



Operations & Maintenance of Reserve Lands under the Framework Agreement

Course Workbook



FIRST NATIONS
LAND MANAGEMENT
RESOURCE CENTRE



Training, Mentorship &
Professional Development

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Operations and Maintenance of Reserve Lands under the FA

https://labrc.com/public/courselet/Operations_and_Maintenance_of_Reserve_Lands/presentation_html5.html

Welcome

Welcome to the Operations and Maintenance courselet. This courselet will:

- Introduce the topic of reserve operations and maintenance and define what they are
- Describe some of the common areas of reserve operations and maintenance and their associated activities,
- Discuss the potential environmental implications of reserve operations maintenance and suggest ways to mitigate impacts on the environment, and
- Identify some best practices for the areas of reserve operations and maintenance.



The material provided in this courselet is current to date of courselet. Thank you to the environmental experts to the Lands Advisory Board (LAB), for aiding in the development of this courselet. <http://labrc.com/>

Big Picture

Introduction



First Nations (FN) since time immemorial have accrued and passed on unique and important knowledge of their environments based on millennia of experience and oral language tradition.

Many FNs continue to utilize this knowledge and traditional technique to maintain and optimize their local ecosystems.

Framework Agreement

A FN has a responsibility under the *Framework Agreement on First Nation Land Management (Framework Agreement)* <http://labrc.com/wp-content/uploads/2014/03/Framework-Agrmt-Exec-Summary-June-2013.pdf> and its FN Land Code (LC) http://labrc.com/wp-content/uploads/2015/02/s14-land_code_summary.pdf to ensure that all activities occurring on their reserves are performed in ways that protect the integrity of the environment.

A FN becomes responsible for the impacts that activities can have on the reserve environment, only after that FN ratifies its LC in accordance with the *Framework Agreement* and becomes operational.

http://www.labrc.com/public/userfiles/files/Operational%20Phase%20Chart%20v_March%202012.png%20

Land Code

One of the ways of protecting the integrity of the environment is for the FN to ensure that its operations and maintenance of reserves is in compliance with the FN's LC environmental laws, regulations, policies and procedures.

Environmental Impacts/ Effects

Introduction



Once a FN LC is in effect the FN has the authority to make laws on environmental assessment (EA) and environmental protection (EP).

Operational First Nation

Operational FNs are responsible for environmental impacts that activities have on reserve lands. This responsibility includes reserve operations and maintenance.



Activities of Reserve Operations

Each of the many activities occurring in day-to-day reserve operations may result in potential environmental effects. The Land Governance Director (LGD) or Environmental Manager <https://labrc.com/wp-content/uploads/2016/11/Environmental-Manager-Job-Description-Sample-2016.pdf> should work closely with FN operations staff and contractors dealing with roads, housing, drainage, solid waste, liquid waste, or resource management. FN operations should minimize adverse effects on the environment by using best practices, avoiding sensitive habitats,



considering seasonal factors, or other measures. <http://laws-lois.justice.gc.ca/eng/acts/c-15.21/index.html>

Example

Preferably, an EA should be conducted in accordance with a FN's own EA Law and associated procedures, as specified by the *Framework Agreement*. If a FN has not yet prepared its EA Law, EAs must follow practices described in the Individual Agreement, http://labrc.com/wp-content/uploads/2015/02/s44-sample_individual_agreement_summary.pdf which typically requires that EAs comply with the *Canadian Environmental Assessment Act (CEAA)* <http://laws-lois.justice.gc.ca/eng/acts/c-15.21/index.html> . A sample EA clause can be found at: Individual Agreement Interim EA Process. <https://labrc.com/wp-content/uploads/2017/02/iainterimenvironmentalassessmentprocess.pdf>

Defining Reserve Operations & Maintenance

Introduction

Reserve operations and maintenance can be defined simply as the activities related to the construction, operation and maintenance of infrastructure on First Nation Lands.



Activities

Everyday activities that occur as part of reserve operations and maintenance can cause a variety of environmental effects.

Construction Activities



Construction activities include design, contracting, site preparation, building, and commissioning of buildings, structures, utilities and other types of physical improvements, such as bridges, dams and roads.

Operational Activities

Operational activities are associated with the general day-to-day operation, functioning and use of infrastructure.



Maintenance Activities

Maintenance activities are performed to keep infrastructure operating and functioning in its best condition and to satisfy safety standards.



Infrastructure

Several typical kinds of infrastructure maintained by a FN should be considered part of the review of overall reserve operations.

Typical infrastructure built, operated, and maintained by FNs include:

- Roads and bridges
- Water supply systems
- Wastewater and sewage collection and treatment systems
- Solid waste management systems
- Community buildings

Click on link: Examples of First Nation Operations <https://labrc.com/wp-content/uploads/2017/02/exampleoffnoperations.pdf> to get an idea of each of the typical infrastructure built, operated, and maintained by FNs

Introduction

Each FN has its own structure of reserve operations, and the organization and distribution of responsibilities associated with each reserve operation will reflect these differences.



Because the extent and type of development on FN lands varies from community to community, the reserve operations will also vary.

FN Organizational Structure



FNs' environmental staff should be partners in Operations and Management decisions and activities.

Most environmental staff work in a FN's Lands Department. A FN's various departments should work together closely to meet the FN's environmental, developmental, and operations and maintenance goals

Organization Studies

Some FNs have conducted "Organization Studies" to ensure proper FN Governance structures are in place and working effectively together to deliver on the legal and technical obligations of a LC.

The Tsawwassen FN has developed an organization study and also a Service Plan (2013-2014) <https://labrc.com/wp-content/uploads/2017/03/tfnserviceplan2013-2014.pdf> which assists them in running an efficient, effective and transparent government.



Responsibility of Reserve Operations

Introduction



It is important to understand the role of the Lands Department and the role of the Operations office in regard to the operations and maintenance of reserve lands.

Lands Department

Generally, the Lands Department is not responsible for the administration and conduct of reserve operation and maintenance activities.

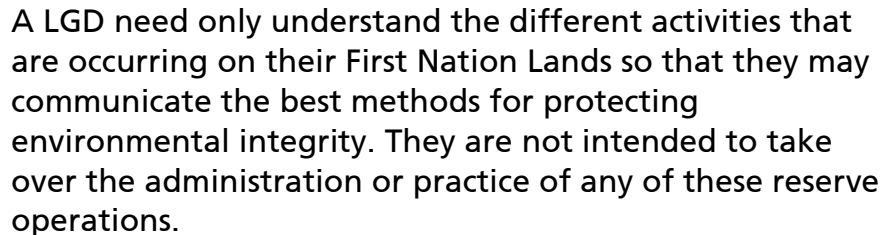
The role that the Lands Governance Department plays in these types of activities is one of oversight that stems from the responsibility created by the *Framework Agreement* and FN's LC requiring the protection of the environment on reserve.

Operations Office

There may be one office (Operations) or several departments (e.g. Housing) in a FN organization that perform reserve operation and maintenance activities on FN lands.

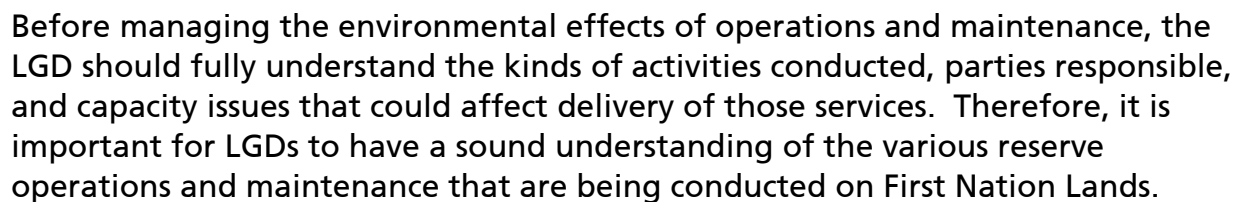
Such departments may be in charge of roads, water, sewer, housing, and building maintenance or construction.

Lands Governance Director



It is the Operations and Maintenance office that will need to apply and implement those policies/procedures, as it relates to its day to day activities. The LGD and the Operations Director should ensure there is compliance.

With regard to reserve operations and maintenance and their environmental implications, a LGD needs to define reserve operations and maintenance.



Adverse effects can be caused by accidental gasoline spills, underground storage tanks leaking, spraying of chemicals on invasive plants, landfills leaking, golf course fertilizer usage etc.

To get you started click: First Nation Operations and Maintenance Worksheet Sample 1, to start you on identifying the various reserve operations that currently occur on your FN lands. Use the Examples of FN Operations document to help you in completing Worksheet 1 <https://labrc.com/wp-content/uploads/2017/02/fnsoperationsandmaintenanceworksheetsample1.pdf> . Ask questions e.g. What are some of the activities associated with each of the operations?

According to your own FN's organizational structure, fill in the worksheet showing the staff position or department responsible for the oversight of each of the reserve operations that you have identified. It is important that all FN's activities are identified in the Operations and Maintenance Worksheet, because that information will be used as input to the Environmental Effects and Mitigation table to be prepared as a next step in environmental management of O&M.

Mitigation

The LGD should work closely with O&M staff to document the FN's activities, potential environmental effects, and proposed mitigation measures. Usually, O&M staff will be responsible for implementing the mitigation measures. The LGD should work with O&M staff to monitor the effectiveness of mitigation measures in reducing environmental effects. The mitigation may include:

- Impact avoidance (not conducting an activity or taking actions to avoid environmental effects),
- Changing methods of conducting a specified task (e.g., different chemicals, technology, machinery, or procedures), or
- Re-scheduling work to avoid an effect (e.g., conduct work when birds or fish are not breeding, or wait for saturated soils to dry).

Mitigation measures should be developed for each of the impacts identified in the First Nations Operations and Maintenance Worksheet, and should include construction, operational, and maintenance activities. To aid you in identifying mitigation measures, see Environmental Effects and Mitigation <https://labrc.com/wp-content/uploads/2017/03/environmentaleffectsandmitigation-2017.pdf> and First Nations Operation and Management Worksheet Sample 2. <https://labrc.com/wp-content/uploads/2017/03/fnsoperationsandmaintenanceworksheetsample2-2017.pdf> The

LGD will have to collaborate with other FN staff to identify and implement suitable mitigation measures and to reduce environmental effects of Operations and Maintenance.

Development of First Nation Land

Introduction



Developments proposed to occur on First Nation Land may require several kinds of approval before they can proceed. The numbers and kinds of approvals needed will vary, depending on the proponent of the development, sources of funding, the nature of the

development, and the government bodies that have authority over the initiative. A FN will need to plan to obtain the necessary approvals in order to avoid delay, or even cancellation, of proposed development.



First Nation Development

Many kinds of development can occur on First Nation Land. A FN or its members may propose to construct housing, commercial or industrial structures, government administration buildings, outdoor recreation facilities (e.g., playfields, golf courses), or to install roads or utilities to support such development. If the work is funded by the FN or private sources, then the FN will be primarily responsible for reviews, approvals, permitting, and inspection. If INAC is involved in funding, additional approval processes will apply (discussed later in this courselet).

Development and FN Laws and Regulations

The proposed development will need to comply with all relevant FN laws, regulations, or policies. Examples of FN laws, regulations, and policies that could affect a proposed development include:

- Environmental Assessment Law,
- Soil Removal or Deposit Law,
- Building codes or regulations,
- Laws or regulations pertaining to sewer, water, or power,

- Zoning or development regulations,
- Tree Protection Law, or
- Stream Protection Law.

Development and FN Policies and Permits

In addition to adopted laws and regulations, Chief and Council policies and FN administrative procedures related to development approvals also must be followed. Examples of FN policies can be found in Land Use Plan, Environmental Management Plans, Strategic Plans and similar documents.

A FN should consider the kinds of approvals and permits needed when preparing schedules for a proposed development. The costs associated with assembling information and assembling development applications, for community involvement, permit fees, etc., should be estimated early in the process and included in budgets for the development and for FN governance activities.

FN Funding Infrastructure Construction



If a FN chooses to fund infrastructure construction through the imposition of Development Cost Charges, an approach often taken by local governments, the FN law authorizing Development Cost Charges should specify the application requirements and procedures. Click on the following link to see an example: Westbank's Subdivision, Development and Servicing law 2005-15. [https://labrc.com/wp-content/uploads/2017/02/westbanksubdivision-](https://labrc.com/wp-content/uploads/2017/02/westbanksubdivision-development-servicelaw2005-15.pdf)

[development-servicelaw2005-15.pdf](https://labrc.com/wp-content/uploads/2017/02/westbanksubdivision-development-servicelaw2005-15.pdf)

Environmental Assessment

Regardless of the origin of the proposed development or source of funding, an EA will be needed before Chief and Council approves projects or other land-disturbing activities. The process of preparing the EA will be guided by the Individual Agreement or a FN's EA Law. Policies contained in a FN's Environmental Management Plan (EMP)



https://labrc.com/public/courselet/EMP_Preparation_Courselet_Final/player.html or Land Use

Plan <https://labrc.com/public/course/Introduction%20to%20Planning/player.html> also may affect the location and kind of development occurring on reserves.

Indian and Northern Affairs Canada



If FN developments or services are to be funded by INAC's Capital Facilities and Maintenance Program <http://www.aadnc-aandc.gc.ca/eng/1100100016395/1100100016396> then the associated federal regulations apply. Applications for federal funding should include evidence that there are important FN needs to be met, and that proposed projects comply with federal and FN environmental laws and policies.

Development and Federal Laws

A development occurring on First Nation Land must comply with certain federal laws specified in the *Framework Agreement*. These laws include the *Species at Risk Act* <http://laws-lois.justice.gc.ca/eng/acts/s-15.3/> and *Fisheries Act*, <http://laws-lois.justice.gc.ca/eng/acts/f-14/> which could be relevant to developments that affect wildlife habitat, vegetation communities, streams, lakes, or the marine environment.

Federal agencies are required to confirm that no significant adverse effects will result from developments on federal land or requiring agency permits. In these cases, Sections 66 and 67 of the *Canadian Environmental Assessment Act* <http://laws-lois.justice.gc.ca/eng/acts/C-15.21/> will be triggered, regardless of whether a FN has adopted an EA Law. Information a FN collects to comply with its own EA Law could be used to help satisfy federal agency requirements under CEAA, though additional data collection and analysis may be required.

Local Government Approvals

Many FNs have servicing agreements with nearby local governments for sewer, water, power, and protective services (police, fire, ambulance). If a development on FN lands involves provision of such services, the local government's application and review processes are likely to apply. Before providing services, local governments often consider the effects of service extensions on their land use policies, water supply, wastewater treatment plant capacity, and emergency service delivery. A FN should expect to work with the local government to resolve such issues before additional services are provided.

Proposed Development and Lgd's Role



Introduction

LGDs play an important role in complying with the various laws, regulations, and policies associated with proposed development.



Step1 – Permits and Approvals



A first step is for the LGD to determine what permits and approvals are required for a proposed development, and the application processes followed by the governments and agencies involved.

Step 2 – Information and Applications

After identifying the permits and approvals needed, the LGD should organize FN staff or others to obtain the necessary information and prepare applications. For developments proposed by First Nation members or private sector companies, those proponents should be provided with a list of information needs and a clear description of the application process.

Step 3 – Environmental Assessment

Developments that disturb the land are likely to trigger the need for an EA. The LGD should determine who is responsible for preparing the EA (e.g., the FN, a FN member, a private company, another government) and what information will be needed to identify potential project effects and mitigation measures for construction, operations and maintenance activities. The LGD is unlikely to prepare the EA, but should play a key role in organizing and facilitating preparation of the EA, and in ensuring that effects on the FN are clearly identified and that effective mitigation measures are proposed. See the Environmental Effects and Mitigation document <https://labrc.com/wp-content/uploads/2017/03/environmentaleffectsandmitigation-2017.pdf>. Note: the items in this link represent many operations and maintenance activities, but the list is not meant to be exhaustive.

The LGD typically plays a key role in the review of development applications and discussion and approval of projects. This role may include assembling application materials and submitting them to Chief and Council or committees, and answering questions about the project and the associated application processes. The LGD may be tasked with informing project proponents about the results of their applications.



A group of business professionals are gathered around a wooden conference table. They are looking at documents and a laptop, suggesting a collaborative meeting or presentation. The image is in black and white.

The diagram illustrates the four pillars of the National Reserve Bank of India, structured around a central gear-like icon. The pillars are represented by four colored quadrants:

- Chief and Council** (Red quadrant, top-left)
- Reserve Operations and Maintenance Department(s)** (Green quadrant, top-right)
- Lands Department** (Purple quadrant, bottom-right)
- Community Members and Facility Users** (Blue quadrant, bottom-left)

Waste of Resources

INAC's well-documented lack of communication and coordination results in a waste of precious resources through:

- Unnecessary duplication of efforts
- The creation of gaps in service (things "fall in the cracks")
- Overly confusing and burdensome combinations of paperwork, policy and procedure that hinder and prevent timely decision making
- Legal costs and contingent liabilities associated with defending poor standards of service delivery
- Focused on putting out fires

Good Communication



Good communication will help ensure that the operations and maintenance activities always exceed a minimum acceptable standard identified for reserve operations occurring on First Nation Land. This consistency will help ensure that the integrity of the environment is being maintained.

Communications with other Departments (picture 33)

It is important for the Lands Department to maintain good communications with the other FN departments (public works, utilities, and housing) that are responsible for various reserve operations. The communication that occurs between the Lands

Department and other departments is referred to as internal communications. Good communications can occur when there is an open channel between the departments for information sharing and dialogue to occur. An initial step in establishing an effective communication system is to create a communication strategy specifically for reserve operations. The Communication Strategy [http://www.labrc.com/public/userfiles/files/Communication%20Strategy%20Template\(1\).doc](http://www.labrc.com/public/userfiles/files/Communication%20Strategy%20Template(1).doc) document may help you get started. [http://www.labrc.com/public/userfiles/files/Communication%20Strategy%20Template\(1\).doc%20](http://www.labrc.com/public/userfiles/files/Communication%20Strategy%20Template(1).doc%20)

LGDs need to recognize that they have an important role in working collaboratively with the other FN departments to ensure that reserve operations are being conducted in a manner that protects the reserve environment. Strong working relationships should be established between the Lands Department staff and others in operations and maintenance departments.

Communication Strategy

One of the key components of a communication strategy regarding reserve operations are the Standard Operating Procedures (SOP). These operating procedures may be developed and formalized as part of the FN EMP (see Environmental Management Plan

[Preparationhttp://labrc.com/public/courselet/EMP_Preparation_Courselet_Final/player.html](http://labrc.com/public/courselet/EMP_Preparation_Courselet_Final/player.html) courselet). Such communication also will help ensure that the operations and maintenance activities always exceed a minimum acceptable standard identified for reserve operations occurring on First Nation Land.



Key Components

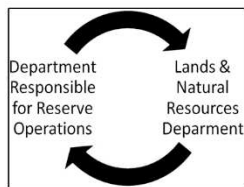
The key components of an effective communication strategy for reserve operations include identifying the following:

- The current reserve operations and activities occurring on First Nation Lands
- The potential environmental impacts for each of the reserve operations
- The departments responsible for each of the reserve operations
- SOP for each of the reserve operation activities as per the FN EMP

- Lists of the permits or reporting required by the Lands Department
- Agreements or protocols that should be formalized between the FN departments (if any)

The work that you completed in your FNs Operations and Maintenance Worksheet has provided you with most of the information noted above, which is relevant to the creation of your own internal communication strategy.

Lines of Communication



The above diagram shows the lines of communication regarding reserve operations. Establishing an open line of dialogue for effective communication means that there is discussion happening both ways, as indicated by the directional arrows.

You may want to now map out your communications for reserve operations on your First Nation Lands. Recall that in the FN Operational and Maintenance Worksheet Sample you have already identified the departments and staff that are responsible for various reserve operations. With the aid of the First Nation Operational and Maintenance Worksheet Sample 3 <https://labrc.com/wp-content/uploads/2017/02/fnsoperationsandmaintenanceworksheetsample3.pdf> you can identify your communication strategy.

Standard Operating Procedures and Best Procedures

Introduction



And



It is important to have clearly defined SOP so that there is consistency in the delivery of services. This consistency will help ensure that the integrity of the environment is being maintained. It is also important that there is a regular review of the SOP to ensure that they follow best available practices to avoid or mitigate the impacts of reserve operations on

the environment.

Best Practices

In general, best practices are the methods, techniques, processes, activities, incentives or rewards that are considered to be the most effective at achieving a particular outcome under specific circumstances or conditions.



Develop



Best practices are usually developed following a review of documents of the approaches currently used by a FN or by others. By reviewing its operations processes, a FN can identify lessons learned by the FN department or by other external organizations, and use the results to improve the ways operational and maintenance services are delivered.

Identify

The documents that may be examined to identify best practices include the reports of field-based activities or existing operational procedures. Some of the key aspects that may be sought out include any approaches that are currently successful and sustainable in both social and environmental terms that can easily be transferred to other departments or organizations.



Purpose of Best Practices



The purpose of identifying and incorporating best practices into reserve operations is to protect the integrity of the reserve environment. Ideally, a FN's SOP are also best practices. Best practices can improve

the consistency of the outcomes of operations activities, and their cost and time effectiveness.

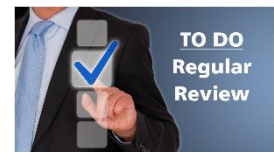
Reviews

Establishing regular reviews, for example annually or periodically, and regular monitoring can ensure that the best practices for reserve operations remain current and up-to-date. Maintaining up-to-date best practices can lead to a reduction in environmental impacts by reserve operation activities.

Common Best Practices

There are some basic common practices that can be incorporated into any area of reserve operations, regardless of the kind of operation. Some of these common best practices include:

- Conduct pre-planning, including formal EA if applicable, before construction activities occur to identify:
 - a. Project specifics
 - b. Sensitive habitat areas, medicinal plants, water bodies, etc. that may be affected by the activity
 - c. Measures to be implemented to reduce the impact of activities on the environment
 - d. Timing of activities to be conducted
 - e. Post-construction restorative measures
- Create operation and maintenance guidelines for each area of reserve operations. Reserve operations should be conducted in ways that are consistent with the content of the FN's EMP
- Develop a schedule for all operations, maintenance, construction, monitoring and inspection activities to be conducted for the life of the infrastructure
- Identify the departments, staffing or other parties responsible for carrying out each of the activities associated with reserve operations
- Develop and maintain an up-to-date Environmental Emergency Response Plan for each of the reserve operations



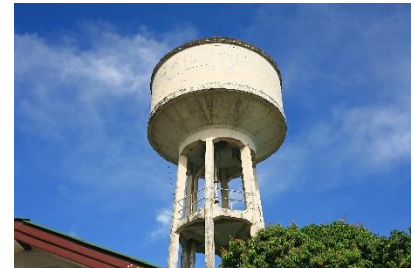
First Nation

The Best Practices Identified for Reserve Operations table <https://labrc.com/wp-content/uploads/2017/02/Best-Practices-for-Reserve-Operations-Table-2016.pdf> provides an overview of some of the many BP that exist for reserve operations. The table is intended only to introduce a sample of practices; it is not an exhaustive list.



For each of the reserve operations you identified in the FN Operational and Maintenance Worksheet, identify some of the best practices that exist for the reserve operations occurring on your First Nation Lands. Use the FNs Operations and Maintenance Worksheet Sample 4 <https://labrc.com/wp-content/uploads/2017/02/fnsoperationsandmaintenanceworksheetsample4.pdf> and the Best Practices table mentioned above, as an aid in completing this work.

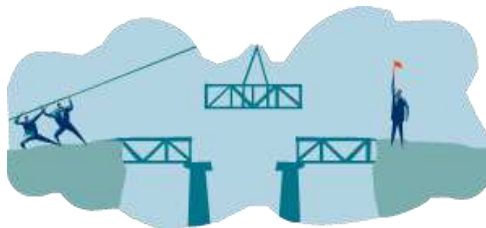
Summary



Introduction

This courselets goal was to introduce and improve environmental performance of FN reserve operations and maintenance.

Definition



Reserve operations and maintenance are the activities related to the construction, operation and maintenance of infrastructure on First Nation Lands. Reserve operations include construction, operation, and maintenance of buildings, roads, bridges, utilities, and other capital facilities on reserves and delivery of water and waste management services.

Types

There may be several departments within a FN that are involved in different types of reserve operation activities. The typical areas of reserve operations include:

- Road and bridge works
- Water supply systems
- Wastewater and sewage systems
- Solid waste management systems
- Community buildings

Environmental Impacts



Negative environmental impacts may occur as a result of reserve operation and maintenance activity on reserve. Some of the most common potential environmental impacts were discussed in this courselet. For each of those operations, potential environmental effects are provided, as are associated ways of mitigating environmental impacts.

Good Communication

It is the responsibility of the Lands Governance Department to ensure that the responsibilities and duties under the FN's LC, the *Framework Agreement* and other legislation are being met. It is important for the LGD to develop and maintain good communications with:

- The other departments in the FN that deliver operational services
- Chief and Council
- Members
- Others in the general community



Best Practices

The courselet gave a list of selected best practices for construction, operation and maintenance of FN's facilities and infrastructure. There are a number of common BP that may be included in any area of reserve operations, regardless of the type of activity. These include:

- Conducting pre-planning before any construction activities
- Creating guidelines that are consistent with the FN EMP for operation and maintenance activities
- Developing a schedule for all operation, maintenance, monitoring and inspection activities
- Identifying all the departments, staff or other folks that are responsible for conducting reserve operation activities

- Developing and maintaining an up-to-date Environmental Emergency Response Plan. (See [Assembly of First Nations](http://www.afn.ca/en/policy-areas/water/policy-areas/emergency-issues-management)) <http://www.afn.ca/en/policy-areas/water/policy-areas/emergency-issues-management>



ACRONYM LIST

CP	-	Certificate of Possession
EHO	-	Environmental Health Officer
EMP	-	Environmental Management Plan
EP	-	Environmental Protection
FN	-	First Nation
<i>FRAMEWORK AGREEMENT -</i>		<i>Framework Agreement on First Nation Land Management</i>
INAC	-	Indigenous & Northern Affairs Canada
IRWDR	-	Indian Reserve Waste Disposal Regulations
LAB	-	Lands Advisory Board
LC	-	Land Code
LGD	-	Land Governance Director



GLOSSARY OF TERMS

ADVERSE EFFECT

An undesirable or harmful effect to an organism, indicated by some result such as mortality, altered food consumption, altered body and organ weights, altered enzyme concentrations or visible pathological changes.

BEST PRACTICES

Simply put best practices are commercial or professional procedures, method or technique that are accepted or prescribed as being correct, most effective and has consistently shown results superior to those achieved with other means, and that is used as a benchmark. Best practices are used to maintain quality as an alternative to mandatory legislated standards and can be based on self-assessment or benchmarking.

BROWNFIELDS

Brownfields are usually former industrial lands that are now vacant or underused but have the potential to be redeveloped for new uses. Brownfields may be contaminated due to past or present activities. Some examples are:

- closed factories
- gas stations
- waterfront lands formerly used for commercial port operations

BYLAWS

Section 81 of the *Indian Act* sets out a number of purposes for which a First Nation may enact by-laws including, *inter alia*, the regulation of traffic, law and order, prevention of disorderly conduct and nuisances, construction of infrastructure and housing, residency of band members, zoning, trespass, control of animals, fish and game, and so on.

CERTIFICATE OF POSSESSION

Certificate of Possession is documentary evidence of a First Nation member's lawful possession of Reserve lands pursuant to Section 20 of the Indian Act as follows:

Possession of lands in a reserve

20. (1) No Indian is lawfully in possession of land in a reserve unless, with the approval of the Minister, possession of the land has been allotted to him by the council of the band.

Certificate of Possession



- (2) The Minister may issue to an Indian who is lawfully in possession of land in a reserve a certificate, to be called a Certificate of Possession, as evidence of his right to possession of the land described therein.

COMPLIANCE FRAMEWORK

A Compliance Framework is a governance planning tool that documents the First Nation's approach to achieving compliance with its land management goals in the context of its overall organization. The Compliance Framework sets out the principles, goals and objectives of the compliance program and describes how these are to be delivered in relation to the First Nation's financial, personnel, administrative and policy structure.

CONTAMINANT

Contaminant: any physical, chemical, biological or radiological substances in air, soil or water that has an adverse effect. Any chemical substance whose concentration exceeds background concentrations or which is not naturally occurring in the environment.

DUE DILIGENCE

Under a Land Code the First Nation has the authority to make decisions on their land and resources. In order for a First Nation to make informed decisions they must understand the implications of the project, permit etc. regarding lands and resources by becoming fully informed of their legal obligations, liabilities and responsibilities before making a final decision on whether or not to approve it.

First Nations, as part of carrying out due diligence will also:

- (1) Make reasonable inquiries to confirm the facts on which the approval decision is to be based (e.g. that leases are valid or that an environmental site assessment is satisfactory)
- (2) Assure itself of the ability of the other party (i.e. Canada) to carry out its responsibilities under the *Framework Agreement* and Individual Agreement, all for the purpose of evaluating the risks to the First Nation.

ENVIRONMENTAL ASSESSMENT

According to the International Association of Impact Assessments, an EA is

“the process of identifying, predicting, evaluating and mitigating the biophysical, social and other relevant effects of development proposals prior to major decisions being taken and commitments made.”



An EA examines effects of proposed projects on soil, air quality, water quality and supply, fisheries, wildlife, traffic, noise, community health, economic development, archaeology and a variety of other social, economic and environmental topics. A well-designed EA assesses the “cumulative effects” of a proposed project combined with other past and proposed future human activities. Ways of avoiding or reducing impacts are identified in an EA.

An EA is a planning tool, a means of reviewing the effects of proposed development, a process of community engagement and an instrument for complying with regulatory requirements. After considering federal and provincial environmental assessment processes, an operational First Nation can design an efficient EA regime that is beneficial to the environment and to the quality of development occurring on reserves.

ENVIRONMENTAL EMERGENCY

The Westbank First Nation has defined environmental emergency as:

“an uncontrolled, unplanned or accidental release, or a release in contravention of laws or regulations, of a substance into the environment, or the reasonable likelihood of such a release into the environment, that:

1. has or may have an immediate or long-term harmful effect on the environment;
2. constitutes, or may constitute, a danger to the environment on which humans depend; or
3. constitutes, or may constitute, a danger in Canada to human life or health.”

ENVIRONMENTAL INSPECTION

Environmental inspection is a formal examinations carried out by someone in an official capacity at a specific time and place to observe whether some activity or development meets required standards.

ENVIRONMENTAL MANAGEMENT PLAN

An Environmental Management Plan defines a FN’s approach to important environmental issues and organizes actions to achieve specified environmental goals.

ENVIRONMENTAL MONITORING

Environmental monitoring involves systematic longer term observation to identify and measure changes in the environment in order to identify changes and trends over time. As an integral part of scientific research, it is also a means of verifying whether policies



and programs are having the desired results and activities are in compliance with legislation.

ENVIRONMENTAL PROTECTION

Environmental protection is defined as the efforts made to identify, remediate and prevent contamination of soil, water and air, and to reduce attendant risks to environmental and human health and safety. The adverse effects of exposure to contaminants may result from direct or indirect contamination of soils, water, and air from hazardous materials and uncontrolled exposure to those contaminants.

ENVIRONMENTAL REPORTING

Environmental reporting describes the process of making environmental information available to First Nations' members, leadership and others. All are important functions in maintaining community health and environmental quality.

FIRST NATION LAND

"First Nation land", in respect of a First Nation, means all or part of a reserve that the First Nation describes in its land code.

FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT

The *Framework Agreement on First Nation Land Management* is a government-to-government agreement. The Framework Agreement is an initiative for First Nations to opt out of the land management sections of the *Indian Act* and take over responsibility for the management and control of their reserve lands and resources. The Framework Agreement sets out the principal components of this new land management process.

The *Framework Agreement* provides First Nations with the option to manage their reserve lands under their own Land Codes. Until a First Nation community develops and approves a Land Code to take control of its reserve lands and resources, federal administration of their reserve lands continues under the *Indian Act*. The Framework Agreement is not a treaty and does not affect treaty rights or other constitutional rights of the First Nations.

INDIAN ACT

The *Indian Act* is Canadian federal legislation, first passed in 1876, and amended several times since. It sets out certain federal government obligations and regulates the management of Indian reserve lands, Indian moneys and other resources. Among its many provisions, the *Indian Act* currently requires the Minister of Indian Affairs and



Northern Development to manage certain moneys belonging to First Nations and Indian lands and to approve or disallow First Nations by-laws.

INDIAN RESERVE WASTE DISPOSAL REGULATIONS

The *Indian Reserve Waste Disposal Regulations* (the “Regulations”) make some attempt to regulate the use of reserve lands. The Regulations provide that:

3. No person shall:

- (a) operate a garbage dump in a reserve, or
- (b) use any land in a reserve for the disposal or storage of waste, except under the authority of a permit issued pursuant to paragraph 5(a) or (b) in the manner specified in the permit.

Waste is defined to include garbage, liquid and semi-liquid substances, landfill and scrap of all kinds. The regulations also prohibit the burning of waste. In essence, the Regulations are intended to deal with garbage dumps and perhaps sewage treatment, but not contaminated sites. Penalties for violating regulations are \$100 fine or 3 months imprisonment or both on summary conviction.

LAND CODE

A Land Code will be the basic land law of the First Nation and will replace the land management provisions of the Indian Act. The Land Code will be drafted by the First Nation and will make provision for the following matters: identifying the reserve lands to be managed by the First Nation (called “First Nation land”), the general rules and procedures for the use and occupation of these lands by First Nation members and others, financial accountability for revenues from the lands (except oil and gas revenues, which continue under federal law), the making and publishing of First Nation land laws, the conflict of interest rules, a community process to develop rules and procedures applicable to land on the breakdown of a marriage, a dispute resolution process, procedures by which the First Nation can grant interests in land or acquire lands for community purposes, the delegation of land management responsibilities, and the procedure for amending the Land Code.

LANDS ADVISORY BOARD

Under Sections 38, 39, and 40 of the *Framework Agreement*, the First Nations have established a First Nation Land Advisory Board (LAB) to provide:

- Developmental First Nations political, technical, legal, advisory and financial support
- Operational First Nations assistance in implementing the *Framework Agreement* and their own land management regimes.



The LAB is composed of Chiefs regionally elected from the Operational First Nations.

Some of the LAB's functions include:

- Establishing a resource centre
- Providing strategic direction to the Resource Centre
- Proposing to the Minister such amendments to the *Framework Agreement* and the federal legislation, as it considers necessary or advisable in consultation with First Nations
- Negotiating a funding method with the Minister, and performing such other functions or services for a First Nation as are agreed to between the LAB and the First Nation.

The LAB established a resource centre to carry out many of its technical functions and this body is the Lands Advisory Board Resource Centre (LABRC).

LIABILITY

Liability: obligations arising from past transactions or events, the settlement of which may result in the transfer or use of assets, or the provision of services or other economic benefits in the future.

OPERATIONAL

When referring to the *Framework Agreement* “operational” means a First Nation which has ratified its Land Code and the Land Code is in **force**.

REMEDIATION

Remediation is defined by Environment Canada as the improvement of a contaminated site to prevent, minimize or mitigate damage to human health or the environment. Remediation involves the development and application of a planned approach that removes, destroys, contains or otherwise reduces the availability of contaminants to receptors of concern. Remediation may involve clean-up of contaminants, or “risk management” that limits exposure to contaminants that are not or cannot be removed.

RESERVE

The *Constitution Act of 1867 Section 91 (24)* - “Indians and lands reserved for Indians”:

- Creates a distinction between Indian reserve lands and other lands in Canada
- Provides that Indians and reserve lands are a federal responsibility
- Gives the federal government exclusive jurisdiction over reserve lands



- Provides that only Parliament can legislate with regard to the use of reserve lands

The basic legal framework underlying reserves is:

- The underlying legal title to reserves belongs to the federal Crown
- How the reserve was created (e.g. before or after Confederation in 1867)
- Pursuant to section 2 of the *Indian Act*, reserves are set aside by the Crown in Right of Canada for the use and benefit of a First Nation

The *Framework Agreement* (see Section 4) clarifies that reserve lands under a Land Code will continue to be reserves within the meaning of the *Indian Act* and that any reserve, title to which is vested in Canada, and managed by a First Nation under a Land Code, will continue to be vested in Canada for the use and benefit of the respective First Nation for which it was set apart.

RISK ASSESSMENT

Risk Assessment is the scientific examination of the nature and magnitude of risk to define the effects on both human and other receptors of the exposure to contaminant(s).

RULE OF LAW

Rule of Law is the principle that all people and institutions are subject to and accountable to law that is fairly applied and enforced; the principle of government by law.

BEST PRACTICES FOR RESERVE OPERATIONS

Reserve Operation	Type of Activity	Best Practice
Road and Bridge Works	Construction	<ul style="list-style-type: none"> • Before works begin, identify sensitive habitat areas and water bodies that need to be protected. • Implement temporary erosion and sediment controls to reduce the impact of runoff on surface water bodies during construction activities. These measures include such things as: straw bale barriers, use of filter fabrics, silt fences, and sediment basins. • Remove the temporary erosion and runoff controls when construction is complete and replace them with permanent structures as required. • Preferably, conduct works in dry weather and take extra care to reduce runoff. • Minimize the riparian and watercourse areas that are disturbed by construction activities. • Preserve trees, shrubs and grasses. • Limit machinery and equipment access to sensitive riparian areas and water bodies. • Conduct post-construction restoration, seeking to restore disturbed areas to pre-construction conditions.
	Operation and Maintenance	<ul style="list-style-type: none"> • Prepare an action plan and create a schedule of regular maintenance, inspection and monitoring activities. • Standard operating procedures may be developed for the storage of materials and equipment. • Conduct activities in the appropriate weather for the nature of the activity. For example, avoid exposing erodible soils during periods of heavy rainfall.

BEST PRACTICES FOR RESERVE OPERATIONS

Reserve Operation	Type of Activity	Best Practice
Water Supply Systems	Construction	<ul style="list-style-type: none"> • A First Nation may want to develop a process that requires a Land Governance Department permit to be obtained before drilling wells on reserve. This requirement may need the creation of a law. • Any water main repair or replacement should be properly disinfected in accord with accepted standards and tested before being put back into service. Extra care should be taken to minimize the potential for contamination of the water supply during any maintenance or construction activities.
	Operation and Maintenance	<ul style="list-style-type: none"> • Prepare a plan that outlines the requirements of all regular operation and maintenance activities, as well as identifying inspection and monitoring activities. The plan should include a schedule of activities such as inspection of the physical infrastructure, water quality testing, distribution system flushing, fire hydrant maintenance and leak identification. • Decommissioning or abandonment of wells should be conducted only by licensed and qualified persons. • Water system drawings should be kept up-to-date and accurate. Each of the appropriate departments should have a copy of the drawings.
Wastewater and Sewage Systems	Construction	<ul style="list-style-type: none"> • During the design and approval of either community or individual on-site wastewater treatment systems, ensure all permits have been obtained from the appropriate regulatory authority, such as Health Canada, Indigenous & Northern Affairs Canada or the First Nation.

BEST PRACTICES FOR RESERVE OPERATIONS

Reserve Operation	Type of Activity	Best Practice
	Operation and Maintenance	<ul style="list-style-type: none"> • Prepare a regular schedule that outlines maintenance, inspection and monitoring activities. • Ensure that qualified and licensed individual conducts inspections and makes recommendations for necessary works • Regularly maintain septic systems, and operate them correctly. It is important to educate residents on the things that they can do to keep their septic system running at an optimal level. • Pumping of septic systems and removal of solids should only be done by qualified and licensed individuals. Disposal of solids should be at a designated facility.
Solid Waste Management Systems	Construction	<ul style="list-style-type: none"> • Plan for appropriate solid waste management infrastructure in accordance with projected population growth and anticipated future waste management needs. The plan may recommend the appropriate infrastructure that needs to be developed and examine waste reduction measures. • Seek ways of participating in regional solid waste management planning processes. • Obtain all appropriate permits, licences and approvals before starting construction • Develop a municipal service agreement for waste collection and disposal if so recommended by the solid waste management plan. The agreement should be consistent with the First Nation's Environmental Management Plan.
	Operation and Maintenance	<ul style="list-style-type: none"> • Implementation of the waste management plan should incorporate the appropriate standard operating procedures in accordance with the First Nation Environmental Management Plan

BEST PRACTICES FOR RESERVE OPERATIONS

Reserve Operation	Type of Activity	Best Practice
Community Buildings	Construction	<ul style="list-style-type: none"> • In the planning and design phases, conduct appropriate Environmental Assessment or screening in accordance with First Nation law or <i>Canadian Environmental Assessment Act</i> • Incorporate aspects such as energy and water use efficiency in building design and construction
	Operation and Maintenance	<ul style="list-style-type: none"> • Prepare and implement a regular schedule of maintenance, inspections and monitoring to identify and repair identified problems, and to upgrade mechanical or electrical deficiencies. • Activities related to handling and storage of chemicals should be in accordance with the First Nation Environmental Management Plan standard operating procedures

**(insert First Nation name)
Communications Strategy
And
Workplan**

Date (insert date here)

- Title:** (insert First Nation name) Communications Strategy.
- Purpose:** To guide the overall communication program and assist in the preparation and approval of the (insert First Nation name) Land Code and Individual Agreement.
- Central Idea:** Provide timely fact based information to the (insert First Nation name) membership in order to make an informed decision on the Land Code and Individual Agreement.

Introduction

The (insert First Nation name) recognizes that membership and public communications are essential components of every initiative. As such, communication plans will be prepared for the proposed (insert First Nation name) Land Code and Individual Agreement. This will include a post community referendum evaluation in order to improve future effectiveness. These plans will follow the general format as described in this model outline.

Goals and Objectives

- Create transparency by providing timely fact-based information
- Explain the “Past, Present, and Future” of the (insert First Nation name)
- Design and implement an effective communications plan to inform the community
- Promote a free flow of information and to facilitate dialogue and networking among community members
- Enhance communications with the community, the media, and the general public
- Encourage community members to contact Land Management Administration/Committee, Chief and Council on issues that are important to them
- Inform membership and receive a positive vote at the end of the Land Management process

Strategic Issues

- Elections:** Chief and Council and the Committee need to consider the next Council elections as part of the Communications planning.
- Harvesting Season:** Need to consider harvest season from May to August. Members are often away from home in the summer months and may not be attending community meets.

Other Initiatives: (insert First Nation name) has other initiatives that will require membership input, review and decisions. When planning communications activities, the Land Management team must consider the communications workplans from the other (insert First Nation name) groups. The following is a list of (insert First Nation name) Chief and Council initiatives:

- (These are examples only – insert ones specific to your First Nation)
- Treaty
- Integrated Approach to Community Development (part is land management)
- Comprehensive Community Plan
- Specific Claims
- Forestry Agreement
- Fire Hall
- Education Jurisdiction

Family Groupings: Committee should consider meeting with representatives from each of the (insert First Nation name) family groupings as part of the communications plan.

Reading Level: All communications products should be written at an appropriate reading level.

Assumptions

Knowledge Base

(e.g. only) 90% have no idea how land management works.

Internet Access

(e.g. only) Approximately 10% of membership has access to the internet.

(e.g. only) Approximately 70 people have emails for information.

Demographics

(Following is example only insert your First Nation's demographics)

189 - Terrace Area

(##) - Prince George

(##) - Prince Rupert

(##) - 15-29 Westbank

Age – 18-35 (etc)

Membership Issues

CP's with Band Constructed Houses on their lot, i.e. Social Housing

Saw Mill on Reserve

Gravel Extraction

Flooding

Erosion
Species at Risk
Traditional Land Holdings
Environmental Contamination
(INSERT OTHER ASSUMPTIONS)

Target Audiences

- (insert First Nation name) Members – On and Off IR
- (insert First Nation name) Staff
- General Public
- Media

Key Messages

- Land Code will get us out from under the watch of Aboriginal Affairs and Northern Development Canada in relation to Land Management. Other areas like Health, Education will remain for now.
- We need to ensure that we keep our Traditions as we move forward in the 21st Century.
- Land Code has nothing to do with:
 - Taxation
 - Treaty
 - Aboriginal Rights and Title
 - Additions to Reserve
 - Land Claims.
- Land Code Initiative is about resuming and exercising control over our Reserve Land and Resources for the benefit of enabling timely:
 - Developmental Leases
 - Business Licenses
 - Environmental Protection
 - Land Use and Occupancy regulations or Law-Making
 - other
- The final decision on the Land Code is up to the (insert First Nation name) People not Chief and Council. Nothing is finalized without membership approval.

Communications Tactics

Communications Products

- Bulletins
- Newsletters
- Fact Sheets
- Question and Answer Document(s)
- Power Point Presentations

All communications products should be personalized (individual names) and distributed to all members both on and off-reserve on a consistent basis.

Telephoning

- Telephone communication – outreach to membership both on and off reserve
- Inbound – Log calls from the (insert First Nation name) office toll free number/message centre
- Outbound Telephone Calling – outreach to membership both on and off reserve

Interactive Communications

- Website – develop website (if not already live) and update website with new and revised communications products and material
- E-mail – Establish a functional database to send the electronic versions of required material and products and updates on Land Code
- Facebook page- create a separate Facebook page to disseminate to members using Facebook

Media Relations

- Key Messages
- Backgrounders
- News Releases and Media Advisories
- Arranging print and broadcast media interviews and news coverage
- Meet with Editorial Boards

Community Meetings

- Meet with Youth, Elders, Staff
- Meetings with all (insert First Nation name) members
- Home visits as required

Communications Workplan

Before starting any process it is important to identify the Roles and Responsibilities of those who will be working on the project.

1. Address Database Management: _____
2. Communications: _____
3. Spokesperson: _____
4. Project Signing Authority: _____
5. Logistics: _____
6. Web Designer: _____
7. Telephone Team Leader: _____
8. Survey Coordinator: _____
9. Meeting Facilitator: _____
10. Ratification Officer(s): _____
11. Video: _____
12. Support Staff i.e. LABRC: _____
13. Lands Committee Chairperson: _____

Bulletins/Factsheets/Newsletters

- Research and analyse the Land Code Process
- Identify key information
- Develop, write and draft text
- Edit and finalize text
- Design layout and text placement
- Prepare postage, envelopes
- Prepare packages (fold, stuff and seal)
 - Arrange for mail out
- Arrange for delivery on reserve
- Distribute to members both on and off reserve
- Prepare material electronically for website and e-mail

Calendar of Events

- Identify who the Lands Committee would like to meet with (*elders, youth, staff, family groupings*)
- Identify Information meeting dates/times
- Prepare calendar for membership
- Distribute calendar to membership
- Identify follow-up Information meeting dates/times (*10 days before the actual vote*)
- Identify other important community meetings (not to conflict with other initiatives)

Mail out System

- Establish a functional database (name, address, sort level)
- Identify who maintains the database for constant updates and printing of labels and labelling of envelopes
- Identify who is responsible for stamping/delivering to postal outlet
- Delivery on reserve by mail and door-to-door
- Off reserve mail out (*take into account the Canada Post system in terms of business days for actual delivery - timing is important*)

Telephoning

- Contact telephone company and select the best type of Call Management Services
- Develop voice message centre that includes the following:
 - Toll free number
 - Extension business voice mail
- Identify who will update voice mail messages
- Identify who will retrieve and log voice mail messages

- Identify person to answer live calls 4 weeks before vote

Web site

- Select web designer
- Identify person to work with designer (*to coordinate, research, develop content and scan information*)
- Identify sections for website
- Identify person to receive and respond to e-mails
- Updated weekly or as required

Community Meetings

- Select facilitator
- Prepare agenda
- Develop meeting strategy and tactics
- Identify meeting length
- Identify spokesperson and other people to respond to questions
- Establish meeting guidelines
- Develop speeches and speaking points for presenters
- Prior to initial meetings review/rehearse presentation
- Identify who is responsible for coordinating and booking meetings
- Identify times, locations and dates
- If transportation for on reserve members is provided, identify pick up times and locations
- Book facilities
- Identify floor plan and set up
- Set up equipment, tables and chairs
- Select caterer and menu
- Identify person responsible for sign-in
- Identify person responsible for recoding and transcribing minutes
- Identify type of sound equipment and AV required such as:
 - Laptop computer, projection screen, sound system for recording, microphones (*standing and table*), projector for power point presentation, TV and video, writing pads, pens
- Identify who is responsible for:
 - bringing all relevant printed materials and supplies
 - storing all documentation and supplies after the meeting
 - gathering information for the meeting place
 - follow-up of questions from meetings

Video Production

- Identify person to assist with the production
- Confirm concepts, messages, and vision

- Develop outline and script
- Identify interviewees
- Identify narrator
- Identify and confirm shoots
- Edit footage and complete rough cut
- Duplicate video

Surveys

- Determine if a survey is necessary
- If yes, be specific what information you are seeking
- The survey should be clear and easy to understand
- Do a test sample on 10- 20 nation members in the community
- Canvassers 10 - 12 people (3 to people phone off reserve members) depending on the size of community. This service allows the members to have someone go through the survey and pick it up, remind them it is important for their input
- Determine who will input the results in a database
- Identify how the results will be analysed and used for the land code

Media Relations

- Identify 1 person to receive all calls from the media
- Select spokesperson
- Respond to enquires in timely manner
- Target list of media outlets to be prepared and reviewed monthly
- Facilitate relationships with local and National media
- Develop fact sheets, backgrounders, and press lines
- Write/distribute news releases, feature stories, media advisories
- Communicate directly with reporters and editors to ensure the Nation's message makes it into print and electronic media
- Create press kits and other media materials
- Arrange print and broadcast media interviews and news coverage
- Handle media inquiries and crisis communications
- Media interview training
- Design and implement inquiry tracking systems

Distribution Plan

The number and variety of communication materials will be identified for each communications tactic. Persons responsible for the distribution of specified materials will be identified, as well as where and when to distribute them.

Approval

The Chief and Council (*or its designate*) will approve the implementation of all communications tactics.

Binder of Information

- Copies of all information products for initiative
- Checklist of who was at the meetings
- Summary of who the information was sent too

Deliverables

- Key Messages
- Speeches
- Bulletin/Newsletters (4 minimum)
- Fact Sheets (9 total)
- 2-3 Question and Answer document(s)
- Power Point Presentation
- Websites (updates on a bi-monthly basis or as required)
- Database
 - Membership list of addresses
- Telephone Calling
 - log book sheets
 - script for callers
- Meetings Sheets
 - Attendance sheets
 - Questions from Members
- Calendar of Events

Environmental Effects and Mitigation

Type	Associated Activities and Sub-Activities	Potential Environmental Effects	Mitigation Measures
Roads and Bridge Works	<p>Construction, includes:</p> <ul style="list-style-type: none"> • New road and bridge construction • Reconstruction or modification, such as road upgrading, resurfacing and bridge replacement <p>Operations:</p> <ul style="list-style-type: none"> • Primarily traffic management; more specifically the types of users and their access to road networks <p>Maintenance, including:</p> <ul style="list-style-type: none"> • Grading • Snow clearing • Sanding which improves traction • Use of road salt to control ice and snow • Dust control • Debris clearing from roadways, culverts and ditches • Ditch digging and clearing • Weed control • Tree and brush removal • Bridge repair 	<ul style="list-style-type: none"> • Erosion and sedimentation • Damage to road surfaces due to overweight vehicles exceeding load limits • Damage to road due to excess traffic in adverse weather conditions (e.g. ruts, potholes) • Air quality effects, such as dust generation, or vehicle emissions. • Nuisance effects, including noise and glare • Effects on fish habitat, e.g., water quality, reduction of riparian vegetation or impact to riparian vegetation, bank stability • Deterioration of surface water quality, soil quality and potential groundwater contamination by water runoff from road networks draining that contains salts, heavy metals, chemicals etc. • Spills of dangerous goods 	<ul style="list-style-type: none"> • Develop a plan that addresses runoff, including erosion and sediment control measures • Limit use of heavy machinery in and around water and riparian areas, especially during times of high water flow • Limit application of road surface materials in less than ideal weather conditions • Clearly identify the type of vehicle use and schedule of timing for the type of road access • Setbacks from water bodies • Erosion control on slopes • Establish roadside landscaping program e.g. incorporating salt tolerant plants to act as a filter or trees as a noise barrier • Replace winter road salt with less harmful chemical formulations (sand mixture) • Employ trained environmental inspectors during road construction, upgrading, and culvert replacement work. • Establish dangerous goods routes • Enact noise abatement law or bylaw

Environmental Effects and Mitigation

Type	Associated Activities and Sub-Activities	Potential Environmental Effects	Mitigation Measures
Water Supply Systems	<p>Construction:</p> <ul style="list-style-type: none"> • New construction of water delivery facilities and water quality control facilities • Reconstruction or modification of existing infrastructure <p>Operation:</p> <ul style="list-style-type: none"> • Accessing water sources • Treatment of accessed water in accordance with the type of use with things such as salt and/or chlorination • Transfer and distribution of water to consumer (e.g. resident or industry) <p>Maintenance:</p> <ul style="list-style-type: none"> • Flushing lines • Maintaining the pumps • Replacing UV lights 	<ul style="list-style-type: none"> • Impact to environment during the construction of water supply infrastructure, such as removal of native vegetation, and effects on wildlife, fish and insects • Breaches in water supply pipes, which can lead to contamination of the freshwater supply and a decrease in the amount available for human use and consumption • Chlorinated water can harm aquatic organisms • Poor treatment of polluted water taken from water reservoirs can pose risk to human health 	<ul style="list-style-type: none"> • Perform necessary treatment of water in accordance with acceptable water quality standards • Establish and implement regular maintenance and monitoring of all systems and facilities • Do not release chlorinated water directly into natural watercourses • Employ qualified water quality monitors to conduct inspections and review reports • Employ environmental inspectors during facility construction and land-disturbing maintenance

Environmental Effects and Mitigation

Type	Associated Activities and Sub-Activities	Potential Environmental Effects	Mitigation Measures
Wastewater and Sewage Systems	<p>Construction:</p> <ul style="list-style-type: none"> New construction of sewage, irrigation systems, stormwater management and related erosion, flood water control systems. Reconstruction or modification of existing sewage, stormwater and flood management facilities. <p>Operation:</p> <ul style="list-style-type: none"> Collection of wastewater through combined drainage systems or separate stormwater and sewage systems Transport and treatment of wastewater and sewage Discharge of stormwater and treated wastewater effluent Disposal of sewage sludge <p>Maintenance:</p> <ul style="list-style-type: none"> Repairs to existing infrastructure and minor replacement 	<ul style="list-style-type: none"> Deterioration of water quality through discharge of untreated wastewater can contaminate fresh water with nutrients, heavy metals, and salts. Excess nitrates in untreated wastewater can impact groundwater supplies Soil and vegetation can be adversely affected by excess contaminants in discharged poorly treated wastewater Untreated sewage discharge can result in soil and water contamination by pathogenic microorganisms (bacteria, viruses and worms), harmful organic chemicals, and pharmaceutically-active compounds. 	<ul style="list-style-type: none"> Establish environmental discharge standards for each level of activity, e.g. domestic, commercial, light industrial, heavy industrial or special uses Establish separate water treatments for residential, commercial and light industrial activities vs. major wastewater generators, so that environmental discharge standards can be met Construct pre-treatment facilities where appropriate Establish and implement regular maintenance and monitoring of all systems and facilities Employ qualified monitors to conduct facility inspections, sample wastewater effluent, and prepare reports Employ environmental inspectors during construction or ground-disturbing maintenance.

Environmental Effects and Mitigation

Type	Associated Activities and Sub-Activities	Potential Environmental Effects	Mitigation Measures
Solid Waste Management Systems	<p>Construction:</p> <ul style="list-style-type: none"> New construction of transfer station facilities, or the modification of the current waste transfer station facility <p>Operations include:</p> <ul style="list-style-type: none"> Collection from households, commercial and industrial areas and from community areas Transferring and sorting of wastes <p>Disposal</p> <ul style="list-style-type: none"> Dumping, Sanitary landfill, off-reserve, disposal, incineration, recycling 	<ul style="list-style-type: none"> Air quality issues due to methane or other noxious emissions, and foul odours Chemical pollutants e.g. leachate, which can contaminate groundwater Animals and insects breeding Attracting bears gulls and ravens to landfills and garbage cans 	<ul style="list-style-type: none"> Waste reduction strategy identified and implemented Implement an active recycling program Negotiate municipal service agreements Create and implement a regular maintenance and monitoring program Review reports to ensure that adjacent off-reserve landfill meets accepted standards for construction and operation. Identify appropriate waste collection receptacles as per the collection method and schedule

Environmental Effects and Mitigation

Type	Associated Activities and Sub-Activities	Potential Environmental Effects	Mitigation Measures
Community Buildings	<p>Construction:</p> <ul style="list-style-type: none"> • New construction of community buildings • Renovations or modifications of existing community buildings <p>Operations and Maintenance:</p> <ul style="list-style-type: none"> • Janitorial and cleaning services • Painting, mechanical and electrical maintenance activities, mowing, planting and pruning 	<ul style="list-style-type: none"> • Erosion from poorly functioning drainage systems • Poor storage of chemicals e.g. paints, solvents • Excessive energy use from poor insulation or building design, and maintenance flaws • Excessive water use due to poor maintenance or selection of landscaping plants that require irrigation. • Encourage vandalism 	<ul style="list-style-type: none"> • Establish guidelines for handling and storage of chemicals in all community buildings • Ensure new structures meet appropriate energy conservation and other environmental standards. • Establish a maintenance program to upgrade energy and water consumption performance of buildings. <p>See also, wastewater, sewage and solid waste systems for appropriate measures to be taken in collection and disposal of wastes that are generated in community buildings</p>

NOTE: The items on this table represent many operations and maintenance activities, but are not meant to be an exhaustive list.



Environmental Manager **Sample Job Description**

The First Nation's environmental manager will co-ordinate the components of the First Nation specific Environmental Management Plan (EMP).

Environmental managers must be able to identify and resolve a variety of environmental problems. Environmental managers will co-ordinate the efforts of operational staff, while working with Chief and Council, federal, provincial, and municipal bodies, developers, and others on a regular basis. They will need to understand political, social, legal, and economic issues, as well as aspects of environmental science and technology. Environmental managers will be expected to act as environmental leaders in their communities.

Duties:

- Oversee the implementation of the First Nation's EMP, including drafting laws deemed necessary by the EMP, Environmental Assessment, land use controls, sustainability initiatives, and environmental aspects of day-to-day reserve operations.
- Co-ordinate all aspects of environmental management on-reserve including resource extraction, pollution reduction, waste management, development controls, environmental health, risk assessment and remediation of contaminated sites.
- Serve as the administrator for environmental programs for the First Nation, including preparation of budgets, staffing plans, and capital plant.
- Oversee the issuance of permits, which may be prepared by the Environmental Technician.
- Review development applications and prepare summaries for Chief and Council.
- Co-ordinate compliance and monitoring of environmental legislation.
- Oversee pollution control, pollution prevention, recycling programs, or other EMP components.
- Evaluate best management practices and emerging technologies and provide technical and general information to other First Nations staff, Council and community members.
- Oversee auditing and reporting of environmental performance, providing results to internal and external bodies, as required.
- Manage enforcement, mediation, prosecution, and adjudication actions.
- Identify, assess, and reduce First Nations environmental risks and financial costs associated with environmental matters.



- Incorporate relevant aspects of environmental laws and policies (the First Nation's and others' and best management practices into First Nations operations.
- Develop environmental awareness initiatives for community members and political leaders.
- Assess and implement improvements to the First Nation's EMP.
- Co-ordinate First Nations Environmental Assessment (EA) processes and First Nations participation in external EA processes. Roles may include determining whether an EA is required for a proposed project, defining project Terms of Reference, oversight during EA preparation, report to Chief and Council, organizing community involvement, reviewing EA reports, and coordinating monitoring of EA mitigation strategies and commitments.
- Provide environmental input to the development and amendment of land use plans and regulatory bylaws.
- Co-ordinate ongoing training for environmental staff in relevant fields of environmental management.
- Deliver environmental status reports and recommendations to Chief and Council.
- Develop and co-ordinate environmental purchasing decisions.
- Identify environmental sound business opportunities.
- Co-ordinate contracts with consultants, lawyers, and other external support for services related to environmental management.
- Write environmental reports, monitoring studies, and state of the environment reports.
- Make presentations to municipalities, community, and environmental groups.

Qualifications:

A sound knowledge of scientific and management principles is needed. An effective environmental manager must understand problems and recognise areas for environmental improvement, and then be able to communicate solutions to community members, political leaders, staffs of other government agencies, and the broader public. Familiarity with approaches to environmental issues, and the ability to work with a variety of individuals is important.

Example of First Nation Operations

Category of Operations	Operational Activities
Roads and Bridges	<p>This area of reserve operations is responsible for the construction of roads, bridges, culverts, sidewalks, and maintenance of these facilities and rights of ways on reserve lands. Maintenance includes street sweeping, sidewalk repair and bridge painting.</p> <p>Lands Governance Director's may want to review existing service agreements.</p>
Water Supply Systems	<p>Includes the construction, operation and maintenance of facilities for the collection, treatment, storage, and distribution of water.</p> <p>These systems can include wells, storage reservoirs, water tanks, pipes, aqueducts, pumps and filtration systems. Common water sources for water supply systems include groundwater and surface water such as rivers, lakes, streams.</p>
Wastewater and Sewage Systems	<p>Wastewater and sewage system operational activities includes: construction, maintenance of sewer lines, and waste treatment facilities.</p> <p>Wastewater and sewage systems include various mechanical, chemical or biological processes that are used to collect, transport, treat and dispose or discharge wastewater and sewage that remove pollutants from and improve the quality of wastewater before being discharged back into the environment.</p>
Solid Waste Management Systems	<p>Solid wastes include garbage, construction debris, commercial refuse and other discarded materials.</p> <p>Solid waste management systems are the processes used to collect, sort, transport, transfer, process, recycle, incinerate, landfill, treat and otherwise dispose of garbage, refuse, and other solid waste materials.</p>
Community Buildings	<p>Community buildings on reserve lands are owned, operated and maintained by the First Nation, and include administration buildings, health facilities, or community centres.</p> <p>Operations and maintenance includes the day-to-day activities necessary for the buildings and their systems and equipment to perform their intended function.</p> <p>These day-to-day activities include janitorial and cleaning, maintenance and repairs, outdoor and grounds services (landscaping, irrigation systems, storm drainage, walkways, parking lots, and weed control), electrical, mechanical and operational controls.</p>

First Nation Operations and Maintenance Worksheet Sample 1

Types of Reserve Operations	Responsible Department or Staff	Associated Activities
Roads and Maintenance	<ul style="list-style-type: none"> Public Works 	<ul style="list-style-type: none"> Grading Sanding Application of Dust Control Snow Clearing etc.

First Nation Operations and Maintenance Worksheet Sample 2

Types of Reserve Operations	Responsible Department or Staff	Associated Activities	Potential Environmental Effects	Mitigation Measures
Road construction and maintenance	Public Works	Grading Sanding Application of Dust Control Snow Clearing etc.	<ul style="list-style-type: none"> • Vegetation removal • Erosion • Stream damage • Sedimentation 	<ul style="list-style-type: none"> • Avoid sensitive plant communities • Practice erosion and sediment control • Avoid grading near streams
Road construction and maintenance	Public Works	Road sanding and salting	<ul style="list-style-type: none"> • Salt damage to plants and metal infrastructure (rebar, bridge hardware) • Salt effects on water quality • Sand accumulation in storm drains • Poor sources of sand (e.g., stream beds) 	<ul style="list-style-type: none"> • Minimize use of salt • Seek alternatives to salt (e.g., magnesium chloride) • Clean roads as soon as snow season ends • Verify sources of sand

The communication strategy may identify the following key components:

- a. The current reserve operations and activities occurring on the First Nation lands,
- b. The potential environmental impacts for each of the reserve operations,
- c. The departments responsible for each of the reserve operations,
- d. Specified standard operating procedures for each of the reserve operation activities as per the First Nation Environmental Management Plan,
- e. Lists of the permits or reporting required by the Lands Department, and
- f. Agreements or protocols that should be formalized between the First Nation departments (if any).

First Nation Operations and Maintenance Worksheet Sample 3					
Types of Reserve Operations	Responsible Department or Staff	Associated Activities	Potential Environmental Effects	Mitigation of Environmental Impacts	Communication Strategy
Roads and Maintenance	Public Works	<ul style="list-style-type: none"> Grading Sanding Application of Dust Control Snow Clearing etc. 	<ul style="list-style-type: none"> Erosion and sedimentation Air quality issues Effects on water and soil quality 	<ul style="list-style-type: none"> Develop a plan to address runoff, erosion and sedimentation issues Limit application of road surface materials in less than ideal weather conditions 	<ul style="list-style-type: none"> Identify permits or reporting required by Lands Department Develop agreements or protocols between departments Meet regularly

Best Practices **For** **Reserve Operations**

There are some basic common practices that can be incorporated into any area of reserve operations, regardless of the kind of operation. Some of these common best practices include:

- 1) Conduct pre-planning, including formal Environmental Assessment if applicable, before construction activities occur to identify:
 - a) Project specifics
 - b) Sensitive habitat areas, medicinal plants, water bodies, etc. that may be affected by the activity
 - c) Measures to be implemented to reduce the impact of activities on the environment
 - d) Timing of activities to be conducted
 - e) Post-construction restorative measures
- 2) Create operation and maintenance guidelines for each area of reserve operations. Reserve operations should be conducted in ways that are consistent with the content of the First Nation's Environmental Management Plan
- 3) Develop a schedule for all operations, maintenance, construction, monitoring, and inspection activities to be conducted for the life of the infrastructure.
- 4) Identify the departments, staffing or other parties responsible for carrying out each of the activities associated with reserve operations.
- 5) Develop and maintain an up-to-date Environmental Emergency Response Plan for each of the reserve operations.

As a Lands Governance Director start to fill out your own First Nation's operations and maintenance worksheet using the sample below.

First Nation Operations and Maintenance Worksheet Sample 4

Types of Reserve Operations	Responsible Department or Staff	Associated Activities	Potential Environmental Effects	Mitigation of Environmental Impacts	Communication Strategy	Best Practices
Roads and Maintenance	Public Works	<ul style="list-style-type: none"> Grading Sanding Application of Dust Control Snow Clearing etc. 	<ul style="list-style-type: none"> Erosion and sedimentation Air quality issues Effects on water and soil quality 	<ul style="list-style-type: none"> Develop a plan to address runoff, erosion and sedimentation issues Limit application of road surface materials in less than ideal weather conditions 	<ul style="list-style-type: none"> Identify permits or reporting required by Lands Department Develop agreements or protocols between departments Meet regularly 	<ul style="list-style-type: none"> Prepare an action plan and create a schedule of regular maintenance, inspection and monitoring activities. Activities should preferably be done in the appropriate weather for the nature of that particular activity, for example the application of dust abatement is not desirable during periods of rainfall.

FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT

EXECUTIVE SUMMARY

INTRODUCTION

The *Framework Agreement on First Nation Land Management* was signed by the Minister of Indian Affairs and Northern Development and 13 First Nations on February 12, 1996. One other First Nation was added as of December 1997. The Agreement was ratified by Canada through the *First Nations Land Management Act*, assented to June 17, 1999

The Agreement is an initiative by these 14 First Nations to take over the governance and management control of their lands and resources. This First Nation designed and driven *Framework Agreement* with Canada has expanded from the original 14 First Nation signatories to 84 First Nation Signatories in 2013. The *Framework Agreement* applies only to those First Nations who choose to ratify it.

The *Framework Agreement* is not a treaty and does not affect existing treaty or other constitutional rights of the First nations. .

The *Framework Agreement* provides the option to govern and manage reserve lands outside the *Indian Act*. The option to regain control of reserve land through a land code can only be undertaken with the consent of the community. A land code replaces approximately 30 sections of the *Indian Act*.

TAKING CONTROL OF LAND GOVERNANCE

A First Nation signatory to the *Framework Agreement* develops its land governance system by creating its own Land Code, drafting a community ratification process and entering into an individual Agreement with Canada. The specific steps are set out in the *Framework Agreement*:

The Land Code: Drafted and approved by the community, will be the basic land law of the First Nation and will replace the land management provisions of the Indian Act. The Minister of Indian Affairs and Northern Development will no longer be involved in the management and decision making of a First Nation's reserve lands. The Land Code does not have to be approved by the Minister or AANDC.

The Land Code is drafted by each First Nation and provides for the following matters:

- Identifies the reserve lands to be governed by the First Nation under its Land Code,
- Sets out the general rules and procedures for the use and occupation of these lands by First Nation members and others,
- Provides financial accountability for revenues from the lands (except oil and gas revenues, which continue under the Indian Oil and Gas Act),
- Provides the procedures for making and publishing First Nation land laws,
- Provides conflict of interest rules,
- Provides a community process to develop rules and procedures applicable to land on the breakdown of a marriage,
- Identifies a dispute resolution process,
- Sets out procedures by which the First Nation can grant interests in land or acquire lands for community purposes,
- Allows the delegation of certain land management responsibilities,
- Sets out the procedure for amending the Land Code,
- Deals with any other matter respecting the governance of First Nation reserve land and resources.

Individual Transfer Agreement: An Individual Agreement between each community and the Minister will be negotiated to deal with such matters as:

- The reserve lands to be managed by the First Nation,
- The specifics of the transfer of the administration of land from Canada to the First Nation,
- The transitional and operational funding to be provided by Canada to the First Nation for land governance.

Community Ratification Process: In order for the First Nation to assume control over its lands, the Land Code and the Individual Agreement must be ratified by the voting age members of the First Nation. All members of the First Nation who are at least 18 years of age, whether living off-reserve or on-reserve, have the right to vote on the Land Code and the Individual Agreement. The procedure for the community ratification process is developed by the community in accordance with the *Framework Agreement*.

Federal Legislation: Canada agreed to ratify the *Framework Agreement* by enacting federal legislation that is consistent with the *Framework Agreement*. The *First Nations Land Management Act* was enacted and given royal assent on June 17, 1999.

Verification: An independent person selected jointly by the First Nation and Canada, called a Verifier, confirms that the community ratification process and Land Code are consistent with the *Framework Agreement*. The Verifier monitors the community ratification process to ensure that the rules are followed.

Recognition of Land Governance Authority: If the community ratifies their own Land Code and the Individual Agreement, control over First Nation lands and resources are no longer be subject to the *Indian Act*, but recognized to be under the governance authority of the First Nation.

TITLE TO FIRST NATIONS

Reserve lands under the *Indian Act* are held by Her Majesty and are set apart for the use and benefit of a First Nation. This will not change under the *Framework Agreement*. These lands remain a federal responsibility under section 91(24) of the *Constitution Act, 1867*. In addition, the First Nation's land will be protected against future surrender for sale.

LEGAL STATUS AND POWERS OF FIRST NATIONS

The *Framework Agreement* provides First Nations with all the legal status and powers needed to govern and manage their lands and resources. While First Nations will not be able to sell their land, they will be able to lease or develop their lands and resources, subject to any limits imposed by their own community Land Code.

Law-Making Powers: A First Nation governing its lands under a Land Code will have the power to make laws in respect of the development, conservation, protection, management, use and possession of First Nation land. The Land Code does not authorize laws relating to the taxation of real or personal property. Such laws must be made separately pursuant to section 83 of the *Indian Act*. The First Nation's Council can also continue to make by-laws under section 81 of the *Indian Act*.

Land Management: The *Framework Agreement* provides the First Nation with all the powers of an owner in relation to its First Nation Land, except for control over title or the power to sell it. The First Nation's Council can manage land and resources, as well as revenues from the land and resources, in accordance with its Land Code.

Third Party Interests: Interests in First Nation land held by third parties, or by Canada, will continue in effect according to their terms and conditions under a Land Code. No new interests or licences may be acquired or granted except in accordance with the Land Code.

First Nation Expropriation: The First Nation will have the option to acquire lands for community purposes upon payment of fair compensation to those whose interests are affected.

Accountability: A Land Code will make provision for a First Nation to report to its members and to be accountable for the governance of their lands, resources and revenues.

Marriage Breakdown: A First Nation will be able make rules on the rights of spouses to interests in First Nation land if their marriage breaks down. The community must, within 12 months of passage of its Land Code, develop and enact rules and procedures on this topic. The new rules and procedures will ensure the equality of women and men.

Registration of Interests: All documents pertaining to land interests of a reserve will be recorded in the First Nation Land Registry System (FNLRS).

The FNLRS is:

- Electronic
- Provides for Instant Registration
- Priority based
- Paperless
- Backed by Regulation (Unlike the *Indian Act* registry system)

The FNLRS system and regulations are landmark achievements. These regulations made it possible for reserve to have greater land certainty, mortgageability, title insurance and drastically reduced or eliminated land transaction costs

PROTECTION OF FIRST NATION LAND

The preserving of the quantity and quality of existing First Nations lands is a fundamental principle of the *Framework Agreement*. Some aspects of this principle are summarized below:

Taxation and Seizure under Legal Process: The current exemption of reserve lands, and personal property situated on-reserve, will continue under the relevant provisions of the *Indian Act*.

Environmental Protection: A First Nation with a land code in effect will be required to develop an environmental protection regime. A First Nation will have the power to make environmental assessment and protection laws and will harmonize these laws with federal and respective provincial environmental laws.

Voluntary Exchange of Lands: A First Nation may decide that it is advantageous to exchange some of its First Nation lands for other lands. Provision can be made in its Land Code for a procedure to negotiate and approve such exchanges. An exchange of land cannot occur without the consent of the First Nation community.

No Provincial Expropriation: Under the *Framework Agreement* there can be no expropriation of First Nation land by a provincial or municipal government or agency.

Restricted Federal Expropriation: Canada's power to expropriate First Nation land is greatly restricted. That power can only be exercised with Cabinet approval and only when the expropriation is justified and necessary for a federal public purpose that serves

the national interest. Compensation must include provision for equivalent lands so that the land base of the First Nation is not diminished.

Enforcement: The First Nation will have full power to enforce its land and environmental laws and may enter into further agreements with other jurisdictions to assist in such enforcement. A First Nation can appoint its own Justice of the Peace or special prosecutor to try offences created under a Land Code or a First Nation law. First Nation laws may make provision for search and seizure, fines, imprisonment, restitution, community service or alternate means for achieving compliance with its laws.

CONTINUING FEDERAL RESPONSIBILITY

Canada will remain liable for and will indemnify a First Nation for losses suffered as a result of any act or omission by Canada, or its agents, that occurred before the Land Code comes into effect. After that date, the First Nation is responsible for its own acts or omissions in managing its lands.

DISPUTE RESOLUTION

The First Nation will establish its own processes for dealing with disputes in relations to its lands and resources. These can include mediation, neutral evaluation and arbitration. In the case of a disagreement between the First Nations and Canada on the meaning or implementation of the *Framework Agreement*, there are provisions in the *Framework Agreement* to resolve the dispute outside the courts.

LANDS ADVISORY BOARD AND RESOURCE CENTRE

The First Nations party to the *Framework Agreement* established a Lands Advisory Board and Resource Centre to assist them in implementing their own land governance regimes, including developing model land codes, laws, documents, agreements and management systems.

FIRST NATIONS INVOLVED

The following is a list of the 40 First Nations who signed the *Framework Agreement* and who have enacted Land Codes pursuant to the *Framework Agreement*.

BC

1. Beecher Bay
2. Kitselas
3. Leq' a: mel
4. Lheidli T'enneh
5. Matsqui
6. Musqueam
7. Seabird Island
8. Shx'wha:y Village
9. Skawahlook
10. Sliammon
11. Snaw Naw As (Nanoose)
12. Songhees
13. Squiala
14. Sumas
15. Tsawout
16. Tsawwassen^(a)

MB

1. Chemawawin
2. Opaskwayak
3. Swan Lake

17. Tsekani (McLeod Lake)
18. Ts'kw'aylaxw (Pavilion)
19. T'sou-ke
20. Tsleil-Waututh
21. Tzeachten
22. Westbank^(b)
23. We Wai Kai (Cape Mudge)
24. We Wai Kum (Campbell River)

SK

1. Kahkewistahaw
2. Kinistin
3. Muskeg Lake
4. Muskoday
5. Whitecap Dakota
6. Flying Dust

ON

1. Anishinaabeg of Naongashiing
2. Georgina Island
3. Henvey Inlet
4. Mississauga
5. Nipissing
6. Scugog Island
7. Whitefish Lake

(a) Now implementing treaty

(b) Now implementing full self-government



Individual Agreement **Interim Environmental Assessment Process**

REVISED MAY 7, 2012 – FOR USE IN PROVINCES OTHER THAN QUEBEC

8 INTERIM ENVIRONMENTAL ASSESSMENT PROCESS

8.1 As of the date the Land Code comes into force, the environmental assessment process set out in Annex “F” shall apply to projects on First Nation land until the coming into force of First Nation laws enacted in relation to that subject.

ANNEX “F”

INTERIM ENVIRONMENTAL ASSESSMENT PROCESS

(1) In this Annex,

- a. “CEAA 1992” means the *Canadian Environmental Assessment Act, S.C. 1992, c. 37* [repealed, 2012, c. 19, s. 66], as it read immediately prior to its repeal;
- b. “CEAA 2012” means the *Canadian Environmental Assessment Act, 2012, S.C. 2012, c. 19, s. 52*, as amended from time to time.

(2) The Parties agree that the provisions on environmental assessment in this Annex are without prejudice to any subsequent environmental assessment process they may agree upon in accordance with Clause 25.1 of the Framework Agreement for incorporation in First Nation laws respecting environmental assessment. The provisions in this Annex apply until replaced by First Nation laws respecting environmental assessment.

(3) During the interim period prior to the enactment and coming into force of First Nations Laws with respect to environmental assessment of projects on First Nation Land, the First Nation shall conduct environmental assessments of projects on _____ First Nation Land in a manner that is consistent either with the requirements of CEAA 1992 and clause (4) below or with the requirements of CEAA 2012 (or any federal environmental assessment legislation that may replace CEAA 2012 in the future). All assessments shall be conducted at the expense of the First Nation or of the proponent of the project.



(4) The following provisions apply to an environmental assessment process conducted in a manner that is consistent with CEAA 1992:

a. When the First Nation is considering the approval, regulation, funding or undertaking of a project on _____ First Nation Land that is not described in the exclusion list as defined in CEAA 1992, the Council of the First Nation shall ensure that an environmental assessment of the project is carried out, at the expense of the First Nation or the proponent, in accordance with a process that is consistent with that of CEAA 1992. Such assessment shall be carried out as early as practicable in the planning stages of the project before an irrevocable decision is made.

b. The First Nation shall not approve, regulate, fund, or undertake the project unless the Council has concluded, taking into consideration the results of the environmental assessment, any economically and technically feasible mitigation measures identified as necessary during the assessment, and any public comments received during the assessment, that the project is unlikely to cause any significant adverse environmental effects or that any such effects are justifiable under the circumstances.

c. If the First Nation approves, regulates, funds, or undertakes the project, the First Nation shall ensure that all mitigation measures referred to in paragraph b. are implemented at its expense or it is satisfied that another person or body will ensure their implementation. The Council shall also consider whether a follow-up program, as defined in CEAA 1992, is appropriate in the circumstances and if so, shall design a follow-up program and ensure its implementation.

(Insert name of FN) INDIVIDUAL AGREEMENT SUMMARY

(Insert name of FN) is one of a number of First Nations (FN) in Canada who is party to the *Framework Agreement on First Nation Land Management (Framework Agreement)*. The federal government is also a party to the agreement and ratified it through the *First Nation Lands Management Act* on June 17, 1999.

The *Framework Agreement* and legislation enable these FNs to take control over the management and administration of their reserve lands from Aboriginal Affairs and Northern Development Canada (AANDC). In order to do this each FN must enter into an Individual Agreement with AANDC. This Individual Agreement sets out the specifics of the transfer of management of reserve lands from Canada to the **(Insert name of FN)**.

The Individual Agreement for the **(Insert name of FN)** is summarized as follows:

Section 1 – Interpretation

This section defines the terms that are used in the Individual Agreement, including identifying the reserve lands that will be transferred.

Description of (Insert name of FN) Land

This section identifies the lands that are subject to this Individual Agreement:

(Insert Legal Land Descriptions here as recorded in the approved Legal Land Description Report)

Section 2 – Information Provided by Canada

This section confirms that Canada has provided the **(Insert name of FN)** with all of the information in its possession regarding dispositions of reserve lands, environmental issues on reserve lands and any similar information. Land interests and dispositions are set out in “Annex C”.

The information collected during the Phase I Environmental Site Assessment (ESA) that was conducted in (insert date of Phase I ESA work) is summarized in “Annex D”. The environmental issues were identified in this report and an action plan for the Phase II Environmental Site Assessment is also included.

(Insert the potential areas of environmental concerns as identified in the Phase I ESA report)

This section also includes any other information in Canada's possession on monies payable, including information on any arrear of rent as the date of transfer as set out in "Annex E".

Section 3 – Transfer of Land Management

This section provides that Canada will transfer the management and control of reserve lands to the **(Insert name of FN)** on the effective date of the Individual Agreement. **(Insert name of FN)** will then begin managing and controlling its reserve lands and natural resources under its Land Code.

Section 4 – Transfer of Rights

This section transfers all of Canada's rights, obligations, powers and authorities in or under all previous interests or licenses affecting reserve lands to the **(Insert name of FN)**.

Section 5 – Operational Funding

This section obligates Canada to provide the **(Insert name of FN)** with funding and resources for managing reserve lands. The amount of funding is set out in "Annex A". The amount of FN operational funding is based upon a variety of factors as outlined in the Memorandum of Understanding on Funding (October 19, 2011) that would give **(Insert name of FN)** **(Insert the operational funding amount)** for the first fiscal year.

Section 6 – Transfer of Revenues

This section obligates Canada to transfer to the **(Insert name of FN)** any monies that it holds in trust for the use and benefit of the **(Insert name of FN)** and any revenues it receives from reserve lands. Canada will transfer to the **(Insert name of FN)** the amount of **(Insert the amount to be transferred)** that is currently held in the **(Insert name of FN)** Revenue Account. The procedures for the transfer of funds are set out in "Annex B".

Section 7 – Notice to Other Persons

This section requires the First Nation to notify any non-members who hold an interest in reserve land that management of the reserve lands will be transferred to the **(Insert name of FN)** and that the **(Insert name of FN)** will collect the revenues from those interests in the future. This notice must be given within thirty days of the ratification of the Land Code.

Section 8 – Interim Environmental Assessment Process

This section provides that until the **(Insert name of FN)** establishes its own Environmental Assessment process, the *Canadian Environmental Assessment Act* will

apply. The procedure for Environmental Assessments during this period is set out in “Annex F”.

Sections 9 and 10

These are standard formalities regarding this amendment of the Individual Agreement, giving formal notice and documentation.

Section 11 – Dispute Resolution

This section provides that the dispute resolution provisions of the *Framework Agreement* apply to any disputes between Canada and the **(Insert name of FN)** regarding the Individual Agreement.

Section 12 – Date of Coming into Force

This section provides that the Individual Agreement comes into force at the same time as the **(Insert name of FN)** Land Code.



LAWS, REGULATIONS AND POLICIES

Laws, regulations and policies are critical components of our society and government. They establish public priorities, help maintain order and safety, and play an important role in shaping the political and social fabric of communities at every level - from towns and cities to provinces and the nation.

LAWS

Laws are enacted by government bodies (First Nation, federal, provincial and municipal). Laws are a set of rules or norms of conduct, in other words, they describe what can or cannot be done and they must be obeyed by everyone including private citizens, groups and companies. Laws have a specific enactment procedure and are administered and enforceable through our system of courts. Laws are not easily changed or amended.

LAWS BY FIRST NATION COUNCILS

Framework Agreement on First Nation Land Management – Pursuant to the *Framework Agreement* First Nations Councils may enact laws respecting the development, conservation, protection, management, use and possession of First Nation reserve land and interests or land rights and licences in relation to those reserve lands. This includes any matter necessary or ancillary to the making of laws in relation to First Nation land.

For example, a First Nation may enact laws respecting zoning, land use, subdivision control and land development, environmental assessment and protection, the provision of local services, provision of services for the resolution of disputes in relation to land decisions. The *Framework Agreement* specifies laws that can be enacted by the Chief and Council acting alone but it also specifies laws that require community support (i.e. matrimonial real property, land use planning).

Indian Act – Even if a First Nation has a land code in effect, a First Nation may choose to enact bylaws under section 81 of the *Indian Act*. Pursuant to that section, a Council may make by-laws in a number of areas including traffic, observance of law and order, prevention of disorderly conduct and nuisances, removal and punishment of persons trespassing upon the reserve, etc.

The laws are enacted by the Chief and Council but must be approved by the Minister of Indian Affairs, even where the First Nation has a land code in effect. An intoxicant by-law can also be passed by Council pursuant to section 85.1 of the *Indian Act*; these laws do not require Ministerial approval but rather need community approval. Lastly, Councils may also pass a taxation by-law, with the consent of the Minister, pursuant to section 83 of the *Indian Act*.



REGULATIONS

Regulations – are a form of law or rule that are authorized under a law and subordinate to that law. Departments and administrators generally write regulations to implement and support the requirements of the law. Regulations deal with the details or technical matters that are not found in a law. Regulations can be easier to change and amend. Regulations are made by federal or provincial Departments of government and approved by Cabinet.

For example there are Regulations under the *Indian Act* concerning Band Council elections, timber, referendums. There are many Regulations under the *Fisheries Act* which set quotas and seasons for different species of fish and which are different in each of the provinces and territories. The *Canada Environmental Protection Act* also has many regulations concerning pollutants, emissions from various industries and similar subjects. Lastly, the First Nations Land Registry Regulations were established pursuant to the *First Nations Land Management Act*.

POLICIES

Policies – are a less stringent set of rules or strategies set in place by a government to improve standards. They are set in place to achieve certain objectives that are within the law or that need to comply with the law. Policies are easier to change and amend.



LAND CODE SUMMARY

There are 9 Sections in this Land Code:

Part 1: Preliminary Matters

This introduces the Land Code to the reader and defines how the document should be read. There is a description of the terms that will be used in the document, an explanation of where the authority to govern comes from, what the purpose of the Land Code is and what lands the Land Code applies to (the reserve land description).

Part 2: First Nations Legislation

This section outlines what law making power the First Nation will have out of the Land Code and the procedure for how new land laws will be created and implemented (including where they will be published and when they take effect) under the Land Code.

Part 3: Community Consultation and Approvals

This section defines how and what the process is for implementing various elements of the Land Code. For example, approving a land use plan or enacting land laws requires community approval under the conditions defined in this section. Furthermore, this section touches on the procedures for a “meeting of members”, and the ratification process and approval thresholds are for passing laws or other matters such as: i.e. development of a heritage site, amendment to the Land Code, or any other matter.

Part 4: Protection of Land

This section outlines some of the key protections the Land Code offers- and the special conditions by which the First Nation could expropriate land (only by community approval through ratification vote) and the conditions for calculating compensation, but also the rights that may not be expropriated. This section also defines the necessity for a law on heritage sites, and ensures no development or amendment can be made to the land use plan to get rid of a heritage site created under this law. Finally this section states that an agreement is necessary for the First Nation to exchange land with another party (i.e. First Nation, Province, and Federal Government) and there are conditions to be met for lands to be received (such as the need for an appointed negotiator, freedom of receiving additional compensation or land in trust, and federal commitment to add any lands to the existing reserve base).

Part 5: Accountability

This section really has to do with how the Land Code is administered by First Nation including the rules for a “conflict of interest” and the duty to report and abstain from participation in land matters where there is a conflict. Also in the context of conflict of interest this section defines the non-application of these rules for common interests, dealing with disputes and penalties.

This section also applies to how financial management, audit and financial reporting will be conducted – establishing separate lands bank accounts, signing officers, bonding, signing



authorities, and the adoption of the fiscal year for operations and reporting. This section also goes into detail about the specific rules for a year to year lands budget and financial policy. The final part of this section is about financial records and the member's right to access information on year to year financial statements, audit report, the annual report on lands, and the penalties for interference or obstructing the inspection of these records by another member- and the coordination and roles responsible for creating and making these documents public (i.e. auditor and council).

Part 6: Land Administration

This section starts off by establishing the Lands Committee - it defines the composition, eligibility requirements, selection method, term of office and dealing with vacancies. This section also defines how revenue monies from lands will be handled (from fees, leases etc.), how the registration of land interests (leases, permits, licences) will be conducted and how it is captured through First Nations Land Registry System (FNLRS) and a duplicate register if directed.

Part 7: Interests in Land

This section relates more to the operation of the First Nation's lands administration and how it will address existing interests (e.g. CPs) and new land related interests (e.g. CPs or allocations). This section defines that there will need to be written documents, standards created, and that consent will be necessary to process any granting or disposing of assignments of land. This section defines the rights of CP holders and the procedure for cancelling a CP, the transfer and use of a CP, and the situation when a CP holder ceases to be a member. This section also defines the limits on mortgages and seizures, transfers upon death, and the principles for spousal property law (to be made into a Matrimonial Real Property law)

Part 8: Dispute Resolution

This section is created to address how possible disputes that could arise by any benefactor (e.g. First Nation member) of the Land Code and how the process for addressing disputes will be conducted. For example, an adjudicator would be established to resolve disputes in relation to lands unless members could come to some resolve by way of an informal resolution of disputes. The section sets out the powers for the adjudicator, adjudication procedures and decisions and the member's ability to appeal these decisions and expectations around costs.

Part 9: Other Matters

This section defines four (or more) items to address common issues such as:

1. Liability- the need for director and officers insurance for Lands Committee members,
2. Offences and enforcement- what are offences and what is the penalty,
3. Amendments to Land Code- specifically the process for amending this Land Code,
4. Commencement- defines when the actual start date will be.



SERVICE PLAN 2013-2014



TSAWWASSEN FIRST NATION
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INTRODUCTION

Background and Purpose

The 2013/2014 Service Plan identifies the programs and services that we, as Tsawwassen Government, will deliver over the coming year. We set out our objectives for the year based on input from a variety of sources including most importantly you, our Members. We use this Service Plan to set out how we plan to accomplish those objectives and how much it will cost.

This Plan assists us in running an efficient, effective and transparent government, and we hope you use this document as a tool to ensure that we are doing our job and being true to the community's vision.

Strategic Context

This Service Plan is intended to set out what we want to accomplish in the 2013/2014 year. Since the Effective Date, we have spent time stabilizing our government operations and building the fiscal institutions necessary to execute our shared community vision as expressed in the 2008-2013 Strategic Plan. We are now moving forward, working on implementing our next 5-year Strategic Plan that will guide us from 2013 to 2018. Our vision is bold and ambitious, as it should be. But it is also very much achievable, particularly given the support that comes from a committed and engaged Membership, and from the foundations laid in the first years of self-government. The Treaty is a tool-kit, and it has been used to build a strong foundation that will create opportunities for us to prosper – both as a community and as individuals. This plan sets out how we plan to capitalize on these opportunities as a government, but perhaps more importantly it also sets out how we will empower Members to succeed. Achieving success will take much more than just government programs. It will take us all pulling together.



OUR OPPORTUNITIES

THE TREATY: The Tsawwassen First Nation Final Agreement, effective April 3rd, 2009, provides us 724 hectares of total land base and broad self-governing powers. The purpose of the Treaty is to enable us to take steps to improve the quality of life for all Members. As a government, we are focused on putting the powers in the Treaty to work for our Members;

LOCATION: Tsawwassen First Nation has an incredible location, with respect to both the beautiful natural environment and to economic opportunity;

CULTURE: TFN is proud of its heritage and cultural traditions, and is focused on growing and revitalizing its traditional culture;

SENSE OF COMMUNITY: The community is close knit. There is a very strong sense of community unity, including with members living off of Tsawwassen Lands;

CHILDREN, YOUTH AND FAMILY ORIENTATION: Families are the basic building block of the Tsawwassen community. Child and youth development are a top priority;

PEOPLE: The Tsawwassen people are resilient, caring, strong, intelligent, and determined. Members are friendly people, and are open to interaction with other communities and surrounding people. They have a warm sense of humour, which provides strength when wrestling with tough issues;

ELDERS: The elders are a source of inspiration and guidance for many in the community. They are also the memory of the community, storing much of the teachings, language, culture and traditional heritage; and

PROGRAMS: Tsawwassen Government has a relatively strong and stable set of programs in place. These include a new daycare, a strong established pre-school program, a very active youth centre, education and employment programming, an active Longhouse society, and a well-frequented Elder's centre.



INPUTS TO SERVICE PLAN

While the Tsawwassen Government is responsible for the delivery of the Service Plan, the contents of the Plan are developed with input from a variety of sources. Staff undertake extensive analysis, and engage with elected leadership and the community to gather the information needed to develop relevant programs and services. The Service Plan is based on input from all of the following:

- The five-year 2013–2018 Strategic Plan. This is the first year of the Strategic Plan. This new plan was approved by the Legislature in the spring of 2013 and was developed by Members through significant community consultation sessions, which began during the Members’ Gathering at UBC.
- The 2012 Annual General Meeting (AGM), held on September 22nd at the TFN Recreation Centre. Members who attended participated in visioning sessions that provided important input on organization-wide priorities.
- Visioning sessions with Executive Council, the Tsawwassen Legislative Assembly and Advisory Council, where staff, elected leadership and council discussed a variety of service and programming options.
- A two-day facilitated workshop attended by three Executive Councilors, including the Chief, and our Directors and Managers. At this workshop, staff took input gathered throughout the year and developed strategies, objectives, and measurement tools. Staff also engaged in a prioritization exercise, which used both community input and input from the elected leadership to identify funding objectives.
- Several reviews by Executive Council. Executive Council examined several drafts of this Plan and provided ongoing input.
- Our Living Traditions Strategy 2011–2021 (Language and Culture Strategic Plan).



VISION STATEMENT

The vision statement for this Service Plan is taken from the 2013–2018 Strategic Plan statement of ‘What We Are Working Toward’. The year 2032 is the target date to achieve this vision statement:



Tsawwassen First Nation will be a successful and sustainable economy, and an ideal location to raise a family. As a community, we will feel safe on Tsawwassen Lands, we will be healthy, and we will have every opportunity to achieve our dreams. We will honour our culture and practice our language. Our Government will help us achieve our goals by communicating, being respectful, and taking full advantage of our Treaty powers.





RISKS

The following are recognized risks of Tsawwassen Government, which must be managed to ensure that TFN can successfully implement this Service Plan. These risks include:

- **STRATEGIC RISK** – The risk that the government will make inappropriate strategic choices. This risk is mitigated through careful planning and analysis, and through extensive community engagement on decisions impacting the Membership. We also undertook a comprehensive Quality of Life survey of our Members, and thanks to your participation, we will have a greater understanding of our Members’ needs and the impacts that strategic decisions will have. This will help ensure that our decisions yield more positive outcomes.
- **LEGISLATIVE AND REGULATORY RISK** – The risk of loss due to non-compliance with the laws, regulations or policies of Tsawwassen, BC or Canada. We will assess the results of a compliance review process that was undertaken in the 2011/2012 year, and continue to work closely with legal counsel to ensure that we are compliant with applicable laws and regulations, and that we are able to enforce our laws consistently. To that end, we have worked to develop a strong and credible enforcement framework that we will implement over the course of this year.
- **INVESTMENT AND BORROWING RISK** – The risk inherent in achieving investment objectives. Currently, Tsawwassen has developed a risk management framework to guide investment decisions with respect to land, and has contracted out the management of its cash portfolio to Greystone Financial, who operate within the investment guidelines established in Tsawwassen Law. We also have a legislated cap on how much we can borrow at any one time. This amount is calculated with consideration of our overall financial plan, which forecasts future revenues based on development, property taxes, and other fees that will support ongoing operations and service any debt we have taken on.
- **OPERATIONAL RISK** – The risk of loss from inadequate or failed internal processes, people or systems, or from external factors. This is managed through the implementation of regular financial statements, and departmental reporting structures, an active Finance and Audit Committee, the on-going development of a comprehensive human resources plan, and the implementation of a comprehensive records management policy.
- **REPUTATION RISK** – The risk that a decision of the Tsawwassen Government will result in a loss to Tsawwassen’s reputation. This is managed through a strong *Conflict of Interest Act*, and through regular and thorough communications both internally with Members and leaseholders, and externally with potential business partners and other levels of government. We have also engaged the services of a communications consultant to help manage our external reputation in local and regional matters.

REPORTING CYCLE

Tsawwassen's Reporting Cycle illustrates the timing, events and reports related to the provision of financial and non-financial planning and performance information to the government, and to the Membership. The documents within the cycle support both our efforts to effectively plan and evaluate our performance, and our budgetary, appropriation and accountability functions.



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DIVISIONS AND DEPARTMENTS

This chart identifies the management structure and points you to where you can find the budget for the programs and services offered under each division and department.

Chief Administrative Officer

- Manager of Human Resources

Schedule 1a of the budget Page 14-15
Schedule 1a of the budget Page 20-27

Director of Community Services

- Manager of Education and Skills Development
- Health and Social Services Supervisor

Schedule 3 of the budget Page 56-66
Schedule 3 of the budget Page 67-77

Director of Finance

Schedule 1a of the budget Page 16-19
Schedule 1b of the budget Page 29-30
Schedule 6 of the budget Page 97-98

Director of Lands

- Planning and Development Manager

Schedule 4 of the budget Page 79-88
Schedule 7 of the budget Page 99-100

Director of Public Services

- Policy and Intergovernmental Affairs Manager
- Manager of Government Services
- Natural Resources Manager

Schedule 2 of the budget Page 37-42
Schedule 2 of the budget Page 31-36
Schedule 2 of the budget Page 43-48
Schedule 5 of the budget Page 89-96



FINANCE AND ADMINISTRATION

Approved Expenditures - Schedule 1A

Schedule 1A of the 2013-2014 *Appropriations Act* can be found on the Tsawwassen First Nation website.

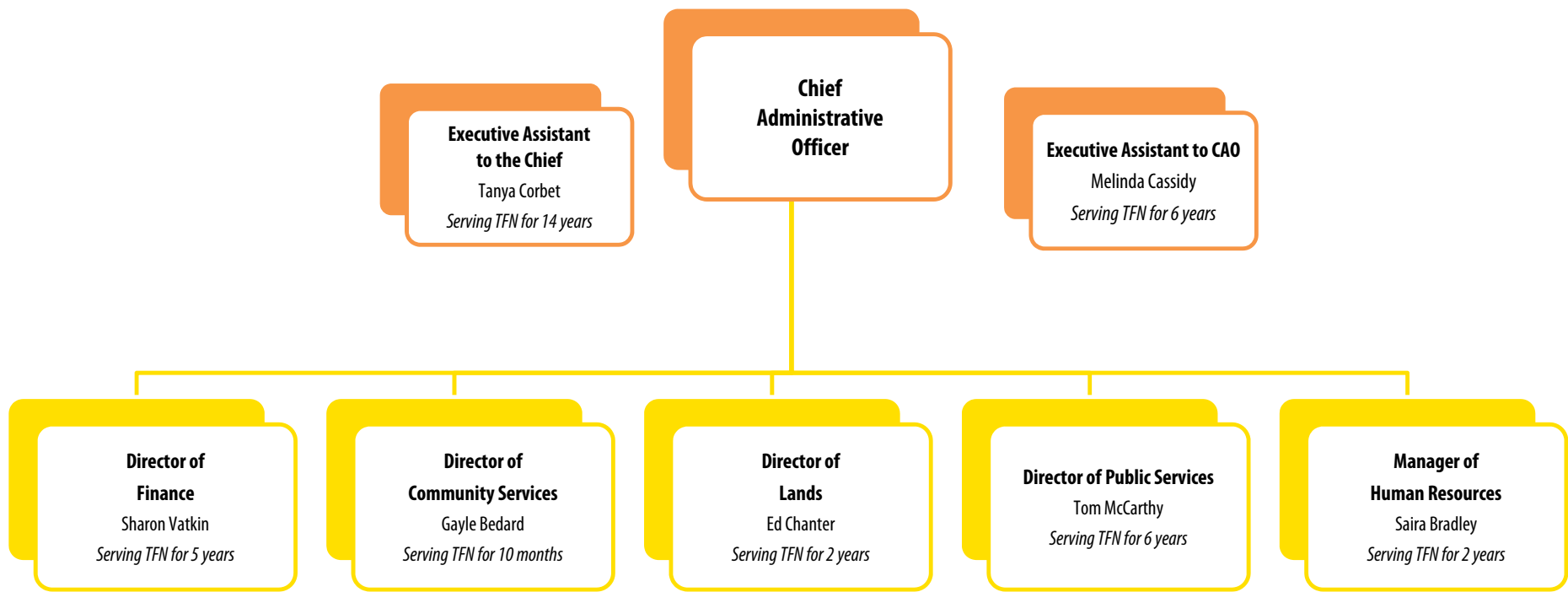
Expense Type	Amount
Administration	1,087,498
IT	51,450
Human Resources	164,303
TOTAL	1,303,251

Schedule 1a is made up of three items:

1. Administration, which consists of 2 Service Plan programs
 - Office of the CAO
 - Finance and Administration
2. Information Technology, and
3. Human Resources

ADMINISTRATION

OFFICE OF THE CAO - ORGANIZATIONAL AND REPORTING STRUCTURE



Office of the CAO

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objectives 1-3	Measure	Target
1. Manage TFN Administration. Provide sound management and oversight of the Tsawwassen Administration and help guide the Administration to deliver on the Community Vision in an effective manner. The CAO is responsible for the management and administration of the Tsawwassen Government and these responsibilities are set out, transparently, in section 41 (2) the <i>Government Organization Act</i> .	Executive Council receives information no later than 2 days before each meeting. Decisions made by Executive Council are communicated to management in a timely manner.	Insure that Executive Council is provided with timely detailed information allowing them to make informed decisions
2. Manage TFN's capital assets. Improve system of Capital Asset Life Cycle Management.	Capital asset management software.	Meet the dates set out in <i>Financial Administration Act</i> section 83
3. Delivery on Strategic Plan. The CAO will work with the Directors and Managers to pursue the strategic initiatives laid out in the TFN Strategic Plan.		

Finance and Administration Organizational Chart



Finance

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objectives 1-4	Measure	Target
1. Financial Management. Manage TFN finances in accordance with the legal standards and obligations that are set out in Tsawwassen Law.		
2. Financial Reporting. Improve reporting to management, Executive Council and the Legislature in order to ensure there are strong accountability provisions in place.		Incorporate Finance and Audit Committee Roles and Responsibilities as defined in the <i>Financial Administration Act</i> .
3. Frontline Admin Services. Deliver exceptional, high level of service to all of TFN's clients as the first point of contact for Members and other clients.		Consult with Managers about Reception Services.
4. Succession Planning. Ensure there is a plan to ensure valuable institutional knowledge is retained in the event there is staff turn-over.	Setup training schedule.	Succession planning and training.



FINANCE AND ADMINISTRATION COST SUMMARY

The Cost Summary table identifies the cost of delivering on the objectives, targets and measures for the programs and services identified in the previous page. The figures in the table add to the total amount listed in the budget for the Finance and Administration line item of Schedule 1a of the 2013-2014 *Appropriations Act*, and are inclusive of Finance programming and programs delivered by the Office of the CAO.

This table on the right shows the cost breakdown by cost types.

Wages and Benefits	752,098
Membership Fees	1,500
Contracted Services	54,400
Bank Charges	1,080
Cells and Communications	9,600
Courier	3,000
Materials and Supplies	4,080
Coffee Supplies	12,000
Office Supplies	7,800
Payroll Services	4,200
Postage	8,400
Insurance Vehicles	1,500
Training/Workshops	3,000
Travel	3,600
Food Costs	10,200
Audit	80,000
Legal	48,000
Judicial Council	50,000
Prosecutor	28,000
Contingency	5,040
TOTAL	1,087,498

INFORMATION TECHNOLOGY

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objectives 1-3	Measure	Target
1. Cost Control. IT services are crucial in this day and age, but it is important to ensure that the costs of IT services are reasonable and controlled.		Explore IT service provider options
2. To provide improved IT support to increase staff productivity.	6 lunch and learns	Provide training for effective use of technology Continue replacing out of date computers
3. Improve file storage on server to increase staff productivity and facilitate records retrieval.	4 lunch and learns	Standardized file name and saving on server Staff training

Cost Breakdown

Expense Type	Objective 1	Objective 2	Objective 3	Total by Expense
Contracted Services	32,700	0	0	32,700
Food Services	0	1,000	750	1,750
Equipment Purchases	0	16,000	0	16,000
Training/Workshops	0	600	400	1,000
TOTAL	32,700	17,600	1,150	51,450



HUMAN RESOURCES

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

The Human Resources Department consists of core costs plus the following seven programs:

1. Organizational Efficiency Review Implementation
2. Recruitment and Selection
3. Change Management
4. Training and Development
5. Occupational Health and Safety
6. Staff Recognition Program
7. Member Employment

Core Cost

The Core Cost summary table for the Human Resources (HR) department identifies the costs and cost types required to run the basic operations of TFN's HR and to deliver many aspects of the in-house programs listed above.

The cost breakdowns for each program show additional costs to meet the objectives for that program, where those costs are not listed in the summary table.

Expense Type	Core Costs
Wages and Benefits	93,223
Cells and Communications	1,080
Materials and Supplies	500
Photocopy Supplies	500
Office Supplies	200
Postage	200
Honorariums	200
Training/Workshops	2,500
Travel	1,000
Staff Lunches/Events	10,200
Legal	10,000
Membership Fees	500
TOTAL	120,103

Organizational Efficiency Review Implementation

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objectives 1-5	Measure	Target
1. Implement Succession Plan to ensure that institutional knowledge is retained.	Succession Plan in place	Internal staff being developed and trained
2. Improve inter-departmental communications.	Improved communications	
3. Help build capacity of staff through workshops and training.	Increased capacity	
4. Help build and enhance respect for each other.	Respectful workplace and communications	
5. Specific development plan for internal staff.	Performance reviews	Regular reviews for staff

Cost Breakdown

Expense Type	Objective 1	Objective 2	Objective 3	Objective 4	Objective 5	Total by Expense
Honorariums	0	200	0	200	0	400
Training/Workshops	0	5,000	5,000	5,000	200	15,200
Staff Lunches/Events	0	0	200	0	00	200
TOTAL	0	5,200	5,200	5,200	200	15,800

Recruitment and Selection

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objectives 1-6	Measure	Target
1. Attract, recruit, select, and retain qualified staff	Performance Management	Successful Probation period
2. Where appropriate, ensure Members are considered for job opportunities	More qualified Members hired	50% of staff TFN Members
3. Track and provide update on job opportunities and postings to Executive Council	Accurate, timely updates	Monthly at EC Meetings
4. Ensure reporting requirements are met under <i>Government Employees Act</i>	Annual Report prepared	No later than 2 months after Fiscal year
5. Job shadowing for Members where possible	Member awareness of job components	
6. Ensure new employees participate in TFN Public Service Affirmation Ceremony	Affirmation(s) held	All new staff within 6 months of employment

Cost Breakdown

Expense Type	Objective 1	Objective 2	Objective 3	Objective 4	Objective 5	Objective 6	Total by Expense
Promotions/Advertising	2,000	0	0	0	0	0	2,000
Training/Workshops	3,000	0	0	0	0	0	3,000
Materials and Supplies	0	0	0	0		1,000	1,000
TOTAL	5,000	0	0	0	0	1,000	6,000

Change Management

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objectives 1-4	Measure	Target
1. Help staff manage change effectively.	Staff morale	Better morale and smoother transition
2. Deliver appropriate change management workshops for staff.	Effectiveness of workshops	Less stress on staff
3. Foster a culture of open communications and transparency.	Improvement	
4. Ensure staff concerns are heard.	Information sharing	Clear understanding of the need for and impact of change

Cost Breakdown

Expense Type	Objective 1	Objective 2	Objective 3	Objective 4	Total by Expense
Training/Workshops	10,000	0	0	0	10,000
TOTAL	10,000	0	0	0	10,000



Training and Development

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objectives 1-4	Measure	Target
1. Assist Managers develop and implement training plans for staff	Staff being trained and developed to meet goals	Development Plans in place
2. Deliver in-house training programs for Managers/Staff	Programs meet objectives	n/a
3. Increase Management self-sufficiency	Managers become self-reliant	n/a
4. Link training/development to performance	Increase efficiency and productivity	Higher capacity

Cost Breakdown

Expense Type	Objective 1	Objective 2	Objective 3	Objective 4	Total by Expense
Materials and Supplies	200	0	0	0	200
Training/Workshops	1,000	1,000	500	500	3,000
TOTAL	1,200	1,000	500	500	3,200

Occupational Health and Safety

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objectives 1-4	Measure	Target
1. Increase awareness regarding Bill 14 – which deals with workplace bullying.	n/a	n/a
2. Provide workshop on impact of Bill 14.	n/a	Limit TFN's liability
3. Manage WorkSafeBC Claims.	Healthier workforce	WCB costs are contained
4. Manage effective Return to Work programs.	Early intervention	Successful RTW of staff

Cost Breakdown

Expense Type	Objective 1	Objective 2	Objective 3	Objective 4	Total by Expense
Training/Workshops	0	2,000	0	0	2,000
TOTAL	0	2,000	0	0	2,000



Staff Recognition Program

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objectives 1-3	Measure	Target
1. Look into different ways to recognize staff for their contributions	n/a	Milestone years of service recognized
2. Determine appropriate forms of recognition	Staff satisfaction	Staff retention
3. Annual presentation of recognitions	n/a	n/a

Cost Breakdown

Expense Type	Objective 1	Objective 2	Objective 3	Total by Expense
Materials and Supplies	500	0	200	700
Staff lunches and Events	0	0	5,500	5,500
TOTAL	500	0	5,700	6,200

Member Employment

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objectives 1-2	Measure	Target
1. Connect Members to job opportunities.	As opportunities arise	More Members gainfully employed
2. Hold workshops for Members.	Members better prepared for interviews	Job placements

Cost Breakdown

Expense Type	Objective 1	Objective 2	Total by Expense
Training and Workshops	0	1,000	1,000
TOTAL	0	1,000	1,000



COMMUNITY BENEFITS

Approved Expenditures - Schedule 1B

Schedule 1B of the 2013-2014 Appropriations Act can be found on the Tsawwassen First Nation website.

Expense Type	Amount
Community Benefits	964,600

Schedule 1B is made up of five items:

1. Elders Cultural Benefit
2. Distributions
3. Home Insurance Subsidy
4. Family Emergency Travel Funds
5. Funeral Benefits

**Schedule 1B only includes direct financial benefits provided to Members, not benefits from accessing TFN programs and services or from other directed financial benefits provided under other departments (e.g. Education).*



COMMUNITY BENEFITS

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objectives	Amount
Deliver Elders Cultural Benefit to 3 Member Elders	45,000
Deliver quarterly distributions of \$500 to 446 Members	892,000
Provide home insurance subsidy to Members upon request	17,000
Provide family emergency travel funds in accordance with TFN policy	1,000
Provide funeral benefits in accordance with TFN policy	9,600
TOTAL	964,600

GOVERNANCE

Approved Expenditures - Schedule 2

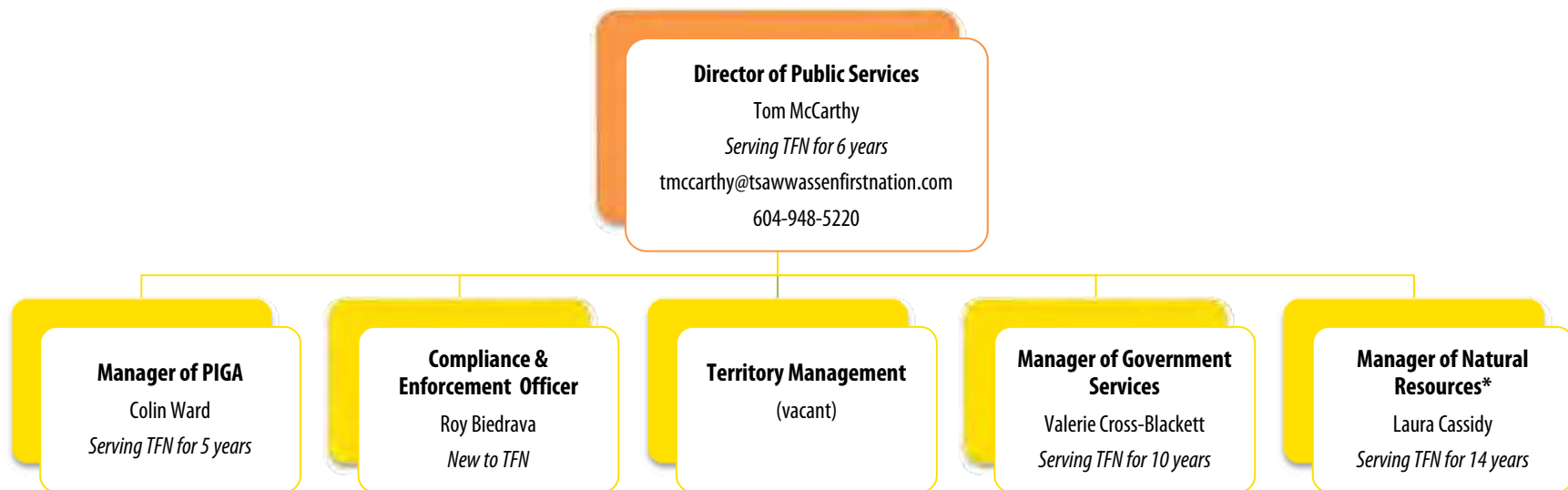
Schedule 2 of the 2013-2014 Appropriations Act can be found on the Tsawwassen First Nation website.

Expense Type	Amount
Policy and Intergovernmental Affairs	347,160
Enforcement	110,607
Territory Management	48,737
Government Services	994,590
TOTAL	1,501,094

Schedule 2 is made up of four departments:

1. Policy and Intergovernmental Affairs (PIGA)
2. Enforcement
3. Territory Management
4. Government Services

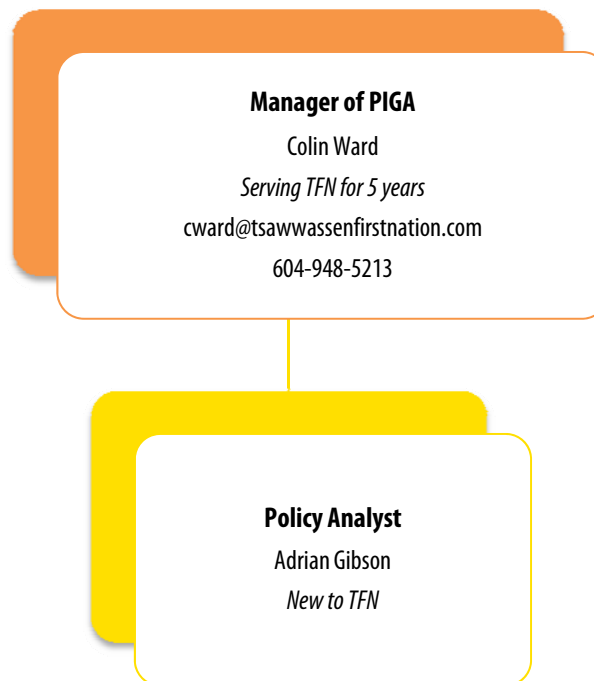
Public Services Organizational Chart



**Note: Natural Resources is part of the Public Services Division however its' approved expenditures and service plan can be found under Schedule 5.*

POLICY AND INTERGOVERNMENTAL AFFAIRS (PIGA)

PIGA ORGANIZATIONAL CHART





POLICY AND INTERGOVERNMENTAL AFFAIRS

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

The PIGA Department consists of core costs plus the following five programs:

1. Policy Support and Due Diligence
2. Law and Regulatory Development
3. Intergovernmental and Treaty Implementation
4. Consultation
5. Grant Writing

POLICY AND INTERGOVERNMENTAL AFFAIRS

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Description	Objectives 1-5	Measure	Target
Provision and co-ordination of general policy analysis, strategic analysis and due diligence work on various TFN departmental initiatives and TEDC initiatives.	1. Ensure that decision-makers have access to high quality information before strategic policy decisions or business investments are made.	Satisfaction	Members of Executive Council and Legislature indicate that they are satisfied with the quality of the information they receive
Development of policy intent of legislative and regulatory initiatives, and co-ordination of legal drafting required.	2. Ensure the efficient development of legislative and regulatory options that are effective at addressing government needs.		
Manage intergovernmental relationships between TFN and other levels of government, including through the Treaty Implementation Committee.	3. Advancement of TFN Initiatives at the local, regional, provincial and federal levels; provide First Nation visitors with high-quality information sessions regarding Treaty and self-governance; and ensure that the implementation of the Final Agreement is reflective of its spirit and intent through work with the Implementation Committee.	# of outstanding Treaty Obligations	Zero
Consult with Members and non-Member stakeholders on matters that impact them through the Advisory Council, Leaseholder Consultation Committee, and family meetings (where required).	4. Operate important consultation mechanisms and resolve constituent issues as they arise and ensure that TFN meets its obligations to consult with Members and Leaseholders.	Attendance at Advisory Council Meetings Trust element (QoL)	Average of 12 Members in attendance at Advisory Council meetings Trust element (QoL)
Provide assistance to departments in identifying and developing grant applications, and support with grant reporting requirements.	5. Increase TFN revenues through grant applications.	Revenues	\$100,000 of additional revenues brought in through grants

POLICY AND INTERGOVERNMENTAL AFFAIRS

Cost Breakdown

Expense Type	Core	Objective 1	Objective 2	Objective 3	Objective 4	Objective 5	Total by Expense
Wages and Benefits	207,150	0	0	0	0	0	207,150
Contracted Services	18,000	30,000	0	18,000	0	5,000	71,000
Membership Dues	2,200	0	0	3,000	0	0	5,200
Cell/Communications	2,760	0	0	0	0	0	2,760
Training/Workshops	5,000	0	0	0	0	0	5,000
Travel	5,000	0	0	0	0	0	5,000
Honorariums	0	0	0	0	11,250	0	11,250
Food Services	0	0	0	0	4,800	0	4,800
Legal	0	15,000	15,000	5,000	0	0	35,000
TOTAL	240,110	45,000	15,000	26,000	16,050	5,000	347,160

ENFORCEMENT

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objectives 1-3	Measure	Target
1. Regular enforcement activities on TFN Lands.	Increased trust in government and willingness to report to government	Measure of trust in Government as per Quality of Life Survey
2. Work with Delta Police to implement community safety strategy.	Increased trust in government and willingness to report to government	Measure of trust in Government as per Quality of Life Survey
3. Education – publish enforcement guide and workshops to educate Members on common infractions.	Increased trust in government and willingness to report to government	Measure of trust in Government as per Quality of Life Survey

The purpose of the Enforcement program is to provide effective and ongoing enforcement of TFN Laws and Regulations.

ENFORCEMENT

Cost Breakdown

Expense Type	Core	Objective 1	Objective 2	Objective 3	Total by Expense
Wages and Benefits	22,777	73,710	0	0	96,487
Contracted Services	0	0	0	1,000	1,000
Cell/Communications	0	720	0	0	720
Materials and supplies	0	2,000	4,000	0	6,000
Vehicle Maintenance	0	1,500	0	0	1,500
Vehicle Fuel	0	3,000	0	0	3,000
Insurance Vehicle	0	1,000	0	0	1,000
Training and Workshops	0	0	0	900	900
TOTAL	22,777	81,930	4,000	1,900	110,607

TERRITORY MANAGEMENT

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

The Territory Management Program consists of core costs plus the following three programs:

1. Referrals
2. Shared Territories
3. Specific Claims



Referrals

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Core plus Objectives 1-3	Measure	Target
Core: Respectful, effective, and timely management of TFN Traditional Territory	Timely response to requests	Every letter or request from another First Nation or from a LM partner is answered within 2 weeks
1. Implement triage process to manage referrals		
2. Training program for referral clerk		
3. Timely, substantive response to high-priority projects		

The purpose of Referrals is to provide effective representation and protection of TFN rights and interests in high-priority projects.

Cost Breakdown

Expense Type	Core	Objective 1	Objective 2	Objective 3	Total by Expense
Wages and Benefits	22,077	0	0	0	22,077
Contracted Services	0	0	2,400	18,720	21,120
Materials and supplies	0	0	0	1,440	1,440
TOTAL	22,077	0	2,400	20,160	44,637

Shared Territories

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objectives 1-3	
1.	Work together with other First Nations to manage TFN traditional territory.
2.	Implement protocol agreements with other First Nations.
3.	Resolve any disputes or concerns regarding shared territories.

The purpose of the Shared Territories program is to work together with other First Nations to manage TFN traditional territory.

Cost Breakdown

Expense Type	Objective 1	Objective 2	Objective 3	Total by Expense
Materials and supplies	0	500	0	500
Travel	0	0	1,200	1,200
TOTAL	0	500	1,200	1,700



Specific Claims

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

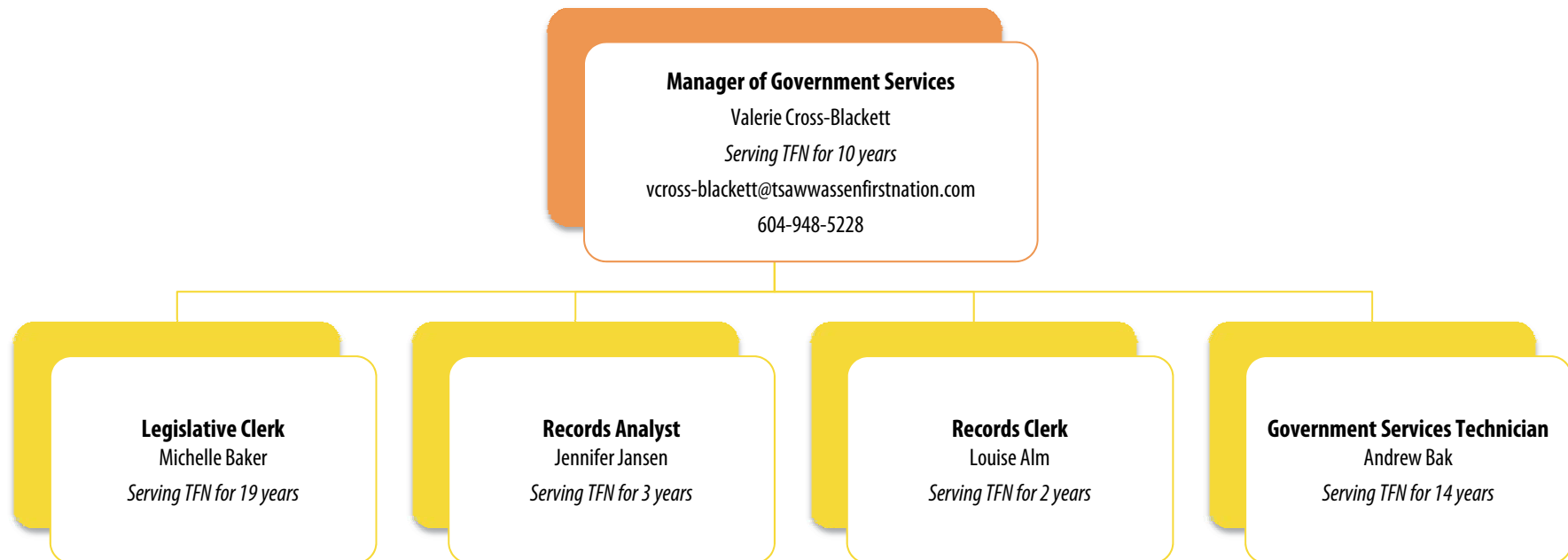
Objectives 1-3	
1.	Provide information to other First Nations in respect of TFN treaty and Treaty Rights
2.	Manage and operate Traditional Territory Boundary Commission
3.	Manage specific claims outsourced to external legal

Cost Breakdown

Expense Type	Objective 1	Objective 2	Objective 3	Total by Expense
Materials and supplies	0	1,200	0	1,200
Travel	0	1,200	0	1,200
TOTAL	0	2,400	0	2,400

GOVERNMENT SERVICES

GOVERNMENT SERVICES ORGANIZATIONAL CHART



GOVERNMENT SERVICES

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

The Government Services Department consists of the following five programs:

1. Institutional Support
2. Records and Enrolment
3. Communication and Consultation
4. Events
5. Service Planning and Reporting



Institutional Support

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Core
The costs involved in managing and administering Government Services department.
Objectives 1-6
1. Provide administrative support to the delivery of the Executive Council Meetings.
2. Plan, manage and deliver sessions of the Legislature as they are called in to session.
3. Provide institutional support to the Eligibility and Enrolment Committee.
4. Provide administrative support to the Implementation Committee.
5. Provide support and implement the SCLC cultural strategy by using the Cultural Coordination Committee.
6. Maintain the Laws and Regulations in accordance with legislation.

The purpose of the Government Services Department is to support the day to day operations of the elected and appointed bodies of the Tsawwassen Government.

The goal of the Government Services Department is to provide well-organized, accurate and cost-effective, administrative, coordination, technical and clerical support to the elected and appointed bodies that fall under the responsibility of the Government Service department.

Institutional Support

Cost Breakdown

Expense Type	Core	Objective 1	Objective 2	Objective 3	Objective 4	Objective 5	Objective 6	Total by Expense
Wages and Benefits	224,939	174,227	0	0	0	0	0	399,166
Contracted Services	0	0	26,720	0	0	0	800	27,520
Donations/Promotions	0	4,000	0	0	0	0	0	4,000
Cell/Communications	4,080	8,040	0	0	0	0	0	12,120
Materials and Supplies	0	0	1,000	0	0	0	180	1,180
Office Supplies	2,240	1,000	1,250	160	0	0	0	4,650
Computer Programs	1,350	0	0	0	0	0	0	1,350
Honorariums	0	0	104,530	3,592	0	0	0	108,122
Training/Workshops	3,600	0	0	0	0	0	0	3,600
Travel	2,400	14,600	1,400	0	1,003	0	0	19,403
Food Services	0	2,300	31,630	750	90	0	0	34,770
Community Meetings	0	300	0	0	0	0	0	300
TOTAL	238,609	204,467	166,530	4,502	1,093	0	980	616,181

Records and Enrolment

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Core	Measure	Target
The cost involved in managing and administering the Records and Enrolment programs.		
Objectives 1-4		
1. Maintain and organize Enrolment data in accordance with Tsawwassen Law. Provide enrolment services to Tsawwassen Members and Individuals.	Quarterly Reports	Enrolment Reports to Executive Council and Community
2. Indian Registry Services (IRA etc).		
3. Implement the TRIMs policy and procedure manual ensuring TFN manages it records and information in accordance with best practices.		
4. Corporate Records Management.		All corporate entities in good standing

The purpose of this program is to classify, organize and manage Tsawwassen records and information in accordance with industry standards and Tsawwassen Law, including all aspects of the management of the Tsawwassen Enrolment Register.

The goal of this program is to ensure that all TFNs records are managed and that enrolment services are managed and are accessible to eligible Tsawwassen Members and Individuals, in accordance with Tsawwassen Law.

Records and Enrolment

Cost Breakdown

Expense Type	Core	Objective 1	Objective 2	Objective 3	Objective 4	Total by Expense
Wages and Benefits	121,748	0	0	0	0	121,748
Membership Fees	5,500	0	0	0	0	5,500
Contracted Services	0	0	0	2,832	0	2,832
Materials and Supplies	0	1,235	0	1,100	0	2,335
Office Supplies	2,400	0	200	400	0	3,000
Computer Programs	5,950	0	0	0	0	5,950
Postage	0	2,380	0	0	0	2,380
Training/Workshops	4,000	0	0	0	0	4,000
Travel	600	0	0	0	0	600
Food Services	0	2,120	0	0	0	2,120
Legal	0	0	0	0	8,432	8,432
TOTAL	140,198	5,735	200	4,332	8,432	158,897



Communications and Consultation

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Core plus Objectives 1-6	
1.	Bi-yearly newsletter.
2.	Website maintenance.
3.	Community Newsletter.
4.	Consistent messaging; speaking engagements.
5.	Hosting other First Nations, Governments, etc.
6.	Consultation.

The purpose of this program is to provide both the internal Member community and the external non-Member community with relevant and timely information respecting TFN's operation.

The goal of this program is to develop and deliver information messaging that reaches a wider Members and community audience using diverse media and delivery tools.



Communications and Consultation

Cost Breakdown

Expense Type	Objective 1	Objective 2	Objective 3	Objective 4	Objective 5	Objective 6	Total by Expense
Contracted Services	7,000	2,300	500	0	2,000	5,000	16,800
Postage	352	705	0	0	0	1,057	2,114
Honorariums	0	0	0	0	3,480	150	3,630
Travel	0	0	0	0	0	3,200	3,200
Food Services	0	0	0	0	1,800	2,500	4,300
TOTAL	7,352	3,005	500	0	7,280	11,907	30,044

Events and Celebrations

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Goal	Measure	Target
To deliver high quality events, whether celebratory or required by legislation.	Transparent, relevant information that is priority centric	Completed by due dates
Objective 1-8		
1. Treaty Day		
2. National Aboriginal Day		
3. Program and Services Fair		
4. AGM		
5. Members Gathering		
6. Citizenship Award Ceremony		
7. Attend other First Nation celebrations (signing protocols agreements, etc.)		
8. Community Unity Events		

Events and Celebrations

Cost Breakdown

Expense Type	Objective 1	Objective 2	Objective 3	Objective 4	Objective 5	Objective 6	Objective 7	Objective 8	Total by Expense
Contracted Services	0	4,700	4,875	0	2,700	7,320	0	0	19,595
Promo/Advertising	0	0	700	0	0	0	0	0	700
Materials and Supplies	0	6,125	500	2,000	2,630	1,630	0	0	12,885
Office Supplies	0	0	0	0	500	2,282	330	0	3,112
Postage	0	159	317	159	1,457	1,458	305	0	3,855
Honorariums/Stipends/Gifts	9,225	900	200	600	2,400	2,400	1,350	1,200	18,275
Travel	0	0	0	0	3,000	25,200	0	2,920	31,120
Food Services	0	6,000	3,500	1,800	9,000	26,500	0	0	46,800
TOTAL	9,225	7,884	10,092	4,559	21,687	66,790	1,985	4,120	136,342

Service Planning and Reporting

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Goals	Measure	Target
Development of reports required by legislation or regulation that informs Membership of government and administration operations for the year. Provide visioning and strategy opportunities which develop programming and budgeting for the next fiscal year.	Transparent, relevant information that is priority centric	Completed by due dates
Objectives 1-6		
1. Gather elected officials input to inform TFN programming		
2. Service Plan Workshop		
3. Departmental staff program planning		
4. Annual Report		
5. Service Plan Report		
6. Implementation Committee Tripartite Annual Report		

Service Planning and Reporting

Cost Breakdown

Expense Type	Objective 1	Objective 2	Objective 3	Objective 4	Objective 5	Objective 6	Total by Expense
Contracted Services	0	0	0	9,100	9,500	26,900	45,500
Office Supplies	300	347	130	130	130	0	1,037
Postage	0	0	0	650	650	650	1,950
Honorariums	200	100	0	0	0	0	300
Food Services	1,200	2,500	640	0	0	0	4,340
TOTAL	1,700	2,947	770	9,880	10,280	27,550	53,127

COMMUNITY SERVICES

Approved Expenditures - Schedule 3

Schedule 3 of the 2013-2014 Appropriations Act can be found on the Tsawwassen First Nation website, and is made up of two departments and one program:

1. Education
2. Health and Social Development
3. Social Housing

The summary table to the right identifies the costs of each of the program areas delivered by Community Services.

Expense Type	Amount
Education	489,741
Post-Secondary Education	175,000
Daycare	394,300
Youth Services	176,798
Cultural/Language Program	172,591
AFROG	134,352
Community Outreach	28,100
SUBTOTAL	1,570,882
Health	91,282
Community Care	134,877
Income Assistance	326,905
Family Empowerment	102,651
A&D Mental Health	140,806
Elders	79,673
SUBTOTAL	876,194
Social Housing	115,620
SUBTOTAL	115,620
TOTAL	2,562,696

COMMUNITY SERVICES ORGANIZATIONAL CHART



EDUCATION

EDUCATION ORGANIZATIONAL CHART





EDUCATION

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

The Education Department consists of the following five programs:

1. Education K-12
2. Post Secondary Education
3. Youth and Community Programming
4. Cultural/Language Program
5. Aboriginal Family Resources on the Go (AFROG)

Education K-12

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Core	Measure	Target
Provision of K-12 educational programming to Members living in Canada. Ensure students are adequately supported in the school system both academically and culturally.	6 sessions where TFN in engaged in local classrooms	Attendance increasing Grades increasing
Objectives 1-3		
1. Local Education Agreement (35 students at \$8382 per student status TFN students on TFN lands) do not have the rate for next year per student.		
2. Instructional Services Support (92 students at \$200 per student, for school supplies and fees) other school fees for grade 6 and 7 students, monthly school allowance for 40 Children.		
3. Child and Youth grants (92 children living in Canada at \$150 per student).		

Education K-12

Cost Breakdown

Expense Type	Core	Objective 1	Objective 2	Objective 3	Total by Expense
Wages and Benefits	130,221	0	0	0	130,221
Cell/Communications	3,000	0	0	0	3,000
Materials and Supplies	0	0	3,000	0	3,000
Travel	900	0	0	0	900
Tuition	0	293,370	0	0	293,370
Youth Grants	0	0	0	13,800	13,800
Monthly School Allowance	0	0	10,600	0	10,600
School Supplies	0	0	18,400	0	18,400
Grade 12 Awards	0	0	4,500	0	4,500
Grades 6 and 7 Allowance	0	0	3,750	0	3,750
TOTAL	134,121	293,370	40,250	13,800	481,541

Post-Secondary

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Core	Measure	Target
Increase the Post Secondary Education (PSE) applications from 8 students to 10.	10 TFN Members enrolled in Post Secondary Education	Fund 10 full time students
Objective		
1. 7 Students enrolled in grade 12 this year- assuming 4 of the students will register for PSE, assuming 7 students already registered in PSE this year will continue onto PSE and assuming 4 adult students will register for PSE.		Fund 10 full time PSE Students (10 @ \$25,000)

Cost Breakdown

Expense Type	Objective 1
Tuition	52,500
Student Allowance	122,500
TOTAL	175,000

Daycare

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Core plus Objectives 1-3	Measure	Target
Core: Increase effective oral language in all ECE programming, Parent engagement increasing	Get at least 50% of the children and parents using the Ages and Stages questionnaire scores, at least 5 parents attending events and field trips	To improve Ages and stages questionnaire scores, form a parent group
1. Deliver the 6 components of the Aboriginal Headstart in all areas of ECE.		
2. Develop and implement the Infant and Toddler program.		
3. Develop and implement the group 3-5 daycare with the preschool program.		

Cost Breakdown

Expense Type	Core
Wages and Benefits	314,620
Contracted Services	6,000
Loan Interest Expense	55,080
Promotions/Advertising	3,600
Materials and supplies	7,200
Training/Workshops	6,000
Travel	600
Office supplies	1,200
TOTAL	394,300

Youth and Community Programming

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Core	Measure	Target
Children and Youth Centre programming. To Provide a “theme based” cultural program that includes education, individual learning and health and wellness.	5 community members engaged in traditional teachings within youth centre programming, at least 15 students attending programming	To increase the presence of TFN culture in the youth centre
Objectives 1-4		
1. Homework program, tutoring, supplies, books		
2. Healthy Habits programming, lunches, little chefs program		
3. Regular programming (daily activities, incentives, outings etc) summer programming 9-5 Monday to Friday		
4. Summer Employment program (6 students at \$4,130.75 each)		

Youth and Community Programming

Cost Breakdown

Expense Type	Core	Objective 1	Objective 2	Objective 3	Objective 4	Total by Expense
Wages and Benefits	118,787	0	0	0	24,784	143,571
Contracted Services	0	3,600	0	0	0	3,600
Cell/Communications	900	0	0	0	0	900
Materials and supplies	0	0	0	9,000	0	9,000
Honorariums	0	2,400	0	0	0	2,400
Travel	1,200	0	0	0	0	1,200
Vehicle insurance	1,727	0	0	0	0	1,727
Vehicle fuel	1,200	0	0	0	0	1,200
Food Services	0	0	12,000	0	0	12,000
Vehicle maintenance	1,200	0	0	0	0	1,200
TOTAL	125,014	6,000	12,000	9,000	24,784	176,798

Language and Culture

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Core	Measure	Target
Facilitate a Language and Culture program within the TFN community.	10 TFN members who are able to pronounce the sounds and use the vocabulary day-to-day	At least 10 members who are learning to pronounce the sounds and use vocabulary
Objectives 1-5		
1. Facilitating a language and culture program with children and youth		
2. Learning and teaching the sounds and vocabulary		
3. Themed vocabulary, stories, local classrooms, cultural kits, workshops		
4. Cultural family retreat		
5. Ceremonial member benefits		

Language and Culture

Cost Breakdown

Expense Type	Come	Objective 1	Objective 2	Objective 3	Objective 4	Objective 5	Total by Expense
Wages and Benefits	87,395	0	0	0	0	0	87,395
Contracted Services	48,996	0	0	0	8,000	0	56,996
Materials and supplies	6,000	0	0	0	0	0	6,000
Honorariums	3,000	0	0	0	0	0	3,000
Training and Workshops	12,000	0	0	0	0	0	12,000
Ceremonial Member Benefits	0	0	0	0	0	6,000	6,000
Travel	600	0	0	0	0	0	600
Office Supplies	600	0	0	0	0	0	600
TOTAL	158,591	0	0	0	8,000	6,000	172,591

Aboriginal Family Resources On the Go (“AFROG”)

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Core	Measure	Target
To increase family participation in programming.	Aboriginal Family Resources On the Go see 2 TFN families on a regular basis	Have 2 families from TFN participate in Aboriginal Family Resources On the Go weekly programming
Objectives 1-3		
1. Develop and deliver culturally appropriate Early Childhood Development programming.		
2. Develop and delivers cultural programming to support aboriginal families.		
3. Continue to deliver cultural programming to non aboriginal people who attend the Aboriginal Family Resources On the Go program.		

Cost Breakdown

Expense Type	Core
Wages and Benefits	108,158
Contracted Services	1,979
Promotions/Advertising	1,992
Cell/Communications	1,391
Materials and supplies	8,796
Vehicle maintenance	3,492
Vehicle fuel	3,696
Vehicle insurance	4,248
Travel	600
TOTAL	134,352

HEALTH AND SOCIAL DEVELOPMENT

HEALTH AND SOCIAL DEVELOPMENT ORGANIZATIONAL CHART



HEALTH AND SOCIAL DEVELOPMENT

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

The Health and Social Services Department consists of the following eight programs:

1. Health
2. Home and Community Care
3. Income Assistance
4. Family Empowerment
5. Community Outreach
6. Drug and Alcohol
7. Elders' Program
8. Social Housing





Health

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objective	Measure	Target
1. Provide high quality assistance, and educate members on how to navigate the health system and medical services.	Four community information sessions	5% of TFN local members attending

Cost Breakdown

Expense Type	Amount
Wages and Benefits	81,322
Promotions/Advertising	1,200
Cell/Communications	1,260
Materials and supplies	4,000
Training/Workshops	2,000
Travel	1,500
TOTAL	91,282

Home and Community Care

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objective	Measure	Target
1. Provide high quality Home and Community Care program to Tsawwassen First Nation members in need.	The number of TFN Members accessing the program	Satisfaction survey

Cost Breakdown

Expense Type	Amount
Wages and Benefits	69,595
Contracted Services	12,000
Cell/Communications	1,260
Materials and supplies	6,000
Vehicle Maintenance	1,500
Vehicle Fuel	1,200
Vehicle Insurance	1,700
Training/Workshops	2,000
Travel	1,500
Pharmaceutical	2,400
Emergency Medical	2,522
Nursing / Rehabilitation	18,000
Chronic Care	14,000
Traditional Healing	1,200
TOTAL	134,877



Income Assistance

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objective	Measure	Target
1. Empower members to access employment counselling and employment opportunities.	The number of members participating in employment programs	4 members transitioned into employment 6 members successfully completing training programs

Cost Breakdown

Expense Type	Amount
Wages and Benefits	145,205
Materials and supplies	1,200
Office Supplies	500
Training/Workshops	1,500
Basic needs	169,000
Guardian Financial Assist.	2,000
Special Needs	5,000
Non Insured Health	1,000
Travel	1,500
TOTAL	326,905

Family Empowerment

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objective	Measure	Target
1. Provide high quality advocacy support program for families in need.	Number of Members accessing program	Satisfaction survey

Cost Breakdown

Expense Type	Amount
Wages and Benefits	77,391
Contracted Services	20,000
Cell/Communications	1,260
Materials and supplies	500
Office Supplies	500
Training/Workshops	1,500
Travel	1,500
TOTAL	102,651

Community Outreach

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Core	Measure	Target
Provide high quality community events	6 community events	60% of TFN members in attendance
Objectives 1-6		
1. Easter Party		
2. Graduation		
3. Community Berry Picking		
4. Summer Daze		
5. Halloween		
6. Community Christmas Dinner, Community Skate		

The purpose of this program is to deliver and support Community events.

Cost Breakdown

Expense Type	Objective 1	Objective 2	Objective 3	Objective 4	Objective 5	Objective 6	Total by Expense
Food Services	800	5,000	300	500	400	5,000	12,000
Materials and supplies	700	5,000	1,700	0	2,700	6,000	16,100
TOTAL	1,500	10,000	2,000	500	3,100	11,000	28,100

Drug and Alcohol

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objective	Measure	Target
1. To ensure that high quality substance abuse and mental health treatment options are available, accessible, and affordable to all TFN members in need.	4 community workshops	5% of members in attendance

Cost Breakdown

Expense Type	Amount
Wages and Benefits	128,006
Materials and supplies	6,000
Training/Workshops	5,000
Travel	1,800
TOTAL	140,806



Elders' Program

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objective	Measure	Target
1. Engage Elders in community outreach support programs	Amount of members accessing support programs	Satisfaction survey

Cost Breakdown

Expense Type	Amount
Wages and Benefits	64,173
Cell/Communications	500
Materials and supplies	500
Office Supplies	500
Travel	10,000
Staff lunches/events	4,000
TOTAL	79,673

SOCIAL HOUSING

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objectives 1-4	Measure	Target
1. Manage rental agreements and properties in accordance with laws, policies and procedures.		CMHC compliance
2. Undertake scheduled maintenance of rental units.		
3. Work with Members in arrears to bring arrears up to date.		
4. Replenish reserve fund (accomplished through rental payments) in order to support maintenance.		

Cost Breakdown

Revenue	Amount
Rental Income	84,048
Subsidy	31,572
Total Revenue	115,620
Expenses	
Insurance	17,000
Repairs and Maintenance	3,000
Audit Fees	5,000
Bank Charges	300
Mortgage payments	70,612
Appropriation to Replacement Reserve	19,708
TOTAL EXPENSES	115,620



LANDS AND MUNICIPAL SERVICES

Approved Expenditures - Schedule 4

Schedule 4 of the 2013-2014 Appropriations Act can be found on the Tsawwassen First Nation website.

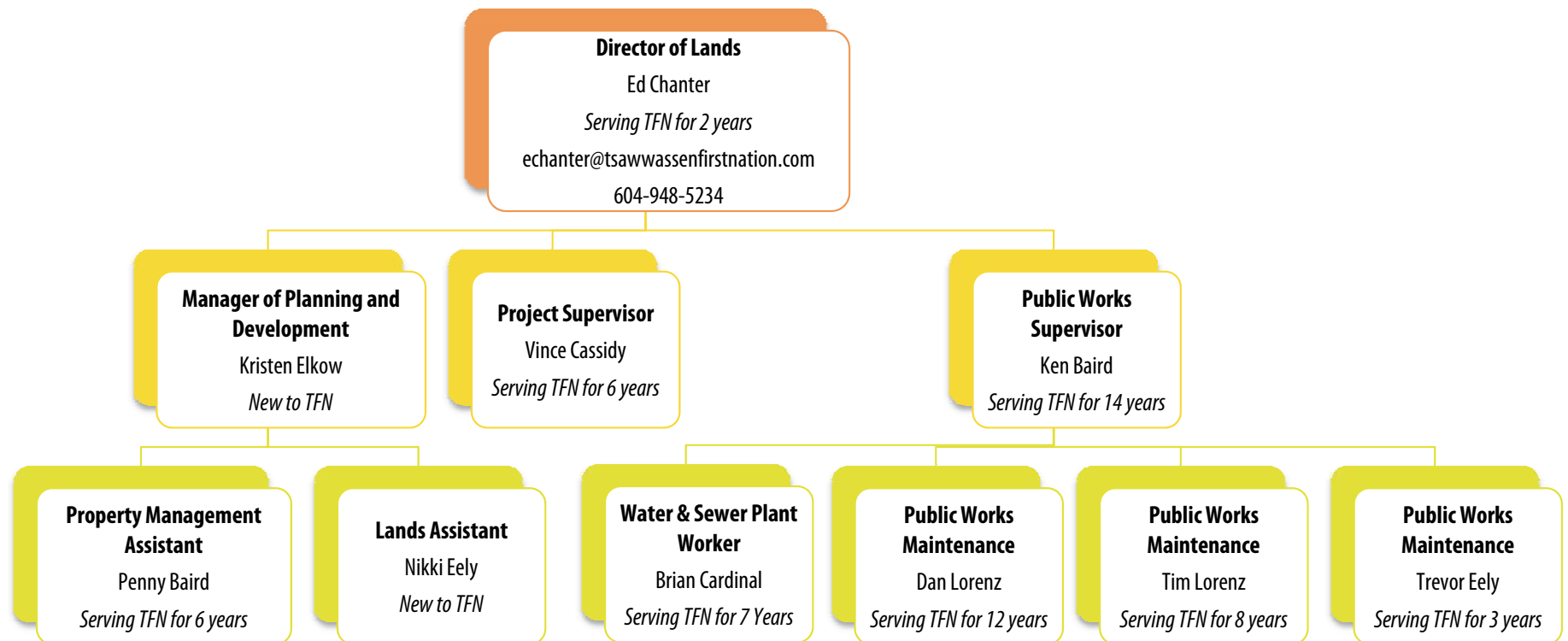
Expense Type	Amount
Lands	1,465,377
Public Works and Sewer Plant	587,172
Facilities	497,845
Property Management	75,000
TOTAL	2,625,394

Schedule 4 is made up of four items:

1. Lands
2. Public Works and Sewer Plant
3. Facilities
4. Property Management

LANDS AND MUNICIPAL SERVICES

LANDS AND MUNICIPAL SERVICES ORGANIZATIONAL CHART



LANDS

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objectives 1-12	Measure	Target
1. Timely approvals with recovery of consultant costs	Number of contracts	3 contracts
2. Additional staff training/courses	Number of courses	6 courses
3. Revise/develop new regulations to support approval function	Number of revised/new regulations	7 by December 2013
4. Sale/lease of Falcon Way lots to members	6 lots sold or leased	End of December 2013
5. Acquire application tracking software	Software purchase	May of 2013
6. Conduct member workshops – planning and development	Number of workshops	4 (1 every 2 months to December 2013)
7. Retain new building inspector	Contract finalized	April 1, 2013
8. Publish regular Lands update in community newsletter	Bi-monthly	Commencing April 1, 2013
9. Continue invasive plant program	Number of plants eradicated	Ongoing
10. Maintain haul road tied to soil fill revenues	Reduce complaints	Zero complaints
11. Improve response time to TFN members/leaseholder inquiries	Total number of inquiries	One-week response
12. Integrate lands files into TRIMS system	New file numbering	May 1, 2013



LANDS

Cost Summary

The Cost Summary for the objectives, targets and measures for the programs and services that make up the line items in Schedule 4 of the *2013-2014 Appropriations Act* are shown in the table on the right.

This summary shows the cost breakdown by cost-types.

Expense Type	Amount
Wages and Benefits	404,877
Contracted Services	285,000
Promotions/Advertising	1,000
Cell/Communications	3,000
Materials and supplies	15,000
Postage	500
Honorariums	1,000
Training/Workshops	15,000
Travel	5,000
Haul Road Maintenance	560,000
Legal	150,000
Invasive Plant Eradication	25,000
TOTAL	1,465,377

PUBLIC WORKS

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objectives 1-8	Measure	Target
1. Complete maintenance plan for lift stations, distribution, collection systems as part of Metro Vancouver conversion.	Study complete	May 2013
2. Complete sewage treatment plant conversion to Metro Vancouver system.	Existing basins and water plant dismantle	May 2013
3. Convert sewage treatment plant building to offices and public works yard.	Renovations completed	May 2013
4. Integrate Aquilini Phase 1A and Industrial lands sportsfield/boulevard/mitigation into core function.	Public works expands capacity	April 1, 2013
5. Hire 2 seasonal workers for summer maintenance.	TFN Members workers hired	June 1, 2013
6. Staff training in Metro Vancouver sewage and water system maintenance.	Upon Metro Vancouver sewage connection operationalized	April 1, 2013
7. Complete TFN member pressure reducing valves program for each house.	Number of pressure reducing valves installed	June 1, 2013
8. Meet with stakeholders quarterly on Public Works delivery of services.	Number of meetings held	April 2013



PUBLIC WORKS

Cost Summary

The Cost Summary for the objectives, targets and measures for the programs and services that make up the line items in Schedule 4 of the *2013-2014 Appropriations Act* are shown in the table on the right.

This summary shows the cost breakdown by cost-types.

Expense Type	Amount
Wages and Benefits	220,172
Contracted Services	50,000
Janitorial Supplies	10,000
Sewer Contract lab Supplies	1,000
Cell/Communications	1,500
Repairs/Main-Sewage Collection	10,000
Materials and supplies	35,000
Equipment Rental	13,000
Vehicle Maintenance	4,000
Vehicle Fuel	7,000
Salvaging	60,000
Vehicle Insurance	7,500
Stahaken Expense	10,000
Training/Workshops	5,000
Chemicals - Sewer	4,000
Utilities	25,000
Travel	5,000
Water Assessments	80,000
Laboratory Supplies	2,000
Sludge Disposal	25,000
Repairs and Maintenance	12,000
TOTAL	587,172

FACILITIES

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objectives 1-5	Measure	Target
1. Identify new capital, repair/maintenance projects for existing facilities.	Cost and projects outlined	Schedule of projects to be developed for new fiscal year
2. Hire 2 TFN part time janitors to maintain facilities.	Employees hired	April 1, 2013
3. Hire 2 TFN summer workers.	Employees hired	June 1, 2014
4. Develop budget to accommodate ongoing staff relocations based upon office space study.	Budget complete	July 1, 2013 for inclusion in 2014/2015 budget
5. Complete repair and maintenance inventory on social houses.	Inventory is complete	April 2013



FACILITIES

Cost Summary

The Cost Summary for the objectives, targets and measures for the programs and services that make up the line items in Schedule 4 of the *2013-2014 Appropriations Act* are shown in the table on the right.

This summary shows the cost breakdown by cost-types.

Expense Type	Amount
Wages and Benefits	118,845
Contracted Services	50,000
Loan Payment Principle	50,000
Telephone	26,000
Cell/Communications	1,000
Materials and supplies	10,000
Vehicle Maintenance	2,000
Vehicle Fuel	2,500
Vehicle Insurance	4,000
Training/Workshops	2,500
Travel	1,000
Repairs and Maintenance	100,000
Building Insurance	60,000
Security	25,000
Utilities	40,000
Equipment Rental	5,000
TOTAL	497,845

PROPERTY MANAGEMENT

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Objectives 1-5	Measure	Target
1. Implement agriculture plan long term lease strategy.	New long term leases entered into	December 31, 2013
2. Complete inventory on capital repairs and maintenance for rental homes.	Inventory complete	July 1, 2013
3. Implement outbuildings strategy for future leases.	Strategy implemented	September 1, 2013
4. Lease rental houses for 2 year term, where applicable.	Longer term leases entered into	December 1, 2013
5. Explore new lease arrangements with third parties based upon agriculture plan (i.e. farm school, Houwelings).	Number of new leases/partnerships	December 31, 2013



PROPERTY MANAGEMENT

Cost Summary

The Cost Summary for the objectives, targets and measures for the programs and services that make up the line items in Schedule 4 of the *2013–2014 Appropriations Act* are shown in the table on the right.

This summary shows the cost breakdown by cost types.

Expense Type	Amount
Contracted Services	30,000
Materials and supplies	28,400
Travel	100
Utilities	1,500
Building Insurance	15,000
TOTAL	75,000

NATURAL RESOURCES (PUBLIC SERVICES)

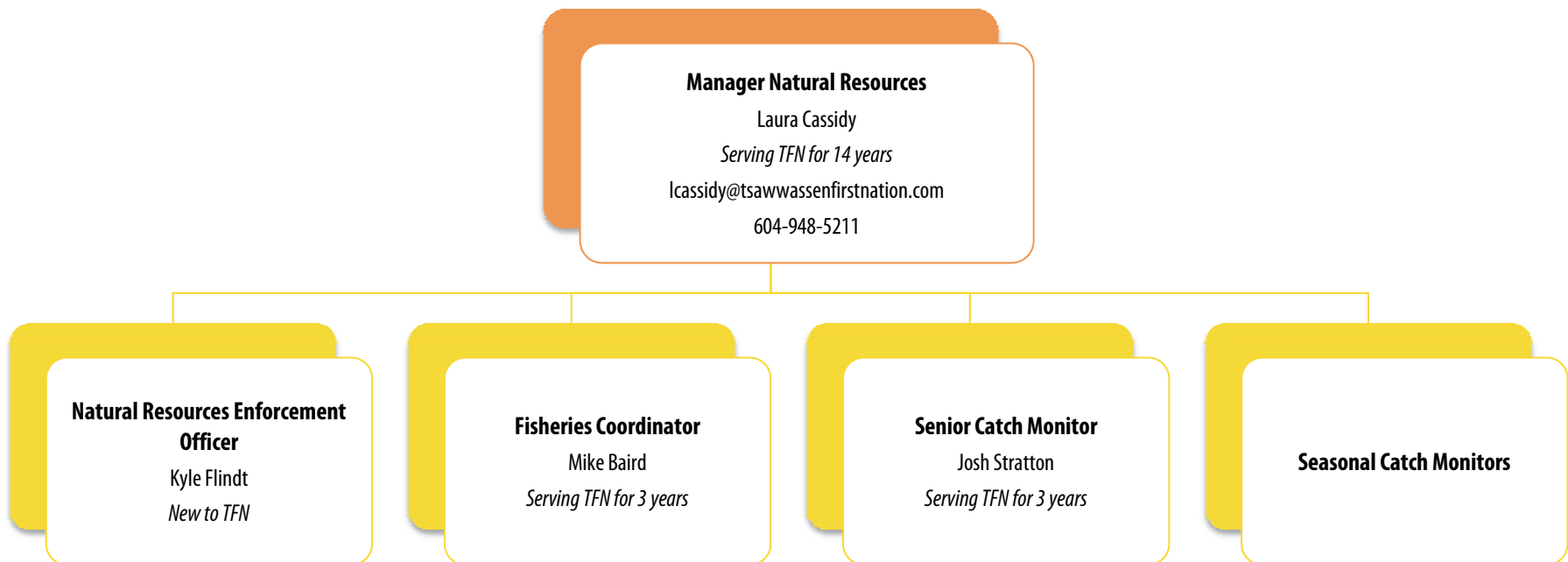
Approved Expenditures - Schedule 5

Schedule 5 of the 2013-2014 Appropriations Act can be found on the Tsawwassen First Nation website.

Expense Type	Amount
Natural Resources	432,310

NATURAL RESOURCES

NATURAL RESOURCES ORGANIZATIONAL CHART



NATURAL RESOURCES

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

The Natural Resources Department consists of core costs plus the following four programs:

1. Fisheries
2. Gathering
3. Wildlife and Migratory Birds
4. Communication and Consultation

Expense Type	Core Cost
Wages and Benefits	130,585
Cell/Communications	4,800
Materials and Supplies	5,500
Vehicle Maintenance	3,600
Vehicle Fuel	3,600
Vessel Fuel	4,200
Vessel Insurance	450
Vessel Maintenance	3,600
Vehicle Insurance	2,000
Training/Workshops	3,000
Travel	4,800
Staff Lunches/Events	1,200
Legal	5,000
Equipment Purchases	1,500
TOTAL	173,835

Fisheries

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Goal	Measure	Target
Maximize TFN's right to fish, as provided for under the Treaty.	Catch numbers	To catch 100% allocation for all fish species, subject to conservation concerns.
Objectives 1-11		
1. Deliver First Fish ceremony		
2. Implement FSC crab distribution policy		
3. Ongoing fisheries enforcement in place		
4. Monitor and validate TFN catches		
5. Review of TFN fishing opportunities		
6. Manage food fish allocation budget		
7. Harvesting strategy for bivalves in Gulf Island National Park Reserve		
8. Negotiation and administration with BC and Canada (Annual Fishing Plan, JFC, JTC, openings etc.)		
9. Effective management of Fraser River fishing protocols and other Fraser First Nation (LFFA, FNFA)		
10. Continue to implement license acquisition and leasing strategy		
11. Experiment with selective fishing opportunities and other species		

Fisheries

Cost Breakdown

Expense Type	Objective 1	Objective 2	Objective 3	Objective 4	Objective 5	Total by Expense
Wages and Benefits	0	0	48,083	32,491	0	80,574
Monitors	0	0	0	12,000	0	12,000
Materials and Supplies	0	1,000	0	0	0	1,000
Training/Workshops	0	0	2,000	0	0	2,000
Seasonal Celebration	2,500	0	0	0	0	2,500
FSC Community crab	0	22,500	0	0	0	22,500
TOTAL	2,500	23,500	50,083	44,491	0	120,574

Expense Type	Objective 6	Objective 7	Objective 8	Objective 9	Objective 10	Objective 11	Total by Expense
Contracted Services	0	6,000	60,000	0	0	0	66,000
Travel	0	2,500	0	0	0	0	2,500
Equipment Purchases	0	0	0	0	0	5,000	5,000
FSC Community salmon/halibut	50,000	0	0	0	0	0	50,000
TOTAL	50,000	8,500	60,000	0	0	5,000	123,500

Gathering

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Goal	Measure	Target
Use gathering opportunities to collect traditional resources and to practice TFN culture.	Number of TFN members exercising treaty and gathering rights within the Traditional Territory.	*Quality of Life survey or program data
Objectives 1-3		
1. Use Gathering opportunities to collect traditional resources and to practice TFN culture		
2. Develop and implement Gathering Plans for Burns Bog and South Arm Marshes		
3. Harvesting program for traditional resources that provides an opportunity for youth and elders to have an exchange of cultural knowledge		

Cost Breakdown

Expense Type	Objective 1	Objective 2	Objective 3	Total by Expense
Materials and supplies	0	0	1,000	1,000
Honorariums	500	1,000	500	2,000
TOTAL	500	1,000	1,500	3,000

Wildlife and Migratory Birds

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Goal	Measure	Target
Ensure that members are able to safely exercise Treaty hunting rights.	Number of TFN Members exercising Treaty and hunting rights within the Traditional Territory.	*Quality of Life survey or program data
Objectives 1 -3		
1. Ensure that Members are able to safely exercise treaty and hunting rights within the traditional territory.		
2. Implement deer harvesting plan in Gulf Islands National Park Reserve.		
3. Implement and enforce hunting regulations on Tsawwassen Lands.		

Cost Breakdown

Expense Type	Objective 1	Objective 2	Objective 3	Total by Expense
Training/Workshops	2,500	0	0	2,500
Travel	0	500	0	500
TOTAL	2,500	500	0	3,000

Communication and Consultation

Service Plan and Costing

What we are going to do, what our objective is and how much it will cost.

Goal	Measure	Target
Ensure members are aware of and consulted on decisions and opportunities.		
Objectives 1 -3		
1. Ensure that Members are aware of and consulted on decisions and opportunities		
2. Operate natural resources committee		
3. Promptly inform community in respect of openings and other opportunities		

Cost Breakdown

Expense Type	Objective 1	Objective 2	Objective 3	Total by Expense
Honorariums	0	6,000	0	6,000
Community Meetings	0	2,400	0	2,400
TOTAL	0	8,400	0	8,400

TAXATION

Approved Expenditures - Schedule 6

Schedule 6 of the 2013-2014 Appropriations Act can be found on the Tsawwassen First Nation website.

Expenditures Type	Amount
Tax Revenue	746,400
Less Home Owners' Grants	-130,200
TAX REVENUE - NET OF HOME OWNERS' GRANT	616,200
Less Taxation Expenditures	-471,575
EDUCATION EQUIVALENCY – TRANSFER TO GENERAL REVENUE	144,625

TAXATION

Cost Breakdown

Tsawwassen Government collects property taxes from taxable occupiers on Tsawwassen Lands. These taxes go towards to the provision of local government services, including policing, fire protection services, dike maintenance, and animal control. During the period where Members are exempt from property taxation, Tsawwassen property tax rates are tied to Delta's rates. Given that Delta does not set their rates until after the 2013–2014 fiscal year has begun, the expenditure amount identified below is an estimate that will need to be revised.

Estimated Local Tax Revenues, net Home Owners' Grant and education equivalency	\$445,575
Estimated Local Government Expenditures	\$445,576

Expenditures are divided in to four different areas:

Planned Expenditure	Activities	Expenditure
1. Local Government Account	For items tied to the provision of 'municipal-type services', which includes service agreements with Delta (police, fire, water, etc.). These services are managed by the Lands Department	244,715
2. Regional Requisitions	For payments required to GVRD, Translink, BC Assessment as part of their Membership costs	200,861
3. Education Equivalency (not included in Tax Revenue or Expenditure calculations)	The revenue from this flows to general revenue	163,425
4. Home Owners' Grant (HOG) (not included in Tax Revenue or Expenditure calculations)	TFN offers similar program to BC's grant program	130,200

The Taxation program is jointly administered by Finance and Administration and the Lands departments.

CAPITAL EXPENDITURES

Approved Expenditures - Schedule 7

Schedule 7 of the 2013-2014 Appropriations Act can be found on the Tsawwassen First Nation website.

Expenditure Type	Amount
Planning Initiatives	390,000
Sports Field	1,500,000
Welcome Poles	100,000
Longhouse	75,000
Housing	29,817
Transportation	20,673,000
Sanitary Sewage	12,000,000
SUBTOTAL	34,767,817
Public Works – Mower	25,000
Capital Loan Interest	189,600
Replacement Reserve	268,049
TOTAL CAPITAL EXPENDITURES	35,250,466



CAPITAL EXPENDITURES

Service Plan and Costing

Tsawwassen Government has planned to make a number of capital expenditures over the course of the 2013–2014 fiscal year. Many of the items continue from the 2008–2013 Strategic Plan and are a part of the new 2013–2018 Strategic Plan. Other expenditures are steps towards the vision set out in the Land Use Plan (approved in 2009). Other elements have been based on offsite works to support development projects, including increased road, water, sewer, and drainage networks. Developers will pay all on and off-site costs associated with the growth of the community. Projects not related to development remain TFN's responsibility to finance.

The Capital Plan for this fiscal year consists of the following activities and expenditures.

Planned Expenditure	Activities	Expenditure
1. Planning Initiatives	Includes the development of a maintenance management plan, capital reinvestment plan, and comprehensive sustainability plan	390,000
2. Sports Field	Design and Construction	1,500,000
3. Welcome Poles	For Tsawwassen entrances	100,000
4. Longhouse	Partial renovation	75,000
5. Housing	Member housing renovation	29,817
6. Transportation	Improvements to Highway 17 and internal roads	20,673,000
7. Sanitary Sewage	For development and first phase construction	12,000,000
8. Public Works - Mower	Large ride a mower for new development landscape	25,000
9. Capital Loan Interest	Interest payments on loans related to recent capital works	189,600
10. Replacement Reserve	Build up of capital replacement reserve to fund future replacement of capital assets as they age and become obsolete	268,049

OTHER TFN ENTITIES

TFN Economic Development Corporation ("TEDC") 103

600911 BC Ltd., Tsatsu Gas 117





OTHER TFN ENTITIES

TFN ECONOMIC DEVELOPMENT CORPORATION (“TEDC”)

Approved Expenditures - Schedule 8

Schedule 8 of the 2013-2014 Appropriations Act can be found on the Tsawwassen First Nation website.

Expenditures Type	Amount
Transfer In from TFN General Revenue	500,00
Flow-through from TFN Matcon Joint Venture	400,000
Subtotal	900,00
EXPENDITURES	900,000

For the 2013-2014 fiscal year, TFN Government will fund TEDC by making a contribution in the form of a transfer of revenue from TFN general revenue.

TEDC, through its management of TFN Construction/Matcon Civil Joint Venture, estimates \$400,000 in revenue to TFN. This amount will flow through to TEDC to offset its overall expenditures.

TEDC expenditures are first reviewed and approved by the TEDC Board of Directors before approved by Executive Council.



TFN Economic Development Corporation

Annual Plan and Costing

TEDC's Vision is set out in their adopted Five-Year Strategic Plan. Through the creation of sustainable economy, TEDC plays a leadership role in contributing to TFN being an ideal location to raise a family and a working model of an environmentally sustainable self-sufficient and culturally proud First Nation community. TEDC's role will be implemented by transacting business of a commercial nature to generate revenue and create employment opportunities for TFN Members and Member businesses through partnerships, joint ventures and other development opportunities.

TEDC's business model is such that it will engage in ventures and partnerships that protects the government from liabilities and reduces financial risk to the government's core operations. The budgeted expenditures for TEDC for the 2013-2014 year are \$900,000.

TEDC Annual Plan consists of the following program and service areas.

- Administration and Finance
- Land Development
- Joint Ventures
- Job and Skills Training
- External Communications
- Small Business Developments
- Internal Communications

Administration and Finance - TEDC

Annual Plan and Costing

Goal	Measure	Target
Manage operation of TEDC and to maintain financial records to satisfy GAAP and TFN reporting requirements.		
Core plus Objectives 1-4		
Core – Administration	Keep on budget	On budget
Core – Finance	Number of accurate monthly financial reports that will provide for quarterly statements to TFN Finance and an accurate annual audit	8 accurate financial reports to TEDC, 4 accurate quarterly statements to TFN and an accurate annual audit
1. Operate TEDC on budget and satisfy the Objectives, Strategic Initiatives and implement the Actions Steps within the approved budget		
2. Maintain and monitor TEDC financial procedures		
3. Ensure Controller monitors financial procedures and recommends improvements to the procedures as required		
4. Finalize corporate funding structure		

Administration and Finance - TEDC

Cost Summary

Expense Type	Administration	Finance
Wages and Benefits	32,500	32,500
Board of Directors	15,000	0
Phone	3,000	0
Promotions/Advertising/Events	15,000	0
Insurance	5,000	0
Accounting/Audit	0	45,000
Materials and Supplies/TFN Overhead charge/Payroll Charges/Janitorial Services	8,000	0
Office and IT	13,000	0
Travel (local)	3,000	0
Training /Workshops/Tuition/Related travel	10,000	0
Amortization of Capital Assets	4,000	0
Contingency (5% of costs)	5,425	3,875
TOTAL	113,925	81,375

Land Development - TEDC

Annual Plan and Costing

Objectives	Measure	Target
Find development opportunities and complete the due diligence process to generate lease and property tax revenues for TFN.	Find and bring forward development opportunities for TEDC, EC and where necessary, TFN Membership approval	Bring forward 2 development opportunities based on market-supported land rent and an acceptable Member Benefits Agreement for TEDC and Executive Council approval
Activities		
1. Industrial Lands		
a) Successfully negotiate, for execution by TFN, definitive agreements for the development of the following facilities and parcels on TFN's industrial lands: 57 acres north-east of the intersection of 41B Street and 27th Ave, a Container Examination Facility in partnership with Port Metro Vancouver and Canadian Border Service Agency subject to Port Metro Vancouver securing funding for the facility, and a card-lock facility.		
b) Include in the negotiations, provisions to give preferential hiring of TFN owned businesses for site filling and site preparation, on-site servicing and building activities, and the associated job opportunities for TFN Members.		
2. Commercial Lands - Finalize the definitive agreements for the development of the Tsawwassen Mills and Tsawwassen Commons properties, for execution by TFN.		
3. Joint Venture Investment Fund (JVIF).		
a) Work with TFN and Port Metro Vancouver to determine the mandate and investment parameters for the JVIF.		
b) Secure approval from TEDC, TFN and Port Metro Vancouver to create the JVIF entity.		
c) Negotiate one investment by the JVIF, possibly for a business located on 20 acres in the north-west quadrant of the TFN Industrial Lands.		



Land Development - TEDC

Cost Summary

Expense Type	Cost
Wages and Benefits	32,500
Contracted Services	150,000
Legal	100,000
Contingency (5% of costs)	14,125
TOTAL	296,625

Joint Ventures - TEDC

Annual Plan and Costing

Objectives	Measure	Target
Secure projects that generate revenues for TFN and hires TFN Members and their businesses.	Joint venture revenues to TFN and annual wages and contracts to TFN Members and their businesses	25% increase over 2012-2013 joint venture revenues, wages and contracts paid to TFN Government and TFN Members and their businesses
Activities		
1. TFN/Matcon Joint Venture		
a) Secure contracts from TFN, IC-PDG and GWL for the site filling, site prep and site works on the commercial and industrial lands.		
b) Secure site prep and site servicing tenders issued by third party developers.		
c) Expand the joint venture's business to include activities such as invasive plant removal, habitat maintenance and environmental monitoring.		
2. TEDC joint ventures continue to hire TFN Members and their businesses for joint venture projects.		
3. Create joint ventures in new businesses such as building construction and security.		



Joint Ventures - TEDC

Cost Summary

Expense Type	Cost
Wages and Benefits	32,500
Insurance	10,000
Contracted Services	25,000
Legal	50,000
Contingency (5% of costs)	5,875
TOTAL	123,375

Jobs and Skills Training - TEDC

Annual Plan and Costing

Objectives	Measure	Target
Find jobs and skills training opportunities for TFN Members.	1. Facilitate skills training for 10 TFN Members	1. Find 10 job opportunities for TFN Members
Work with TFN, Aboriginal Skills Group, First Nations Employment Society and First Nations Technology Council to facilitate skills training for TFN Members.	2. Number of jobs for TFN Members 3. Amount of third party funding for TFN skills training programs	2. Secure third party funding for TFN skills training programs
Activities		
1. Development Opportunities — Include in all negotiations and related agreements for development opportunities on TFN lands provisions that set out a) preferential hiring of TFN member and Entities, b) hiring targets for TFN Members (tailored to fit each development opportunity), and c) training funds.		
2. Indigena Solutions — Work with Indigena to hire 3 TFN Members.		



Job and Skills Training - TEDC

Cost Summary

Expense Type	Cost
Wages and Benefits	46,750
Contracted Services	25,000
TFN Business Development Program and Skills Training	10,000
Contingency (5% of costs)	4,088
TOTAL	85,838

External Communications - TEDC

Annual Plan and Costing

Objectives	Measure	Target
Increase take up of TEDC services amongst communities beyond TFN (i.e. other First Nations' local residents).	Number of non-TFN Members taking advantage of TEDC programs and job opportunities negotiated by TEDC	Increase non-TFN community attendance at TEDC events by 10%
Activities		
1. Continue to offer TEDC programs to groups beyond TFN Members.		
2. Coordinate implementation of the External Communications Plan with TFN.		

Cost Summary

Expense Type	Cost
Wages and Benefits	46,750
Contracted Services	15,000
Contingency (5% of costs)	3,088
TOTAL	64,838

Small Business Developments - TEDC

Annual Plan and Costing

Objectives	Measure	Target
Train TFN Members in small business basics. Facilitate funding for TFN Member small businesses.	1. Number of TFN Members attending workshops hosted by TEDC 2. Number of new TFN Member small businesses	1. Assist with the establishment of 1 new TFN Member small business
Activities		
1. Maintain TFN Small Business Program and facilitate funding to support establishment of TFN Member small businesses		

Cost Summary

Expense Type	Cost
Wages and Benefits	46,750
TFN Business Development Program and Skills Training	25,000
Contingency (5% of costs)	3,588
TOTAL	75,338

Internal Communications - TEDC

Annual Plan and Costing

Objectives	Measure	Target
Increase take up of TEDC services amongst TFN community.	Number of TFN Members taking advantage of TEDC programs	Increase TFN community attendance at TEDC events by 10%
Activities		
1. Continue to offer TEDC programs to TFN Members.		
2. Coordinate Internal Communications Plan with TFN.		

Cost Summary

Expense Type	Cost
Wages and Benefits	46,750
Contracted Services	10,000
Contingency (5% of costs)	1,937.50
TOTAL	58,688



600911 BC LTD, TSATSU GAS

Schedule 9 of the 2013-2014 Appropriations Act can be found on the Tsawwassen First Nation website. Tsatsu Gas is a separate entity owned by Tsawwassen First Nation which is situated on leased land.

- ☐ It opened in 2004
 - Hours of operation are 7:00 am – 10:00 pm, 7 days a week
 - Closed ½ day on Christmas Eve and all day on Christmas Day
- ☐ Eight employees in total
 - 4 Tsawwassen Members
 - 2 Community members
 - 1 Musqueam member
 - 1 Neskoniuth member
- ☐ Fuel is supplied by Columbia Fuels, formerly United Petroleum
- ☐ Status Cigarettes
 - Current quota is 1,000 pieces per month
 - Equivalent to 10,000 packs of cigarettes per month
 - Total of 120,000 packs of cigarettes per year
- ☐ Status Quota
 - Applied for a quota increase of 200 pieces this fiscal year
 - Was our 3rd application and we were successful in obtaining the increase
 - Originally started with 500 pieces and we have doubled that
 - Not in need of another increase yet as we have carry over for the last 3 months

Approved Expenditures - Schedule 9

Sales Revenue	2,461,920
Less: Expenditures	2,380,333
NET INCOME BEFORE AMORTIZATION	81,587
Less: Amortization	35,400
NET INCOME AFTER AMORTIZATION	46,187



2013-2014 BUDGET

Budget Summary	121
Financial Obligations	122



Love Trust



Respect



Friend



BUDGET SUMMARY

The following table shows the budgeted expenditure amounts for the 2013–2014 fiscal year, as passed by the Tsawwassen Legislature on March 14th, 2013. Budget amendments may occur throughout the year and are reported to the Tsawwassen Legislature at their next sitting.

Schedule	Division/Department	Program	Cost(s)
1A	Finance and Administration		
1A		Administration	1,087,498
1A		IT	51,450
1A		Human Resources	164,303
1B	Community Benefits	Community Benefits	964,600
2 & 5	Public Services		
2	Governance	Policy and Intergovernmental Affairs	347,160
2		Enforcement	110,607
2		Territory Management	48,737
2		Government Services	994,590
5	Natural Resources	Natural Resources	432,310
3	Community Services		
3	Education	Education	489,741
3		Post-Secondary Education	175,000
3		Daycare	394,300
3		Youth Services	176,798
3		Cultural/Language Program	172,591
3		AFROG	134,352
3		Community Outreach	28,100

Schedule	Division/Department	Program	Cost(s)
3	Health and Social Development	Health	\$91,282
3		Community Care	134,877
3		Income Assistance	326,905
3		Family Empowerment	102,651
3		A&D Mental Health	140,806
3		Elders	79,673
3	Social Housing	Social Housing	115,620
4	Lands and Municipal Services		
4		Lands	\$1,465,377
4		Public Works and Sewer Plant	587,172
4		Facilities	497,845
4		Property Management	75,000
6	Taxation	Taxation	445,576
8	Transfer to Entities	Transfer to TEDC	500,000
TOTAL			10,334,921



FINANCIAL OBLIGATIONS

DEBT OBLIGATION	
Repayment of Bank of Montreal Loan – Stimulus Infrastructure Project	\$2,260,365
Repayment of Loan – Delta Sewer Connection Project	1,908,679

FINANCIAL COMMITMENTS	
Repayment to the TFN Economic Development Fund – Outstanding \$1,210,000	1,210,000
Capital Repayment of Implementation Fund 2009-2012 – Outstanding \$8,123,850	13,000,000
Funding of the Capital Replacement Reserve – Outstanding \$3,000,000	3,000,000
Repayment to the TFN Port Metro Vancouver Fund – Stahaken payment – Outstanding \$1,549,690	1,549,690
TOTAL CAPITAL EXPENDITURES	\$22,928,734

DEFINITIONS







DEFINITIONS

We use the following terms when identifying the actions that each department is planning to deliver over the course of the next fiscal year: core functions, objectives, strategies, performance measures and targets, and costs. Departments are accountable for delivering their strategies, achieving their objectives and meeting their performance targets within their approved budgets. Accomplishing these objectives moves TFN government toward achieving the longer-term goals in the Strategic Plan. The following section further defines each of the terms used throughout the Service Plan.

PROGRAM AREA: Each department of the Tsawwassen Government has a core function or functions, which clearly identify what they do. Each department or division with the government is responsible for delivering a range of services. These services are organized around specific Program Areas. The core functioning of Program Areas have some core costs associated with simply running a basic operation (e.g. keeping the lights on, staffing a position, etc.) and these costs have been identified where possible. These costs are reflected, but are not necessarily attributable to a discrete activity. Rather, they are simply the costs associated with providing a basic level of service required of the department or Program Area, and supporting the broad range of departmental initiatives.

OBJECTIVES: The Objectives identify what TFN is trying to achieve through its Program Areas in the next year. They identify the purpose and what TFN government is seeking to accomplish.

ACTIVITY: Given the time, money and people available over the next year, the Activities identify the most effective ways for a program area to make progress toward its Objectives, and respond to the needs of the organization and the Membership. They identify how TFN intends to meet the Objective.

MEASURE: A performance Measure is an indicator of progress toward the Objective. It must be meaningful, connected to the Objective, easily measurable with available information or data, and reasonably within the control of staff and Council. The performance Measure must continue to be relevant over time. In some cases, it may be difficult to identify an appropriate or a useful measure. In these cases, no measure has been identified.

TARGET: A performance Target sets a specific, measurable goal through a performance Measure. In addition to setting out Objectives, Activities, Measures and Targets, we are also identifying how many resources — from a financial perspective — that we are allocating in the pursuit of specific objectives.

This level of information is a bold step that provides a high level of transparency and accountability in respect of how the Tsawwassen Government plans its operations and allocates resources. By identifying not only what objectives we expect to achieve, but also what we are allocating to achieve those objectives, we feel that we are meeting high standards for how we identify and report on the value of the programs and services that are delivered for your benefit.





TSAWWASSEN FIRST NATION
s̓c̓awaθən məsteyəxʷ

This Service Plan is dedicated to the Tsawwassen people —
past, present and future generations.

TO LEARN MORE:

www.tsawwassenfirstnation.com
(604) 943-2112



WESTBANK FIRST NATION
SUBDIVISION,
DEVELOPMENT AND SERVICING LAW NO. 2005-15

WHEREAS Council of Westbank First Nation deems it advisable and in the best interests of Westbank First Nation to enact a Law to regulate the subdivision of land in order to promote the orderly and economic development of Westbank First Nation;

NOW THEREFORE Council of Westbank First Nation repeals Subdivision Bylaw No. 1979-12, Development Bylaw No. 1996-09 and Amendment No. 3 to Schedule E of Bylaw No. 1996-09 dated 30 November 1999 and enacts the following law:

1. TITLE

- 1.1 This Law may be cited for all purposes as "*WFN Subdivision, Development and Servicing Law No. 2005-15*".

2. PARTS

- 2.1 This Law is divided into seven parts dealing with the following subjects:

Part I - Interpretation
Part II - General Requirements
Part III - Dedication of Land
Part IV - Parcel Standards
Part V - Highway Dedication, Servicing and Construction Standards
Part VI - Development Agreements
Part VII - Payment of Taxes and Charges

PART I - INTERPRETATION

3. DEFINITIONS

- 3.1 In this Law, unless the context otherwise requires

"Application for Development" means the *Physical Development Plan Amendment & Development Permit Application Form* and any other successor or related forms established by Council, from time to time;

"Approving Officer" means a person appointed by Council as Approving Officer, or delegate;

"arterial road" means a road whose primary function is to carry through traffic from one area to another with as little interference as possible from adjacent land uses, but which may provide direct access to property as a secondary function, particularly for large traffic generators;

"boulevard" means all those portions of a highway not occupied by roadway and shall include the "median" area between separated roadways;

“collector road,” means a road whose primary function is to distribute traffic between arterial, other collector, and local roads, within an area but which also usually provides full direct access to properties. Collector roads are classified into two types:

- (a) **“through collector road”** means a collector road which connects, or is part of a route connecting two different arterial roads and is attractive to use as a shortcut between them, and therefore may carry traffic having neither origin nor destination within the area;
- (b) **“limited collector road”** means a collector road which, because of its location, geometric design or length, does not provide an attractive shortcut between two arterial roads and, therefore, will carry only local area traffic;

“complete” or any variation thereof when used with respect to the work or works referred to herein will mean completion to the satisfaction of Westbank;

“construction” means build, erect, install, repair, alter, add, enlarge, move, locate, re-locate, re-construct, upgrade, demolish, remove, excavate or shore;

“contractor” means a person or firm having a contract with a registered holder or with Westbank to construct roads or install works or services or any other items required by this Law;

“Council” means the governing body of Westbank elected pursuant to the *Westbank First Nation Constitution*;

“develop” or “development” means any construction to which the WFN Building Law applies and includes the subdivision of Westbank Lands;

“Developer” means a person who wishes to develop Westbank Lands;

“Development Permit and Servicing Agreement” means the servicing agreement entered into between Westbank and the Developer, in the form developed by Westbank from time to time and includes any forms, schedules and appendices attached thereto;

“drainage works” means a system of works designed and constructed to control the flow of storm water which is in conformity to design criteria and construction standards adopted by Westbank known as the “natural system” wherein the storm water generated by the development of land must be controlled using detention systems, to limit the five year post-development release rate to the five year pre-development release rate;

“Fire Department” includes the fire department of any fire protection district, municipal corporation, or first nation attending fires on Westbank Lands;

“Health Officer” means a medical health officer, or equivalent, of the authority having jurisdiction for Westbank Lands;

“highway” includes all public streets, roads, lanes, ways, trails, bridges, viaducts, trestles, ferry landings and approaches and any other public way designated or intended for use by the general public for the passage of vehicles, and every private place or

passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited and includes the roadway, shoulder, boulevard, ditch and sidewalk area and whatever lands lie between the property lines of the highway, but does not include a private right of way on private property;

“land use designation area” means any area or district established either in the *Westbank Physical Development Plan*, adopted by resolution of Council or any WFN Land Use Plan law;

“lane” means a highway having a right of way width of not more than eight (8) meters and not assigned a name or number, to provide a secondary access to abutting properties;

“local road,” means a road whose primary function is to serve vehicle trip ends by providing direct access to properties, and which usually connect to other local roads or to collector roads. Local roads are classified into two types:

- (a) **“through local road”** means a local road having access to two different collector or local roads which may, therefore, serve some traffic having neither origin nor destination along its length;
- (b) **“limited local road”** means a local road which, by virtue of its connections to the collector road system, is likely to be used by traffic having either an origin or a destination along its length. Three variations of the limited local road are:
 - (i) cul-de-sac: a limited local road with only one access point;
 - (ii) P-loop: a variation of the cul-de-sac having a loop at one end;
and
 - (iii) crescent: a limited local road having access to the same local or collector and at two separate locations.

For the purposes of this Law, a local road which serves more than 100 dwelling units will be considered as a through local road regardless of configuration;

“Manager” means the head of WFN Engineering, Planning and Public Works Department, or delegate;

“occupant” or **“occupier”** means a person who is legally entitled to occupy or simply occupies a parcel of land, building, dwelling or premises within Westbank Lands;

“parcel of land” or **“parcel”** means any lot, block, manufactured home pad or other area in which real property within Westbank Lands is held or into which real property within Westbank Lands is subdivided and the improvements affixed to it;

“person” in addition to its ordinary meaning, includes any association, household, society, corporation, partnership or party, whether acting by themselves or by a servant,

agent or employee, and the successors, assigns and personal or other legal representatives of such person to whom the context can apply according to law;

“Professional Engineer” means a person licensed to practice in the Province of British Columbia as a Professional Engineer;

“Professional Planner” means a person who is a member or eligible for membership in the Planning Institute of British Columbia;

“provide” in relation to services or other works means doing all that is necessary to make a service available and functioning in a proper manner and will include design, construction or installation, and testing;

“public utility” means any system having facilities installed in a highway or in a right of way for the purpose of providing a service to property and includes water distribution, sewage and drainage collection, street lighting, electric power distribution, telephone, cable television, and gas distribution systems;

“registered holder” means a person who is registered in the Westbank Land Register as the holder of an interest in Westbank Lands and, where applicable, includes the occupant;

“Reviewing Agencies” means those WFN, provincial and federal agencies, ministries and departments, as the case may be, identified by Westbank, from time to time, as a resource to provide technical advice, assessments, recommendations and reports, as required, and includes but is not limited to those listed in paragraph 4.6(c) of this Law;

“right of way” includes land or any interest in land acquired for the purpose of:

- (a) public rights of passage with or without vehicles; or
- (b) erecting and maintaining any pole-line; or
- (c) laying, placing, and maintaining drains, ditches, conveyance, transmission, or transportation of water, electric power, forest products, oil, or gas, or both oil and gas, or solids as defined in the *Pipeline Act*; or
- (d) the disposal of sanitary sewage, storm water or drainage;

“roadway” means the portion of a highway surfaced for the purpose of facilitating vehicular movement;

“Stage 1 development cost charges” means charges for capital cost of water, water drainage, water service (connection);

“Stage 2 development cost charges” means charges for capital cost of sanitary sewer, sewer connection, latecomer's fees, inspection fees and all other applicable charges;

“storm water control plan” means the storm water control plan as identified within the natural system of drainage works as adopted by Westbank;

“subdivide” or “subdivision” means:

- (a) the division of land into two or more parcels, whether by plan or by metes and bounds description or by replotting scheme or otherwise;
- (b) the consolidation of two or more parcels into a single parcel, or several parcels into a smaller number of parcels; or
- (c) the creation of a highway or a portion of a highway by plan;

“Surveyor of Taxes” means the official appointed by Council for the purposes of collecting taxes, levies and other charges for Westbank;

“utility” means a public utility owned and operated by Westbank, or any variation thereof means and includes all work required to be done for the setting out, the execution and the completion to the satisfaction of Westbank;

“Westbank” or “WFN” means the Westbank First Nation as defined in the *Westbank First Nation Constitution*;

“Westbank Lands” means:

- (a) the following Westbank Indian Reserves:
 - (i) Mission Creek Indian Reserve No. 8
 - (ii) Tsinstikeptum Indian Reserve No. 9
 - (iii) Tsinstikeptum Indian Reserve No. 10
 - (iv) Medicine Hill Indian Reserve No. 11
 - (v) Medicine Creek Indian Reserve No. 12; and
- (b) lands set apart by Her Majesty the Queen in right of Canada in the future as lands reserved for the use and benefit of Westbank, within the meaning of subsection 91(24) of the *Constitution Act, 1867*;

“WFN Cashier” means the person or persons appointed by the Director of Operations, from time to time, and includes any delegate;

“WFN Design Criteria” means the *WFN Design Criteria and Construction Standards and Specifications for Development* developed and adopted by Westbank from time to time;

“WFN Engineering Consultant” means a person appointed by Council as an engineering consultant on behalf of Westbank, or delegate.

- 3.2 Unless otherwise provided in this Law, words, expressions and rules of construction used in this Law have the same meaning as in the *Westbank First Nation Constitution*.

PART II - GENERAL REQUIREMENTS

4. DEVELOPMENT PERMIT PROCESS

- 4.1 Council must establish a schedule of development cost charges and fees payable pursuant to this Law.
- 4.2 If a person wishes to develop Westbank Lands, that Developer must submit an Application for Development to the Approving Officer and follow through the Stage 1 and Stage 2 processes of the *WFN Land Development Procedures*.
- 4.3 The Stage 1 process requires that, in addition to the completed Application for Development, the Developer must submit:
 - (a) non-refundable application fees;
 - (b) Stage 1 development cost charges;
 - (c) six (6) copies of a conceptual development plan for the proposed project prepared, signed and sealed by a Professional Engineer, Professional Architect and/or Professional Planner (the "Conceptual Development Plan"), in a manner consistent with the *WFN Design Criteria and Construction Standards and Specifications for Development*;
 - (d) such additional identifying information as may be required by the WFN Planning Department including, but not limited to:
 - (i) the Developer's name, address and telephone number;
 - (ii) the name, address and telephone number of the Professional Engineer, Professional Architect and/or Professional Planner responsible for the preparation of the Conceptual Development Plan;
 - (iii) the legal description of the parcel of land proposed to be developed;
 - (iv) the name of all registered holders in the parcel of land proposed to be developed, and of other persons or entities having any legal or beneficial interest in the Developer;
 - (v) the lease registration number and sublease registration number as contained in the Westbank Lands Register, if applicable;
 - (vi) the development proposal;
 - (vii) all specifications as required, including those with respect to engineering, utilities, water, sewer and roads;
 - (viii) all appraisal reports that have been prepared; and
 - (ix) all engineering reports that have been prepared;

- (e) such additional technical information as may be required by the WFN Planning Department including, but not limited to:
 - (i) a map showing the existing and proposed land uses;
 - (ii) a map showing existing and proposed topography and natural features such as water courses, water bodies and treed areas;
 - (iii) a map showing existing property lines, easements, rights-of way, services (including water, sanitary sewer, drainage, electrical, telephone and gas), and roads, including a statement whether any will be removed as a result of the development;
 - (iv) a map showing the approximate location, dimensions and area of all existing buildings and structures within the proposed development area including a statement whether any will be removed, altered or added to. If a building is to be altered or added to, a description of the proposed alteration or addition;
 - (v) a map showing the approximate location, configurations and dimensions of all proposed parcels within the development. Each proposed parcel must be identified with a parcel number
 - (vi) a map showing the approximate location, maximum dimensions and maximum area of all proposed residential buildings and non-residential buildings with an above grade floor area of less than 280m². Conceptual development plans must be provided for non-residential buildings with an above grade floor area equal to or greater than 280m²;
 - (vii) if the development is to be constructed in phases, a map identifying the phases;
 - (viii) all maps must be in metric and include a scale and an arrow showing the north direction;
 - (ix) where applicable, copies of reports related to soil inspection, percolation tests and any other background studies;
 - (x) a preliminary design report for the proposed municipal services which outlines the rationale, design criteria and calculations related to the design of the services. The design report must be prepared in accordance with the servicing requirements of this Law;
 - (xi) a description of the building scheme which will apply to the proposed development and buildings;
 - (xii) an environmental assessment including consideration of physical, social or economic impacts of the development and a statement of mitigating measures; and

- (xiii) a traffic impact study for a proposed development generating more than 100 trips per day.

4.4 Upon completion by the Developer of the requirements set out in sections 4.2 and 4.3, the Approving Officer must review and process the Application for Development and upon completion must present a report to Council for its consideration, which report must contain:

- (a) a copy of the Application for Development;
- (b) a copy of the proposed Conceptual Development Plan;
- (c) a summary of the various reports, assessments and studies submitted by the Developer under paragraphs 4.3(d) and (e);
- (d) confirmation that the proposed development does not contravene the *Westbank Physical Development Plan*; and
- (e) confirmation of receipt in full by the WFN Cashier of the applicable non-refundable application fee and Stage 1 development cost charges.

4.5 Stage 1 Conceptual Development Plan approval will be given by the Approving Officer once:

- (a) all requirements in respect of any applicable *WFN Design Criteria and Construction Standards and Specifications for Development* and Westbank Laws are satisfied; and
- (b) Council has by resolution approved the Conceptual Development Plan.

4.6 The Stage 2 process requires that:

- (a) the Developer must submit non-refundable processing fees;
- (b) the Developer must enter into a *Development Permit and Servicing Agreement* substantially in the form established by Council from time to time;
- (c) the Approving Officer must review the recommendations of the Reviewing Agencies, which will include but not be limited to:
 - (i) WFN Engineering Consultant;
 - (ii) WFN Environmental Consultant;
 - (iii) Regional District of Central Okanagan;
 - (iv) Fire Department;
 - (v) Ministry of Transportation and Highways;

- (vi) Ministry of Water, Land & Air Protection;
 - (vii) Department of Fisheries and Ocean; and
 - (viii) Health Canada;
- (d) upon completion of the review of the recommendations of the Reviewing Agencies, the Approving Officer must present a report to Council for its consideration, which report must contain:
- (i) confirmation that all deficiencies and recommendations have been satisfied;
 - (ii) confirmation of receipt by the WFN Cashier of the applicable non-refundable processing fee;
 - (iii) a *Development Permit and Servicing Agreement* for approval by Council; and
 - (iv) confirmation of receipt of the security to be posted by the Developer.
- 4.7 Council may, upon receipt of the report from the Approving Officer, by Council Resolution:
- (a) authorize the execution of the *Development Permit and Servicing Agreement* by the Approving Officer on behalf of Westbank;
 - (b) authorize the execution of the *Development Permit and Servicing Agreement*, as amended by Council in its Council Resolution, by the Approving Officer on behalf of Westbank; or
 - (c) refuse to authorize the execution of the *Development Permit and Servicing Agreement* by the Approving Officer on behalf of Westbank.
- 4.8 A Development Permit and Servicing Agreement is not in force and effect until such time as it has been approved and consented to by way of Council Resolution and executed by the Approving Officer on behalf of Westbank.
- 4.9 Forthwith upon the passage of the requisite Council Resolution described in section 4.8, the Developer must pay to Westbank the applicable Stage 2 development cost charges.
- 4.10 The Approving Officer may, at any stage of processing the Application for Development, refuse to approve the Application for Development if:
- (a) the Approving Officer is of the opinion that the cost to Westbank of providing public utilities or other works or services would be excessive; or
 - (b) the Approving Officer is of the opinion that the Application for Development does not conform to:

- (i) all applicable provisions of the *WFN Design Criteria and Construction Standards and Specifications for Development*;
- (ii) the recommendations of Westbank's list of reviewing agencies; or
- (iii) any applicable provincial or federal acts or regulations or any other Westbank Law.

4.11 A copy of the *Development Permit and Servicing Agreements* executed by Westbank and the Developer must be retained by the Approving Officer who must make the same available for perusal by any resident of Westbank Lands upon request during normal business hours during which the Westbank Planning Department is open to the public. Copies of *Development Permit and Servicing Agreements*, excluding any schedules, will be made available to residents of Westbank Lands upon written request.

5. SUBDIVISION PROCESS REQUIREMENTS

5.1 Where the development includes the subdivision of Westbank Lands, the Approving Officer must, before providing Stage 1 Conceptual Development Plan approval under section 4.5, also be satisfied that the development:

- (a) is suited to the configuration of the parcel of land being subdivided; and
- (b) is suited to the use to which it is intended; and
- (c) does not make impractical the future subdivision of the parcel of land within the proposed development or of any adjacent parcel.

5.2 Where the development includes the subdivision of Westbank Lands, the Developer must also comply with the following requirements, if the Approving Officer so demands:

- (a) furnish profiles of every new highway shown on the plan and such topographical details as may indicate the engineering problems to be dealt with in opening up the highways shown upon the plan;
- (b) furnish a sketch showing that the smaller parcels into which the parcel of land is to be subdivided by the plan can conveniently be further subdivided into further small parcels, but this will only be demanded if in the opinion of the Approving Officer the situation of the parcel of land is such that there is reason to anticipate its subdivision;
- (c) furnish a contour plan of the parcel proposed for subdivision;
- (d) survey of existing trees on the parcel proposed for subdivision.

5.3 In considering the sufficiency of the highway allowance shown upon the plan, the Approving Officer must take into consideration whether the parcel of land to be subdivided is:

- (a) urban or rural business property;

- (b) urban or rural residential property; or
- (c) rural lands;

and must also consider the configuration of the parcel of land, the relation of the highway allowances to any existing main highway or approach, whether by land or water, and any local circumstances, and on the question of width, whether the respective highways shown are likely to be required or used as main roads or as secondary roads, or merely as road of access to a few parcels, or as lanes.

5.4 The Approving Officer may at any stage of processing the subdivision application refuse to approve the subdivision plan if he is of the opinion that:

- (a) the cost to Westbank of providing public utilities or other works or services would be excessive; or
- (b) the subdivision does not:
 - (i) conform to WFN or other agencies of competent jurisdiction ordinances regulating the subdivision of parcel of land and land use planning; or
 - (ii) conform to the *Westbank Physical Development Plan*; or
 - (iii) conform to the requirements of the Ministry of Transportation and Highways within respect to a control access highway; or
 - (iv) satisfactorily address the recommendations of the Reviewing Agencies, or
- (c) taxes or other WFN charges applicable to the parcel of land being subdivided have not been paid. These include property taxes, development cost charges, and other levies, application fees, inspection fees, approval fees, or any other charges set out in this Law.

PART III - DEDICATION OF LAND

6. DEDICATION OF LAND

- 6.1 The Developer must convey to Westbank, without compensation, land for public open space in the locations and to the extent required by the Approving Officer for the purpose of providing sufficient open space within the development for park and public use.
- 6.2 Where the parcel being developed adjoins a lake, river, stream or other body of water, the Approving Officer may, as a condition of approving the development, require the conveyance to Westbank, without compensation, of a strip of land not exceeding seven (7) metres in width along the bank or shore for the purpose of providing public access, if, in the opinion of the Approving Officer, such dedication is in the public interest.

- 6.3 The parcel of land to be dedicated under section 6.2 must be measured from:
- (a) the high water mark;
 - (b) the controlled high water mark; or
 - (c) the natural boundary of the lake, river, stream or other body of water as defined in the *Land Act*;
- whichever is applicable.
- 6.4 The amount of land required to be conveyed to Westbank under sections 6.1 and 6.2 when combined must not exceed five (5%) percent of the parcel being subdivided.
- 6.5 Sections 6.1 to 6.4 do not apply:
- (a) to subdivisions creating three (3) or less lots; or
 - (b) to subdivisions where the smallest lot being created is larger than two (2) hectares; or
 - (c) to consolidation of existing subdivided parcels.

PART IV - PARCEL STANDARDS

7. PARCEL STANDARDS

- 7.1 Except as otherwise provided in this Law, no parcel will be created by subdivision which has an area, width, depth or frontage less than the minimal, nor a depth in relation to a width greater than the maximum for the particular land use designation area in which the subdivision is located, as set out in a schedule of Parcel Standards established by Council, from time to time.

PART V - HIGHWAY DEDICATION, SERVICING AND CONSTRUCTION STANDARDS

8. HIGHWAY DEDICATION, SERVICING AND CONSTRUCTION STANDARDS

- 8.1 The Developer must provide, without compensation, to the extent required by the Approving Officer:
- (a) for the purpose of a highway within a development, land not exceeding twenty (20) metres in width; or
 - (b) for the purpose of widening a highway that borders or is within a subdivision, land of a depth not exceeding ten (10) metres.
- 8.2 Where, in the opinion of the Approving Officer, terrain and soil conditions are such that a roadway having a width of seven (7) metres cannot be adequately supported, protected,

and drained within the widths specified in section 8.1, land sufficient to support, protect, and drain such a roadway may be required without compensation.

- 8.3 The Approving Officer may require additional right of way at intersections with arterial roads in order to provide traffic turn-lane channelization.
- 8.4 The Approving Officer may require additional right of way to accommodate utility transformer pads.
- 8.5 The Approving Officer will require additional right of way at intersection between lanes and at right angle turns.
- 8.6 Except as otherwise provided in this Law, the Developer must provide vehicular and pedestrian access systems such that each system:
 - (a) serves and can be connected to all parcels created by the development;
 - (b) extends along all highways within the development;
 - (c) provides the required standard of development established by Council, from time to time; and
 - (d) provides for extension and connection of the system to lands and systems beyond the proposed development.
- 8.7 Without limiting the generality of section 8.6, the Developer may not be required to provide vehicular or pedestrian access systems where or to the extent to which:
 - (a) a system or part thereof already exists which provides the level of standard required for both the existing parcels and those created by the development, as established by Council, from time to time; and
 - (b) the parcels being created will have access appropriate to their intended use.
- 8.8 The Developer must provide sidewalks on one or both sides of highways within the lands being subdivided in accordance with the standards for the various classifications of road in each land use designation area, established by Council, from time to time.
- 8.9 Without limiting the generality of section 8.8, the Approving Officer may require:
 - (a) sidewalks along any highway within the development on which substantial pedestrian traffic is expected to be generated;
 - (b) sidewalks along the side of a highway within the development which fronts on or abuts a school, park, recreation facility, public building, shopping and commercial development; and
 - (c) sidewalks on each side of an arterial or collector road within the development;

- (d) walkways within the development connecting points between which pedestrian movement will be generated; and
 - (e) upgrades to the infrastructure servicing the development, the cost of which will be paid for by the Developer.
- 8.10 All sidewalks and walkways must be constructed in accordance with the WFN Design Criteria.
- 8.11 A cul-de-sac must be constructed in length in accordance with the WFN Design Criteria.
- 8.12 The maximum length of a cul-de-sac may be increased in accordance with the WFN Design Criteria established for specific land use designation areas; provided however that such cul-de-sac must not provide frontage to more than twenty (20) lots and further provided that an emergency access must be provided where the length of the cul-de-sac exceeds two hundred and twenty (220) metres.
- 8.13 A P-loop must be constructed in length in accordance with the WFN Design Criteria provided however that all P-loops must be provided with an emergency access.
- 8.14 The maximum total street length of a P-loop may be increased in accordance with the WFN Design Criteria established for specific land use designation areas; provided however that such P-loop must not provide frontage to more than sixty (60) lots created in a development.
- 8.15 The emergency access required in sections 8.11 to 8.13 must directly connect from the turnaround of a cul-de-sac or from the loop road of a P-loop to an adjacent highway.
- 8.16 Emergency access must not be less than three decimal seven (3.7) metres in right of way width and must be constructed in accordance with the WFN Design Criteria.
- 8.17 In a development where the road layout is such that a highway or a portion thereof serves or will serve the adjoining properties outside the development, the Approving Officer may allow the dedication and construction of new half-roads along the perimeter of the development, provided however the following conditions are satisfied:
- (a) additional right of way greater than half is dedicated, where necessary, in order to provide two-way traffic flow, sidewalk, street lights, and drainage collection system;
 - (b) such half-roads must be constructed in accordance with the WFN Design Criteria
- 8.18 The Developer must clear, grade, surface and otherwise construct the required highways including roadways, emergency access and transit bays, in accordance with the required standards established by Council, from time to time.
- 8.19 Where a road passes through more than one land use designation area, the land use designation area having the most significant impact on the roadway, as determined by the Approving Officer, will dictate the applicable road standards.

- 8.20 The Developer must grade and, where required by the Approving Officer, landscape boulevards along all highways within the development in accordance with the required standards established by Council, from time to time.
- 8.21 Except as otherwise provided in this Law, the Developer must provide:
- (a) water distribution, sanitary sewer and drainage works, underground wiring and street lighting systems, such that each system:
 - (i) serves and is connected to all parcels created by the development;
 - (ii) extends along all highways within the development;
 - (iii) connects to the appropriate infrastructure and public utility;
 - (iv) provides the required standards of service established by Council, from time to time; and
 - (v) provides for extensions and connection of the system to lands and systems beyond the proposed development, and
 - (b) road curbs, gutters and sidewalks.
- 8.22 Without limiting the generality of section 8.21, the Developer may not be required to provide water supply, sanitary sewer and drainage works, underground wiring, and street lighting systems where a system already exists which provides the required standards for both the existing parcels and those to be created by development.
- 8.23 Without limiting the generality of section 8.21, where infrastructure services are not available, but are programmed for as part of an approved WFN Capital Works Plan, the Approving Officer may approve a development within which the provision and construction of water supply and/or sewage disposal and/or drainage works may be deferred; provided however that:
- (a) an alternative system satisfactory to both the Approving Officer and the WFN Engineering Consultant is provided at the expense of the Developer and on a temporary basis, and
 - (b) the Developer covenants against each parcel created in the development and agrees to construct and connect the deferred systems at an appropriate time as determined and required by Westbank, and
 - (c) the Developer deposits with Westbank a bond for an amount satisfactory to the Approving Officer having regard to the cost of installing and paying for all works and services related to the deferred systems.
- 8.24 The Developer must provide and design the required drainage works in conformity with the acceptable Storm Water Control Plan.

- 8.25 The Developer must, where required by the Approving Officer, convey to Westbank, without compensation, land at an appropriate location or locations for drainage works. The amount of the parcel to be conveyed to Westbank must be sufficient to ensure that an adequate detention system can be built. Where a Community Pond is used for detention, the provision of this section will be waived. Waiving of this provision does not preclude the introduction of a development cost charge, or like charge for the Community Pond.
- 8.26 The standards for servicing of land required under sections 8.21 and 8.22 of this Law for different land use designation areas must be established by Council, from time to time. In developments where the lot sizes and subdivision design stimulate those of a higher land use designation area, the standards of a higher land use designation area will apply.
- 8.27 Where the Developer is required to provide water, sanitary sewer or drainage works, Westbank may provide for sharing all or part of the cost of the trunk water, trunk sanitary sewer, or trunk drainage works so required between Westbank and
- (a) the Developer, or
 - (b) the Developer and the registered holders of any other parcel that will benefit from the trunk water, trunk sanitary sewer, or trunk drainage works;

and Westbank may require that a portion of the water, sanitary sewer or drainage works be provided with a capacity in excess of that required to service the proposed development, but in that case, the cost of the services constructed and installed by the Developer or any part thereof, until:

- (c) the works have been certified by a Professional Engineer as complete and constructed in substantial compliance with the required standards for servicing;
- (d) the Developer has deposited with Westbank one set of paper prints and one set of transparencies of the drawings showing the works as actually constructed, certified as correct by a Professional Engineer;
- (e) the Developer has completed the service connection record cards supplied by Westbank, to show the locations of the sanitary, storm and water service connections;
- (f) Westbank has inspected the said works and notified the registered holder in writing of not detecting any construction deficiencies and that the works are in accordance with the plans, specifications and standards as herein contained;
- (g) the layout of the proposed subdivision has been approved by the Approving Officer;
- (h) the Developer has entered into an agreement with Westbank, in which the Developer covenants and agrees to:

- (i) maintain all of the said works and services in complete repair for a period of one (1) year;
- (ii) remedy any defects appearing within five (5) years from the date of acceptance of the work by Westbank, and pay to Westbank for any damage to other work or property resulting therefrom, save and except for defects caused by reasonable wear and tear, negligence of Westbank, its servants or agents;
- (iii) deposit with Westbank for a period of one (1) year from the acceptance of the said works and services, a sum equal to ten (10%) percent of the cost of the completion of the said works or \$2,000, whichever is greater, as calculated by the Approving Officer, and should the registered holder fail to maintain the said works, remedying any defects or paying any damages from the said deposit;
- (iv) pay to Westbank all inspection fees, administration fees, engineering fees and legal costs incurred by Westbank, in accepting and taking over such works and services, and the cost of connecting all utilities required to service the development, in accordance with the amounts established by Council, from time to time.

8.28 Excess capacity will be paid for by Westbank or by the registered holders of land outside the proposed development. The cost of providing the excess capacity may be recovered from the registered holders of the parcel of land outside the proposed development at the time subsequent development occurs.

8.29 Where the Developer is to provide services in, on or to land in accordance with sections 8.6 to 8.27 hereof, the Developer must, except to the extent the same is caused by the gross negligence of Westbank or its servants or agents, save harmless and effectually indemnify Westbank against:

- (a) all actions and proceedings, costs, damages, expenses, claims and demands whatsoever and by whomsoever brought by reason of the construction and installation of all services herein described;
- (b) all expenses and costs which may be incurred by reason of the execution of the said work resulting in damage to any property owned in whole or in part by Westbank or which Westbank by duty or custom is obliged, directly or indirectly, in any way or to any degree, to construct, repair or maintain;
- (c) all expenses and costs which may be incurred by reason or liens for non-payment of labor or materials, workers' compensation assessments, unemployment insurance, federal or provincial tax, and for encroachments owing to mistakes in survey.

PART VI - DEVELOPMENT AGREEMENTS

9. DEVELOPMENT AGREEMENTS

- 9.1 All works and services to be constructed and installed to serve any proposed development of any parcel lands must be constructed and installed to the standards established by Council from time to time, at the expense of the Developer prior to the approval of such development, unless:
- (a) the Developer deposits with Westbank, cash or a bond in a form and for an amount satisfactory to the Approving Officer having regard to the cost of installing and paying for all works and services required pursuant to this Law;
 - (b) the Developer enters into an agreement with Westbank to construct and install the works and services by a specified date or forfeit the amount secured by Westbank; and
 - (c) the Developer pays to Westbank, all inspection fees, administration fees, engineering fees, and legal costs incurred by Westbank in accordance with the amounts established by Council from time to time.
- 9.2 Where the Developer constructs and installs the works and services necessary to serve the proposed development without entering into the agreement with Westbank referred to in section 9.1 hereof, the Developer must not connect such works and services to any of WFN's works, services or utilities, and Westbank must not accept the works.

PART VII - PAYMENT OF TAXES AND CHARGES

10. PAYMENT OF TAXES AND CHARGES

- 10.1 The Developer must pay all WFN taxes, rates and charges applicable, assessed and levied against the parcel of land to be developed, and where such taxes, rates and charges for the current year have not been assessed, levied and imposed on the parcel at the date on which the approval of the development is signed by the Approving Officer, pay the amount estimated by the Surveyor of Taxes to be the total of WFN taxes, rates and charges to be assessed, levied and imposed on the parcels for the current year.
- 10.2 Where approval of a development is granted by the Approving Officer at any time between the 30th day of September and the 31st day of December in any year, the Developer must pay all taxes, rates and charges assessed and levied against the parcel to be subdivided and which are outstanding and owing at the date of such application, together with a deposit in the amount estimated by the Surveyor of Taxes to be the total of WFN taxes, rates and charges to be assessed, levied and imposed on the parcel for the next succeeding year; which deposit must be held by Westbank and applied towards payment of the taxes, rates and charges to be assessed, imposed and levied on the parcel in the next succeeding year, in the event that the subdivision is not registered prior to the preparation, completion and authentication of the assessment roll for that year.
- 10.3 Where any deposit made pursuant to section 10.2 is held by Westbank and the subdivision is registered, and the new parcels created thereby are placed on the

assessment roll for the next succeeding year, the said deposit must be refunded to the applicant by the Surveyor of Taxes forthwith upon receipt of notification by the Assessor that the subdivision is registered and the new parcels created thereby have been placed or will be placed on the assessment roll for the next succeeding year.

- 10.4 Every payment made pursuant to the provisions of section 10.1 hereof and every deposit made pursuant to the provisions of section 10.2 hereof will be deemed to be monies to be applied at a future date in payment of taxes levied by Westbank and every such payment and deposit must be accepted by the Surveyor of Taxes.
- 10.5 Every Developer, for any purpose other than the creation of three (3) or less lots to provide sites for a total of three (3) or less self-contained dwelling units, must pay to Westbank the development cost charges for the sole purpose of providing funds to assist Westbank in paying the development cost charges and levies of providing, altering, or expanding sewerage, water, drainage and highway facilities and public open space or any of them, in order to serve, directly or indirectly the development in respect of which the charges are imposed.

11. FEES AND FORMS

- 11.1 Council may, by resolution passed at a duly convened meeting, establish, correct, revise or update the terms of any applicable fee schedules, forms, protocols or other related documentation which complement and support this Law, and will post notice of same in a public area of the WFN administration building and make a copy of same available for viewing free of charge at the administrative offices of Westbank and available for distribution at a nominal charge.
- 11.2 Notwithstanding the provisions of section 11.1, any change made to any fees or charges payable under this Law will come into effect on the date which is six months after the date of the Council resolution approving such amendment.

12. NOTICES & CHARGES AGAINST REGISTERED HOLDERS

- 12.1 Where Westbank is required to give notice to or impose a charge against the registered holder and two or more persons are shown as registered holders in respect of a parcel of land, then a notice given to or a charge imposed against one registered holder is not invalidated by the failure to give notice to or impose a charge against any other registered holder.

13. OFFENCES

- 13.1 No person must obstruct, interfere with or hinder Council, the Manager or any authorized employee, officer or agent in the carrying out of their duties and responsibilities under this Law.
- 13.2 Any person who violates any of the provisions of this Law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Law, or who neglects to do or refrains from doing any act or thing required by any of the provisions of this Law, is guilty of an offence under this Law, and is liable to the penalties imposed by this Law.

- 13.3 Each day a violation of this Law continues will be deemed to be a separate offence for which a fine or imprisonment may be imposed.
- 13.4 Any person who is guilty of an offence under this Law is liable, on summary conviction to a fine of not more than One Thousand Dollars (\$1,000.00) or to a term of imprisonment not exceeding thirty (30) days, or both.

14. IMMUNITY

- 14.1 No action for damages lies or may be instituted against present or past Council; Manager; or members, employees, servants or agents of either Westbank or Council:
- (a) for anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty or the exercise of the person's authority; or
 - (b) for any alleged neglect or default in the performance or intended performance of the person's duty or the exercise of the person's authority.
- 14.2 Section 14.1 does not provide a defence if:
- (a) Council, Manager, members, employees, servants or agents have, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or wilful misconduct; or
 - (b) the cause of action is libel or slander.
- 14.3 Westbank, present or past Council, or members, employees, servants or agents of any of Westbank or Council is not liable for any damages or other loss, including economic loss, sustained by any person, or to the property of any person, as a result of neglect or failure, for any reason, to discover or detect any contravention of this Law or any other Westbank Law, or from the neglect or failure, for any reason or in any manner, to enforce this Law or any other Westbank Law.
- 14.4 All actions against Westbank for the unlawful doing of anything that
- (a) is purported to have been done by Westbank under the powers conferred by this Law or any Westbank Law, and
 - (b) might have been lawfully done by Westbank if acting in the manner established by law,
- must be commenced within six (6) months after the cause of action first arose, or within a further period designated by Council in a particular case, but not afterwards.
- 14.5 Westbank is in no case liable for damages unless notice in writing, setting out the time, place and manner in which the damage has been sustained, is delivered to Westbank, within two (2) months from the date on which the damage was sustained. In case of the death of a person injured, the failure to give notice required by this section is not a bar

to the maintenance of the action. Failure to give the notice or its insufficiency is not a bar to the maintenance of an action if the court before whom it is tried, or, in case of appeal, the Court of Appeal, believes

- (a) there was reasonable excuse, and
- (b) Westbank has not been prejudiced in its defence by the failure or insufficiency.

15. APPLICATION OF LAW

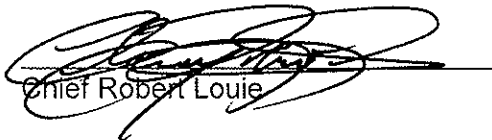
- 15.1 Where any federal Act or regulation or provincial Act or regulation or any other Westbank Law may apply to any matter covered by this Law, compliance with this Law will not relieve the person from also complying with the provisions of the other applicable Act, regulation or law.
- 15.2 If any section of this Law is for any reason held invalid by a decision of a court of competent jurisdiction, the invalid section or subsection will be severed from and not affect the remaining provisions of this Law.
- 15.3 The headings given to the sections and paragraphs in this Law are for convenience of reference only. They do not form part of this Law and will not be used in the interpretation of this Law.
- 15.4 Unless otherwise noted, any specific statute named in this Law is a reference to a statute of British Columbia and the regulations thereto, as amended, revised, consolidated or replaced from time to time, and any Law referred to herein is a reference to a law of Westbank, as amended, revised, consolidated or replaced from time to time.

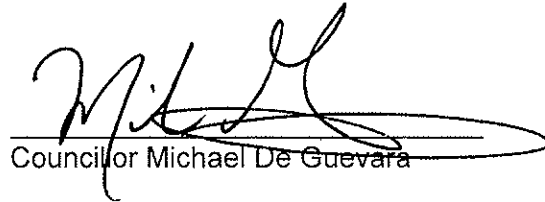
16. REPEAL

- 16.1 Subdivision Bylaw No. 1979-12, Development Bylaw No. 1996-09 and Amendment No. 3 to Schedule E of Bylaw No. 1996-09 dated 30 November 1999 are hereby repealed.

BE IT KNOWN that this Law entitled, "*WFN Subdivision, Development and Servicing Law No. 2005-15*" is hereby read for the first, second, and third and final time and is hereby enacted as Law No. 2005-15 by the Council of Westbank First Nation at a duly convened meeting of Council held on the 7th day of February, 2005.

Voting in favour of the Law are the following members of Council:


Chief Robert Louie


Councilor Michael De Guevara


Councilor Brian Eli


Councilor Loretta Swite


Councilor Michael Werstuk

being a majority of those members of Council of Westbank First Nation present at the aforesaid meeting of Council.

The Quorum of Council is three (3) members.

Number of members of Council present at the meeting: 5.

