework to comprehensively review utility natural gas infrastructure investments in order to help the state transition away from natural gas-fueled technologies and avoid stranded assets in the gas system.⁵ Key elements of the decision:

- Utilities must seek CPUC approval of natural gas infrastructure projects of \$75 million or more or those with significant air quality impacts.
- Utility applications must demonstrate the need for the project and provide information on projected financial impacts on customers and a summary of engagement with local communities likely to be impacted. Applications would also trigger a California Environmental Quality Act (CEQA) review by the CPUC.
- Emergency projects, routine repair and maintenance projects, and projects expected to be in service by January 1, 2024 are exempt from the new review process.
- To advance transparency in long-term gas system planning, the decision directs utilities to file annual reports detailing planned long-term infrastructure projects exceeding \$50 million over the next 10 years. The reports must include a detailed description of the project, projected capital expenditures, cost drivers, and environmental implications.
- For projects planned to start within five years, utilities must provide information on non-pipeline alternatives, projected operational costs, and reliability benefits from the project.

This new framework is modeled on the CPUC's existing framework for review of significant electric infrastructure projects. Previously, all natural gas infrastructure projects were considered in utility General Rate Cases, where individual natural gas projects can get buried in the extensive applications without meaningful environmental or strategic reviews. The framework focusses on avoiding potentially stranded large incremental investments in gas grid infrastructure. It is not yet clear if this framework will be sufficient on its own to minimize stranded investments as there are also questions about the obligation to serve and minimizing safety issues during any transition.

Separately, the state is also beginning to confront the concept of tactical decommissioning of portions of the state's gas infrastructure, as a means of reducing the cost of operating and maintaining the gas grid and managing the transition. This has not yet been tested at scale. Instead, the state is undertaking pilot projects to fill knowledge gaps. In 2021 the CEC awarded two EPIC grants for consortia to conduct pilot projects of strategic pathways and analytics for tactical decommissioning of portions of the natural gas infrastructure within the service areas of Southern California Gas Company (SoCalGas) and Pacific Gas & Electric Company (PG&E).

⁵ The proposal voted on is available

at <u>docs.cpuc.ca.gov/PublishedDocs/Published/G000/M499/K396/499396103.PDF</u>. Documents related to the proceeding are available at <u>apps.cpuc.ca.gov/p/R2001007</u>

These pilots are still in progress. The team for the pilot project in PG&E's service area includes East Bay Community Energy (EBCE), Energy and Environmental Economics (E3), and Gridworks. PG&E is assisting the team with technical insights into their gas and electric systems.⁶ Elements of the pilot include:

- Develop a replicable framework to identify electrification opportunities that support the objective of gas system cost savings through tactical decommissioning.
- Engage local communities to share their perspectives and priorities related to building electrification and gas decommissioning in order to produce a community needs assessment.
- Identify up to three candidate pilot sites, including at least one within a disadvantaged community. Produce deployment plans for the recommended pilots, including a proposal for community stakeholder engagement.
- Conduct targeted education and outreach to stakeholders and policymakers within and beyond California to motivate action, including lessons learned at key milestones and final work products.

Northeastern US : National Grid, a natural gas distributor operating in New York, Massachusetts and Rhode Island, actively seeks non-pipeline alternatives (NPA) which would allow it to avoid or defer upgrades to the natural gas system. It has already completed several NPA projects and is seeking several new opportunities based on system needs⁷. Other gas utilities in New York state, including Con Edison and NYSEG, have established similar programs to defer major investments⁸. These initiatives seem to be largely driven by the companies themselves rather than by regulation. In general, the northeast US has an older natural gas network than B.C. with more need for major upgrades and replacements.

a. Limiting or banning new gas connections, as has already been done in a number of US cities and parts of Europe;

California: The updated state building code requires, as a baseline, the use of electric heat pumps for either space heating or DHW. Builders can forego installing a heat pump but face greater energy efficiency requirements as a result. This is expected to result in most homes constructed from 2023 onwards to have no gas grid connection⁹. Separately, several California communities have enacted bans on new gas grid connections for new construction within their boundaries.

Washington State: Updates to the state's building code mean that new multi-family residential and commercial construction will be required to have all-electric heating and DHW systems as of 2023¹⁰. Previously, individual municipalities in Washington had enacted similar policies.

⁶ https://gridworks.org/2022/06/tactical-gas-decommissioning-project-overview/

⁷ https://www.nationalgridus.com/Business-Partners/Non-Pipeline-Alternatives/Third-Party-Opportunities

⁸ https://info.aee.net/hubfs/Sarah%20S%20uploads/NPAs.pdf

⁹ https://www.nrdc.org/media/2021/210811-0

¹⁰ https://www.seattletimes.com/seattle-news/environment/wa-building-council-votes-to-require-heat-pumps-innew-homes-and-apartments/

Quebec: As of 2023, oil-fired furnaces cannot be replaced with new fossil fuel-based heating systems in Quebec. This is expected to help shift existing oil-heated buildings to electrification¹¹.

b. Requiring accelerated depreciation rates for new methane-based fuel infrastructure, reflecting the risk that these assets will need to be retired early and signaling clearly to gas utilities that they will bear risk for their investments, for example in the UK and Australia;

California: As of early 2023, Pacific Gas & Electric has a rate application before the California Public Utilities Commission which includes accelerated depreciation for its gas distribution grid, driven in part by the possibility of the grid being rendered obsolete by California's Net Zero by 2045 commitment. The CPUC has yet to rule on this request¹².

UK: In 2011 the UK national regulator, Ofgem, established a new performance-based model to regulate network costs for gas and electricity, referred to as the RIIO model or Revenues = Incentives + Innovation + Output. One of the inputs to the model is an asset life and depreciation profile for gas and electricity utilities (both transmission and distribution segments). At the time, Ofgem established an asset life of 45 years for gas distribution but also uses a front-end loaded depreciation profile for these assets which is different from gas transmission and also electricity. This allocates a larger share of depreciation charges to the initial period of depreciation. The effect of this decision is that ~75% of new gas distribution assets are recovered in the first 22 years of use. For comparison, under straightline depreciation rates of 50 - 60 years typically seen for B.C., only 35 - 45% of the asset is recovered by Year 22. The increased depreciation means current ratepayers pay more of these assets affecting economic comparisons with alternatives and there is less chance of stranded assets being borne by a smaller and captive group of customers in future.

Australia: In 2021, the Australian Energy Regulator (AER) issued a decision allowing a gas distribution utility to include accelerated depreciation for rate setting purposes so as to reduce bill impacts on future customers due to future declines in gas demand¹³. Other Australian gas utilities have since proposed similar rate treatment.

d. Establishing local "heat planning" processes to coordinate and manage the optimal transition away from gas and towards alternative heating solutions including electrification and low carbon district energy. This could also include consideration of strategic investments to upgrade portions of the gas grid to hydrogen (i.e. to individual users or to supply peaking energy intense users). Staff completed such heat mapping to as part of the City Centre District Energy Utility due diligence work.

Denmark: Denmark pioneered the concept of top-down policies coupled with bottom-up power, which is often credited with the extensive and sustained growth of district energy in the country and rapid transition to renewables in heating. The 1979 *Danish Heat Supply Act* provided the

¹² "Opening Brief on Depreciation of Pacific Gas and Electric Company (U39M)", CPUC Proceeding A2106021.

¹¹ https://www.cbc.ca/news/canada/montreal/quebec-bans-oil-heating-1.6252420

¹³ "Final Decision – Evoenergy Access Arrangement 2021 to 2026, Overview April 2021". Australian Energy Regulator, pp. 37-39. https://www.aer.gov.au/system/files/AER%20-%20Final%20decision%20-

^{%20}Evoenergy%20access%20arrangement%202021-26%20-%20Overview%20-%20April%202021.pdf

legal framework for municipal heat plans and planning. Under the framework, municipalities are responsible for approving district energy projects, subject to national standards for feasibility which includes requirement for lifecycle costing, evaluation of both financial and non-financial considerations, common evaluation methodologies, and standardization of some common assumptions.

Others: While frameworks and requirements for local heat planning have existed for many years in Denmark, it is now showing up in other jurisdictions. Three examples where heating and cooling plans have recently become mandatory include: the State of Baden Württemberg in Germany (under its revised 2021 Heating Climate Protection Act); The Netherlands (under the 2019 Dutch National Climate Agreement); and Scotland (under the 2021 Heat Network Act and 2022 Local Heat and Energy Efficiency Strategies (LHEES) statutory order.¹⁴ Some of these mandates allow municipalities to implement mandatory connection in district energy priority zones (for certain types of buildings and with conditions).

The European Commission has proposed updating its Energy Efficiency Directive to require Member States to make heating and cooling plans mandatory for municipalities above a threshold of 50,000 inhabitants. Building on the direction from the European Commission and also the experience of several states which already have mandatory heat planning (e.g. Baden Württemberg, above, and also Schleswig-Holstein), the federal government of Germany is planning to introduce a national mandate for municipal heat plans in cities over 10,000 to 20,000 inhabitants (thresholds will be determined by states). The obligation would be implemented by states (which regulate cities), but it would come with federal law to permit cities to request the necessary data from energy suppliers and others in preparing heat plans. These heat plans are to include an inventory analysis, an analysis of potential, target scenarios and an action strategy. It is expected heat plans will include, among other things, the creation of heat registers (including waste heat sources), the monitoring of heat network expansion, the decarbonization of existing heat networks, the securing of areas for energy generation and storage, and concepts refurbishing of public buildings.¹⁵

The UK (which is no longer subject to EU requirements after Brexit) has recently introduced national requirements for municipal heat zoning as part of its recent Energy Security Bill (see Appendix B). A pilot program for to test a heat zoning methodology is under way. A consultation is planned for later this year on the detail of regulations for heat network zoning. In early 2022, the UK government set up A Heat Network Zoning Pilot Program (HNZPP) to test a methodology for heat network zoning in ~28 English cities and towns of varying sizes. The results of the pilot program are expected in early 2023.¹⁶

¹⁴ https://energy-cities.eu/wp-content/uploads/2022/06/Factsheet-1-Final-1.pdf

¹⁵ https://www.bayern-innovativ.de/en/page/draft-law-on-municipal-heat-planning-by-the-end-of-the-year

¹⁶ https://www.gov.uk/government/publications/heat-networks-zoning-

pilot#:~:text=The%20zoning%20pilot%20aims%20to,mandating%20powers%20and%20market%20support

City of Richmond Requests of the Government of British Columbia

Summary of issues to be included in the letters to Government of BC elected officials, as listed in the report:

- 1) Bring forward legislation implementing the 2030 GHG cap on the gas sector without further delay as committed to in the Province's CleanBC plan and recently reaffirmed by the Premier on March 14, 2023 with the launch of a new energy action framework;
- 2) Launch an independent gas utility planning exercise that plots a course for addressing an expected decline in throughput of gas grids and the transition of gas grids towards transporting RNG and hydrogen to sectors and/or locations that are hard to decarbonize, consistent with the Province's 2030, 2040 and 2050 GHG emission reduction targets, all leading to the increased role of electrification in building heating and transport.
- 3) Reject the use of RNG and hydrogen in new construction to meet GHG limits in the Step Code, so that the limited and costly supply of these alternative fuels can be put to highest and best uses.
- 4) Develop policies to assess, certify and track the GHG intensity of RNG, hydrogen and other alternative gases.
- 5) **Reform the BCUC in the context of a changing climate to consider,** quantify and minimize the potential costs of lock-in and stranded investments when evaluating capital plans, rate setting and extension policies for gas utilities. This direction should also include greater consideration of non-pipe alternatives to marginal investments in gas grids as well as consideration of strategic opportunities to prune gas grids in conjunction with targeted electrification strategies. Finally, proceedings should be guided by a framework or set of guidelines that do not impact or limit the jurisdiction and authority of local governments without provincial direction;
- 6) Bring forward legislation and other regulatory changes specific to the heat transition that, among other issues, establishes a distinct BCUC regulatory framework for public district energy systems more aligned with their small scale and localized nature;
- 7) Require that a minimum percentage of low-carbon methane-based fuels (i.e. up to 100%) be produced within BC.

More information to be included as an attachment in the letters:

- 1) Bring forward legislation implementing the 2030 GHG cap on the gas sector without further delay as committed to in the Province's CleanBC plan and recently reaffirmed by the Premier on March 14, 2023 with the launch of a new energy action framework;
- 2) Launch an independent gas utility planning exercise that plots a course for addressing an expected decline in throughput of gas grids and the transition of gas grids towards transporting RNG and hydrogen to sectors and/or locations that are hard to

decarbonize, consistent with the Province's 2030, 2040 and 2050 GHG emission reduction targets, all leading to the increased role of electrification in building heating and transport.

- 3) Reject the use of RNG and hydrogen in new construction to meet GHG limits in the Step Code, so that the limited and costly supply of these alternative fuels can be put to highest and best uses. RNG volumes are very limited and RNG may be the only option for decarbonizing heavy industry and some portions of the transportation sector. There are affordable low-carbon alternatives for heating new buildings. Heating new buildings is not the highest and best use of limited RNG resources. In addition, prioritizing electric heat pumps, including district energy heat pump applications, over generating hydrogen gas from electricity is a more efficient use of BC's electricity resources. The Climate Solutions Council identifies these issues as *Opportunity #7: Electrifying our Economy and Communities* in their 2022 Annual Report.
- 4) Develop policies to assess, certify and track the GHG intensity of RNG, hydrogen and other alternative gases B.C. needs a robust and credible system for assessing the GHG intensity of renewable gases and ensuring these fuels do not contribute further to GHG emissions. Key issues include avoiding double-counting GHG credits and minimizing fugitive methane emissions.

5) Reform the BCUC in the context of a changing climate to consider to:

- consider and minimize lock-in and stranded investment risks when evaluating capital plans, rate setting and extension policies for gas utilities including:
- ensuring extension policies of gas utilities take into account reduced consumption and stringent GHG limits for new construction;
- using different depreciation rates and allowable returns on equity for new investments commensurate with the uncertainty over useful life and stranding risk;
- ensuring non-pipe alternatives are adequately considered as alternatives to maintaining and/or upgrading gas infrastructure, including local decommissioning of gas infrastructure in favour of electrification or district energy; and
- considering provincial policy and credible independent studies into the future role of hydrogen when considering hydrogen or hydrogen-ready infrastructure
- proceedings should be guided by a framework or set of guidelines that do not impact or limit the jurisdiction and authority of local governments without provincial direction.

The Climate Solutions Council identifies these issues as *Opportunity* #7: *Electrifying our Economy and Communities* in their 2022 Annual Report, asking the Province to identify an appropriate role for the BCUC in supporting BC's clean energy transition.

- 6) Bring forward legislation and other regulatory changes specific to the heat transition similar to recent initiatives implemented or proposed in the UK, Netherlands, Germany, France and New York State, among others, which would among other things:
 - recognize the unique role for district energy systems in the energy transition;

- establish a distinct BCUC regulatory framework for public district energy systems that is more aligned with their small scale and localized nature;
- provide incentives and resources to support the development of local heat plans to coordinate and optimize incremental investments in gas, electric and district energy infrastructure, as well as spatially targeted retrofit and fuel switching programs and incentives.
- provide incentives and fairer tax treatment for low-carbon district energy systems, including addressing the unequal burden from property taxes and PST on these systems
- 7) Require that a minimum percentage of low-carbon methane-based fuels (i.e. up to 100%) be produced within BC. Currently there is no requirement that low-carbon gases be produced and procured within B.C. and as a result, FortisBC has sought out low-cost supply in other provinces and in the US. This may help reduce renewable gas prices but it also limits the ability of B.C. workers to benefit from investments in new low-carbon gas production. Procuring out-of-Province gases is a risk because since they are limited resources and it is anticipated that net-zero state- or federal-level commitments in other jurisdictions are likely to affect long-term supply and prices for consumers in B.C. Mandating that a minimum share of gas utilities' low-carbon gases be produced within B.C. would also drive employment opportunities in B.C. and manage the impacts of the energy transition on B.C.'s workforce. The Climate Solutions Council identifies these issues as *Opportunity #8: Minimizing Reliance on Offsets* in their 2022 Annual Report.



Report to Committee

| То: | General Purposes Committee | Date: | April 11, 2023 |
|-------|---|-------|---------------------------|
| From: | Jason Kita Director, Intergovernmental Relations and Corporate and Strategic Planning | File: | 01-0152-01/2023-Vol 01 |
| Re: | Truth and Reconciliation Update | | |

Staff Recommendation

That the report titled "Truth and Reconciliation Update" dated April 11, 2023 from the Director, Intergovernmental Relations and Corporate and Strategic Planning be received for information.

Jason Kita Director, Intergovernmental Relations and Corporate and Strategic Planning (604-276-4091)

Att. 4

| REPORT CONCURRENCE | | | | |
|--------------------------------------|--------------|----------------------------|--|--|
| ROUTED TO: | CONCURRENCE | SENIOR STAFF REPORT REVIEW | | |
| Arts, Culture, & Heritage | \checkmark | 10 | | |
| Community Social Development | \checkmark | () (h | | |
| Corporate Communications & Marketing | J 🗹 | (h) | | |
| Engineering | \checkmark | | | |
| Finance | \checkmark | | | |
| Human Resources | \checkmark | APPROVED BY CAO | | |
| Law | \checkmark | | | |
| Policy Planning | \checkmark | | | |
| Recreation & Sport Services | \checkmark | even. | | |
| Sustainability & District Energy | | 0 | | |

Staff Report

Órigin

At the Regular Council Meeting on June 14, 2021, City Council received a delegation on the recognition of Indigenous Peoples and land. As a result, staff received the following referral:

That the presentation by Chaslynn Gillanders and Howard Grant on the recognition of Indigenous People be referred to staff for analysis, and report back.

At the General Purposes Committee Meeting on November 21, 2022, City Council received a delegation on establishing a Truth and Reconciliation Policy. As a result, staff received the following referral and the referral above is now considered closed:

In conducting the analysis mentioned in the referral resolution of Council made on June 26, 2021, staff be specifically directed to address the implications of a Truth and Reconciliation Policy which may include the following suggestions:

- Regular meetings with the Musqueam Council (at least semi-annually, as requested by Musqueam Councillor Howard Grant at the June 14th, 2021, City Council meeting);
- Mandatory staff and City Council training on issues of Indigenous-specific racism and decolonization (e.g., Hummingbird Rising Consulting, Kairos Blanket Exercise);
- A plan to implement the Truth and Reconciliation Commission of Canada: Calls to Action, that are relevant to municipalities (#s 17, 23, 40, 43, 47, 55, 57, 64, 75, 76, 77, 82, 87, 88, 91, and 92);
- A plan to implement the articles of the United Nations Declaration on the Rights of Indigenous Peoples, that are relevant to municipalities (articles 11, 14, 15, and 19);
- Honouring culturally significant sites through public identification of historical middens and archaeological sites, in consultation with the Musqueam;
- Offering annual community events in recognition of the National Day for Truth and Reconciliation;
- Including Indigenous history on the City of Richmond's "History of Richmond" webpage; and
- Appoint a committee or task force or a person in charge of addressing Indigenous issues (e.g., Indigenous Relations Manager).

The purpose of this report is to respond to the referral and provide a summary of findings on how the City could advance reconciliation in Richmond.

This report supports Council's Strategic Plan 2022-2026:

Strategy #1 Proactive in Stakeholder and Civic Engagement:

Proactive stakeholder and civic engagement to foster understanding and involvement and advance Richmond's interests.

1.1 Continue fostering effective and strategic relationships with other levels of government and Indigenous communities.

Strategy #6 A Vibrant, Resilient, and Active Community

6.1 Advance a variety of program, services, and community amenities to support diverse needs and interests and activate the community; and

6.3 Foster intercultural harmony, community belonging, and social connections.

Background

Since the publication of the Truth and Reconciliation Commission's (TRC) of Canada final report in 2015, all levels of government have been called upon to address actions that advance meaningful reconciliation with Indigenous Peoples. The TRC defines reconciliation as follows: "Reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, an acknowledgment of the harm that has been inflicted, atonement for the causes, and action to change behaviour." While each municipal government is at a different point in its reconciliation journey, a number of municipalities have made it a priority to rebuild trust and mutually respectful relationships with Indigenous Peoples.

Overview of the UNDRIP and the TRC Calls to Action

The following outlines an overview of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the TRC 94 Calls to Action and their respective roles in advancing reconciliation.

The UNDRIP is at the centre of the TRC's vision for reconciliation between Indigenous Peoples and non-Indigenous Peoples. The first principle in the TRC's Ten Principles for Reconciliation states that UNDRIP provides the framework for reconciliation at all levels and across all sectors of Canadian society. In addition, the TRC's Call to Action 43 calls on federal, provincial, territorial, and municipal governments to fully adopt and implement UNDRIP as the framework for reconciliation.

The UNDRIP was adopted in 2007 by the United Nations General Assembly and establishes the global minimum standard for the survival, dignity, and well-being of the Indigenous Peoples of the world and elaborates on the existing human rights standards and the fundamental freedoms as they apply to the specific situation of the Indigenous Peoples. Both the Government of Canada and the Province of British Columbia (BC) have endorsed UNDRIP as a framework for reconciliation.

The TRC was established in June 2008 to document the history and lasting impacts of the Indian Residential Schools system on Indigenous students and their families. It provided those directly or indirectly affected by the legacy of the Indian Residential Schools system with an opportunity to share their stories and experiences. In June 2015, the TRC released an executive summary of its findings along with 94 Calls to Action regarding reconciliation between Canadians and Indigenous Peoples. The 94 Calls to Action are policy recommendations meant to address the history and legacy of the residential schools and the systemic racism that lead to worse health outcomes, premature death, and limited economic opportunities for Indigenous Peoples in Canada.

Of the 94 Calls to Action, 12 actions call on either all levels of government or specifically municipal governments to address. As provincial and municipal jurisdictions vary across Canada, some of the Calls to Action meant for local governments or all levels of government do not fall under the purview of the City.

Analysis

After the November 21, 2022 General Purposes Committee Meeting referral was received, a staff working group was formed. Based on the analysis conducted, the following information provides an overview about what the City has been doing to support reconciliation; a scan of what other local governments are doing; and responds directly to the eight referral items and provides additional items to advance reconciliation for Council's consideration.

Current City Initiatives

A list of initiatives, including various training, programming, and project-related activities that the City is currently involved in was compiled by the working group (Attachment 1). Examples include:

- The City provides ongoing internal training and education on the history and impacts of Residential Schools in Canada;
- The City recognizes the National Day for Truth and Reconciliation on September 30 as a statutory holiday;
- The City offers community events in recognition of National Indigenous Peoples Day and National Indigenous History Month in June; and
- The City, through various departments and stakeholders, has been hosting programs, events and projects to contribute to learning, education, and reconciliation.

The City will continue to work collaboratively with community partners to share in the responsibility to further reconciliation in Richmond through various initiatives.

Local Government Scan

Staff also conducted a local government scan that focused on four areas directly related to the referral to increase awareness of what others are doing to support reconciliation. The four areas include: a City webpage on reconciliation, the number of specific TRC Calls to Action that each local government focuses on, dedicated staff resources for Indigenous relations or reconciliation,

and endorsement of UNDRIP. The summary table below identifies what each of the six local governments scanned are currently undertaking in these four areas.

| Local Government | Webpage | Calls to Action | Dedicated Staff Resource(s) | UNDRIP Endorsed | |
|------------------|---------|-----------------|--------------------------------|--------------------|--|
| Burnaby | Yes | 8 | 1 | Yes | |
| Coquitlam | Yes | 3 | 1 | No | |
| New Westminster | Yes | 15 | 1 | Yes | |
| Surrey | Yes | Not identified | · 0 | Yes | |
| Vancouver | Yes | 27 | 3 | Yes | |
| Metro Vancouver | Yes | 3 | 10 | No | |

Table 1: Local Government Scan of Reconciliation Actions

All local governments scanned have a webpage on Indigenous Relations and/or Reconciliation which outlines the actions they are taking to promote Truth and Reconciliation and links to resources. Many of them have identified specific TRC Calls to Action they intend to focus on and the dedicated staff position(s) to oversee reconciliation efforts. Burnaby, New Westminster, Surrey, and Vancouver have endorsed UNDRIP. For detailed information, please refer to Attachment 2.

Aside from these initiatives, some municipalities such as Burnaby, New Westminster, and Vancouver have initiated or will start formal relations on a government-to-government level with local First Nations. Such connections aim to establish effective working relationships which are anticipated to further guide processes, projects, and efforts to advance reconciliation at the municipal level.

Response to the Referral Items

• Regular meetings with the Musqueam Council (at least semi-annually, as requested by Musqueam Councillor Howard Grant at the June 14, 2021, City Council meeting).

Richmond City Council and the Musqueam Indian Band Council met on January 11, 2023. Meetings will continue at the discretion of the two Councils. This action can be addressed with existing resources.

• Mandatory staff and City Council training on issues of Indigenous-specific racism and decolonization (e.g., Hummingbird Rising Consulting, Kairos Blanket Exercise).

The 4 Seasons of Reconciliation online training is available to all City staff, including Oval, Library, Gateway, and Community Associations/Societies staff. To date, 1,068 staff have completed the training. An in-depth experiential workshop was offered in 2021 for smaller groups of staff to learn about Truth and Reconciliation. An online Anti-Indigenous Racism Circle workshop was also available to staff in October and November 2022. This self-reflective workshop was offered for smaller groups to explore their understanding of Anti-Indigenous Racism and work towards reconciling relationships. In addition to the above noted City trainings, individual staff and departments are completing other Indigenous training opportunities. The City has also provided training opportunities in anti-Indigenous racism and decolonizing practices to its community partners through the annual Diversity Symposium. The City will continue to provide a variety of training and educational opportunities to staff, which could also be made available to City Council. This action can be addressed with existing resources.

• A plan to implement the Truth and Reconciliation Commission of Canada: Calls to Action that are relevant to municipalities (17, 23, 40, 43, 47, 55, 57, 64, 75, 76, 77, 82, 87, 88, 91, and 92).

Staff have reviewed the Calls to Action relevant to municipalities, including those noted in this referral. Staff have identified eight Calls to Action that can be addressed by the City and eight Calls to Action that do not directly fall under the City's jurisdiction which will not be addressed by the City at this time (Attachment 3). Three Calls to Actions can be advanced with existing resources and five Calls to Action can only be initiated with additional resources.

• A plan to implement the articles of the United Nations Declaration on the Rights of Indigenous Peoples, that are relevant to municipalities (articles 11, 14, 15, and 19).

In November 2019, British Columbia became the first Canadian jurisdiction to incorporate the UNDRIP into law through an Act which required the Province to prepare and implement an action plan to achieve the objectives of the Declaration. In June 2021, the Government of Canada passed the UNDRIP Act, which provides a roadmap for the Government and Indigenous Peoples to work together to implement the Declaration based on lasting reconciliation, healing and cooperative relations. Should Council wish to consider advancing this action, additional resources would be required to monitor federal and provincial legislation related to UNDRIP and analyze the potential implications of UNDRIP on local governments. This action can only be addressed with additional resources.

• Honouring culturally significant sites through public identification of historical middens and archaeological sites, in consultation with the Musqueam.

Archeological sites are protected under the *Heritage Conservation Act*. The Province maintains a list of archaeological sites, known as the Provincial Heritage Register. However, the location is typically not publicly disclosed other than for planning and development purposes unless in consultation with First Nations and the provincial Archeology Branch to prevent the invasion of privacy and damage to the historic sites. There is a specific process to request archeological information through the Province. This action can only be addressed with additional resources.

• Offering annual community events in recognition of the National Day for Truth and Reconciliation.

The City recognizes the National Day for Truth and Reconciliation as a statutory holiday in alignment with the Province of BC. While the City has offered various initiatives during National Indigenous Peoples Day and National Indigenous History Month in June, the City has commemorated the National Day for Truth and Reconciliation by offering training opportunities to staff leading up to the day as outlined in Attachment 1. Staff will continue to offer initiatives similar to previous years and could also explore new initiatives which would meaningfully commemorate the National Day for Truth and Reconciliation. This action can be addressed with existing resources.

• Including Indigenous history on the City of Richmond's "History of Richmond" webpage.

Including Indigenous history on the City's "History of Richmond" webpage would entail building relationships and working with local First Nations to develop Richmond's Indigenous history and can only be addressed with additional resources who could start to build relationships with local First Nations.

In the meantime, an Indigenous Relations or Truth and Reconciliation page could be created on the City's website that includes information on the TRC 94 Calls to Action, activities for National Indigenous Peoples Day, National Indigenous Peoples Month, National Day for Truth and Reconciliation, and links to UNDRIP, Orange Shirt Day, and other resources. This action can be addressed with existing resources.

• Appoint a committee or task force or a person in charge of addressing Indigenous issues (e.g. Indigenous Relations Manager).

There have been growing calls for municipalities to implement actions that meaningfully advance reconciliation. The hiring of a position to support Indigenous Relations would align with other municipalities that have created positions to oversee their respective municipality's reconciliation efforts.

Potential Impacts

Advancing reconciliation provides an opportunity for the City to renew relationships with local First Nations based on trust and respect, and to meaningfully engage with First Nations through shared priorities and commitments. A summary of the potential impacts to the City is provided below:

- Demonstrates the City's commitment to building relationships with Indigenous Nations, Peoples, and communities.
- Aligns and supports the work of the Government of Canada and the Province of BC, as well as the work being facilitated in the Lower Mainland.
- Provides opportunities to collaborate with key stakeholders and community partners in advancing reconciliation efforts in Richmond.
- Puts into place a plan that will guide the City's approach to advancing reconciliation efforts.
- Improves the City's ability to meet funding requirements from senior levels of government including increasing Federal and Provincial requirements to engage with local First Nations.
- Expedites permitting and approval for infrastructure construction projects that could result in project cost savings.

- Early engagement with local First Nations would allow for the effective implementation of the Flood Protection Management Strategy, including the establishment of a federal fish habitat banking agreement for Lulu Island.
- Effectively responds to the growing demands and expectations of the community for the delivery of Indigenous education and programming.
- Provides subject matter expertise and resources to help educate staff on ways to advance reconciliation.
- Demonstrates the City's leadership in advancing social equity and reconciliation.

Manager, Indigenous Relations

The process of reconciliation requires a long-term commitment to address the harms caused by systemic racism, and most importantly, to renew or develop relationships with Indigenous Peoples based on the recognition of rights, respect, and cooperation. Aside from advancing specific actions listed above, the following are actions that could be initiated by hiring a Manager, Indigenous Relations.

- Establish a work plan to guide the work of the new role and support reconciliation efforts in Richmond.
- Serve as the City's primary contact for its relationships and interactions with local First Nations and Indigenous Peoples.
- Participate in external committees with community organizations, other local governments, and senior levels of government to exchange information and data on current and emerging issues related to reconciliation and coordinate shared reconciliation initiatives.
- Support internal departments on capital projects by building relationships with local First Nations in support of federal and provincial permitting approvals to reduce the potential impacts of delays or cost overruns.
- Provide subject matter expertise on how the City can advance and promote reconciliation.

The City could enhance its reconciliation efforts through the hiring of a Manager, Indigenous Relations. However, a Manager, Indigenous Relations is only an initial step towards reconciliation efforts across the City. Implementation of plans and initiatives may require a combination of adjusting work plans of existing staff resources and potential requests for additional resources in the future. The primary focus of a Manager, Indigenous Relations would be to build relationships with local First Nations and develop a plan for a coordinated city-wide approach to reconciliation, which would include identifying the necessary resources to advance specific actions. For detailed information on what actions could be initiated through the hiring of a Manager, Indigenous Relations, please refer to Attachment 4.

Financial Considerations

If Council wishes to advance the City's reconciliation efforts, additional resources such as a Manager, Indigenous Relations in the amount of approximately \$154,500 would be required. The

position could be funded from the Rate Stabilization Account for the remainder of 2023 and the Consolidated 5-Year Financial Plan (2023–2027) would be amended accordingly. An ongoing additional level for the position would be put forth for Council consideration in the 2024 budget cycle.

Through the planning process, a combination of adjusting current work plans and requests for additional resources in the future may be identified to support the implementation of a plan developed by the Manager, Indigenous Relations. This information would be brought forward in future reports for consideration.

Financial Impact

None.

Conclusion

All Canadians and all levels of government have a role to play in supporting reconciliation. The opportunity to build relationships, foster trust, share information and learnings, and meaningfully engage with Indigenous Peoples is more than ever-present. Strengthening the relationships between municipal governments and Indigenous Peoples is an important step forward towards ensuring greater social equity and honouring reconciliation.

This report responds to the November 21, 2022 referral and provides a review and analysis of the referral items for Council's consideration. Staff will proceed as per the direction of Council.

fighted

Alisa Carey Manager, Intergovernmental Relations (604-247-4695)

Att. 1: Current City Initiatives
Att. 2: Local Government Scan
Att. 3: Calls to Action Identified in Council Referral
Att. 4: Timelines and Resources Required to Address Council Referral

Staff Training and Professional Development

- The 4 Seasons of Reconciliation online training is available to all staff, including Oval, Library, Gateway, and Community Associations/Societies staff. To date, 1,068 staff have completed the training.
- An in-depth experiential and self-reflective workshop, *Understanding the History and Impacts of Residential Schools in Canada*, was offered in 2021 for smaller groups of staff to learn about truth and reconciliation.
- An online Anti-Indigenous Racism Circle workshop was available to staff in October and November 2022. This self-reflective workshop was offered for smaller groups of staff to explore their understanding of Anti-Indigenous Racism and work towards reconciling relationships.

Programs and Projects

- Arts Services regularly undertakes collaborative projects and produces works that contribute to the reconciliation process in its exhibitions, large-scale permanent public art, hands-on community activities, videos and more. Recent examples in Public Art include:
 - Sea to Sky, by Musqueam artist Thomas Cannell in collaboration with Franz Mayer of Munich, is a five-storey integrated glass artwork located at the corner of No. 3 Road and Cook Road as part of the new Paramount development by Keltic Canada, Inc.
 - The Whimsical Garden project by J Peachy and the Café Collective offered an opportunity for young learners to create art with Indigenous artist, storyteller, and carver, Simon Winadzi James.
 - Atheana Picha, a Salish artist from the Kwantlen First Nation, worked with Garden City Elementary School on a community mural project while exploring the themes of environment, local plants and Indigenous stories.
 - Art Cultivation in Nature by Edward Fu-Chen Juan featured legacy artwork incorporating cedar bark harvested by Musqueam cultural advisor, Terry Point. The artwork incorporated materials that represented the artist's home country Taiwan, Musqueam and Richmond.
 - Understanding Our Native Wildlife by Chantelle Trainor-Matties featured a series of artworks that depict native animal species. This artwork is part of Lansdowne Station's No. 3 Road Art Column installation.
 - Musqueam artist Debra Sparrow created a hand-woven blanket during her tenure at the Blue Cabin Floating Artist Residency in Steveston in April and May 2022. The woven blanket now hangs at the entrance of Council Chambers at Richmond City Hall.

- Printmaking for Pride featured Jade Balogh-Callow, guest artist and Kwakwaka'wakw, and member of the We Wai Kai Nation. This event was held during Pride Week in Richmond from July 25-31, 2022 and was led by artist Edward Fu-Chen Juan.
- The Richmond Art Gallery (RAG) offers programming developed collaboratively with Indigenous Peoples including an Indigenous Art Classroom Art Kit (last year, rentals reached 545 students). The kits were developed with Indigenous artist Michelle Sound to learn about beading and tufting to introduce children to these artistic practices. It also developed a welcome video with Cecilia Point in which she shared her family history in Richmond. It is viewable in the gallery lounge and on YouTube.
- City Centre Community Association worked with artist Christine Mackenzie from the Kwakiutl Nation on two art-based initiatives in September 2022 showcasing Indigenous cultures:
 - The *Harvest Full Moon Celebration* was an intercultural celebration of the harvest season. Ms. Mackenzie showcased traditional Indigenous items and facilitated discussion around the harvest season in Indigenous culture.
 - Be the Change You Want to See was a Truth and Reconciliation community art project which featured a multi-sensory environment of music, creativity and culture. Facilitated by Ms. Mackenzie, participants learned about Indigenous history, culture and artwork.
- The Richmond Museum offers an educational kit "Musqueam People of the River Grass in Richmond" for teachers to use in their class throughout the year. The kit helps Grade 3-4 students understand the significance of fishing for the Musqueam people in the past, present and future.
- The Richmond Heritage Fair, produced by the Richmond Museum, has included Indigenous workshops for participating students for many years. In 2022, a Musqueam artist, Rita Kompst, led students through a cedar weaving activity.
- The Point House displays at Britannia Shipyards National Historic Site tell the story of the Point family, who are Musqueam, and the house they lived in at what is now called Garry Point.
- The City's signature events typically include an Indigenous Welcome as part of each event's opening ceremony. This typically involves an Indigenous Elder providing a traditional welcome and an element of storytelling to encourage a wider understanding of Indigenous stories within the Richmond context.
- The City's signature events such as Children's Festival, Doors Open Richmond, Salmon Festival, Richmond Maritime Festival, and Culture Days regularly include Indigenous performers in their programming.
- The Richmond Olympic Experience has Indigenous content on display throughout the museum, telling the story of Aboriginal athletes and the legacy of Indigenous involvement in the 2010 Winter Olympic Games. Tours can be tailored to highlight

Page 2

Indigenous specific stories and artefacts and have been well received by visiting First Nations groups.

- City of Richmond Archives has been working on an Indigenous Records Survey. The Survey covers photographs, textual records, and oral history interviews and is based upon the principles and objectives identified in the Association of Canadian Archivists' *Reconciliation Framework: The Response to the Report of the Truth and Reconciliation Commission Taskforce.*
- The City's Artefact Collections team has created a list of Indigenous objects with photographs and up to date records for each item. Staff have also done an assessment of Collection practices/procedures which will inform a future update of the City's Collections Policy and Procedures.

National Day for Truth and Reconciliation (September 30)

- Front-line staff at community facilities had the option of wearing orange shirts or ribbons on September 30, 2022, to raise awareness of the National Day for Truth and Reconciliation.
- The Richmond Museum shared information about truth and reconciliation on social media to help educate the public about this day.
- Richmond Nature Park hosted a Cedar Rose Workshop with Musqueam artist Rita Kompst-Point. Participants learned traditional techniques of Coast Salish cedar weaving and using locally harvested cedar prepared by the artist created a unique rose to take home.
- Culture Days, which ran from September 23 to October 16, set aside September 30, 2022, to create space exclusively for events organized to commemorate the National Day for Truth and Reconciliation, including those aimed at sharing First Nations, Métis, and/or Inuit experiences and perspectives and celebrating the creative and cultural expressions of Indigenous people and communities.
- Richmond Public Library staff wore orange shirt beaded pins on September 30, 2022 and were given a pocket guide to the National Centre for Truth and Reconciliation's Calls to Action to support their personal learning experiences.
- Richmond Public Library (RPL) Brighouse branch was open from 10:00 a.m. to 2:00 p.m. on September 30, 2022 to commemorate National Day for Truth and Reconciliation. It delivered several initiatives, including:
 - Offering programs for children and families, such as a staff-led story time featuring Indigenous-themed stories.
 - Providing displays that feature the works of Indigenous authors.
 - Showcasing Indigenous-created films on the Launchpad's viewing screen throughout the day.

- Offering additional e-book content in the Indigenous Perspectives browsing collection.
- Presenting the library's dedicated Indigenous Resources webpage that provides learning kits and resources on residential schools, Indigenous groups and Indigenous perspectives.
- Featuring David Alexander Robertson, an Indigenous author and two-time Governor General's Literary Award winner who shared highlights from his new book during an online program on September 20, 2022.
- Various community facilities had educational displays in observance of the National Day for Truth and Reconciliation.
- The City has observed the National Day for Truth and Reconciliation (September 30) as a statutory holiday for the past two years and will continue to align with the Province of BC on declaring the day as a statutory holiday.

National Indigenous History Month (June)

- Richmond commemorated National Indigenous History Month and National Indigenous Peoples Day in June 2022 to recognize the heritage and strength of Indigenous Peoples. Activities included:
 - Cedar The Tree of Life was a take-home activity kit offered by the Richmond Museum. Users of the kit learned how cedar is harvested and created their own cedar bracelet using instructional videos led by Musqueam weaver, Vivian Campbell.
 - StoryWalk: Orca Chief is the Richmond Public Library's new permanent StoryWalk installed at McLean Park in Hamilton. Orca Chief is a traditional northwest coast legend who cared for the sea and its inhabitants.
 - A Cedar Weaving Workshop with artist Rita Kompst was hosted at the Richmond Arts Centre. Participants learned traditional techniques of Coast Salish cedar weaving and using locally harvested cedar prepared by the artist created a unique bracelet to take home.
 - South Arm Community Association hosted an Indigenous film screening event which coincided with BC Seniors' Week. The event included an open dialogue with Don McKenzie, Indigenous Liaison of the BC Cultural Diversity Association.
 - The Richmond Public Library offered Indigenous film screenings for both adult and children audiences to honour, appreciate and recognize Indigenous Peoples.

Local Government Scan

| Local Government | Webpage | Calls to Action Focus Areas | Dedicated Resource(s) | UNDRIP Endorsed |
|---------------------|--|---|---|---|
| Burnaby | The City's <u>website (Called</u> <u>Indigenous Peoples and</u> <u>Reconciliation</u>) provides important dates, progress information, how to pronounce and resources. | Calls to Action 43, 47, 55, 57, 75, 77, 87, 88. | Director, Indigenous Relations | UNDRIP was endorsed in 2018. |
| Coquitlam | The City's Equity, Diversity, and Inclusion page provides resources on TRC, Residential Schools and Indigenous Resilience, Orange Shirt Society, Coquitlam Public Library resources, and Kwikwetlem First Nation information and resources. A Reconciliation webpage is under development and is expected to launch in 2023. | Calls to Action 17, 47, 57. | Manager, Indigenous Relations | UNDRIP has not been endorsed at this time. |
| New Westminster | The City's <u>website</u> provides information on reconciliation background, land acknowledgement guidelines and background, TRC Calls to Action, Indigenous engagement and information on National Indigenous People's Day. | Calls to Action 17, 23, 40, 43, 47, 55, 57, 64, 75, 76, 77, 87, 88, 91, 92. | Indigenous Relations Advisor | UNDRIP was endorsed in 2018. |
| Surrey | The City's <u>website</u> provides information on the Urban Indigenous Leadership Committee, key documents, profile of Indigenous population in Surrey, how to get involved, Council reports and additional resources. | The City has not formally committed to any specific Calls of Action of the TRC, but has taken actions that could fit within some of them. | No dedicated resource at this time. | UNDRIP was endorsed in 2017. |

Local Government Scan

| Local Government | Webpage | Calls to Action Focus Areas | Dedicated Resource(s) | UNDRIP Endorsed |
|---------------------|---|--|--|---|
| Vancouver | The City's <u>website</u> provides important dates, progress and updates information, framework and strategy information, and other resources. | Calls to Action 5, 7, 9, 12, 17, 21, 22, 66, 38, 40, 43, 44, 47, 57, 62, 63, 66, 67, 68, 69, 78, 80, 83, 87, 90, 91, 92, 93. | Senior Director, Indigenous Relations Senior Manager, Indigenous Relations Manager, Indigenous Relations Embedded Indigenous Planner/Liaison roles across City departments including Planning; Engineering; and Development, Building and Business Licensing; Vancouver Public Library; and Vancouver Parks Board Project-based Indigenous Planner/Planning analyst roles including Missing and Murdered Indigenous Women and Girls and Two-Spirit (MMIWG2S+) Response and Indigenous Data Equity | UNDRIP was endorsed in 2013. The City's UNDRIP Strategy was received in 2022 and includes 79 recommenda- tions for implementing UNDRIP. |

Local Government Scan

| Local | Webpage | Calls to Action | Dedicated | UNDRIP |
|--------------------|--|---|--|--|
| Government | | Focus Areas | Resource(s) | Endorsed |
| Metro Vancouver | The <u>website</u> provides information on Indigenous Relations, First Nations in and outside of the Metro Vancouver Region, Treaty Negotiations, First Nations within the Region, video, and links to other agencies. | The Metro Vancouver Board of Directors endorsed the Truth and Reconciliation Commission's 94 Calls to Action on October 30, 2015 and established four objectives to pursue: (1) Liaise with the TRC and Reconciliation Canada; (2) Raise awareness of Indian Residential Schools; (3) Provide training sessions for staff; and (4) Strengthen relationships with First Nations. The Metro Vancouver Board renewed its commitment to Reconciliation at its meeting on February 26, 2021. | General Manager, Legal Services and Indigenous Relations Director, Indigenous Relations Program Manager, Indigenous Relations (2) Archaeologist, Indigenous Relations Senior Policy Analyst, Indigenous Relations (5) Program Assistant 1, Indigenous Relations | UNDRIP has not been endorsed at this time. |

Calls to Action Identified in Council Referral

Of the 94 Calls to Action, the referral identified 16 Calls to Action and those Calls to Action have been reviewed in the chart below.

The City could address the following eight Calls to Action:

Three Calls to Action could be advanced with existing resources and five Calls to Action could only be initiated with additional resources. Ongoing actions would require continuous commitment each year.

| Calls to Action | City Actions | Timeline | Status | Resources Required |
|--|--|----------|----------------|-----------------------|
| 57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and antiracism. | The City is currently addressing this action. The 4 Seasons of Reconciliation online training is available to all staff, including Oval, Library, Gateway and Community Associations/Societies staff. A new in-depth experiential and self-reflective workshop was offered in 2021 for smaller groups of staff to explore their understanding and the significance of the commitment to truth and reconciliation. An online Anti-Indigenous Racism Circle workshop was available to staff through October and November 2022. This self- reflective workshop was offered for smaller groups of staff to explore their understanding of Anti- Indigenous Racism and work towards reconciling relationships. | Ongoing | In progress | Existing resources |

| Calls to Action | City Actions | Timeline | Status | Resources Required |
|--|--|----------------|------------------|-------------------------------------|
| 87. We call upon all levels of government, in collaboration with Aboriginal peoples, sports halls of fame, and other relevant organizations, to provide public education that tells the national story of Aboriginal athletes in history. | The Richmond Olympic Experience is providing public education on Aboriginal achievements in Canadian sport history and will continue to expand storytelling in future exhibits and programs where appropriate. | Ongoing | In progress | Existing resources |
| 77. We call upon provincial, territorial, municipal, and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect copies of all records relevant to the history and legacy of the residential school system, and to provide these to the National Centre for Truth and Reconciliation. | • The City of Richmond has conducted a survey of its Archival and Artefact Collection holdings and, to date, has not identified any documents or objects related to the history and legacy of the residential school system. Staff are still learning what kinds of items may be relevant and will continue to update this survey to reflect new learnings. | Long term | In progress | Existing resources |
| 17. We call upon all levels of government to enable residential school survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's license, health cards, and social insurance. | • Explore the waiving of administrative costs for the name change process for the issuing of membership cards offered at City facilities in partnership with Associations/Societies, business licenses and other licenses, and internal City of Richmond staff ID cards for residential school survivors and their families. | Medium term | Not initiated | Manager, Indigenous Relations |

| Calls to Action | City Actions | Timeline | Status | Resources Required |
|---|---|----------------|------------------|-------------------------------------|
| 55. We call upon all levels of government to provide annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation. The reports or data would include, but not be limited to: | • Explore and collaborate with community partners in providing Richmond- specific data to share with the National Council for Reconciliation if requested. | Medium term | Not initiated | Manager, Indigenous Relations |
| • The number of Aboriginal children—including Métis and Inuit children—in care, compared with non-Aboriginal children, the reasons for apprehension, and the total spending on preventive and care services by child-welfare agencies. | | | | |
| Comparative funding for the education of First Nations children on and off reserves. | | | | |
| The educational and income attainments of Aboriginal peoples in Canada compared with non- Aboriginal people. | | | | |
| Progress on closing the gaps between Aboriginal and non- Aboriginal communities in a number of health indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services. | | | | |
| Progress on eliminating the overrepresentation of Aboriginal children in youth custody over the next decade. | | | | |
| Progress on reducing the rate of criminal victimization of Aboriginal people, including data related to homicide and family violence victimization and other crimes. | | | | |
| Progress on reducing the overrepresentation of Aboriginal people in the justice and correctional systems. | | | | |

| Calls to Action | City Actions | Timeline | Status | Resources Required |
|--|---|-----------|------------------|-------------------------------------|
| 43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation. | Continue to monitor federal and provincial legislation related to UNDRIP. Explore the endorsement of UNDRIP and analyze the potential implications on local governments. | Long term | Not initiated | Manager, Indigenous Relations |
| 47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and <i>terra nullius</i> , and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts. | Explore and recognize the history of local First Nations and Indigenous Peoples in Richmond. Review City policies and bylaws. | Long term | Not initiated | Manager, Indigenous Relations |
| 75. We call upon the federal government to work with provincial, territorial, and municipal governments, churches, Aboriginal communities, former residential school students, and current landowners to develop and implement strategies and procedures for the ongoing identification, documentation, maintenance, commemoration, and protection of residential school cemeteries or other sites at which residential school children were buried. This is to include the provision of appropriate memorial ceremonies and commemorative markers to honour the deceased children. | There are no known residential schools or associated burial grounds in Richmond. If residential schools or associated burial grounds were discovered in Richmond, the City would support senior levels of government in preserving residential school cemeteries or other sites. | Long term | Not initiated | Manager, Indigenous Relations |

Calls to Action Identified in Council Referral

The City would not be able to directly address the following eight Calls to Action:

Although the below actions fall outside the City's jurisdiction, the City could play an advocacy role and work with other levels of government and local organizations as needed.

| Calls to Action | Rationale |
|---|--|
| 23. We call upon all levels of government to: i. Increase the number of Aboriginal professionals working in the health-care field. ii. Ensure the retention of Aboriginal health-care providers in Aboriginal communities. iii. Provide cultural competency training for all healthcare professionals. | Health care is under the provincial government's jurisdiction. This could be an opportunity for advocacy to senior levels of government. |
| 40. We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms. | There are currently no Indigenous-specific victim programs and services located in Richmond. The majority of these services are located in the Vancouver area. Richmond RCMP makes referrals to Vancouver-based agencies as required. This could be an opportunity for advocacy to senior levels of government. |
| 64. We call upon all levels of government that provide public funds to denominational schools to require such schools to provide an education on comparative religious studies, which must include a segment on Aboriginal spiritual beliefs and practices developed in collaboration with Aboriginal Elders. | Education is under the provincial government's jurisdiction. This could be an opportunity for advocacy to senior levels of government. |
| 76. We call upon the parties engaged in the work of documenting, maintaining, commemorating, and protecting residential school cemeteries to adopt strategies in accordance with the following principles: i. The Aboriginal community most affected shall lead the development of such strategies. ii. Information shall be sought from residential school Survivors and other Knowledge Keepers in the development of such strategies. iii. Aboriginal protocols shall be respected before any potentially invasive technical inspection and investigation of a cemetery site. | This action calls upon the parties engaged in the work of residential school cemeteries. There are no known residential schools or associated burial sites identified in Richmond. |
| 82. We call upon provincial and territorial governments, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools Monument in each capital city to honour Survivors and all the children who were lost to their families and communities. | This action calls on the provincial and territorial governments. There are no known residential schools identified in Richmond. |

| | Patianala |
|--|---|
| Calls to Action | Rationale |
| 88. We call upon all levels of government to take action to ensure long-term Aboriginal athlete development and growth, and continued support for the North American Indigenous Games, including funding to host the games and for provincial and territorial team preparation and travel. | This could be an opportunity for collaboration with other local governments and sport organizations and/or for advocacy to senior levels of government. |
| 91. We call upon the officials and host countries of international sporting events such as the Olympics, | This action calls upon the officials and host countries. |
| Pan Am, and Commonwealth games to ensure that Indigenous peoples' territorial protocols are respected, and local Indigenous communities are engaged in all aspects of planning and participating in such events. | This could be an opportunity for advocacy to senior levels of government when planning to host an international sporting event to ensure Indigenous Peoples' territorial protocols are respected, and local Indigenous communities are engaged. |
| 92. We call upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following: | |
| i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects. | This action calls upon the corporate sector in Canada. |
| ii. Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects. | This could be an opportunity for advocacy to local businesses who work in Richmond to adopt UNDRIP. |
| iii. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism. | |

Attachment 4 Timelines and Resources Required to Address Council Referral

The first chart below outlines the eight items contained in the Council referral and the timelines and resources required.

| Referral Item | Timeline* | Existing Resources | Manager, Indigenous Relations |
|--|------------------------------------|-----------------------|-------------------------------------|
| Regular meetings with the Musqueam Council (at least semi-annually, as requested by Musqueam Councillor Howard Grant at the June 14th, 2021, City Council meeting). | Ongoing | √ | |
| Mandatory staff and City Council training on issues of Indigenous-specific racism and decolonization (e.g., Hummingbird Rising Consulting, Kairos Blanket Exercise). | Ongoing | \checkmark | |
| A plan to implement the Truth and Reconciliation Commission of Canada: Calls to Action that are relevant to municipalities (17, 23, 40, 43, 47, 55, 57, 64, 75, 76, 77, 82, 87, 88, 91, and 92). | Short, Medium, and Long term | | ✓ |
| A plan to implement the articles of the United Nations Declaration on the Rights of Indigenous Peoples, that are relevant to municipalities (articles 11, 14, 15, and 19). | Long term | | ~ |
| Honouring culturally significant sites through public identification of historical middens and archaeological sites, in consultation with the Musqueam. | Long term | | ~ |
| Offering annual community events in recognition of the National Day for Truth and Reconciliation. | Short term | \checkmark | |
| Including Indigenous history on the City of Richmond's "History of Richmond" webpage. | Long term | | ✓ |

Timelines and Resources Required to Address Council Referral

| Referral Item | Timeline* | Existing Resources | Manager, Indigenous Relations |
|---|------------|-----------------------|-------------------------------------|
| Appoint a committee or task force or a person in charge of addressing Indigenous issues (e.g., Indigenous Relations Manager). | Short term | | ~ |

*Some medium to long term actions could be advanced with additional resources.

The second chart below outlines actions and associated timelines that could be initiated with the addition of a Manager, Indigenous Relations.

| Actions | Timeline | Existing Resources | Manager, Indigenous Relations |
|--|------------|-----------------------|-------------------------------------|
| Establish a work plan to guide the work of the new role and support reconciliation efforts in Richmond. | Short term | | ~ |
| Serve as the City's primary contact for its relationships and interactions with local Nations and Indigenous Peoples. | Short term | | ~ |
| Participate in external committees with community organizations, other local governments, and senior levels of government to exchange information and data on current and emerging issues related to reconciliation and coordinate shared reconciliation initiatives. | Short term | | ~ |
| Support internal departments on capital projects by building relationships with local First Nations in support of federal and provincial permitting approvals to reduce the potential impacts of delays or cost overruns. | Short term | | ~ |
| Provide subject matter expertise on how the City can advance and promote reconciliation. | Short term | | ✓ |