



Northern Shuswap Tribal Council
GOVERNANCE ORIENTATION KIT



April, 2013

COVER PHOTOS, left to right:
Canim Lake Band, Soda Creek Band - Deep Creek Band, Williams Lake Band, Stswecem'c - Xgat'tem (Canoe Creek Band - Dog Creek Band)

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FOREWORD

The Board of Directors of the Northern Shuswap Tribal Council is proud to present this orientation guide for new and returning Councillors. The job of a Councillor is constantly evolving, with more and more responsibilities and complexities added each year, especially as we pursue self-governance. This guide provides information on the basic underlying tenants of this job, which we hope will provide a strong foundation for the increasingly complex roles of Councillors. We hope this guide is useful, prompts open and honest discussion, and provides a common framework for our four communities to work together as we move towards our visions for self-determination.

ACKNOWLEDGEMENTS

The authors wish to acknowledge the assistance and input from community Band Administrators and NSTC staff (Yvonne Smith, NSTC; Marg Casey, NSTC; Alan Dixon, Canim Lake Band; Marg Shelley, Williams Lake Band; Rhonda Phillips, Soda Creek Band; Carol Pasemko, Stswecem'c Xgat'tem First Nation) in developing this guide. A survey was also circulated to all Councillors. We would like to thank those who took the time to respond.

This guide also extensively references the ***First Nations Governance Handbook: A resource guide for effective councils***. Aboriginal and Northern Development Canada (formerly Indian and Northern Affairs Canada) published this extremely valuable guide in 2004.

INTRODUCTION

This Governance Orientation Kit is intended to help elected officials of the Northern Shuswap Tribal Council (NSTC) communities better understand their governance duties, responsibilities and authorities at the community level and beyond.

It was developed with input from elected officials and Band Administrators and is meant to be especially useful for newly elected representatives who may be learning about their new role for the first time. It will also be helpful for returning Councillors and senior staff as a refresher and as a reference tool.



WHAT'S IT FOR?

The Governance Orientation Kit is meant to support our elected officials to govern well and soundly. In the long run, it is meant to **support the transition of our communities towards self-governance** by:

- Building **good governance skills**, strength and capacity
- Increasing the **understanding of the roles, rules, responsibilities and authority** of elected officials at the community and NSTC levels (and beyond)
- Improving **decision-making transparency and accountability** in governance
- Improving **risk management** at the community and NSTC levels

By building on the past work of member communities in creating **common personnel and housing policies** and procedures, this Kit will continue to bring our four communities closer to collective self-governance.

WHAT'S IN IT?

This Kit is broken into three sections, or modules.

1

MODULE 1: OUR GOVERNANCE: This module provides an overview of the **roles and responsibilities** of Councillors and the key **governance skills and tools** every Councillor may need. It also provides an overview of the stakeholders Councillors work with regularly, including the NSTC, sister agencies, other governments (local, provincial, federal) and key aboriginal organizations, such as the First Nations Summit, and Assembly of First Nations.

2

MODULE 2: OUR COMMUNITIES: This module summarizes member communities' governance structures and organization. It includes a **checklist of important policies and procedures** Councillors need to be familiar with in each community. It also provides a 'snap-shot' of the economic development structures and ventures for each community and the NSTC.

3

MODULE 3: OUR LEARNING RESOURCES: As a learning resource, this Kit also contains a special learning module for readers to test their knowledge. It includes FAQs (frequently asked questions) for current and prospective leadership, and links to helpful tools and resources to support ongoing learning and capacity building.



Q: *So, what is governance?*

A: Basically, governance is **how important community decisions are made and carried out.**

As a concept, governance is sometimes hard to define because **definitions can change from community to community depending on their own laws, traditions and values.**

In this Kit, we pay special attention to a few important components of governance:

- ✓ **AUTHORITY:** The 'power' of an elected representative to **rightfully make decisions** on certain issues at the community-level and NSTC level.
- ✓ **DECISION-MAKING PROCESS:** The process by which decisions are made (e.g., consensus, vote).
- ✓ **ACCOUNTABILITY:** The **personal and collective responsibility for sticking to decisions** once they have been made. Accountability also addresses how an individual that makes a decision **beyond their authority** or does not follow decision-making procedures should be addressed

MODULE ONE

OUR GOVERNANCE

1

BEING A COUNCILLOR IS NO SMALL JOB – there are a lot of things you will have to know or be familiar with (protocols, procedures, policies), **serious responsibilities** (legal, personal, community), and **no shortage of work!** As a Councillor, you are also representing your community and are an important role model locally and beyond.



The Chiefs of the Interior, 1868, Victoria. Left to Right: Chief Nariah (Dog Creek), Chief Quib Quarlsa (Alkali Lakes), Chief Ta O Task (Canoe Creek), Chief Se Askut (Shuswap), Chief Timpt Khan (Babine Lake), Chief Sikosalish (Lillooet), Chief William (Williams Lake), Chief Kam Eo Satlze (Soda Creek), Chief Sosastumpt (Bridge Creek)

This module provides an overview of the **general roles, responsibilities and authority of elected leaders**. It also provides an overview of the **different levels these elected officials work at** – community, NSTC (district), regional, provincial and beyond. The module is broken into four parts, which will answer the following questions:

GOVERNANCE: THE BIG PICTURE

- *What are the principles of good governance?*
- *As an elected official, what's my role in making sure good governance happens?*
- *What are some good governance skills I need to do a good job?*

COUNCIL: ROLES AND RESPONSIBILITIES

- *What are my roles and responsibilities at the community level and the NSTC level, and what's the difference between them?*
- *What are my legal roles and responsibilities?*
- *What are the consequences if I break a policy or overstep my decision-making authority as a Councillor?*
- *Where do my responsibilities as a Councillor end and my personal responsibilities begin?*



White Lake, Stswecem'c - Xgat'tem (Canoe Creek Band - Dog Creek Band)

COUNCIL LEADERSHIP: THE CHIEF'S JOB

- *What are my roles and responsibilities at the community level and at the NSTC level, and what's the difference between them?*
- *What are my legal roles and responsibilities?*
- *What are the consequences if I break a policy or overstep my decision-making authority as a Chief?*
- *Where do my responsibilities as Chief end and my personal responsibilities begin?*

COUNCIL RELATIONSHIPS: WORKING WITH STAKEHOLDERS

- *Who are the main stakeholders I'll be working with and how do I work with them?*
- *Which "hat" should I be wearing when working with different governments and organizations (i.e., "The Politician", "The Strategist", "The Trustee")?*
- *What are the protocols and consequences if I break a policy or overstep my decision-making authority with stakeholders?*
- *What are sister agencies and what role and responsibilities do Councils have with them?*
- *Who has the authority to deal with senior governments and national organizations and under what circumstances?*



**Good governance
is the foundation
of self-government**



GOVERNANCE: THE BIG PICTURE

At the broadest level, governance is the **structure** and **process** by which our elected leaders manage community affairs and resources for the **benefit and well-being of all members**.

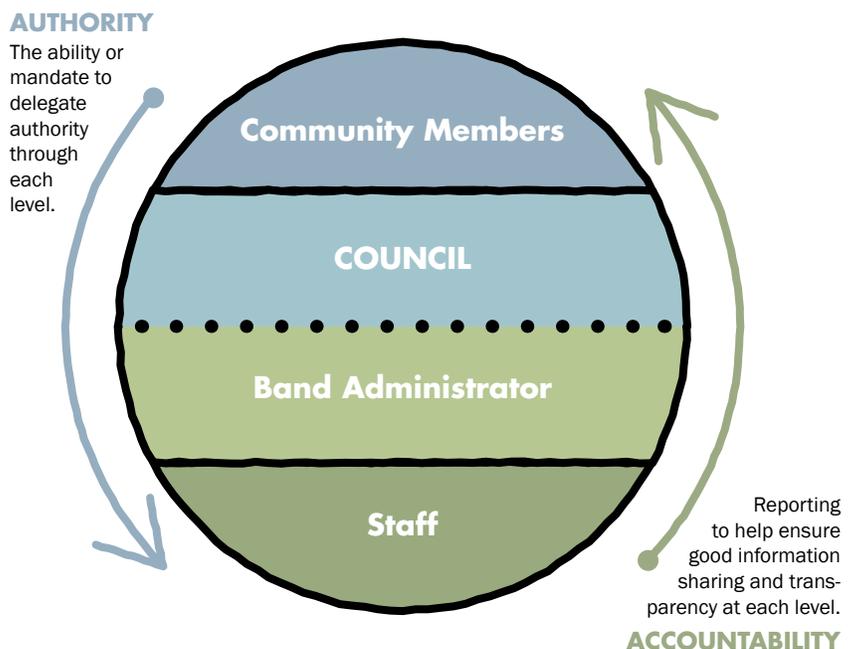
STRUCTURE: This is the actual administrative organization that Council works within. For our communities, this includes **bylaws, policies, and protocols** passed or approved by Council to **guide the day-to-day management** of our communities and **longer-term planning**. Structure also includes the provincial and federal laws **all** community members (including elected officials) are subject to. This includes the *Indian Act*, labour standards, the federal *Criminal Code*, and others.

PROCESS: This simply refers to **how** Council makes decisions, **how**, through the Chief, they direct the Band Administrator to implement decisions, and **how** they are held **accountable** – both for **management accountability** (the day-to-day management of programs and finances) and **political accountability** (providing good government).

Good government or good governance requires that our communities have a good policy structure or framework (policies, bylaws) and process (procedures, methods) in place for sound decision-making and to ensure a Council is accountable to members – the people who **delegate** and **grant** Council the authority to govern the community on their behalf.

The figure at right illustrates how all our communities are organized in general terms. It illustrates how **authority**, or the ability to make decisions, moves down through each level. It also shows how **accountability**, or reporting, moves up through each level - from staff reporting to the Band Administrator up to Council reporting back to the members who elected them. In both cases, the **flow of authority or accountability cannot skip levels** (e.g., a Councillor is not permitted to direct individual staff members, only the Band Administrator can).

General Government Structure
(adapted from *First Nations Governance Handbook*¹)



¹ Indian and Northern Affairs Canada, 2004. See Resources section.

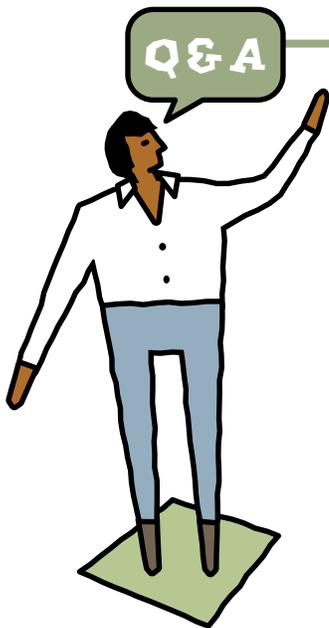
The dotted line represents the **division between Council and staff**. Here, **only** the Chief, who represents Council as a whole, can direct the Band Administrator who, in turn, directs staff and is the **only** individual with the authority to do so.

All our community governments are organized in the same basic way as illustrated. However, some of our administrative organizations, or structures, are different – that is to say, the **bylaws, policies, procedures, and protocols** passed or approved by individual Councils to **guide the day-to-day management** of communities and guide **longer-term planning** can be unique to each community.

While our communities might have slightly different structures, they all share the same **good governance objectives**:

- ✓ ***To protect and enhance the wellbeing of members;***
- ✓ ***To protect members' shared assets (land, buildings, equipment and money),***
- ✓ ***To protect and preserve individual and collective rights and title (working with NSTC and other partners); and***
- ✓ ***To ensure that community programs and services (both independently operated and shared NSTC-operated programs and services) are accessible and viable.***

Another common feature our communities share are the provincial and federal laws we are subject to. All of our communities – from the Councils that lead them to the members that live there – **are subject to the same provincial and federal laws**, including federal labour standards (*Canada Labour Code*), the federal *Criminal Code*, and others. Our businesses are governed under provincial employment standards.



Q: What's the *Indian Act*?

A: The *Indian Act* is a federal law that **governs matters pertaining to First Nations' status, reserve lands, monies, other resources and governance structure.** Aboriginal and Northern Development Canada (AANDC) administers the *Indian Act*.

While the *Indian Act* has undergone numerous amendments since it was first passed in 1876, today it largely retains its original form.

Today, many communities – including our own – **are working to 'get out from under' the Act through the treaty process and other self-government initiatives** (e.g., Land Code, Custom Election Code).

In BC, Treaty First Nations like Nisga'a, Tsawwassen and the First Nations of the Maa-nulth Treaty are no longer governed by the Act, while other communities (Sechelt Indian Band and Westbank First Nation) have pursued comprehensive self-government agreements to limit the authority of the *Indian Act* on their communities.

GOVERNANCE TOOLS & SKILLS

Being a Councillor is a **serious responsibility**. It's also a job that often comes with **big expectations** from the members that may have elected you (and those that didn't vote for you!). Meeting these expectations and being a contributing member of government requires Councillors to **know the structure and process** of the governments in which they're working.

Module 2 provides a checklist of **important policies, codes and bylaws** for each community that Councillors are expected to **read and be familiar with**. Some of the policies are common to all communities, like our Human Resources Policy.



Chiefs Hank Adam and David Archie, 2012

All communities also have a **Code of Conduct** and a **Conflict of Interest Policy**. A Code of Conduct outlines the **expectations for Councillors on how they should behave** in an ethical, legally sound, and professional manner. A Conflict of Interest policy addresses situations where **the interests of a Councillor as an individual may come into conflict with the interests of the community** or its members. See the sub-section, *Council: roles and responsibilities* on page 15 for more information on Codes of Conduct and Conflict of Interest Policies.

Other common tools to help Councillors do their job as elected officials include:

- ✓ **BYLAWS** - bylaws make up the community-level laws that establish rules and procedures on various topics (e.g., housing, education).
- ✓ **POLICY HANDBOOKS/MANUALS** - some communities (e.g., Canim Lake) maintain a governance manual for Councillors.
- ✓ **MEETING MINUTES** - Council meeting minutes provide a legal record of Council meetings and actions. This is why they are so important to maintain.
- ✓ **LAWS OF CANADA AND BC** - Councillors, members and staff are subject to provincial and federal laws (e.g., *Labour Standards Act*, *Criminal Code*). All groups have access to the courts to settle disputes or issues that involve breach of provincial or federal law.



Petroglyph at Soda Creek

In working with these tools, it's also helpful for Councillors to make sure they have (or develop) some good governance skills. Some of these skills are **administrative skills**, like running good meetings (see *Hints & Tips* text box on facing page), while others are more **social skills**, like being a good listener and mediator. Building up your skills in these areas is critical to being a good Councillor.



HINTS & TIPS

ROBERT'S RULES OF ORDER – MAKING MEETINGS FAIR, ORDERLY AND MORE PRODUCTIVE

Councillors spend a lot of time in meetings. From regular Council meetings to meetings with committees and other stakeholders, much of your time as a Councillor time will be spent in meetings dealing with various issues.

To help make the most of these meetings and to follow good governance practices, it's helpful to follow standard meeting procedures. Roberts Rules (www.robertsrules.com) is the standard set of meeting rules that are used around the world and by many First Nations governments, including ours. They cover simple steps like:

- **TIME:** Setting a time to start the meeting and an allotted time to finish
- **AGENDA:** Setting an agenda prior to the meeting and circulating it to attendees, and following the agenda!
- **MEETING ORDER:** Calling the meeting to order, making sure there are enough people present (i.e., a majority of attendees — this is called 'quorum')
- **MEETING PROCEDURES:** Speaking (who gets the floor), motions (how they're made and can be voted on), minute taking

The procedures are simple and straightforward, but will help make sure meetings are **fair, orderly** and **more productive**.

***Lead by example.
Councillors are important
role models, both in the
community and beyond, and
should lead by example.***



COUNCIL: ROLES AND RESPONSIBILITIES

Councils (which include the head Councillor, or Chief) are the elected political body (government) of our communities. Community members elect Councils and **delegate the authority to them to govern the community on their behalf.**

When they are elected to office, Councillors, including the Chief, assume a critical community responsibility and take on an important **fiduciary (trustee) role** in overseeing the general wellbeing of the community they are elected to represent.

Each Council is responsible for:

- ✓ **Protecting the resources** of the community (natural, physical, financial, human, cultural)
- ✓ Reviewing and **passing or adopting Band bylaws**
- ✓ **Overseeing the financial management** of the community
- ✓ Ensuring **government affairs are conducted efficiently, ethically and legally**

All Councils must act according to the applicable **structures** established by the community. These structures typically include **bylaws, Band Council Resolutions (BCRs)** and **policies** approved by the Councils. Council must also act within the *Indian Act* and other laws of general application, like provincial and federal civil and criminal laws, labour standards, and human rights laws.



Q: What does *fiduciary* mean?

A: In broad legal terms, a “**fiduciary**” is someone “who holds a position of trust or confidence with respect to someone else.” A “fiduciary relationship” is one where someone in a position of trust, like a Councillor, has “rights and powers which he or she is bound to exercise for the benefit” of another, like a Band.

Councillors take on **an important fiduciary (trustee)** role in overseeing the general wellbeing of the community they are elected to represent.

Working as a team, Council plays an important role in communities. To be **effective** and to **make a positive impact** on the communities they serve, **it is important that Councils understand their role, their responsibilities, and their relationships with others.**



HINTS & TIPS

STAYING ON TOP OF THE DAY-TO-DAY

Councillors have a lot of big responsibilities, but you also have to keep on top of the little things if you want to be effective and respected in your job. Here are a few small organizational responsibilities that can help you succeed in your role.

- ✓ **Be prepared for meetings:** Before each meeting you will be sent an agenda and a package of things to read. It's your responsibility to read these beforehand and send back any comments you have. This will make meetings a much more efficient use of time.
- ✓ **Email management:** Read your emails and respond fully in a timely manner (especially if somebody needs something from you).
- ✓ **Calendar management:** Be careful not to double book meetings, and always show up to meetings on time.
- ✓ **Keep on top of deadlines and promises.**

Wouldn't it be nice if everyone followed these little rules? Try to lead by example and demonstrate the power of staying on top of day-to-day organization.

THE “HATS” COUNCILLORS WEAR

Councillors wear many hats, depending on the particular role they are playing and the responsibility they are managing. Three major roles a Councillor plays include *the politician*, *the strategist*, and *the trustee*. Each is a different hat with different responsibilities.



THE POLITICIAN – A Councillor’s **political role** is related to their role as representatives of their community and as advocates for community needs and concerns (often with other levels of government and organizations beyond their community).

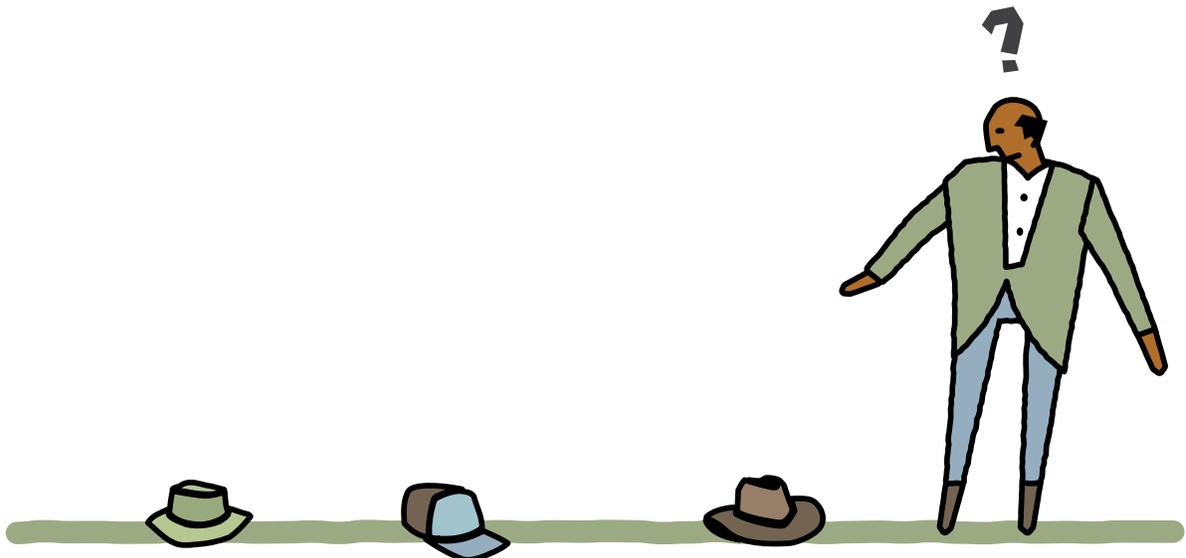


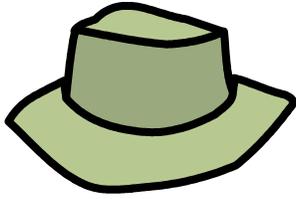
THE STRATEGIST – A Councillor’s **functional or administrative role** is related to the overall management of community affairs, in particular overseeing strategic policy development (e.g., community vision, Comprehensive Community Plan), making governance policies (i.e. Council policies), and overseeing community financial matters (including financial planning and budgeting).



THE TRUSTEE – As a trustee of the community’s assets, a Councillor has significant **legal and fiduciary roles and responsibilities** related to developing and enacting bylaws to help regulate community affairs, and to manage the community’s assets for the benefit of the community as a whole.

The next sub-section takes a closer look at the three roles Councillors play, or the hats they wear – *the politician*, *the strategist*, and *the trustee*.





THE POLITICIAN

Your Political Roles & Responsibilities

A Councillor’s political role is related to their role as a **representative** of their community and as an **advocate** for community needs and concerns (often with other levels of government and organizations beyond their community).

As representatives of their community, Councillors are responsible for **setting an example** and **being a role model** to their community. Councillors also **must represent the values and interests of their community** to the other organizations and governments they work and meet with through regular and approved channels of communication – in this context, a **Councillor’s voice is not a personal voice, but a voice of the community.**

It is when working as representatives of the community that Councillors sometimes play an **advocacy role** for their community. According to the *First Nations Governance Handbook*, this means that Councillors “sometimes have to lobby or negotiate agreements with other levels of government, or participate in regional, provincial or territorial meetings with other Aboriginal organizations.”

the FACTS

IT’S THE LAW

All Councillors (and community members) are subject to laws of general application, like provincial and federal civil and criminal laws, labour standards, and human rights laws. They are also responsible for ensuring that their communities are run in accordance with these laws. Some applicable laws include:

- **THE CANADA LABOUR CODE** sets out the minimum standards that apply in most workplaces in BC, including minimum wages, holiday pay and resolving disputes.
- **THE PERSONAL INFORMATION PROTECTION ACT / FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT** sets out the rules organizations must follow when handling your personal information, including how it’s collected, used, disclosed and protected.
- **THE CRIMINAL CODE** sets out rules and standards around issues like harassment and psychological and verbal abuse.
- **FEDERAL AND PROVINCIAL HUMAN RIGHTS LEGISLATION**, which make it illegal to discriminate against people based on a set of criteria like age, race, sex, religion or disability.

It is important that Councillors are aware of these laws, and should ask the Band Administrator for guidance on meeting these laws whenever they are in doubt.

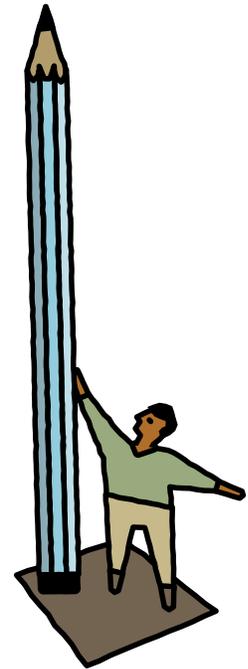


Test Yourself!

QUESTION #1

Councillor Buddy Bob's friend runs a contracting firm, and the band is two weeks late in paying his friend's invoice. Can Councillor Bob ask the Finance Manager where the cheque is for his friend's business?

- A) **No.** Councillor Bob should not be interfering. He can tell his friend to follow the process outlined in her contract with the Band.
- B) **Yes.** Because it is already a contract, it is not a conflict of interest and Councillor Bob can ask about the cheque.
- C) **No,** but Councillor Bob can ask the Chief to follow up with the Band Administrator about it.



Answer on page 69



HINTS & TIPS

COUNCIL PERSONAL CODE OF CONDUCT AND ENFORCEMENT

In addition to their official political and functional roles, Councillors must **adhere to a code of conduct that upholds the integrity of their position** and ensures that the Band is run in a fair, efficient and legal manner.

All communities have Codes of Conduct. If you have signed one, it is important to remember that failure to follow it (i.e., breach of conduct) can result in a number of penalties, including:

- Verbal warnings
- Formal letters
- Suspension with or without Council honorarium/salary
- Request for resignation from Council
- Involuntary termination from elected position

Penalties are **appropriate to the cause for discipline, and are progressive in nature** (i.e. starting with the lowest form applicable and escalating as needed).

Remember, you are also subject to all federal and provincial laws, so there may be repercussions at the Band level, *and* legally.

Here, it is extremely important to remember that **specific Councillors** (and sometimes senior staff from NSTC or communities) **are appointed to specific negotiating or lobbying duties**, usually through existing committees and organizations, like the Leadership Council or First Nations Summit. Information on roles and assignments can be found in the sub-section *Council Relationships: working with stakeholders* on page 35. **Councillors cannot lobby or advocate on issues or work with organizations and committees unless their Councils have appointed them to the organization or committee.**

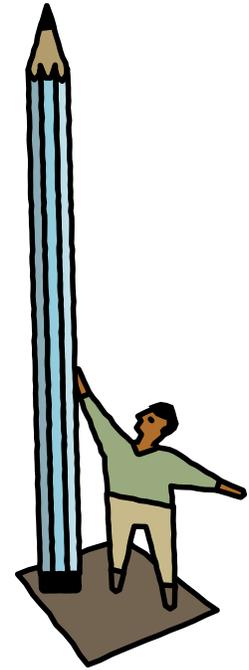
A final political role for Councillors is about **reporting** the work of Council to members and **consulting with membership**. Both reporting and consulting with members occurs through **established, formal avenues**, like Annual General Meetings, special meetings, or regular newsletters. Of course, Councillors can talk and listen to members individually, **but cannot be acting officially** as Councillor or Chief.

Regular and clear official communications helps improve transparency and is a good way of keeping members up-to-date and involved in ongoing issues, like treaty or community planning.

Test Yourself!

QUESTION #2

Councillor Chatty Cathy is shopping at Safeway when she bumps into Alice, a Band member, in the checkout line. Alice is the Principal at the local school, and so Councillor Cathy asks her how much more funding she thinks they need for the next year in order to hire the new teacher that they have been wishing for. Is this out of line?



- A) No.** This is just a casual conversation. Alice would not expect Councillor Chatty to incorporate her request into the budget, and Councillor Chatty has not made any promises to her.
- B) Maybe.** This is only an issue if someone else overheard their conversation.
- C) Yes.** There are official avenues for gathering feedback that should be used for this type of interaction. Even though Councillor Chatty Cathy is probably just being friendly and trying to be helpful, it could be seen as favouritism.

ANSWER ON PAGE 69



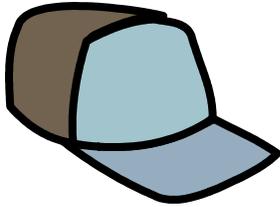
HINTS & TIPS

PLAN, LEAD, ORGANIZE, CONTROL – COUNCIL'S POLICY FRAMEWORK

All Councils require **policies and procedures** that define the **roles and responsibilities of individual Councillors, Council as a whole, and the Band Administrator**. Typically these policies can be coordinated in a **Council governance policy manual** that lays out leadership's overall policy framework.

Aboriginal and Northern Development Canada's (AANDC) *First Nations Governance Handbook* identifies the following components for a sound policy framework.

- ✓ **Planning Policy** – Council's purpose, values and goals (i.e., the 'big picture' vision, goals, priorities)
- ✓ **Leading Policy** – Council's relationships with each other and with members (i.e., protocols and procedures while wearing the politician's 'hat', a Code of Conduct, a Conflict of Interest policy)
- ✓ **Organizing Policy** – Council's relationship with the Band Administrator (i.e., how the Chief communicates with and oversees the Band Administrator's *implementation* of Council's 'big picture' policies, an organization chart for the community illustrating relationships and lines of communication and oversight)
- ✓ **Controlling Policy** – How Council limits the Band Administrator's authority and responsibilities (i.e., a job description and evaluation process for the Band Administrator)



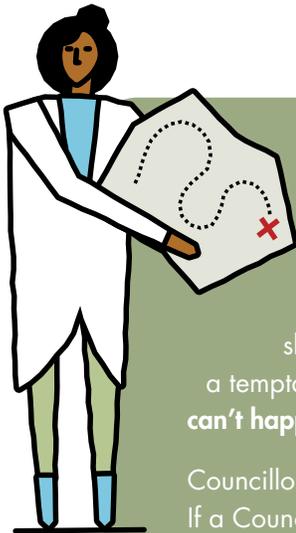
THE STRATEGIST

Your Functional Roles & Responsibilities

A Councillor’s functional or administrative role is related to the **overall management of community affairs**, in particular:

- Overseeing **strategic management** and related policy development (community vision, goals and priorities)
- Contributing to **governance policies** (full Council responsibility) to provide direction and procedures for Council policies)
- Overseeing **community financial matters**, including financial planning and budgeting
- Providing **oversight of all functions of Band Administration**, including the delivery of programs and services (**Note:** this is done in partnership with the Band Administrator who reports to Council. Direct oversight of the Band Administrator is **only** done by the Chief, at the direction of Council)

Even before a new Councillor starts to run for office, it is important to be familiar with the “**big picture**” plans and strategies that might already be in place or in development. For example, is there a **Council strategic plan**, a **Comprehensive Community Plan**, a **community vision**, or a **governance manual in place**? Collectively, these documents and plans set the direction for a community. If a community doesn’t have them, it is Council’s **role to help oversee the development of them**. While Council establishes a strategic plan(s) and monitors its implementation, the Band Administrator *implements* the strategic plan(s).



HINTS & TIPS

IT’S A FINE LINE BETWEEN DOING YOUR JOB WELL, MICRO-MANAGING, AND FLAT OUT ABUSE OF AUTHORITY

Both Council and staff have clear responsibilities and duties, both of which should be clearly articulated in job descriptions and policies. Sometimes, there is a temptation to “cross the line” that’s formally established between Council and staff. **This can’t happen.**

Councillors’ oversight of staff, including the Band Administrator, **is only through the Chief**. If a Councillor steps “over the line” and provides direct oversight or direction to the Band Administrator or staff it could potentially be regarded as **abuse of authority**. Council must respect the Band Administrator and their management of staff and go through the Chief to provide comment and feedback on programs.

Some communities have these documents and strategies and they outline the community's vision (i.e., **where the community wants to go**) and its priorities or objectives (i.e., **how the community will achieve its vision**). In Module 2, you can see some of the guiding policies and documents **each community requires its Councillors to be familiar with**.

When Council has developed a good policy framework to guide their activities (i.e., plan, lead, organize, control), they **need to stick to it**. All of our communities have developed an administrative line between Council and staff, which is not to be crossed.

In all of our communities, the Band Administrator is the link **between staff and Council**. The Chief directs the Band Administrator based on Council decisions and guidance, which are informed by community plans, strategies and policies, all of which must also be in compliance with laws and funding agreements. The Band Administrator reports to Council on program performance.

Test Yourself!

QUESTION #3

Jovial John, the Band Administrator, is drafting a new housing policy for Council. John wants to hold an open house with community members to gather their feedback on the policy. Can he do this?

- A) Maybe.** Since Council is the only direct link to membership, he can only hold the open house if Council delegates this authority to him specifically.
- B) Yes.** Council has already given him the authority to create the policy, and he can decide which methods he wants to use to do this – including consulting with the public.
- C) No.** Council would need to be present at the open house, since they are the only acceptable link to the community.



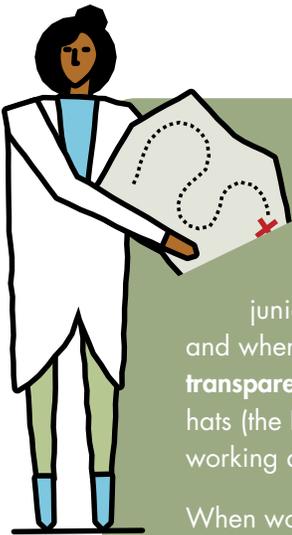
Answer on page 70

Another important functional or administrative role for Council is to oversee **community financial matters**. This work includes **annual financial planning and budgeting** and, in some cases, establishes **rules for borrowing money for public purposes**.

Annual **financial planning and budgeting is a major responsibility**, and one that requires Councillors to have a **good understanding of financial management and accounting**. This is because the costs of operating a community are substantial, and the complexities of financial management are significant –multiple revenue sources (government, own source, bank loans) may be involved, and expenditures can be organized and presented in different ways (cash flow, income statement, revenues and expenses).

Budgets and financial plans are an important part of good governance. They can be used to:

- ✓ Indicate how Council is supporting the community priorities and goals identified in the “**big picture**” plans and strategies
- ✓ Engage members in providing **feedback and input** at events where financial plans and budgets are typically presented (e.g., Annual General Meetings)
- ✓ Identify **potential deficits or other financial management challenges** before they become problems



HINTS & TIPS

WHEN A COUNCILLOR IS ALSO A BAND EMPLOYEE

Sometimes Councillors are also employed by a Band as a staff person (both as junior and senior staff). In these cases it can be confusing what “hat” is being worn and when. In these situations, and to **avoid potential conflicts of interest** and **maintain transparency**, it is critical for Councillors employed by a Band to remove their Councillor’s hats (the Politician, the Community Worker, the Trustee) during working hours. When you are working as an employee you are just that: **an employee**.

When working as an employee of the community, the individual must **adhere to all applicable policies and guidelines** that apply to staff, like the Human Resources Policy. Being a Councillor **does not** give you any special treatment as an employee.

Remember, being both a Councillor and an employee of your Band calls for a **higher level of self-awareness and role modeling**. In this dual role you are also almost always “at work”, either as an employee during office working hours or in your role as Councillor.

The Band Administrator working with their financial department or manager is typically responsible for carrying out annual budgeting. The budgeting process begins several months before the end of the fiscal year when the Band Administrator, Finance Manager and department heads begin planning the financial needs for each department in the coming year.

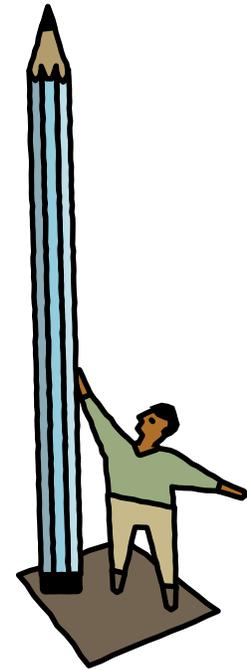
Before the end of the fiscal year, Council must **review, approve and adopt the budget**. In some communities the approval and adoption is carried out through a Band Council Resolution, while in others (e.g., Williams Lake Band), budgets are ratified at a duly convened meeting. Throughout the year, the Band Administrator is then able to report to Council on the budget – actual revenues and expenditures can be compared with the budget projections and, where necessary, adjustments can be made.

Test Yourself!

QUESTION #4

Councillor Bossy Bill is also a Band employee who works in the Lands Department. He often tells other staff that they are not working hard enough and will try to direct other staff in other departments. He has also invited family members to use Band computers sometimes. Is this right?

- A) Yes.** As a Councillor he has special privileges and perks.
- B) No.** A Councillor has no special privileges and perks and is subject to the same policies (Human Resources, etc.) that all other staff must follow. He also cannot manage staff. That is the role of Department Managers, who can only manage their own staff, or the Band Manager who manages the Department Managers.



Answer on page 70



HINTS & TIPS

THE BUCK STOPS HERE: FINANCIAL RESPONSIBILITIES OF COUNCILLORS

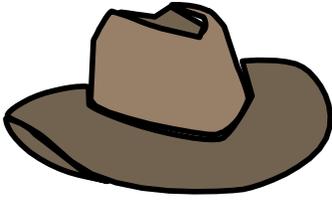
Some Councillors come to their first term with lots of financial background and others with none. Because Council is responsible for the financial management of their community (i.e. **Council is responsible if something goes wrong**), it is important for all elected officials to have a working level understanding of basic financial management.

For starters, it is good to know your way around the following key financial documents, which Councillors must review monthly:

- **Income/Expense statement**
- **Balance sheet**
- **Cash flow statement**

As required by funders and AANDC, every year a professional accountant will formally audit a community's finances. Councillors need to **review the accountant's audit report and approve it**. For this reason it's also important to **understand how an audit works** and what "unqualified", "qualified" and "adverse" audit statements are (hint: unqualified is the best!).

It is your responsibility to understand these documents. If you feel like you could use some instruction, ask your Band Administrator and they can give you an orientation or direct you to training courses or other resources. Also see *Module 3: Learning Resources* for some helpful publications.



THE TRUSTEE

Council's Legal Roles & Responsibilities

As a trustee of the community's assets, a Councillor has significant **legal and fiduciary roles** and responsibilities related to **developing and enacting bylaws** to help regulate community affairs and to **manage the community's assets** for the benefit of the community as a whole.

As the elected government of the community, Council has the right under section 81 of the *Indian Act* to pass bylaws to regulate and control certain activities on reserve, such as **residency, zoning, trespassing, construction, disorderly conduct, public safety** (traffic and animal control), formalizing community practices (financial administration, conduct at Council meetings), and other matters.

In addition, section 83 of the *Indian Act* recognizes bylaw-making power regarding **collection of property taxes**. There are currently 50 First Nations in BC collecting property tax under section 83 of the *Indian Act*. These communities now raise much needed **revenues for local purposes** and to **support economic development** and community enhancement.

Finally, another provision of the *Indian Act*, section 85, allows our communities to pass bylaws **prohibiting the sale and manufacture of intoxicants** and **regulating the possession of intoxicants** on reserve. Consent of members is required, but this is one of the few circumstances where there is no necessity for Ministerial approval (something that is required for other bylaws).

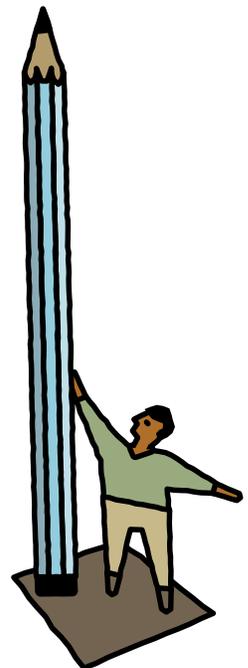
AANDC (formerly INAC) offers training workshops and provides copies of sample bylaws. You can contact other First Nations directly or the AANDC regional office in Vancouver for copies of bylaws currently in force. At AANDC, you should ask to speak to a Band Governance Officer in Lands and Trust Services.

Test Yourself!

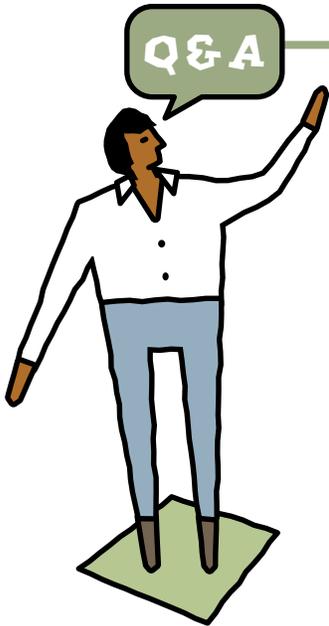
QUESTION #5

Councillor Earnest Ed's sister-in-law, an employee of the Band, approaches him about her job. She feels that she's not being fairly paid for her work. What should Councillor Earnest Ed do?

- A) **Approach the Band Manager with his sister-in-law's request, since this is an HR issue.**
- B) **Bring the issue to Council, since this is a budgetary decision.**
- C) **Tell his sister-in-law to talk to her supervisor and go through proper channels.**



Answer on page 70



Q: What is a conflict of interest?

A: Each community maintains a policy **that clearly spells out what constitutes a conflict of interest**. In general legal terms, a conflict of interest typically arises when:

- a) A Councillor, employee, or member of a committee **exercises an official power or performs an official duty or function and at the same time knows, or ought to know, that in doing it there is opportunity to receive a financial benefit or advantage** for themselves or a related person, or
- b) A Councillor's, employee's or committee/advisory council member's **personal interests supersede or compete with** their dedication to the **best interest of the community** (Band) as a whole.

In small communities like ours, it is very likely that Councillors will have personal financial interests that may, at times, coincide with decisions that are being made by the Council. This does not mean that person cannot be a Councillor, only that they need to know what to do when there is a potential conflict of interest, or even a perceived conflict of interest.

If a Councillor is in a conflict of interest about a decision being made, they must remove themselves from the decision. For example, if Council is about to vote on which contractor to hire for some building renovations, and Councillor Jovial Joe is a manager at a contracting company that has put in a bid, he needs to remove himself from this vote. Councillor Jovial Joe also must not seek to influence the vote.

If you are in doubt about whether or not you are in conflict of interest, ask your Band Administrator for guidance and err on the side of caution!

The role of the Councillor as trustee is a particularly important one. Councillors have a clear legal responsibility to manage the assets of the community held in trust for the **benefit of the community as a whole**.

According to the *First Nations Governance Handbook*, **fiduciary duty** requires that Councillors act “*honestly and in good faith with a view to the best interests of the membership in exercising their powers...[and] avoid putting themselves in a position where their duty to act in the best interests of the organization conflicts with their self-interest.*”

Here in BC, and in our area specifically, the courts have **established clear performance standards** around fiduciary duty of Councils. This means that **Councillors are accountable and libel** when they do not meet the court established standards of performance. In 1992, members of the Williams Lake Band successfully brought an action against the defendant, a former Chief, for breach of fiduciary duty. In the decision the judge ruled:

“There can be no questions that a duly elected Chief as well as the members of a Band Council are fiduciaries as far as other members of the Band are concerned. The Chief upon being elected undertakes to act in the interests of the Band. The members of the Band are vulnerable to abuse by the fiduciary of his or her position, and a fiduciary undertakes not to allow his or her interest to conflict with the duty that he or she has undertaken.”

Williams Lake Indian Band v. Abbey (1992), (sub nom. Gilbert v. Abbey) [1992] 4 CNLR 21 (B.C. S.C.).

Council acts as a community’s trustee. As trustees, Councillors must be **credible and maintain high standards**, both in their public role as Councillors and in their private conduct. High credibility helps establish community trust in Council, which is critical not only to the continuing existence of the particular government, but also how they are received and regarded by the wider community, including stakeholders and potential partners.

To help ensure credibility and high standards are maintained, our communities have all **codified** some of the practices and procedures of maintaining credibility and good governance in two important policies - a **Code of Conduct** and a **Conflict of Interest Policy**.

A Code of Conduct outlines the **expectations for Councillors on how they should conduct themselves** in an ethical, legally sound, and professional manner. Canim Lake, Soda Creek - Deep Creek and Williams Lake have all adopted Codes of Conduct.

A Conflict of Interest policy addresses situations where **the interests of a Council or an individual may come into conflict with the interests of the community** or its members. Typically, they address avoiding potential conflict of interest situations like:

- ✘ Hiring family members
- ✘ Councillors’ private businesses providing services to the band
- ✘ Using confidential Council information for personal gain

A scenic view of a river valley with a large evergreen tree in the foreground and a river in the distance. The landscape is characterized by rolling hills and a river valley. The text is overlaid on the right side of the image.

Ethics =
*doing the
right thing,
for the right
reasons, at the
right time.*

COUNCIL LEADERSHIP: THE CHIEF'S JOB

The Chief is the elected head of the community's government. As the head Councillor, **Chiefs have additional political responsibilities and extra personal responsibilities.** As a leader, the Chief is expected to be a role model in the community and outside the community.

A Chief's role is typically more demanding than a Councillor's. This is because they not only have the same work load as other Councillors, but they also have to **provide direction to Council** (and individual Councillors) and frequently act as a community spokesperson on different issues, or as a community representative at various events. It's a big and demanding job that typically comes with high community expectations.

A major component of a Chief's work is to **provide direction to Council and provide direction on their relationships with other parties.** While the Chief is a member of Council, he or she is also Council's leader and is responsible for making sure that **Council works together effectively and does the work that is required of them** (by following Band policies, procedures, protocols and laws).



June 21, 2012. Williams Lake Boitanio.

Left to Right: Harold Harry, David Archie, Bev Sellars, Hank Adam, Dean Tenale, Allan Adams, Mike Archie and Ann Louie.

A Chief's **additional** duties and responsibilities (remember, a Chief is **also** a Councillor and subject to the **exact same responsibilities as Councillors**) typically include:

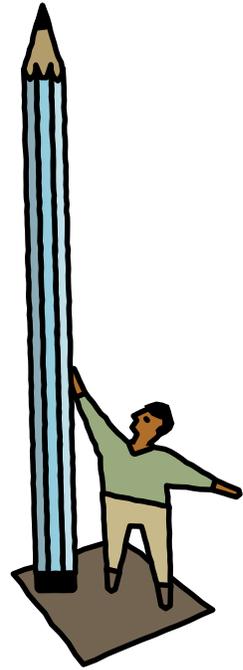
- ✓ Ensuring Council **conducts itself in a manner consistent with its own policies**, procedures and any other applicable laws.
- ✓ Acting as the **only direct liaison between Council and the Band Administrator** – Council's oversight of administration is coordinated through the Chief who directs the Band Administrator.
- ✓ **Calling emergency meetings** of the Council to discuss important business that cannot wait until the next regularly scheduled meeting (the Chief shall summon a special meeting, if requested to do so by a majority of the Council).
- ✓ Acting as **primary representative** for Council and the community at special events and ceremonies (these can be with a variety of stakeholders, including other governments, the private sector, Aboriginal organizations, the media and other organizational partners).
- ✓ Acting as **spokesperson to communicate a community's formal position** to the media or general public on matters where Council has given you this authority.
- ✓ Acting as a **chairperson at Council meetings** (a responsibility that can be rotated between Councillors at our communities to give everyone experience in conducting meetings and to allow the Chief to participate in discussions and vote – remember, **whoever is chairing Council meetings must be neutral** when conducting meetings and **only votes to break a tie**).

As already highlighted, the Chief has a **special relationship with the Band Administrator**. The Chief is the **only** Councillor who is able to provide the Band Administrator direct guidance and oversight. The relationship is often founded on mutual respect – an experienced Band Administrator can often **provide advice and guidance to new Chiefs** on their various roles and the work of administration. Alternatively, an experienced and skilled Chief is also able to **provide advice and guidance to a new Band Administrator**.

Test Yourself!

QUESTION #6

Chief Solve-it Sue is known as a problem solver and loves to make things better. A staff member on the treaty committee goes directly to Chief Solve-it Sue to deal with a problem – someone on the treaty committee has not been coming to meetings and they need to be reprimanded. Chief Solve-it Sue then directs the Treaty Director to talk to the person in question and sort out the problem. Is this right?



Answer on page 70



HINTS & TIPS

BAND ADMINISTRATORS AND CHIEF – A SPECIAL RELATIONSHIP

Each Council **directly hires only one staff member, the Band Administrator.**

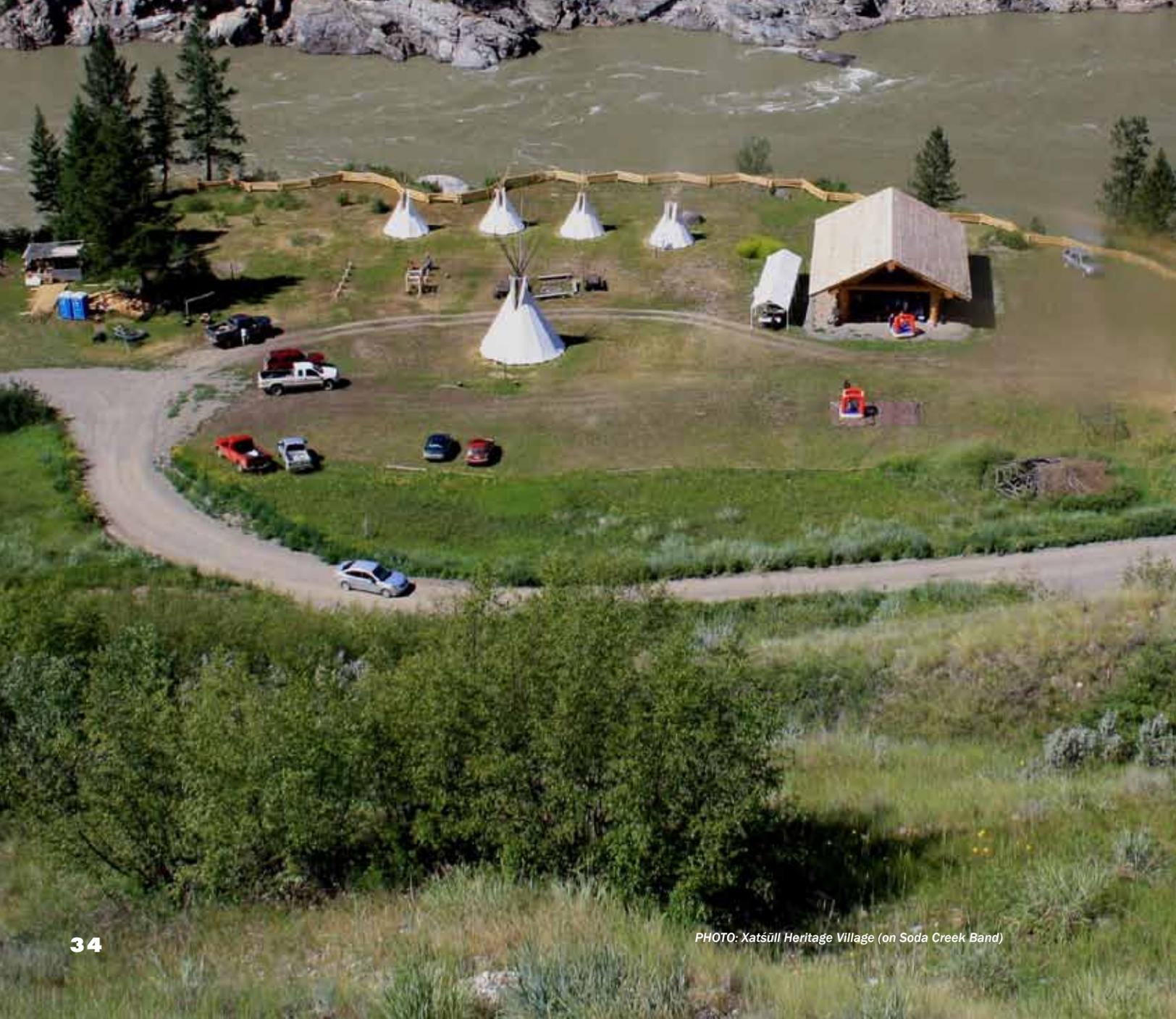
The **Chief** (or Vice Chief) is the **only** Councillor who supervises the Band Administrator.

While Council sets the broad direction and policies of the Band, it is the Band Administrator who is responsible for implementing the direction/policies and carrying out day-to-day operational matters. The **Band Administrator manages and directs staff and reports to Council on their work.**

Given these roles and authority, it's important that **Council does not prescribe the day-to-day operations of the Band Administration, do the staff's work, or defer their own strategic, long-term decision-making responsibilities to the Band Administrator.**

From the Chief's perspective (and Council), they must recognize that the **Band Administrator (like Council) works in the best interests of the community as a whole**, not simply Council or individual Councillors. While disagreements are natural, it is critical **not to take those discussions into the community.** It's disrespectful to the Band Manager and, potentially, could be a **conflict of interest.** The **same applies to the Band Administrator** not discussing their relationships with Council in the community.

Being a Councillor
doesn't mean you get special
privileges, it just means you have
more responsibilities
to your community and to yourself.



COUNCIL RELATIONSHIPS: WORKING WITH STAKEHOLDERS

As a Councillor, you will work with many stakeholders. A stakeholder is defined as **any group or individual with an interest or “stake” in the affairs of your community**. Stakeholders can be **internal to the community** – like members or Council committees established by Council to support some specific community project or work – or **external to the community** – like the NSTC and associated committees, Aboriginal organizations, local governments, or industry groups.

This section focuses on external stakeholders, but provides an overview of community-level, internal stakeholders.



HINTS & TIPS

BEING A COUNCILLOR AND SPECIAL PRIVILEGES

Being a Councillor does not mean that you get any special privileges. In fact, it's just the opposite – being a Councillor involves **more responsibilities**, some of which will expose you to **liability and risk** if they are not handled according to **Council policies, procedures and the law**.

Whether you are a Councillor or Chief, here are some simple rules to remember for your day-to-day life as an elected community leader:

- **ALWAYS PLAY BY THE RULES** (Council's, the community's and the law) – if you don't, you'll put yourself, your Council and your community at risk
- **SPEAK FOR THE WHOLE COMMUNITY** – avoid speaking for special interests or families. As a Councillor and a trustee it's your job to represent the community as whole and to act in its best interests, not the interests of one group or person
- **BE HARD ON PROBLEMS, SOFT ON PEOPLE** – It's important to separate people from the problem being discussed. Respect, privacy and dignity are principles all Councillors should adhere to.
- **DON'T GET PERSONAL** – Avoid bringing personal politics or family issues into the workplace (i.e., Council). Remember, separate people from the problem.

Internal Stakeholders

MEMBERS

Community members not only **elect our Councils and delegate authority to manage the community on their behalf**, but they are also the collective owners of the community’s assets. Because of this special relationship, a membership that understands their rights and responsibilities can be a major asset to support good governance in the community.

Members should be kept up-to-date on Council’s work through newsletters, regular website updates and other outreach. They should also be given the opportunity to provide input on the development of community plans and policies through formal events or committees. Annual General Meetings (AGMs), which are legally required, also provide members an opportunity to provide input and, where appropriate, vote on community matters and policies.



Cecilia DeRose, Mary Boston, Bridget Dan

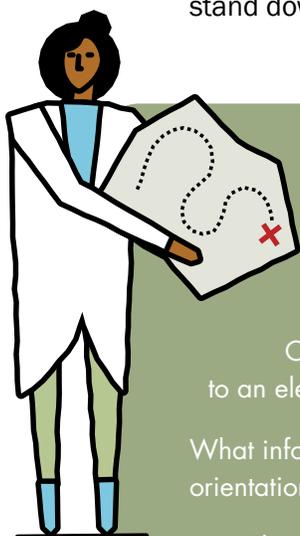
Here, it is important to recognize that **members also have responsibilities**. This can include attending meetings, reading newsletters, and treating Council and staff with respect. Most importantly, **members also have the responsibility to elect a Council that best represents their interests and has the capacity and values to lead the community**.

COUNCIL COMMITTEES

Community Councils can establish committees to help support specific projects and initiatives (e.g., Comprehensive Community Plan Committee, Recreation Committee). Committees can be made up of Councillors, staff, band members, or others and do not need to include a Council member. Here are a few pointers from the *First Nations Governance Handbook* on establishing successful Council committees:

- ✓ Council should create committees for **specific and time-limited purposes** according to predetermined Terms of Reference – they cannot conflict with staff roles or staff committees.
- ✓ Council committees **are to help Council, not administration**, do its job. Committees commonly help Council by playing an advisory role on policy alternatives (like a focus group) and their implications for Council deliberation.

- ✓ Council committees, even those with a Council representative, **do not speak or act for Council** unless formally given the authority to do so. Council cannot delegate legal fiduciary responsibility.
- ✓ Council should be careful to **distinguish between committees** established to develop policy (e.g., Cultural Education Policy Committee) and those established for regulatory or operational purpose (e.g., School Board).
- ✓ Every committee must have a **Terms of Reference** that clearly explains their authority (e.g., advisory), their role (i.e., the focus of their work), their term (i.e., how long they will remain active), and their internal structure (if they are to elect a chair, secretary, etc.). A sample Terms of Reference is provided in the appendix.
- ✓ Every Committee should **be reviewed** (committee members, purpose, etc.) anytime there is an election to ensure committees remain relevant. Committees can also be asked to stand down at each new election.



HINTS & TIPS

COUNCILLOR ORIENTATION

Being a Councillor is a difficult job, particularly when you're new and learning about everything you have to do. A formal **orientation session** for new Councillors, using this Kit as a resource, can go a long way to making the transition to an elected representative that much easier.

What information do new Councillors initially need to know? What should be covered in an orientation?

- A. The policies, procedures and protocols or **'rules'** under which Councils operate
- B. Their **roles and responsibilities and formal obligations**
- C. What the **Council does** and **how it operates**
- D. Council's **management structure** and key administrative staff
- E. Key **policies and procedures**
- F. Meeting times, venues and procedures
- G. Where to go to get **more information or assistance**
- H. How to read **financial statements**
- I. Band **programs and services**

External Stakeholders

NORTHERN SHUSWAP TRIBAL COUNCIL (NSTC)

Our four communities **collaborate on areas of common interest**. The **NSTC is the main vehicle** for that collaboration and coordination.

NSTC is a non-profit organization whose primary purpose is to assist the four member communities at their request, and under their direction via the NSTC's Board of Directors (which is made up of one elected Councillor from each of the four communities). NSTC provides member communities:

- ✓ Advisory and support services to assist member communities in achieving their individual and collective vision for self-governance
- ✓ Advisory and support services to develop governance, human resource management, and capacity building and training for member Councils and staff development
- ✓ Advisory and support services on agreed upon matters of common concern to all communities
- ✓ Support services to help preserve and promote Secwepemc culture and history

A secondary purpose of the NSTC is to **encourage, facilitate, and work toward improving collaboration and cooperation** among member communities and between NSTC and other governments.

In the future, and through ongoing treaty negotiations, a government will evolve to help manage treaty settlement lands and resources, and to participate in regional and provincial fish, wildlife, land, forestry and parks management.

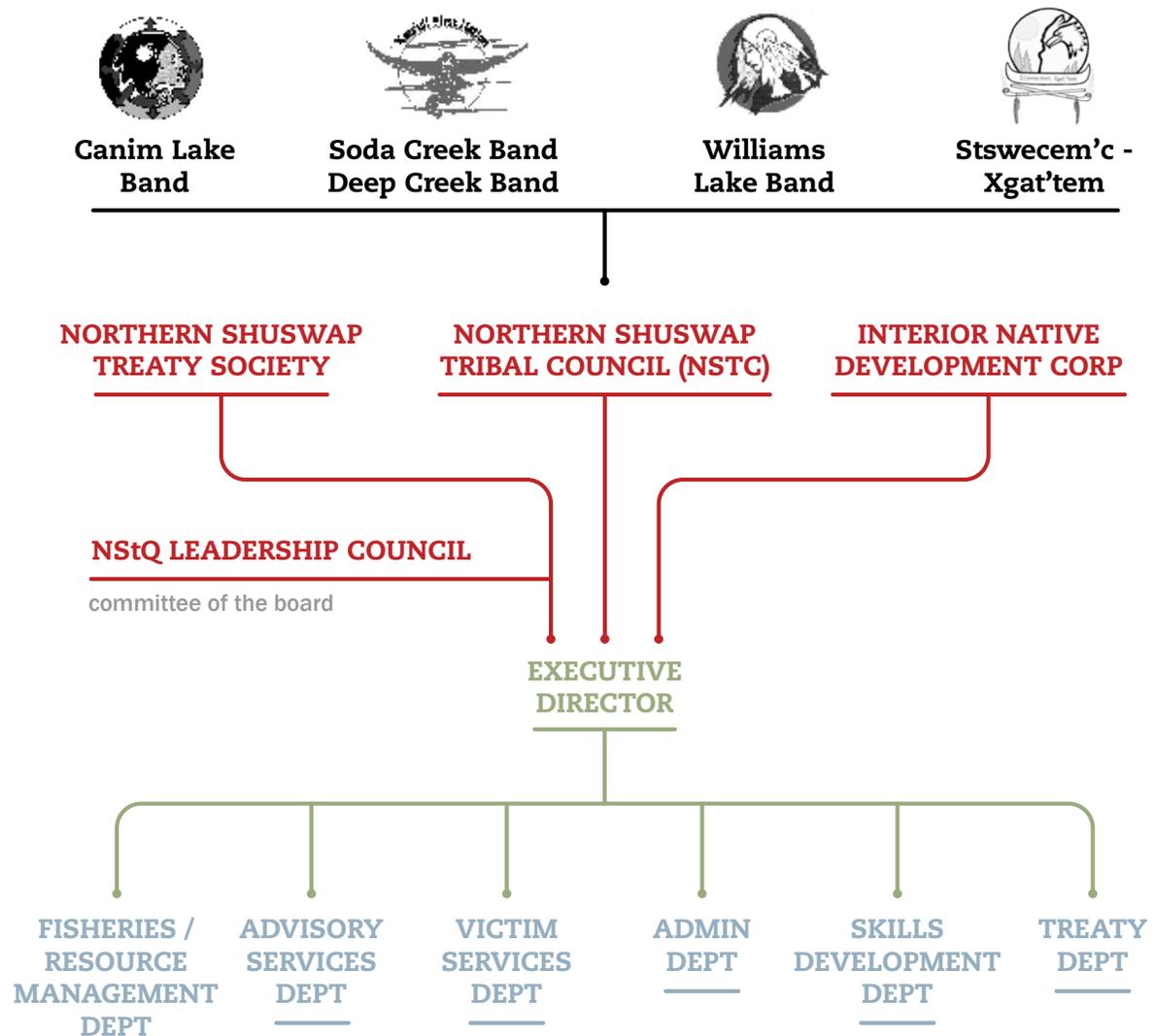
GOVERNANCE AND ADMINISTRATION

A Board of Directors **made up of one elected Councillor from each of the four communities** governs the NSTC. The Board oversees the functions, mandates and operations of NSTC. As illustrated in the organization chart, communities and their elected officials sit on the boards of the NSTC, Northern Shuswap Treaty Society and the Interior Native Development Corporation.



Chief Ann Louie, 2012.

NSTC Organization Chart



NSTC administers and oversees a number of departments and programs.

- ADVISORY SERVICES DEPARTMENT:** This department provides a variety of support and capacity building services in five common areas: governance, community planning, technical resources and capacity, financial planning and management, and economic development. Program offerings and priorities in these areas change each year, as identified by the NSTC Board and Administrators Network. Advisory Services also manage a Citizens' Database to gather information about members work experience, training, education, skills and tradition knowledge. With this valuable information, NSTC can analyze both current and future training and educational requirements, as well as develop strategies to meet those needs. The department also works to provide communities with the services of an Electoral Officer to support their elections.

- **TREATY DEPARTMENT:** This department supports and helps lead ongoing treaty negotiations. A Chief Negotiator may invite those individuals he or she feels are essential to the element being negotiated. The Treaty Department is overseen by the Executive Director with the Treaty Team Coordinator handling the day-to-day operations associated with the management of the First Nations Funding Support Agreement.

- **FISHERIES / RESOURCE MANAGEMENT**

DEPARTMENT: This department manages fisheries resources for member communities and assists with community capacity development activities for the management and preservation of the resource. Management activities are supported through an Aboriginal Fisheries Strategy agreement NSTC has with the Department of Fisheries and Oceans Canada. The department also provides technical support and assistance on natural resource issues to the NSTC's



Practicing Beach Seigning, in preparation for the Pink fishery, Fraser River, Old Soda Creek

Treaty Department and works with member communities to promote stronger participation in the management of the natural resources within our traditional territories.

- **SKILLS DEVELOPMENT DEPARTMENT:** This department advocates for educational and human resource capacity development in all NSTC communities. NSTC and Thompson Rivers University have a unique partnership agreement that creates opportunities for learners through providing courses and programs that meet our labour force needs and cultural values.
- **VICTIMS SERVICES DEPARTMENT:** This department provides justice-related services to assist Aboriginal victims (male, female, adults and children) of all types of crime. This includes victims of crime who may choose not to be involved with the criminal justice system. BC's Ministry of Public Safety and Solicitor General fund the program.
- **INDIAN REGISTRY PROGRAM:** This program administers the Indian Registry for Stswecem'c - Xgat'tem, Soda Creek – Deep Creek and Williams Lake. This includes registering births, deaths, marriages, divorces, name changes, transfers from one Band to another, or correcting any existing errors on the registry. The Indian Registry office also issues Certificates of Indian Status (status cards) and has applications for Indian Registry through Bill C-31.

NSTC STANDING COMMITTEES & COMMITTEES OF THE BOARD

NSTC includes standing committees and one committee of the board that were set up to **deal with specific issues and to support NSTC staff in managing them**. Each of the committees play a vital role in convening staff to discuss specific topics and **have clear roles and responsibilities laid out in individual Terms of References**. In all cases, NSTC working groups and committees **do not directly report to any other body without first consulting their direct supervisors**.

While roles and responsibilities vary from group to group, NSTC developed a sample Terms of Reference structure (see *Appendix*) that clearly identifies the decision-making authority of the working group or committee (i.e., is it an advisory group, decision-making body, or other?), and its reporting hierarchy (i.e., who does the group specifically report to?).

LEADERSHIP COUNCIL

This Board Committee of the NSTC continues to evolve as a **guiding decision-making body for treaty negotiations**. Its purpose is to engage and educate all NSTC elected leaders in treaty issues and to familiarize them with how they will work together once a treaty is finalized.

The committee is **composed of the four community Councils**. Meetings are held on a monthly basis. A **Terms of Reference defines its structure and procedures** and gives the Leadership Council the ability to make decisions and give direction on:

- ✓ Treaty **strategy**
- ✓ Treaty **communications** issues
- ✓ **Boundary issues** with other First Nations
- ✓ **Legal issues** of consequence to all member communities
- ✓ **Fisheries and natural resource issues** of consequence to all member communities
- ✓ **Health issues** of consequence to all member communities
- ✓ **Child welfare, education and social issues** of consequence to all member communities

The Leadership Council may also give direction on “further matters of common concern” as may be delegated to it by a **joint resolution** of the four community governments.

the FACTS

LEADERSHIP COUNCIL - OATH OF OFFICE, CODE OF CONDUCT, CONFLICT OF INTEREST

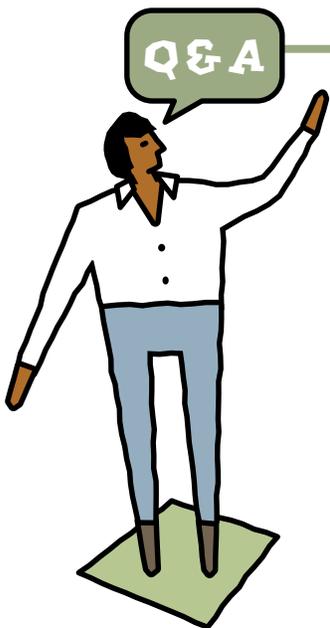
All members of the Leadership Council are, bound by their oath of office as members of community governments. They **must also adhere to their Terms of Reference as a committee of the NSTC Board**, as well as each of their respective community’s **government policies with respect to ethics, conflict of interest and confidentiality**. All Leadership Council members are required to swear a Leadership Council Oath of Office.



- **ADMINISTRATORS’ NETWORK:** This is a **standing staff committee** of the NSTC. It is made up of the Band Administrators of each of the four communities and the NSTC Executive Director. The group meets regularly to offer support and networking to senior administrators, provide a forum to share strategies and solutions to common issues, develop best practices for the NSTC, and to explore methods of cost efficiencies, cost sharing and other innovative solutions to common issues.
- **HOUSING ALLIANCE WORKING GROUP:** This **standing staff committee** provides support for developing and maintaining common housing policies for member communities, and identifies common housing-related training and capacity needs. The working group is made up of one appointed member from each participating community, the NSTC Executive Director and the NSTC Community Services Coordinator.
- **SKILLS DEVELOPMENT WORKING GROUP:** This **standing staff committee** works together to outline the education and training needs of member communities, to develop long-term and short-term education goals, and to explore and determine the course delivery methods for programs offered. The committee is made up of Education Managers/Coordinators of member communities (or alternates) and the NSTC Skills Development Coordinator.

INTERIOR NATIVE DEVELOPMENT CORPORATION

Interior Native Development Corporation (INDC) is a development company owned jointly by the four NSTC communities. **INDC was established as a vehicle to purchase a building in Williams Lake for the NSTC**, who currently rent the building from INDC.



Q: What is a Treaty?

A: While we all know what a treaty is generally, now that you are a Councillor, its important to have a greater level of understanding of the treaty making process and where NSTC is in the process.

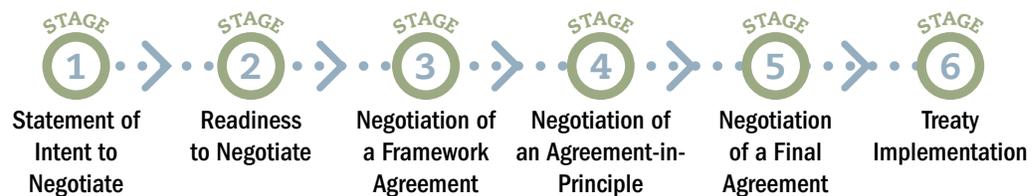
As legally defined, “a treaty is a negotiated agreement that sets out clearly defined rights and responsibilities of First Nations and the federal and provincial governments over far-reaching matters. These include land ownership, governance, wildlife and environmental management, financial benefits and taxation. A treaty is also a full and formal expression of reconciliation between First Nations and government.” After treaty, the First Nation(s) will no longer be under the *Indian Act*. This means many things, including the right to more self-determination. It also means a phasing out of some benefits, like tax exemptions.

Why treaties? Canadian law says that, with or without a treaty, Aboriginal land title and associate rights exist. So why do we need treaties? Without a treaty there is

uncertainty about what land is aboriginal land, which rights belong to who, and other matters. *Treaties provide certainty.*

Who is involved? There are three parties at each treaty table: NSTC, as represented by the Chief Treaty Negotiator, Canada, and BC.

What is the process? The treaty process has six steps. NSTC is in Stage 4 of the treaty process, and has been since 2004



Where are we at in the process? Currently, treaty negotiations are in Stage 4, Agreement-in-Principle. **The goal of Stage 4 is to reach agreement on each of the topics that will form the basis of the treaty.** These agreements will identify and define a range of rights and obligations, including but not limited to:

- ✓ **EXISTING AND FUTURE INTERESTS IN LAND AND RESOURCES**
- ✓ **STRUCTURES AND AUTHORITIES OF GOVERNMENT**
- ✓ **REGULATORY PROCESSES**
- ✓ **AMENDING PROCESSES**
- ✓ **DISPUTE RESOLUTION**
- ✓ **FISCAL RELATIONS**

How long does it take? It can take a very long time to go through the treaty process. Fifteen to twenty-five years is not uncommon. Once the community has ratified the treaty (in Stage 5) it can take an additional three to five years before the treaty can be implemented, due to the changes required to provincial and federal laws.

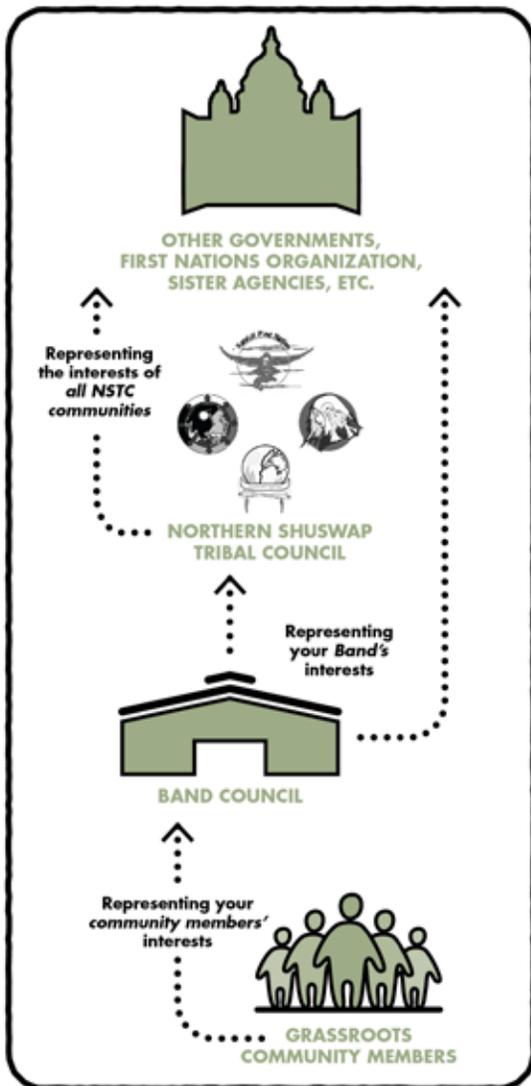
AFFILIATED ORGANIZATIONS & SISTER AGENCIES

The NSTC, elected officials from our four communities, and senior staff from member communities all work with many other organizations and agencies. These range from so called **sister agencies**, or organizations that have been developed to provide services to member communities (e.g., Knucwentwecw Society), to **affiliated organizations**, which are larger groups with broader service areas and mandates that were not set up by or with the assistance of NSTC or member communities.

There are formal agreements for all affiliated organizations and sister agencies. Representatives (typically elected officials or senior staff) are appointed as a designated representative and may sometimes sit on the board of the organization.

Typically, the representatives are either representing individual communities or the NSTC. Terms, responsibilities and authority are typically clearly laid out where a Council representative is sitting on the board of an affiliated organization.

WHO ARE YOU REPRESENTING?



the FACTS

YOU ARE REPRESENTING YOUR COMMUNITY OR THE NSTC, NOT JUST YOURSELF

Remember, when dealing with external stakeholders, you are typically wearing the "hat" of the Politician as a Councillor – that is, representing the values and interests of your community or the NSTC. It's important to know who you are representing when you are dealing with external stakeholders – NSTC, or your Band. If in doubt, ask your Band Administrator.



SISTER AGENCIES

- **KNUCWENTWECW SOCIETY:** A registered non-profit society governed by the *Society Act* with full delegation under the *Child, Family and Community Service Act* to **provide mandated services to children and families residing in our communities**. They provide child protection services, family support services, foster care services and other programs. The Society's board is made up of two representatives from each community Council (who ratify the appointees).
- **THREE CORNERS HEALTH SERVICES SOCIETY (TCHSS):** A registered non-profit society providing a variety of programs, including **pre- and post-natal wellness, mothers' health, alcohol and drug addiction support, healthy living, community care, and medical transportation**. The Society's board is made up two representatives from each participating community (Stswecem'c - Xgat'tem, Williams Lake, Canoe Creek-Dog Creek). Each community Council ratifies their appointees. TCHSS operate their own building in Williams Lake and Health Stations in Soda Creek, Williams Lake (Sugar Cane) and Dog Creek.
- **NORTHERN SHUSWAP CULTURAL SOCIETY:** A registered non-profit society established to pursue the **goal of building a museum and cultural centre** on a parcel of land owned by the 100 Mile House & District Historical Society at the 108 Mile Lake. With the formal support and involvement of Canoe Creek – Dog Creek, Stswecem'c - Xgat'tem, Williams Lake, and the Esketemc First Nation, members are working to raise money to build the facility. The Society's board is made up of two representatives from each participating community.

AFFILIATED ORGANIZATIONS

- **FIRST NATIONS EDUCATION STEERING COMMITTEE (FNESC):** An independent society led by a diverse board of about 100 BC First Nations community representatives committed to improving education for all First Nations students in BC. FNESC works to communicate the priorities of BC First Nations to the federal and provincial governments and to advance education issues. **An appointed delegate**, typically the Education Coordinator or equivalent, **represents each community individually**.
- **FIRST NATIONS EMERGENCY SERVICES SOCIETY OF BRITISH COLUMBIA (FNESC):** An independent society whose mission is to assist First Nations in developing and sustaining safer and healthier communities by providing a variety of programs and services, including **emergency preparedness** planning, **fire services** assistance and training, and a **forest Fuel Management** program. An appointed delegate, typically a Councillor or operations manager, represents each community individually.
- **FIRST NATIONS HEALTH AUTHORITY (FNHA):** The establishment of the FNHA was a key component of the Tripartite First Nations Health Plan signed in 2007. In November 2012,

the FNHA began a process to establish five regional boards, including an Interior Health Board. As one of seven members in the region, **NSTC is will nominate one Political Lead and one Health Director** to sit on the regional board. The regional board will then select one member to represent the larger region on the FNHA Board.

- **SECWPEMC CULTURAL EDUCATION SOCIETY (SCES):** The non-profit organization is devoted to preserving and promoting the language, culture and history of the Secwepemc people. Incorporated under the BC Societies Act in 1983, it is governed by a board of directors with a representative appointed by each of the 17 Secwepemc member bands.

- **SECWPEMC FISHERIES COMMISSION:** Working within the mandate of SNTC, the commission works to manage fisheries in their members' territories and to assert traditional fisheries rights within a co-management framework. SNTC partners with other fisheries organizations for mutual benefit, including the NSTC. One Chief is appointed to represent NSTC communities on the commission.

GOVERNMENTS

Our member communities and the NSTC frequently deal with other levels of government to:

- ✓ Resolve common issues
- ✓ Establish communications and relationship-building protocols
- ✓ Enter agreements for the delivery of services
- ✓ Provide input on various planning initiatives

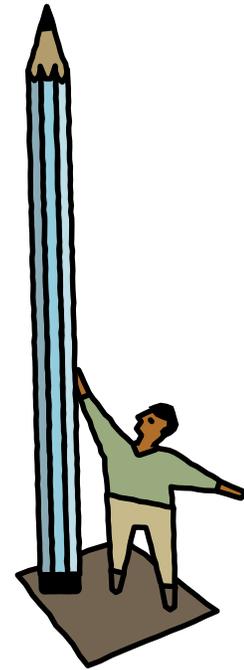
These **relationships and the lines of communication and authority associated with them** are discussed in this section, beginning with local government.

Test Yourself!

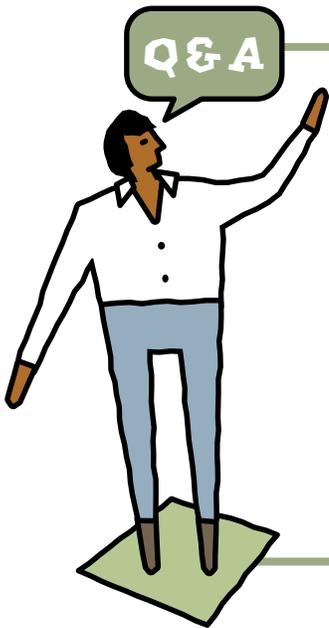
QUESTION #7

Councillor Casual Colleen is a director on the board of an affiliated organization. During a board meeting of the affiliated organization a group comes to the table looking for support. Can Councillor Casual Colleen offer the support of her Band to the project?

- A) Yes.**
- B) No.** A Councillor can't offer the support of their Band or make a statement on the Band's behalf unless they are delegated by Council to speak for Council.



Answer on page 70



Q: What are the 'NSTC Consultation Guidelines'?

A: In June 2009, the Leadership Council endorsed *NSTC Consultation Guidelines: a Guide for Government and Third Parties*.

The document lays out the **guiding policy for governments, including Aboriginal governments, and third parties to engage Leadership Council on proposals, issues and activities within the Secwepemcul'ecw.**

It should be consulted when dealing with **any of the governments and third parties highlighted in this document.** Copies of the guidelines are available through the NSTC website.

LOCAL GOVERNMENTS

There are a number of neighbouring local governments, including regional districts and municipalities, where community members live or work (e.g., Williams Lake, 100 Mile House), and/or with whom communities may be involved in joint projects and planning (e.g., Likely – Xatšūll Community Forest). **The role and authority of elected representatives and NSTC varies according to the undertaking and/or issue at hand.**

- **CARIBOO REGIONAL DISTRICT/ THOMPSON-NICOLA REGIONAL DISTRICT:** These two regional districts occupy a large portion of NSTC's treaty Statement of Intent. Like other regional districts in BC, they provide residents of unincorporated, non-reserve areas (i.e. electoral areas) with basic local government services, like water or sewer services, fire protection, solid waste, or manage land use planning. They also provide services that municipalities (Williams Lake, 100 Mile House, Quesnel) cannot provide on their own, like landfills and transfer stations, airports, water and sewer facilities.

the FACTS

LOCAL GOVERNMENTS AND TREATY

As a lower level government, the regional districts are not at the treaty table. The **Cariboo Regional District does maintain a Treaty Advisory Committee** made up of representatives from member municipalities and Regional District board members. The NSTC Treaty Department, working with the Board of Directors/Leadership Council's guidance, would coordinate any treaty-related discussions or presentations with the Treaty Advisory Committee.



The major areas that Councillors would likely work with or meet with a regional district on **include regional district service agreements, and joint planning initiatives**. In each of these cases, the role and authority of Councillors would vary according to the undertaking and/or issue in discussion.

Currently, Soda Creek – Deep Creek and Williams Lake Band have service agreements with Cariboo Regional District for 911 Emergency Service and solid waste (garbage and recycling).

- **CITY OF WILLIAMS LAKE:** The City of Williams Lake is the region's major service centre and home to almost 12,000 residents, many of them community members living off-reserve. In addition to bordering Soda Creek – Deep Creek and Williams Lake Indian Band, the City is also home to the NSTC and many other aboriginal organizations and agencies.

Williams Lake Band has a service agreement with the City of Williams Lake for fire protection services and garbage pick-up.

Williams Lake also signed **Protocol Agreements** with the Williams Lake Band in 2004 and Soda Creek – Deep Creek in 2005 on working together to foster relationships and collaboration. The City also signed a **Communications Protocol** with NSTC (then called the Cariboo Tribal Council) in 2005.

- **DISTRICT OF 100 MILE HOUSE:** The District of 100 Mile House is a primary service centre for the South Cariboo and has a population of approximately 2,000. Canning Lake's main community is located close by.

PROVINCIAL AND FEDERAL GOVERNMENTS

As a department of the federal government, **Aboriginal and Northern Development Canada** (formerly Indian and Northern Affairs Canada, or INAC) is the major government player that you will be working with, either at the community-level, or at the NSTC. Aboriginal and Northern Development Canada (AANDC) negotiates and administers core funding agreements with each of our four communities for programs, services and infrastructure.

Other federal departments our communities and NSTC work with regularly include **Canada Mortgage and Housing Corporation (CMHC)**, which provides housing support, and **Health Canada**, which funds our health care programs and services.

Other federal government departments we work with include Department of Fisheries and Oceans Canada (DFO) and the RCMP. The **Aboriginal Fisheries Strategy Agreement** is an ongoing agreement with DFO that is renewed regularly. All four communities have a community Tripartite Agreement with the RCMP and BC for police services. The agreements are done individually with each community and reviewed regularly.

Our communities also regularly work with the provincial Ministry of Children and Families on education and social development programming and projects.

We have also worked with the **First Peoples' Cultural Council**, which is a First Nations-run Crown Corporation with a mandate to support the revitalization of aboriginal language, arts and culture in BC. They have provided some language training support funding.

Of course, we are also working with both BC and Canada at our treaty table. Through negotiations other Ministries and agencies may become involved, like the BC Treaty Commission, the independent facilitator for treaty negotiations amongst the governments of Canada, BC and First Nations in BC. NSTC's Treaty Department (with support from the Leadership Council) is the main body that interacts with the BC Treaty Commission.

the FACTS

WHERE THE MONEY COMES FROM

Our communities, and NSTC, receive the majority of program, service, infrastructure and capital works, and operations funding from the federal and provincial governments. While we do generate some own-source revenues, these typically make up a small piece of the pie. Our main funders include:

- ✓ **Aboriginal and Northern Development Canada (AANDC):** Provide core funding for many Band programs, services, infrastructure and capital works, and special planning initiatives (e.g., comprehensive community planning, economic development planning).
- ✓ **Canada Mortgage and Housing Corporation (CMHC):** Provides funding for the construction, purchase and rehabilitation, and administration of rental housing on-reserve, and provides loan insurance options to help members on-reserve buy, build or renovate homes.
- ✓ **Health Canada:** Funds our health care programs and services contribution agreements, the Government of Canada provides funding that must be spent according to agreed upon conditions. Spending is monitored and reviewed to ensure that these conditions are met
- ✓ **Province of BC:** Working through various Ministries (e.g., Children and Family Development, Education, Social Development, Environment) The province provides program funding, including education, child welfare, social welfare, natural resource management and other program areas.

Grants and funds are provided through a variety of funding models with these partners, including special contribution agreements, block funding, and grants. The funding procedures and reporting requirements typically take up a considerable amount of Council time.





Looking over Wycotte Flats near Dog Creek

ABORIGINAL ORGANIZATIONS

- **ABORIGINAL FINANCIAL OFFICERS ASSOCIATION (AFOA):** AFOA is a non-political, Aboriginal controlled, membership based organization governed by a Board of Directors. It was founded in 1999 as a result of a joint initiative of the AFN and the Certified General Accountants Association (CGA) of Canada to raise financial and management skills in First Nations and to build the foundation for self-government. AFOA's premise is that developing finance and management skills is essential to Aboriginal economic and social prosperity. AFOA has a chapter in BC with a board of Directors comprised of senior financial managers from the province and member communities. There is a fee for membership and services.
- **ASSEMBLY OF FIRST NATIONS (AFN):** AFN is the national representative organization of the First Nations in Canada on such matters as Aboriginal and Treaty Rights, economic development, education, languages and literacy, health, housing, social development, justice, taxation, land claims, the environment, and other issues that are of common concern which arise from time to time.

The AFN is divided into ten regions, including BC, where the **BC Assembly of First Nations** (BCAFN) represents it. A Board of five directors who are elected to three-year staggered terms governs the BCAFN. Each director is a Chief or designate from their First Nation.

The AFN has established a number of national committees and working groups, which are generally made up of one representative from each region. In BC, the Chiefs in Assembly have also established a number of councils, committees and working groups. The Regional Chief is responsible for making appointments to these bodies. To be considered for appointment to national committees and working groups, or a regional council, committee or working group as a political representative, a potential BCAFN appointee must:

- ✓ Be an elected Chief of his or her First Nation community;
- ✓ Have served as the Chief of his or her First Nations community for not less than two years before being considered for an appointment to a committee or working group; and
- ✓ Have expertise and a minimum of two years experience in dealing with the issue(s) addressed by the relevant committee or working group.

To be considered for appointment to a committee, council, or working group as a technical representative, the potential appointee must have expertise and a minimum of five years experience in dealing with the issue(s) addressed by the relevant committee or working group.

- **CONGRESS OF ABORIGINAL PEOPLE (CAP):** Founded in 1971 as the Native Council of Canada, CAP is a nationally incorporated umbrella organization that represents the interests of aboriginal people living off-reserve. CAP has provincial and territorial affiliate organizations, which make up the corporate members of the organization, and a head office in Ottawa, which is the centre of operations for its elected executive of a National Chief and Vice Chief. Each affiliate has its own constitution and is separately funded. Affiliates also receive federal and provincial funding to carry out a wide range of programs and services for their members and constituents. CAP participation in those programs is usually limited to lobbying for federal funding, and monitoring the national scope of some programs. The CAP affiliate in BC is the United Native Nations Society, located in Vancouver.
- **FIRST NATIONS SUMMIT (FNS):** FNS is comprised of First Nations and Tribal Councils in BC that are signed on to the BC Treaty Process and provides a forum for them to address treaty-related issues as well as other issues of common concern. NSTC is a member of FNS.

A Task Group that is the organization's Political Executive governs FNS. The group is elected and authorized by Summit Chiefs in Assembly to carry out specifically mandated tasks on issues related to treaty negotiations. FNS Co-Chairs are the Executive Members responsible for the administration of the First Nations Summit. The Co-Chairs are elected and authorized to carry out specifically mandated tasks on issues related to treaty negotiations.

Community Chiefs participate in the Summit Chiefs in Assembly and vote in the election of the Task Group and Co-Chairs.

- **FIRST NATIONS LEADERSHIP COUNCIL:** The political executives of the BC Assembly of First Nations (BCAFN), the First Nations Summit (FNS) and the Union of BC Indian Chiefs (UBCIC) work together as the First Nations Leadership Council (FNLC). The FNLC is guided in its work by the Leadership Accord itself, which serves as the Terms of Reference for the FNLC. The FNLC is not a legal entity, but rather is a collaborative dialogue process and working relationship between the three political executives. Each organization continues to uphold its own governance rules and accountability mechanisms to its constituents.

The FNLC is a political process, not a new organization. Its purpose is to generate political power through cooperation and collaboration between the existing provincial First Nations organizations. The mandate of the Leadership Council is determined only through the mandates of each of its participating organizations – the BCAFN, FNS, and UBCIC – as established via resolution of their respective memberships.

- **UNION OF BC INDIAN CHIEFS (UBCIC):** Founded in 1969 by a majority of Chiefs in BC, UBCIC works to support the work of our people, whether at the community, nation or international level, in our common fight for the recognition of our aboriginal rights and respect for our cultures and societies. One of their programs, UBCIC Research, is the largest specific claims research association in Canada. They are funded by the federal government to undertake free specific claims research and legal analysis on behalf of BC First Nations, regardless of political membership with the UBCIC. The organization carries out other research, capacity building and networking initiatives, and provides a wide range of helpful resources.

Located in central BC in the Cariboo Chilcotin region, the Northern Secwepemc te Qelmučw (NStQ) are the Shuswap people of the north and is made up of four NSTC communities:

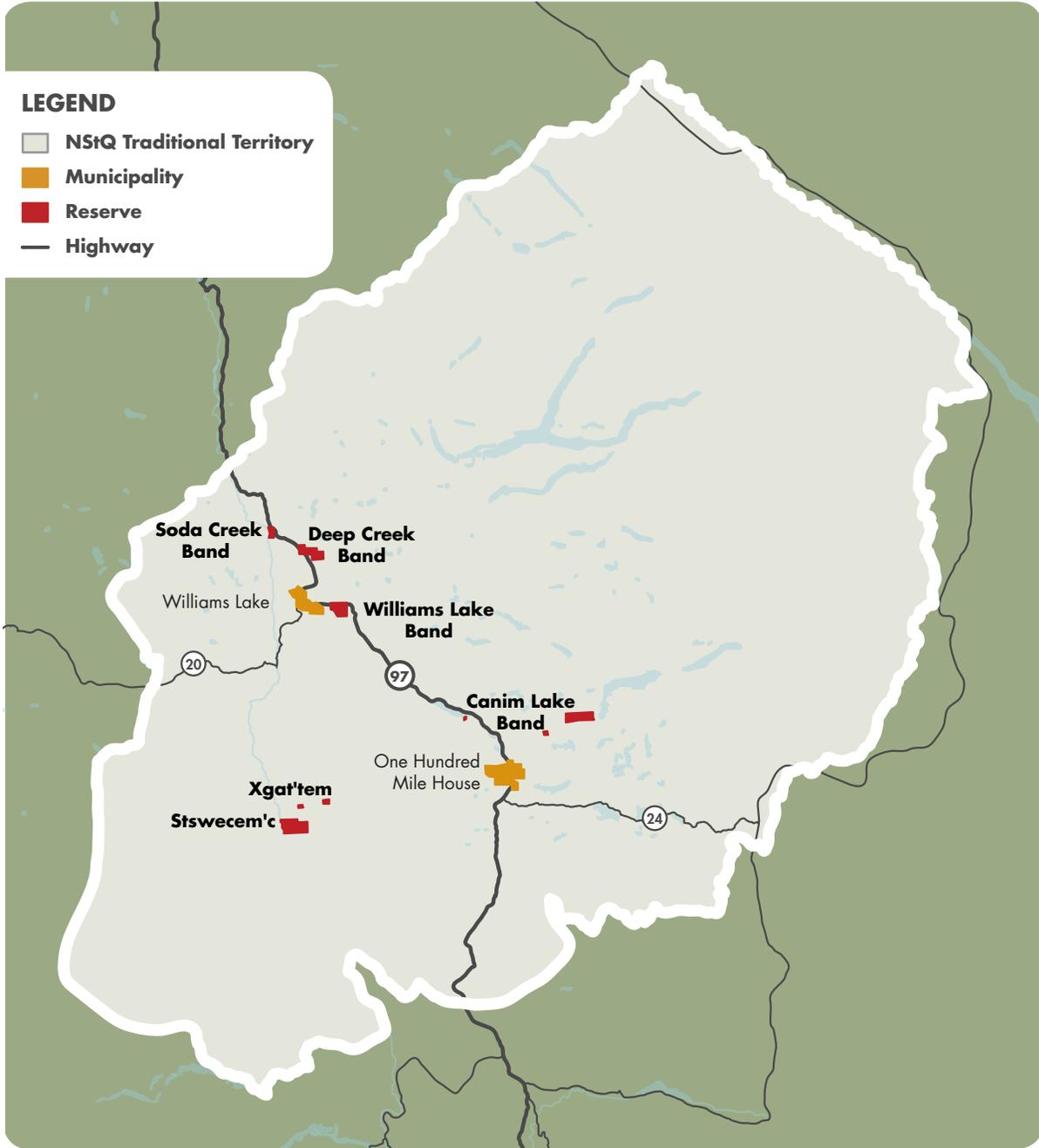
- **CANIM LAKE (TSQ'ESCEN')**
- **STSWECEM'C - XGAT'TEM (CANOE CREEK - DOG CREEK)**
- **SODA CREEK - DEEP CREEK (XATSÜLL - 'CMETEM')**
- **WILLIAMS LAKE (T'EXELC)**

A fifth community, Esk'etemc (Alkali), is part of the NStQ but not the NSTC. Esk'etemc has 19 reserves situated on the Fraser River southwest of Williams Lake, with an approximate total area of 3,800 hectares. Esk'etemc's administrative offices and the majority of the population are located on IR #1 (Esk'et) about 50 kilometres from Williams Lake on the east side of the Fraser River at Alkali Lake.

Together, the four NSTC communities and Esk'etemc make up five of the 17 Shuswap bands that are known as the Secwepemc Nation. The map shows the locations of the four NSTC member communities.

As a Councillor for your Band, you will be working closely with Councillors from the other three NSTC Bands through the Leadership Council, or on other matters through the NSTC. Because of this, it's important to know a bit about the other communities. This section provides an overview of each community, including its location, government departments, organizational structure and economic development activities.

Our communities and Statement of Intent lands



Note: not all reserves are shown



The people of Stswecem'c - Xgat'tem were, at one time, two distinct Bands, Stswecem'c (Canoe Creek) and Xgat'tem (Dog Creek). The federal government amalgamated them in the 1800's after a smallpox epidemic greatly reduced their populations. Today, they are known as "one community with two villages."

Located in a semi-remote area approximately 140 kilometres southwest of Williams Lake on the east side of the Fraser River, there are twelve reserves totaling 5,880 hectares. The population of Stswecem'c - Xgat'tem totals about 720 members with about 35% living on-reserve.

The Stswecem'c - Xgat'tem Band office is located in Dog Creek. The community is also home to a post office, a small gymnasium/community centre and the Canoe Creek CO-OP store, which sells gas, groceries, and other supplies. The community of Canoe Creek has a band school and a gymnasium/community centre, a historic log church, and a pow-wow arbour that was built by community members.

GOVERNMENT

A six member Council governs the community under an *Indian Act* election system. The term of office for all Council members is two years. Councillors must run for either Dog Creek (where there are three Councillor positions) or Canoe Creek (where there are two Councillor positions). The Chief runs to represent both communities.



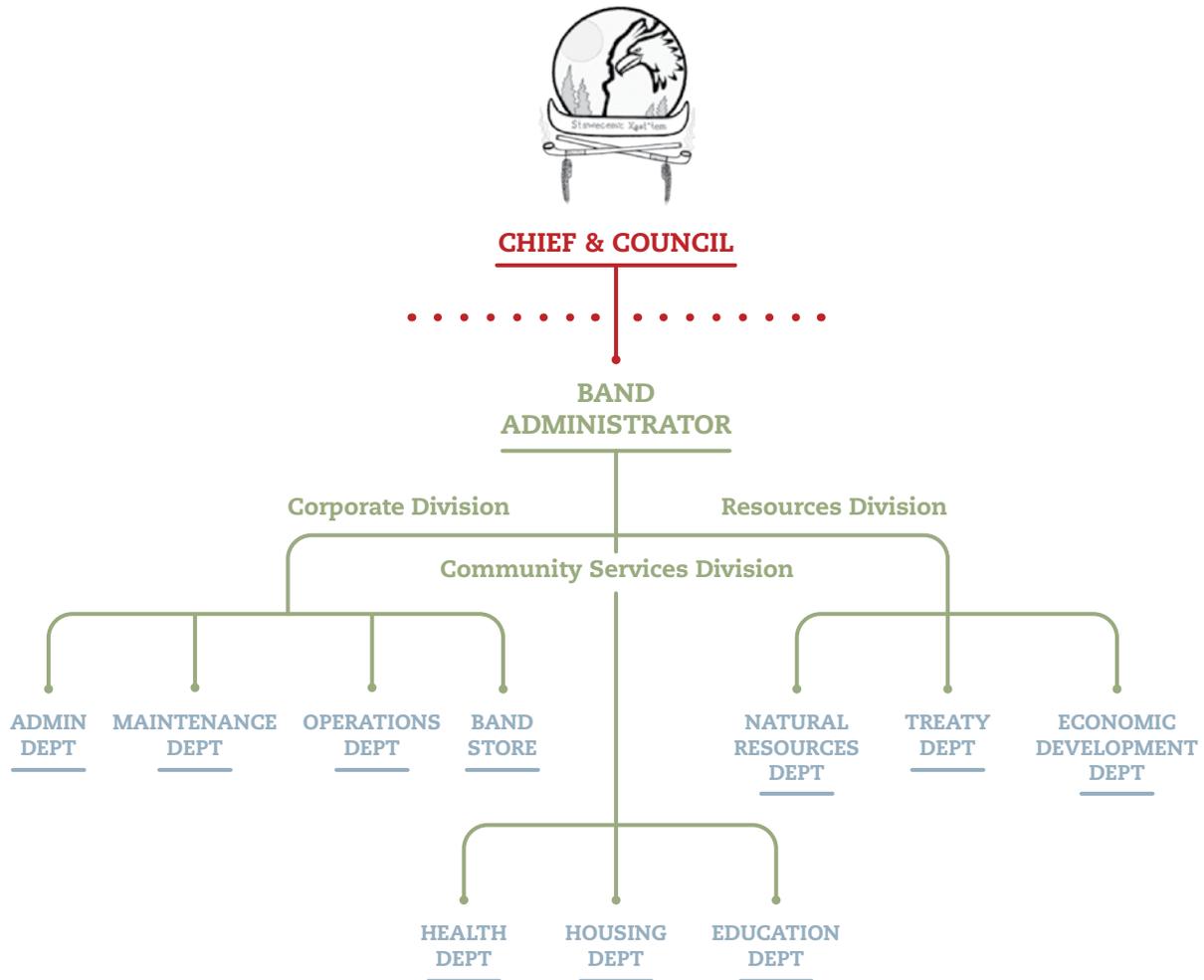
Administration Office



ADMINISTRATION

Stswecem'c - Xgat'tem follows common employee policies developed with Northern Shuswap Tribal Council. Band administration organization is illustrated below.

Stswecem'c - Xgat'tem Organization Chart



KEY POLICIES, CODES & BYLAWS

As a Councillor or senior staff member with Stswecem'c - Xgat'tem, it is expected that **you read and are familiar with a number of important policies, codes and bylaws.**

- Housing Policy
- Human Resources Policy
- Financial Policy
- Conflict of Interest
- Code of Conduct
- Oath of Office
- Overview of Portfolio

ECONOMIC DEVELOPMENT

Stswecem'c - Xgat'tem Development Limited Partnership (SXDLP) is a provincially registered partnership with a mandate to invest in various joint ventures and conduct business activities relating to economic development for Stswecem'c - Xgat'tem. Formed in 2007, SXDLP currently operates in forestry, agriculture and mining.

SXDLP is working hard to restore the local grasslands ecosystem. Through the Job Opportunities Program, established work crews are building stock trails to move cattle in and around Alberta Lake and away from grasslands, riparian areas and endangered species habitat. SXDLP has invested in training and equipment, providing skilled jobs for band members. Restoring the grasslands is supporting their local eco-system, building pride in the traditional territory, and helping the community prosper.





WILLIAMS LAKE BAND

(T'EXELC)

Williams Lake Band (T'exelc) has eight reserves totaling about 1,925 hectares. The community has a growing membership of about 725 (2012), with about 30% of members currently living on the community's main reserve, Sugarcane, which is just eight kilometres south of Williams Lake. An administration office is located in the community along with a full sized gymnasium (with a fully equipped weight room and sauna), and an elementary school.

GOVERNMENT

A six member Council governs the community under a Custom Election Code. The term of office for all Council members is four years, with staggered elections carried out every two years to help ensure some governance continuity.

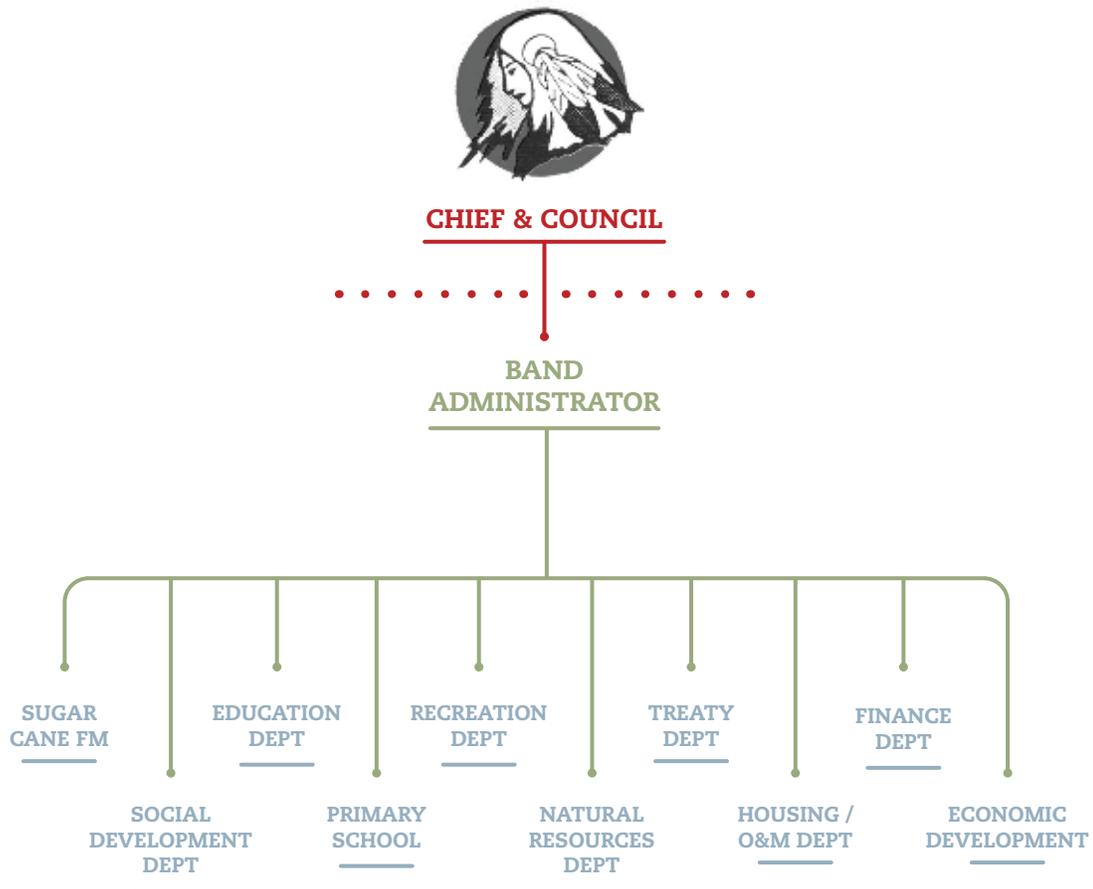
ADMINISTRATION

Williams Lake Band administration is located on the Williams Lake reserve. It includes several departments, all of which report to the Band Administrator who reports to Council.



Administration Office

Williams Lake Band Organization Chart



KEY POLICIES, CODES & BYLAWS

As a Councillor or senior staff member with Williams Lake Band it is expected that **you read and are familiar with a number of important policies, codes and bylaws.**

- Election Code
- Privacy Law
- Code of Conduct
- Governance Orientation Manual
- Finance Policies
- HR Policies
- Housing Policies
- Membership Code
- ISO (Note: The Williams Lake Indian Band is ISO 9001:2008 certified [#522564], with a scope that covers administrative support and services to Band Members, program management, and delivery of services provided to the community)

ECONOMIC DEVELOPMENT

Williams Lake Band operates several businesses, which are all operated as individual corporations. A special Terms of Reference and Handbook was developed for any Director sitting on a T'exelc business board.

- **CHIEF WILLIAM HERITAGE SITE AND RV PARK:** Located on Highway 97, five minutes south of the City of Williams Lake, the facility includes 32 serviced RV sites, space for 200 tents, laundry facility, showers, covered eating areas and a heritage park with a pow wow arbour and large replica pit house. The pow wow arbour has the capacity to seat over 1,000 people. This structure was built by Band members and hosts the annual Community Chief William Fathers Day Pow Wow in June.
- **BORLAND CREEK LOGGING:** A Band-owned company with equipment, crew and silviculture technicians. Borland Creek's timber supply currently includes tenures, woodlot licenses and salvage contracts. A five-person board of directors oversees the company.
- **COYOTE ROCK GOLF COURSE:** A 9-hole Master's length course with pro-shop and licensed restaurant. They also sell clothing and accessories at an online store.
- **COYOTE ROCK DEVELOPMENT AREA:** A flexibly zoned development site located along Highway 97 near the Coyote Rock Golf Course with highway commercial opportunities. T'exelc is willing to entertain discussions about a variety of business relationships, from short-term tenancies, to longer-term tenures, to limited partnerships. The site includes residential development sites surrounding the Coyote Rock Golf Course.
- **SUGAR CANE DEVELOPMENT CORP:** A small development corporation that leases out two lots in the City of Williams Lake (IR6) and billboards along Highway 97 on reserve land.
- **SUGAR CANE FM:** An independent, non-profit society that operates a community radio station on 100.7 FM. The station is currently upgrading its antennae to increase its power and the size of its listening area.



Coyote Rock Golf Course

- SUGAR CANE PETROLEUM PRODUCTS:**
 A Band-owned corporation that operates a gas station and convenience store under an independent board of directors located near Chief William Heritage Site and RV Park. The gas station and store is T'exelc's most consistently successful business and pays an annual royalty to the Band.



Williams Lake Indian Band

- SUGARCANE TREADPRO:** Serving the whole of Western Canada, Sugarcane Treadpro is a joint venture between Williams Lake Band and the private company, Treadpro Group. Located on Highway 97S next door to Chief Will Yum Gas Bar/Food Store and Camp Site.



Sugarcane Treadpro Tire Centre



CANIM LAKE BAND

(TSQ'ESCEN')

Canim Lake Band (Tsq'escen') has six reserves totaling about 2,060 hectares. The largest and main population centre, Canim Lake #1, is located north east of One Hundred Mile House, six kilometres from Canim Lake. The community has a growing membership of about 600, with about 70% of members currently living on reserve, mostly on Canim Lake #1. An administration office is located in the community along with an elementary school, health centre, and elders' centre.

GOVERNMENT

A five member Chief and Council governs the community under a Custom Election Code. The term of office for all Council members is four years, with staggered elections carried out every two years to help ensure some governance continuity.

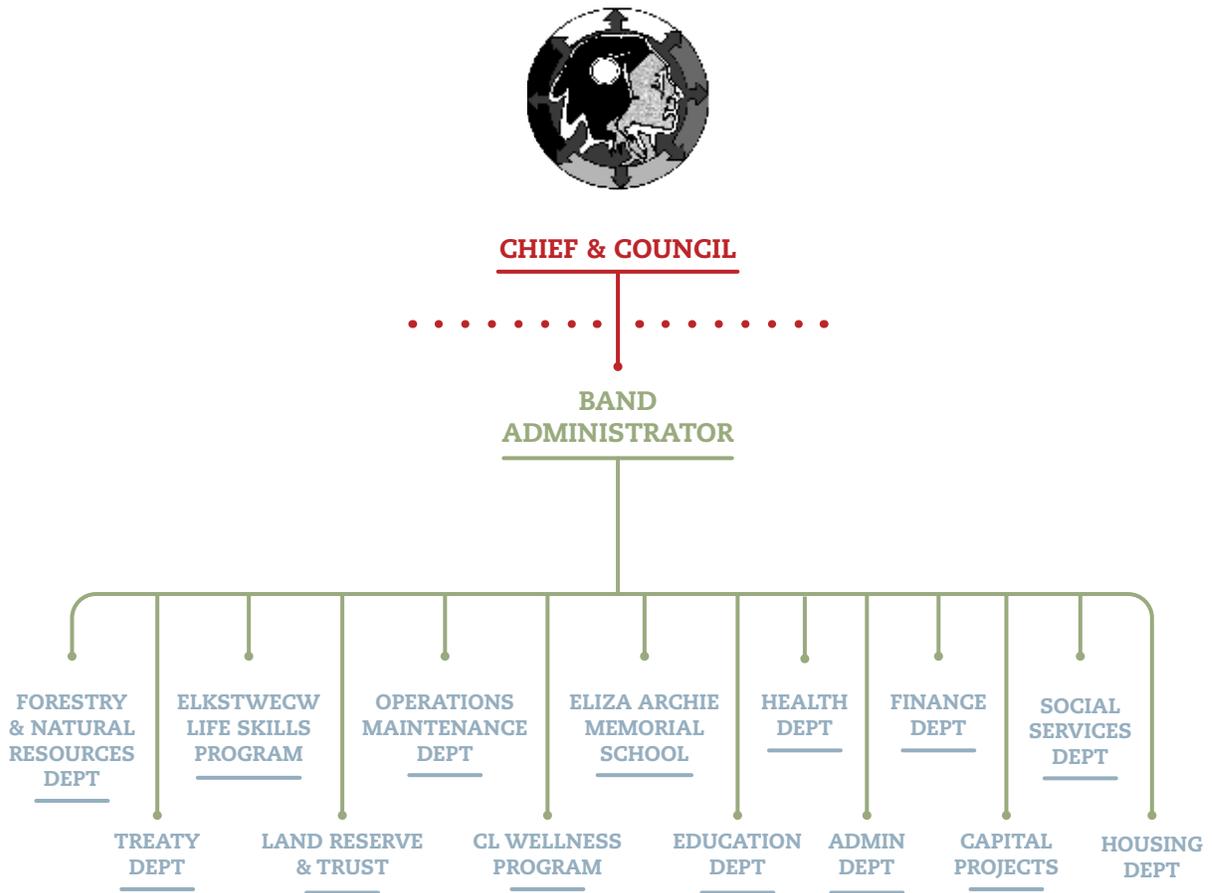
ADMINISTRATION

Under the direction of Chief and Council, Canim Lake Band operates various programs through six departments.



Administration Office

Canim Lake Band Organization Chart



KEY POLICIES, CODES & BYLAWS

As a Councillor or senior staff member with Canim Lake Band, it is expected that **you read and are familiar with a number of important policies, codes and bylaws.**

- Canim Lake Governance Policy
- Code of Ethics (Code of Conduct, Conflict of Interest) – in Governance Policy
- Housing policy
- Education policy
- HR Manual

ECONOMIC DEVELOPMENT

Canim Lake currently operates two ventures, Teniye Logging Ltd. and the CLB Development Corporation. Teniye Logging Ltd. is a Band-owned company established to complete logging contracts with the West Fraser Mills, private contracts, and the Band. CLB Development Corporation was originally established to hold titles for land parcels, but has gone through a few stages of growth in the Economic Development field.





Soda Creek – Deep Creek Band (Xatsüill - ‘Cmetem’) has two reserves between them totaling 2092 hectares. The largest and main population centre, Deep Creek #2, is located 35 kilometres north of Williams Lake on Highway 97. The community has a growing membership of about 410, with about 38% of members currently living on-reserve. The community is home to a new administration building, health building, natural resources trailer, maintenance/economic development building, restaurant, maintenance workshop and old community hall (which is scheduled to be replaced with a new facility shortly). There are also facilities associated with Xatsüill Heritage Village and Whispering Willows Campsite.

GOVERNMENT

A five member Chief and Council governs the community under a Custom Election Code. The term of office for all Council members is four years, with staggered elections carried out every two years to help ensure some governance continuity.

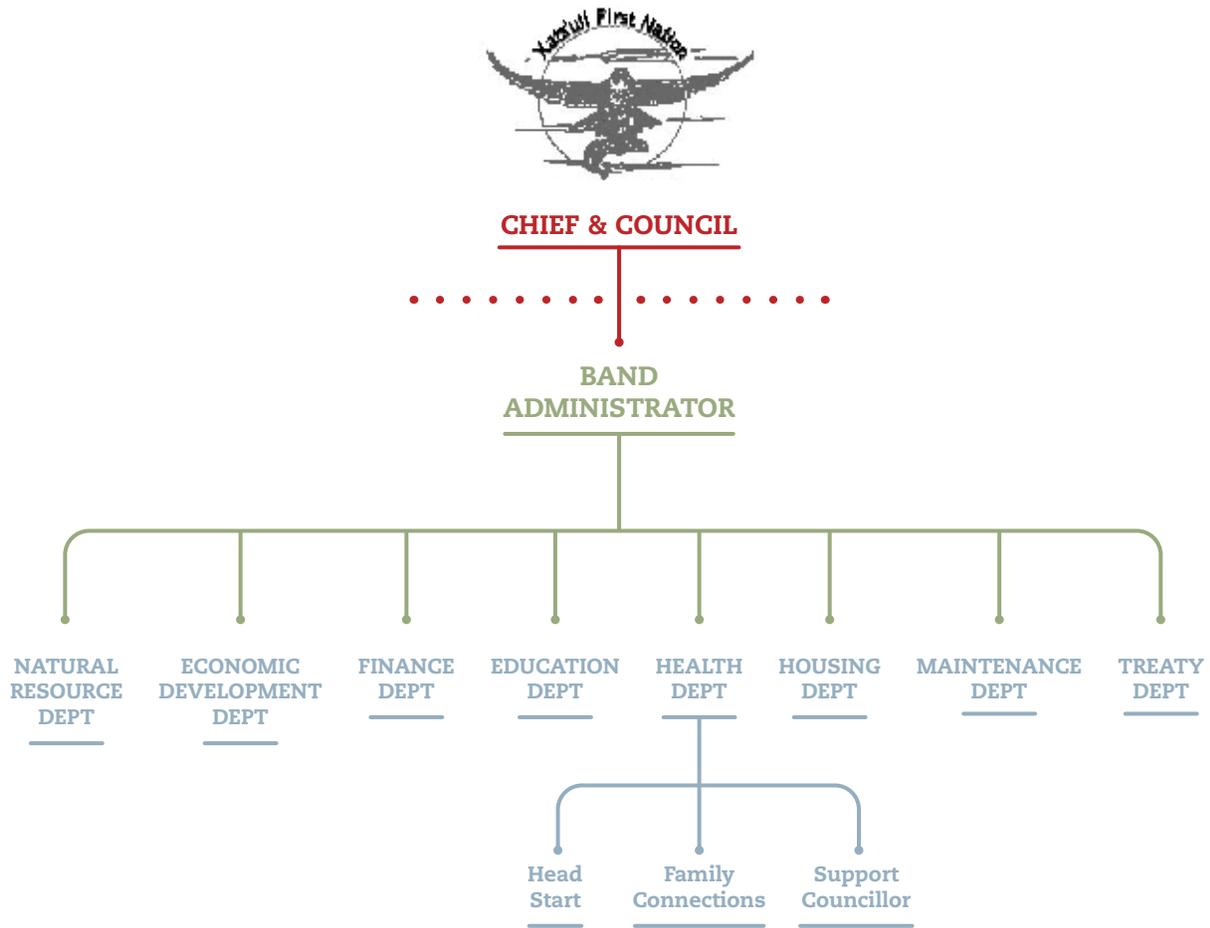
ADMINISTRATION

Soda Creek – Deep Creek Band operates various programs through several departments.



Administration Office

Soda Creek – Deep Creek Organization Chart



KEY POLICIES, CODES & BYLAWS

As a Councillor or senior staff member of the Soda Creek – Deep Creek Band, it is expected that you read and are familiar with a number of important policies, codes and bylaws.

- Human Resources Policy
- Election Code
- Conflict of Interest Policy
- Code of Conduct
- Financial Procedures

ECONOMIC DEVELOPMENT

In 2001, the Soda Creek – Deep Creek Band decided that the best way to operate its commercial enterprises was through a limited partnership consisting of an incorporated general partner (Xat'súll General Partner Ltd.), who operates businesses, and with a limited partner (the current Chief & Council).

Xat'súll General Partner Ltd. currently operates two social enterprises, Xat'súll Heritage Village and Whispering Willows Campsite.

Xat'súll General Partner Ltd. has a working business relationship with the community of Likely with whom they jointly operate and manage a community forest.



Xat'súll Heritage Village



As a resource, this learning module is for readers to:

- ✓ Test their knowledge about community and NSTC governance and operating procedures
- ✓ Answer some FAQs (frequently asked questions) and common scenarios that current and prospective leadership face frequently
- ✓ Provide some links to other helpful governance tools and resources to support ongoing learning and capacity building of member communities

TEST YOUR KNOWLEDGE

Do you feel ready to test your knowledge? Have you already answered the scenario questions in this guide? If you have, visit www.northernshuswaptribalcouncil.com and look for the Governance page to **test your knowledge** on governance issues, financial management and other important topics. You can also **access** other materials on the website, including this document and some of the other learning resources referred to throughout the document.

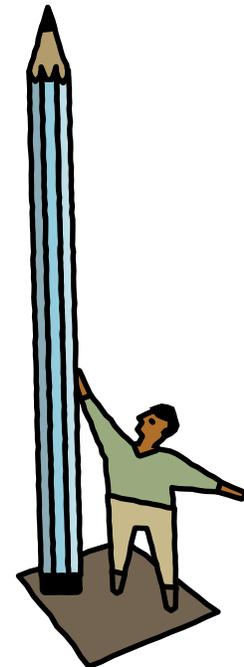
Answers to the 'Test Yourself' questions throughout the document are shown below.

1: A (see page 19)

No. Councillor Bob should not be interfering. He can tell his friend to follow the process outlined in her contract with the Band.

2: C (see page 20)

Yes. There are official avenues for gathering feedback that should be used for this type of interaction. Even through Councillor Chatty Cathy is probably just being friendly and trying to be helpful, it could be seen as favouritism.



3: B (see page 23)

Yes. Council has already given him the authority to create the policy, and he can decide which methods he wants to use to do this – including consulting with members.

4: B (see page 25)

No. A Councillor has no special privileges and perks and is subject to the same policies (Human Resources, etc.) that all other staff must follow. He also cannot manage staff. That is the role of Department Managers, who can only manage their own staff, or the Band Manager who manages the Department Managers.

5: C (see page 27)

Tell his sister-in-law to talk to their supervisor and go through proper channels.

6: B (see page 32)

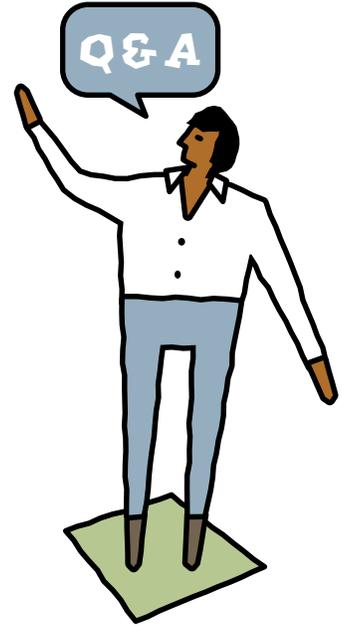
No. The Chief should not speak directly to the Treaty Director about the issue, not avoid members or staff, but should listen to the member's concerns and direct them to the proper person, department or process. It is called an "end-run" when communication channels and staff hierarchies are ignored. Except in very special situations (such as whistle blowing), end runs are wrong. They can intimidate other staff, create perceptions of favouritism, and may poison workplace morale.

7: B (see page 45)

No. A Councillor can't offer the support of their Band or make a statement on the Band's behalf unless they are delegated by Council to speak for Council.

FAQS (Frequently Asked Questions) & COMMON SCENARIOS

Here are some FAQs and common scenarios Councillors and Band Administrators often face that were heard while putting together this guide. Try answering these questions yourself in the space provided before checking the answer.



GOVERNANCE & DECISION MAKING

1. **Q:** What is good governance?

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A: Good governance means that Council is always acting in the best interest of the band and the band members. Council is accountable to members, acts in accordance with their roles and responsibilities, and uses their authority for the good of the group, not for personal gain. Good governance is also responsive to the present and future needs of society. See Module 1 for more information. (see page 4)

2. **Q:** What happens when authority is overstepped?

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A: First off, whatever decision has been made is reversed or rescinded; you can only make a decision if you have the legal or procedural authority to make it. Second, depending on the severity of your actions, you will likely face disciplinary action. Disciplinary action will depend on how much you've overstepped your authority and if a policy, by-law, or code has been broken in the process (e.g., Code of Conduct, Financial Management Act). (see pages 19, 28, 44)

3. Q: What are “sister organizations”?

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A: Organizations that have been developed to provide services to NSTC communities (e.g., Knucwentwecw Society). (see page 44)

4. Q: Who has authority to make decisions with sister organizations?

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A: The board of the sister agency makes decisions for the organization. NSTC Bands appoint one or more of their elected officials to sit on the board of the sister organizations. These boards might also have other board members, for example, from other communities or Nations. (see page 44)

5. Q: What’s an “affiliated organization”?

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A: Larger groups with broader service areas and mandates, not specifically created for or by NSTC Bands. (see page 45)

6. Q: What is a treaty?

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A: A treaty is a negotiated agreement between a First Nation(s), and the BC and federal governments that sets out rights and responsibilities over topics like land ownership, governance, wildlife and environmental management, financial benefits and taxation. A treaty is also a full and formal expression of reconciliation between First Nations and government. (see page 42)

7. Q: What treaty stage is NSTC in?

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A: NSTC is in Stage 4, Negotiation of an Agreement in Principle. NSTC entered the treaty process in 1995 and has been in Stage 4 since 2004. Treaty is a complex process and often takes many years. (see page 43)

SCENARIO QUESTIONS

The following questions and scenarios provide examples of common, day-to-day issues that Councillors face frequently. Where appropriate page numbers are provided for where the Governance Kit provides specific answers.

POLICIES AND PROCEDURES – COMMUNITY LEVEL

Questions about roles and responsibilities of Chief and Council and administration.

- 1. **Q:** Is it true that each Council can only directly supervise, hire and evaluate the Band Administrator (or equivalent)?

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A: True. The Band Administrator is the only staff member that Councils are responsible for overseeing. The Band Administrator is responsible for the supervision, hiring and evaluation of Band staff. (see page 9)

- 2. **Q:** Typically, a Terms of Reference for Council Committees should describe what?

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A: A Terms of Reference (ToR) should clearly and simply describe the committee’s authority (e.g., advisory), their role (i.e., the focus of their work), their term (how long they will remain active), and their internal structure (if they are to elect a Chair, secretary, etc.). (see page 81)

3. Q: A member would like Council to re-consider their decision to deny an economic development grant to start-up their business. The member, the Chief’s brother, is upset that his request was denied. Can the Chief intervene?

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A: *No. Council’s decision is final and the Chief can not intervene or speak to the issue without being in a conflict of interest.*

4. Q: A Councillor has missed a number of meetings due to other work obligations. They have now have missed three consecutive meetings. Who is responsible for dealing with the issue?

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A: *The issue is for Council to address at a duly convened meeting. The Chief should be appointed to address the issue using the Band’s Custom Election Code (or equivalent) to help guide decision-making.*

5. Q: Council is not happy with a decision made by a sister organization that will affect the community. What is the process to provide feedback to the sister organization? Does the Council have any authority with the sister organization?

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A: *Council can provide feedback through their representative on the sister agency’s board (either a Councillor or staff member who sits as a director with the sister agency). That representative can vote on the issue at the sister agency’s board.*

6. Q: A group of Councillors are attending a meeting with a mining company in Vancouver. One Councillor asks the others to make a decision on granting the mining company access to their territory for exploratory purposes. Can the Councillors make this decision? Would it be legally binding?

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A: No. Councillors do not have the authority to make this decision, so any decision made would not be legally binding. Only decisions made at duly convened meetings where all Councillors are invited and Council meeting procedures are observed can be considered legally binding.

7. Q: A major decision is being made about a community event and the expenditures that are going to be attached to the event. Council is going to vote on the expenditures, and the decision requires a majority of Councillors present at the meeting to vote in favour in order for it to pass. One Councillor doesn't agree with the decision on the table and walks out of the meeting. Does the Council member's vote count?

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A: According to Robert's Rules, if a Councillor leaves the room before voting then they have abstained from the vote (i.e. their vote does not count). It is also important to note that if the Council does not have quorum after the Councillor leaves, they cannot hold the vote.

FINANCIAL MANAGEMENT

1. Q: What is the role of the Council when it comes to the Band's finances?

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A- Council holds final accountability for the Band's finances – which means they are responsible if something goes wrong. While they certainly don't perform day-to-day financial or accounting functions, they review financial statements regularly and direct the Band Manager on financial management. To do this role well, Chiefs and Councillors must be comfortable with financial statements and should take this portion of their job seriously.

2. Q: What is an audit and what is the auditor looking for?

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A: An audit is a review of the Band's financial accounts. The auditor, typically a third party accounting firm, will be looking to see if the Band's finances were conducted according to the CICA Public Sector Accounting Handbook. They will also be checking to see if the records are complete and well maintained, and generally looking to see if anything seems out of line.

3. Q: How often is an audit done?

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A: Audits must be done at least once each year. Each Band's year-end is March 31. Financial statements must be audited within six months of year-end.

4. **Q:** What role do Councillors have regarding audits?

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A: Councillors are required to accept, review and approve audited financial statements of the community every year. A “Management Letter” highlights any major issues the accountant discovered, but you will still be required to review summary financial statements.

5. **Q:** What is the most favourable audit statement?

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A: Unqualified. This means that the auditor has reviewed the band’s finances and found them in accordance with the CICA Public Accounting Handbook and to have no material errors.

6. **Q:** A Councillor requests travel money on a Friday to attend a meeting that is scheduled for Tuesday. The Councillor is requesting the additional travel because they would like to visit family the Sunday and Monday prior to meeting. Does the Councillor qualify for additional travel?

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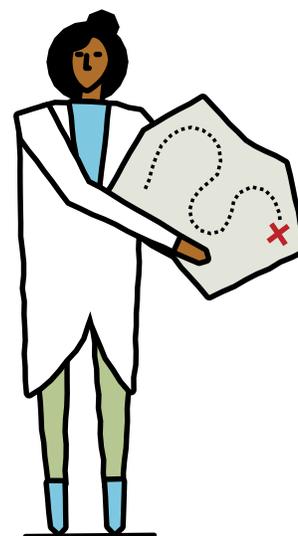
A: No. Personal travel can’t be reimbursed, so the Councillor is responsible for Sunday and Monday expenses. The Councillor can, however, submit to have their travel claim for Tuesday released early.

OTHER GUIDES AND TOOLKITS

There are a number of helpful resource guides available to support communities in building their governance capacity, improving their financial management practices, and to help improve member engagement and involvement in community planning and development.

This list is not exhaustive; it just includes a few good examples. You can visit some of the organizations listed in the next subsection to access additional tools, resources and other helpful information.

- *First Nations Governance Handbook: A resource guide for effective councils.* Indian and Northern Affairs Canada (INAC), 2004.
- *A Path Forward: a resource guide for Treaty First Nation, local government and regional district collaboration and planning.* BC Ministry of Aboriginal Relations and Reconciliation, 2012.
- *Sharing Financial Information.* Aboriginal Financial Officers Association, 2008.
- *Presenting and Understanding Financial Information - A Practical Guide for Aboriginal Leadership.* Aboriginal Financial Officers Association, 2008.
- *Strategic Management & Accountability for First Nations – Best Practices to Consider.* Aboriginal Financial Officers Association, 2008.
- *First Nations Financial Code Toolbox.* Aboriginal Financial Officers Association of BC, 2004.



HELPFUL ORGANIZATIONS AND AGENCIES

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There are many organizations that have produced helpful governance resources or provide useful information on their websites.

ABORIGINAL FINANCIAL OFFICERS ASSOCIATION (AFOA)

http://www.afoa.ca/acfme/resources_elected_afoa.asp

AFO has produced three guides for elected leadership:

- ✓ Sharing Financial Information
- ✓ Presenting and Understanding Financial Information - A Practical Guide for Aboriginal Leadership
- ✓ Strategic Management & Accountability for First Nations – Best Practices to Consider

Each provides a basic introduction to the financial responsibilities of elected leaders including short- and long-term planning; budget approval and review; establishing a financial policy; decision-making based on financial information; approval of financial statements; the nature and format of financial information and reports that should be reviewed; the audit; and financial communication with the community.

BCAFN GOVERNANCE TOOL

<http://bcafn.ca/files/governance-bcafn-governance-tool.php>

The BCAFN has completed the first draft of the “First Nations’ Governance Community Engagement and Self-Assessment Tool” (the ‘Tool’). The Tool includes a number of modules each designed to help communities in achieving their governance objectives including assessing the current effectiveness of the governing body and progress in building/re-building institutions of governance; identifying and assessing any gaps in their administrative/organizational structures; considering the range of powers/jurisdiction of the First Nations’ government; and managing change and engaging the community.

GOVERNANCE CAPACITY PLANNING TOOL (AANDC)

<http://www.aadnc-aandc.gc.ca/eng/1314982906753/1314983007320>

The Governance Capacity Planning Tool (GCPT) was developed to allow First Nations communities to create a community-focused, long-term plan for governance capacity development. The GCPT helps communities create a five-year road map to governance capacity development based on the community’s current capacities, assets and priorities. The plan created will be a “living” document that can be added to or modified in the future. It will also serve as a reference document to measure and report on successes.

APPENDICES

SAMPLE TERMS OF REFERENCE (TOR) OUTLINES

COUNCIL COMMITTEE TERMS OF REFERENCE OUTLINE

CONTENTS	PURPOSE AND NOTES
Name & Type	<ul style="list-style-type: none"> • What type of committee is it (Advisory, Ad Hoc, etc.)? • What will this committee be named? • Give a general overview of how and why the committee was established.
Purpose	<ul style="list-style-type: none"> • What is the purpose of the committee (e.g., to support Comprehensive Community Planning, to review plans for a proposed recreation centre)? • Generally, what are they expected to achieve on Council's behalf?
Appointments & Composition	<ul style="list-style-type: none"> • How are members selected and how long will they serve? • Will there be alternate members and if so, how will they be identified? • What is expected of members in the way of experience, ability, knowledge? • Who chairs the committee? • How is the Chairperson identified and how long does he or she serve? <p>Note: Committees can be made up of Councillors, staff, members, or others and do not need to include a Councillor.</p>
Accountability	<ul style="list-style-type: none"> • Who is the committee responsible to (e.g., Band Administrator, Council) and how do they report to them (e.g., meeting minutes/discussions reported monthly)?
Time Frame	<ul style="list-style-type: none"> • How long is the committee to be active? • What's the end date? Is it subject to funding? • Is there any deadline (e.g., funding, related strategies) associated with the committee?
Meetings	<ul style="list-style-type: none"> • How often do meetings take place (e.g., monthly)? • How are meetings scheduled? • Who organizes and notifies other members of meetings? • Are minutes taken, and who performs this task? • Can community members attend some, all, or none of the meetings? • How is this communicated?
Resources	<ul style="list-style-type: none"> • Financial <ul style="list-style-type: none"> - What funds, if any, does the committee have to work with? - What is the purpose of these funds (technical assistance)? - What restrictions apply? - What approvals are necessary? • Staff <ul style="list-style-type: none"> - What staff member(s) work with this committee and how much staff time is allocated to the work of the committee? - What restrictions apply?
Quorum	<ul style="list-style-type: none"> • How many committee members need to be present for the meeting to occur (e.g., 3 of the 5)?
Decision-making	<ul style="list-style-type: none"> • How are decisions made (e.g., consensus, majority rules)?
Authority & Approval	<ul style="list-style-type: none"> • Who is responsible for approving the Terms of Reference (this is typically Council with input from the Band Administrator)?
Review & Evaluation	<ul style="list-style-type: none"> • How will this Committee be evaluated? • Who will evaluate and who will initiate the evaluation process? • When will the Committee ToR be reviewed?

NSTC BOARD COMMITTEE / WORKING GROUP TERMS OF REFERENCE OUTLINE

CONTENTS	PURPOSE AND NOTES
Name & Type	<ul style="list-style-type: none"> • What type of committee is it (i.e. Advisory, Ad Hoc, etc.)? • What will this committee be named? • Why the committee was established?
Purpose	<ul style="list-style-type: none"> • What is its purpose in three or four bullet points? See example below. <ul style="list-style-type: none"> - To work together in outlining the education and training needs of the NSTC communities - To develop long-term and short-term education goals - To explore and determine the course delivery methods for programs offered - To develop a five (5) year Education and/or Training plan
Appointments & Composition	<ul style="list-style-type: none"> • Who makes up the committee? See examples below. <ul style="list-style-type: none"> - Education Managers/Coordinators of NSTC member Bands - Skills Development Coordinator, NSTC • Will there be alternate members and if so, how will they be identified? • What skills, ability and knowledge should members have? • Who chairs the committee and how will they be identified?
Accountability	<ul style="list-style-type: none"> • Who is the committee responsible to (e.g., Administrators Network)?
Meetings & Reporting	<ul style="list-style-type: none"> • How often do meetings take place (e.g., monthly)? • How are meetings scheduled? • Who organizes and notifies other members of meetings? • How are meeting minutes/discussions reported? See example below. <ul style="list-style-type: none"> - Each person to report to their respective organization - Minutes prepared within ten (10) working days
Time Frame and Meetings	<ul style="list-style-type: none"> • How often do meetings take place (e.g., monthly)? • How long is the committee to be active? • What's the end date? • Is it subject to funding? Is there any deadline (e.g., funding, related strategies) associated with the committee?
Quorum	<ul style="list-style-type: none"> • How many committee members need to be present for the meeting to occur (e.g., 3 of the 5)?
Decision-making	<ul style="list-style-type: none"> • How are decisions made (e.g., consensus, majority rules)?
Staff Support	<ul style="list-style-type: none"> • Who is supporting the committee from the NSTC (e.g., Skills Development Coordinator)?
Other Resources	<ul style="list-style-type: none"> • Are there any other resources the committee can draw on? See example below. <ul style="list-style-type: none"> - Staff of the member communities, upon availability and subject to Administrator approval - Other expertise as deemed necessary by committee
Communication	<ul style="list-style-type: none"> • Who should the committee communicate with (e.g., Communities, NSTC)?
Authority & Approval	<ul style="list-style-type: none"> • Who is responsible for approving the Terms of Reference? This is typically the NSTC Executive Director with input from the Administrators Network.
Review & Evaluation	<ul style="list-style-type: none"> • How will this Committee be evaluated? • Who will evaluate and who will initiate the evaluation process? • When will the Committee ToR be reviewed?

GLOSSARY OF TERMS

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AUDIT: A review of the Band's financial accounts.

BAND ADMINISTRATOR: The senior manager of our communities and the link between Band administration and Council.

CHIEF: The elected head Councillor of the community.

COMMITTEE: A group tasked with supporting some specific community project or work

COUNCIL: The elected representatives of the community.

COUNCILLOR: An elected member of the Council.

CONFLICT OF INTEREST: When someone's personal interests supersede or compete with their dedication to the best interest of the community (Band) as a whole.

END-RUN: When communication channels and staff hierarchies are ignored (e.g. when staff members go directly to the Chiefs with concerns).

GOVERNANCE: The structure and process by which community decisions are made and carried out.

INDIAN ACT: This is the Canadian federal legislation, first passed in 1876, that sets out certain federal government obligations, and regulates the management of Indian reserve lands.

MEMBER: Someone who is a registered member of the Band.

QUORUM: A quorum is the minimum number of Councillors required to be present in order to conduct the Band's business (e.g., to vote on issues). Quorum provides protection against action by a small number of Councillors, which may not be representative of the whole group. For example, if only two Councillors were present, and quorum was three, then the two Councillors could not vote on a motion. The Quorum for each band is laid out in its election code or governance manual.

SENIOR ADMINISTRATOR: The most senior staff person, and the direct link to the Council or Board. For Bands this is typically the Band Administrator. For NSTC, this is the Executive Director.

SISTER AGENCIES/ORGANIZATIONS: Organizations that have been developed to provide services to member communities (e.g., Knuwewtwecw Society)



STAKEHOLDERS: A stakeholder is defined as any group or individual with an interest or “stake” in the affairs of your community

TREATY: A treaty is a negotiated agreement between a First Nation(s), and the BC and federal governments that sets out rights and responsibilities over topics like land ownership, governance, wildlife and environmental management, financial benefits and taxation. A treaty is also a full and formal expression of reconciliation between First Nations and government.

TRIBAL COUNCIL: An association of First Nation (Band) Councils. In our case, The Northern Shuswap Tribal Council (NSTC) is an association of four communities: Canim Lake (Tsq’escen’), Stswecem’c - Xgat’tem (Canoe Creek - Dog Creek), Soda Creek - Deep Creek (Xatsūll – ‘Cmetem’), Williams Lake (T’exelc).

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