

OPERATIONAL START UP

There are three main components an operational First Nation should look to formalize when starting up their Lands Governance Office. These include:

1. Duties under Land Code
2. Operational Budget
3. Strategic Workplan



DUTIES UNDER LAND CODE

Identifying Land Code Authority & Responsibilities

In reviewing your land code, create an index listing. This listing will identify which Land Code sections provide the authority and who is authorized to act under that authority. The following example is an index of authorities and responsibilities that are identified within the model Land Code. It is important to remember that Land Code is an organizational shift. You can use this task of creating an index listing to track potential delegation of authority, decision making processes, and potential land code amendments.

The following is an index of authorities and responsibilities that are identified within the <FN>
Land Code: *(sample uses the May 2019 Model Land Code)*

LAND CODE	SECTION	AUTHORITY
PART 1 – PRELIMINARY MATTERS		
Additional Lands	5.5 Council shall hold a meeting of Members prior to the amendment of the description of [Title] Land subject to this Land Code.	Council
PART 2 – FIRST NATION LEGISLATION		
Council may make Land laws	6.1 Council may, in accordance with this Land Code, make Land laws ...	Council
Regulatory Instruments	6.3 Council may make other regulatory instruments, including rules, regulations, standards, codes, and policies.	Council
Introduction of Land laws	7.1 A proposed Land law may be introduced at a duly convened meeting of Council	Chief, Council, Lands Committee

[SAMPLE – Land Code Authority Chart](#)

Land Governance Office Duties

The following duties of the Land Governance Office have been taken from the model land code (2019) and should be reviewed against your land code and community needs:

5. Lands Office [2019 model land code]

5.1 Council may identify staff positions in the Lands office, including employees, contractors, volunteers, or other persons considered by Council to be staff in the Lands office.

5.2 Council may, by Council Resolution, specify for any Lands office staff position:

- a) the scope of delegated authority for management of Lands; and
- b) whether that position includes the authority to register Land instruments in the First Nation Lands Register on behalf of First Nation.

5.3 Subject to the terms of any Council Resolution, the duties of the Lands office include:

- a) advising Council and the Lands Committee on Land Laws and Land policies;
- b) advising Council on administrative fees, rent, royalties, or other amounts payable in respect of Lands;
- c) arranging Lands Meetings and Votes in accordance with this Land Code;
- d) proposing to Council the annual Lands workplan and Lands budget;
- e) providing input on First Nation's annual reports in respect of Land revenues and Land activities;
- f) assisting the Lands Committee, upon request from the Lands Committee; and
- g) managing and maintaining systems for Land administration, such as record keeping, data management, and the development of approved forms and procedure.

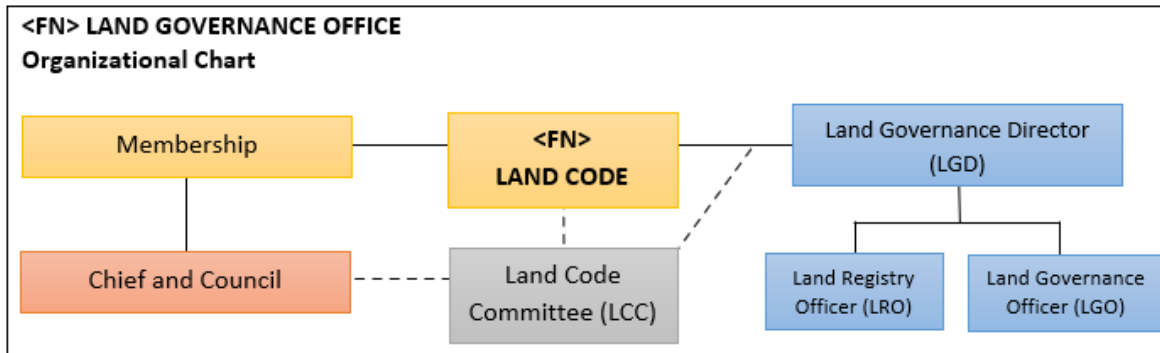
5.4 In carrying out its responsibilities, the Lands office must consider any advice provided by the Lands Committee.



Land Governance Office – Roles & Responsibilities

Organizational charts are very specific to each First Nation and their governance structure. This example shows an administrative exercise showcasing Lands Governance Director, Land Registry Officer, Land Governance Officer, other.

It is important that each First Nation review their current Governance Structure, along with their Land Code Roles & Responsibilities to capture the best organization structure that works for their specific needs. Other examples could include Lands Manager, Environmental Officer, Enforcement Officer, other Support Staff options, etc.



OPERATIONAL BUDGET

The RC has developed a sample budget for Categories 1 to 4, to assist First Nations in preparing for their transitional and operational category funding. As you go through this exercise, you may need to consider the addition of own source revenue or seeking additional funding through project grants.

[SAMPLE OPERATIONAL BUDGET \(2018-2023\)](#)

Budget sample based on:

REVENUES	EXPENDITURES
<input checked="" type="checkbox"/> Transitional Funding (first 2 years of \$75K) <input checked="" type="checkbox"/> Operational Funding (IA Annex A) Other considerations: <input type="checkbox"/> Own Source Revenue <input type="checkbox"/> Project Grants	<ul style="list-style-type: none"> ▪ Lands Committee ▪ Salaries & Benefits ▪ Training ▪ Travel ▪ Environmental monitors ▪ Administrative overhead ▪ Capital Acquisitions ▪ Computer Acquisitions ▪ Policy development ▪ Legal Costs ▪ Liability Insurance ▪ Community engagement ▪ Meetings ▪ Office Supplies ▪ Professional Services ▪ Developmental plan expenses ▪ Other expenses (as determined)

REVENUES

- FNLM Operational Funding (Grant funding) Annual funding base- Category 1-4
- FNLM Transitional Funding (Contribution funding) Initial Two-Year funding after becoming Operational (please delete if operational over two years)
- Other revenues
- Carry Forward Surplus Funding from previous year

EXPENDITURES

- Lands Committee (Honorariums) - Lands Committee 5 people (once a month) 1/2 day
- Salaries & Benefits (Lands Governance personnel) 100% position (2)
- Salaries & Benefits (Enforcement) part-time position employee
- Salaries & Benefits (Environmental) full-time position employee

- Salaries & Benefits (Lands Assistant) 100% position
- Staff (Training/Conferences)
- Staff (Travel)
- Environmental monitors per diem basis as needed (community members)
- Administrative overhead this would be a % of overhead operating costs (possibly using % that the FN charges to other departments)
- Capital Acquisitions setting up office with furniture/any equipment needed for running the lands office
- Computer Acquisitions setting up office with computers/printers
- Policy development/administrative structure to set guidelines in place for the new laws/how the FN comm will enforce them
- Legal Costs - Drafting Laws
- Legal Costs - Enforcing laws
- Legal Costs - general
- Liability Insurance (this is the special liability insurance now that you are responsible for lands/environment etc.)
- Community engagement to have community meeting/dinner
- Meetings (catering, snacks, etc.)
- Office Supplies & Postage
- Professional Services (ex. Environmental, Engineer, Surveyor) other consultants
- Developmental plan expenses
- Expenses re possible questions on development plans
- Other expenses (as determined)

This sample budget is available as a starting point and is only an example, the First Nation has the authority to coordinate as they need.

STRATEGIC WORKPLAN

The [<FN> Land Governance Office Strategic Plan](#) is a tool for staff to use as a guide to assess where they are in transitional/implementation process. To assist in capturing the vision and direction of the Lands Management Committee (LMC), Chief & Council and most importantly the Community members.

There are key focus areas that stem from identified responsibilities under the Framework Agreement on First Nation Land Management and the <FN> Land Code. The priorities are identified through several activities and documents. These activities and documents include: The <FN> Land Code, LMC Terms of Reference, LMC visioning sessions and the Framework Agreement on First Nation Land Management.

KEY FOCUS AREAS:	Developmental Transition	Operational Year 1	Operational Year 2	Operational Year 3	OPERATIONAL FIRST NATION
Lands Administration	X	X			
Land Management Committee (LMC)		Transitional Funding			
Information Management		X	X		
Organization Study / Human Resources Management					
Financial Management					
Communications & Public Relations	X	X			
Law-making & Enforcement			X	X	
Dispute Resolution					
Natural Resource Management (+ Environment)					
Mapping					
Traditional Territory / Other Issues Raised					

The strategic workplan is designed to be reviewed and updated annually by department staff. The plan will support the <FN> Land Code responsibilities by identifying any activities and deliverables which will be presented to the LMC for review, comments, and recommendations to Chief and Council for final approval and implementation.

LAND GOVERNANCE OFFICE STRATEGIC PLANNING GUIDE

The following are samples, they should be reviewed against your land code and community needs.

KEY FOCUS AREA: Lands Administration

<p>Land Registry System</p> <ul style="list-style-type: none"> • Assess Land Registry needs • Citrix Account & FNLRs training • Land registry policy, forms & fees • Land status reporting • Liaise with ISC on Wills & Estates for member workshops, etc.
<p>Interests & Licences</p> <ul style="list-style-type: none"> • Monitoring & Compliance - Identify actions by Minister under leases (rent review, insurance, etc.) • Implementation of electronic inventory • Post approved land registry forms to website
<p>Surveys</p> <ul style="list-style-type: none"> • Review survey requirements • Develop process and forms • Consider survey budget to support member sub-division • Metal detector, other tools

Land Registry System

- Assess Land Registry needs

- Citrix Account & FNLRS training
- Land registry policy, forms & fees
- Land status reporting
- Liaise with ISC on Wills & Estates for member workshops, etc.

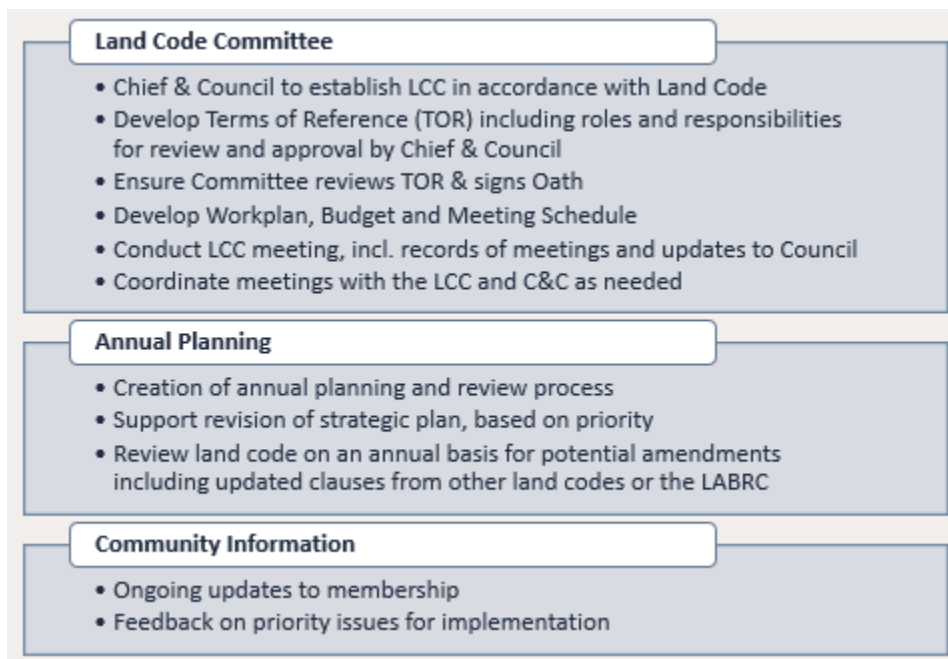
Interests & Licences

- Monitoring & Compliance - Identify actions by Minister under leases (rent review, insurance, etc.)
- Implementation of electronic inventory
- Post approved land registry forms to website

Surveys

- Review survey requirements
- Develop process and forms
- Consider survey budget to support member sub-division
- Metal detector, other tools

KEY FOCUS AREA – Lands Committee



Land Code Committee

- Chief & Council to establish LCC in accordance with Land Code
- Develop Terms of Reference (TOR) including roles and responsibilities for review and approval by Chief & Council
- Ensure Committee reviews TOR & signs Oath
- Develop Workplan, Budget and Meeting Schedule

- Conduct LCC meeting, incl. records of meetings and updates to Council
- Coordinate meetings with the LCC and C&C as needed

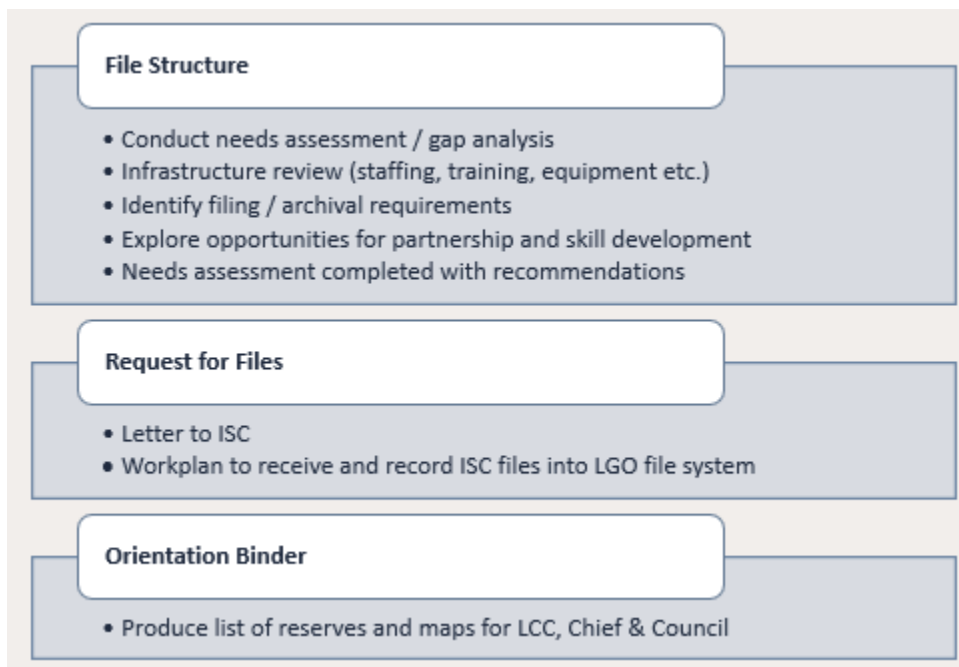
Annual Planning

- Creation of annual planning and review process
- Support revision of strategic plan, based on priority
- Review land code on an annual basis for potential amendments including updated clauses from other land codes or the LABRC

Community Information

- Ongoing updates to membership
- Feedback on priority issues for implementation

KEY FOCUS AREA – Information Management



File Structure

- Conduct needs assessment / gap analysis
- Infrastructure review (staffing, training, equipment etc.)
- Identify filing / archival requirements
- Explore opportunities for partnership and skill development
- Needs assessment completed with recommendations

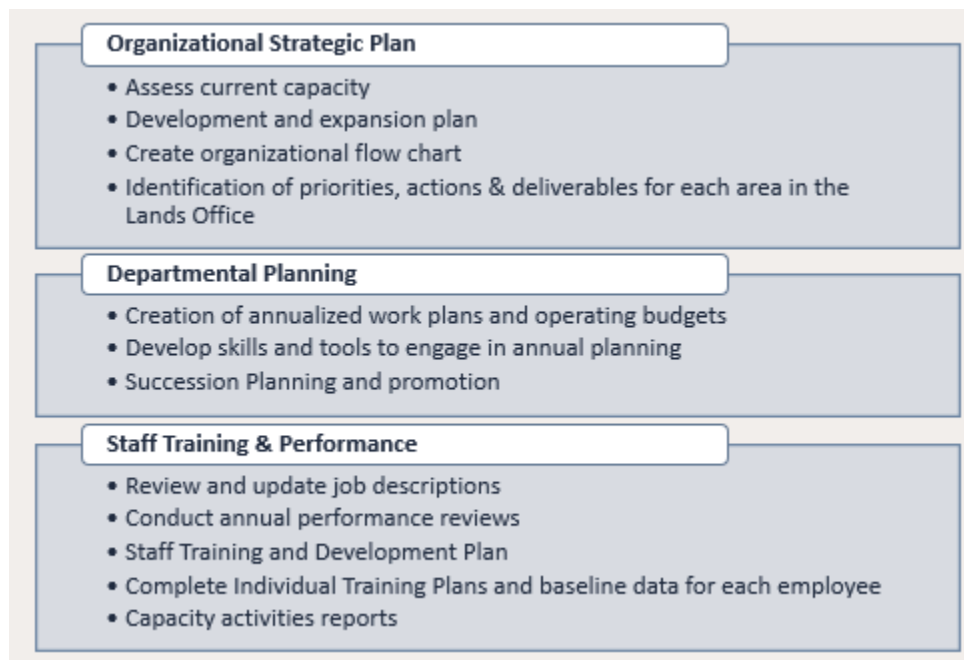
Request for Files

- Letter to ISC
- Workplan
- Receive and record ISC files into LGO file system

Orientation binder

- Produce list of reserves and maps for LCC and C&C orientation binders

KEY FOCUS AREA – Human Resources



Organizational Strategic Plan

- Assess current capacity
- Development and expansion plan
- Create organizational flow chart
- Identification of priorities, actions & deliverables for each area in the Lands Office

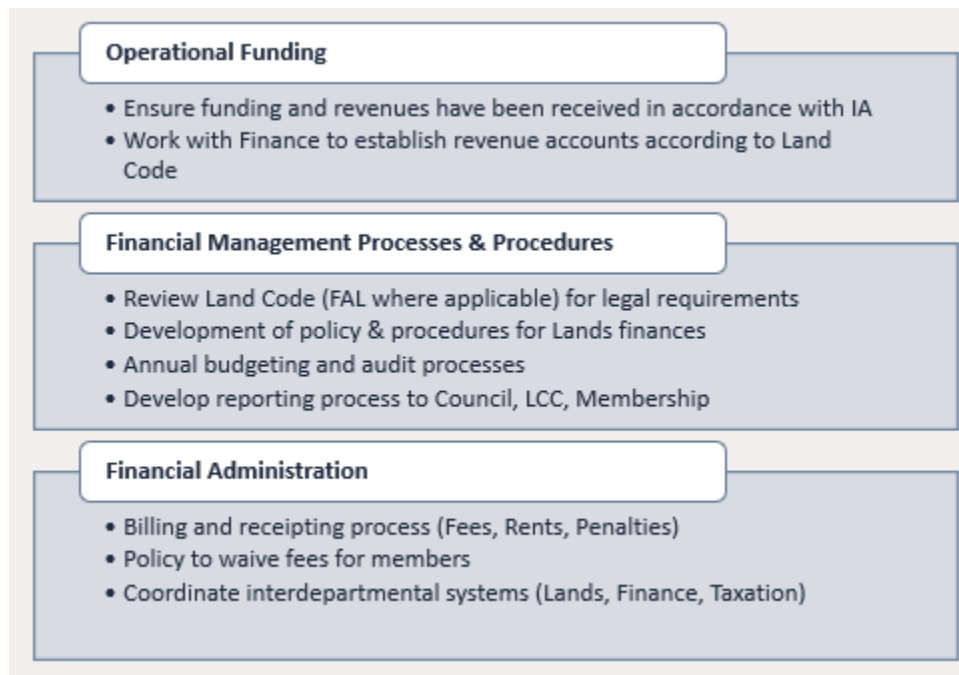
Departmental Planning

- Creation of annualized work plans and operating budgets
- Develop skills and tools to engage in annual planning
- Individual Training Plans
- Succession Planning and promotion

Staff Training & Performance

- Review and update job descriptions
- Conduct annual performance reviews
- Staff Training and Development Plan
- Complete Individual Training Plans and baseline data for each employee
- Capacity activities reports

KEY FOCUS AREA – Financial Management



Operational Funding

- Ensure funding and revenues have been received in accordance with Individual Agreement
- Work with Finance to establish revenue accounts according to Land Code

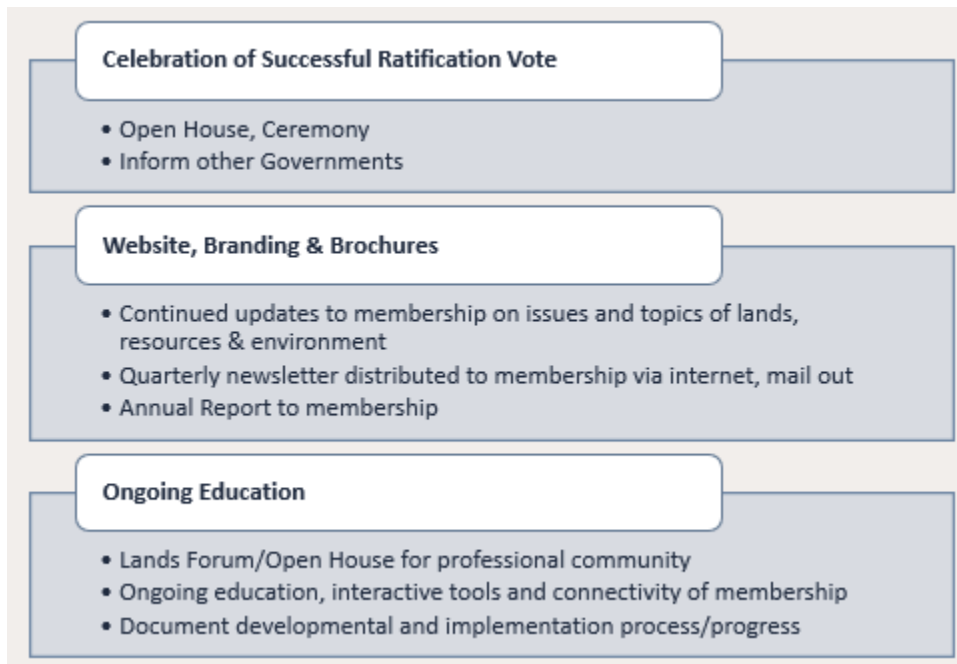
Financial Management Processes & Procedures

- Review Land Code (Financial Administrative Law (FAL) where applicable) for legal requirements
- Development of policy & procedures for Lands finances
- Annual budget, audit process
- Develop reporting process to Council, LCC, Membership

Financial Administration

- Billing and receipting process (Fees, Rents, Penalties)
- Policy to waive fees for members
- Coordinate interdepartmental systems (Lands, Finance, Taxation)

KEY FOCUS AREA – Communications & Public Relations



Celebration of Successful Ratification Vote

- Open House, Ceremony, etc.
Inform other Governments

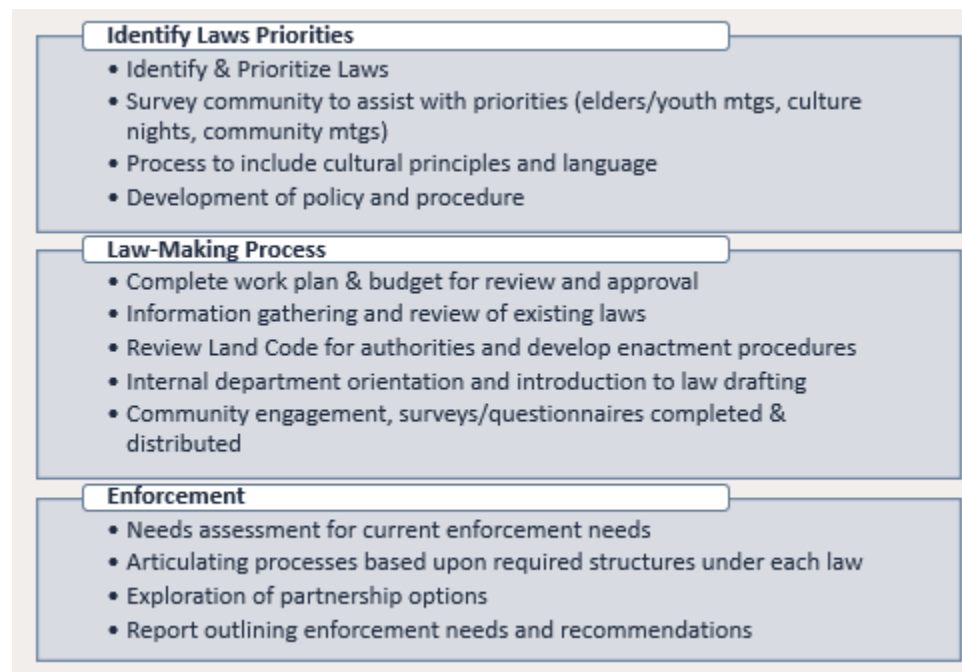
Website, Branding & Brochures

- Continued updates to membership on issues and topics of lands, resources & environment
- Quarterly newsletter distributed to membership via internet, mail out
- Annual Report to membership

Ongoing Education

- Lands Forum/Open House for professional community
- Ongoing education, interactive tools, and connectivity of membership
- Document developmental and implementation process/progress

KEY FOCUS AREA – Land Law-Making



Identify Laws Priorities

- Identify & Prioritize Laws
- Survey community to assist with priorities (elders/youth mtgs, culture nights, community mtgs)
- Process to include cultural principles and language
- Development of policy and procedure

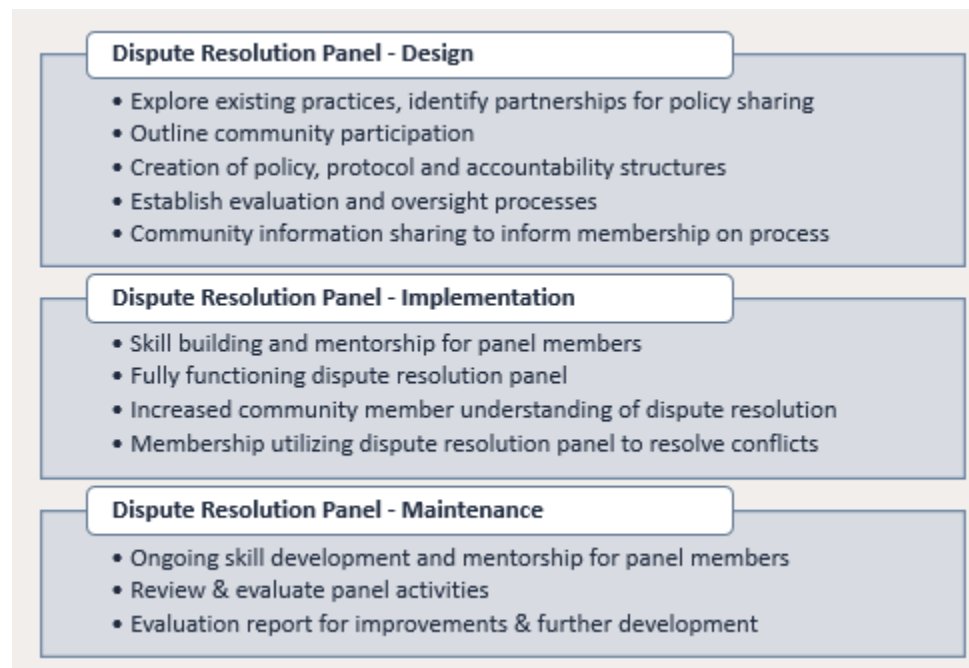
Law-Making Process

- Complete work plan & budget for review and approval
- Information gathering and review of existing laws
- Review Land Code for authorities and develop enactment procedures
- Internal department orientation and introduction to law drafting
- Community engagement, surveys/questionnaires - completed & Distributed

Enforcement

- Conduct a needs assessment for current enforcement needs
- Articulating processes based upon required structures under each law
- Exploration of partnership options
- Report outlining enforcement needs and recommendations

KEY FOCUS AREA – Dispute Resolution



Dispute Resolution Panel - Design

- Explore existing practices, identify partnerships for policy sharing
- Outline community participation
- Creation of policy, protocol and accountability structures
- Establish evaluation and oversight processes
- Community information sharing to inform membership on process

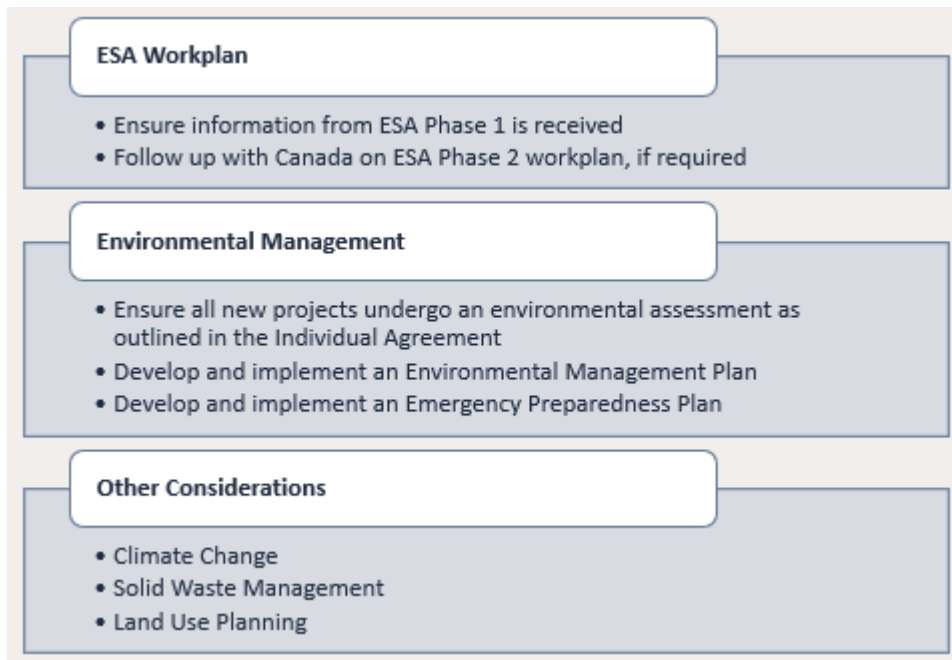
Dispute Resolution Panel - Implementation

- Skill building and mentorship for panel members
- Fully functioning dispute resolution panel
- Increased community member understanding of dispute resolution
- Membership utilizing dispute resolution panel to resolve conflicts

Dispute Resolution Panel - Maintenance

- Ongoing skill development and mentorship for panel members
- Review & evaluate panel activities
- Evaluation report for improvements & further development

KEY FOCUS AREA – Environmental Governance



ESA Workplan

- Ensure information from Environmental Site Assessment (ESA) Phase 1 is received
- Follow up with Canada on ESA Phase 2 workplan, if required

Environmental Management

- Ensure all new projects undergo an environmental assessment as outlined in the Individual Agreement
- Develop and implement an Environmental Management Plan
- Develop and implement an Emergency Preparedness Plan

Other Considerations – tie into Law Development needs

- Climate Change
- Solid Waste Management
- Land Use Planning

KEY FOCUS AREA – Natural Resource & Cultural Heritage



Resources

- Forests and Timber
- Minerals and Aggregates
- Water and Fishing
- Culture & Heritage

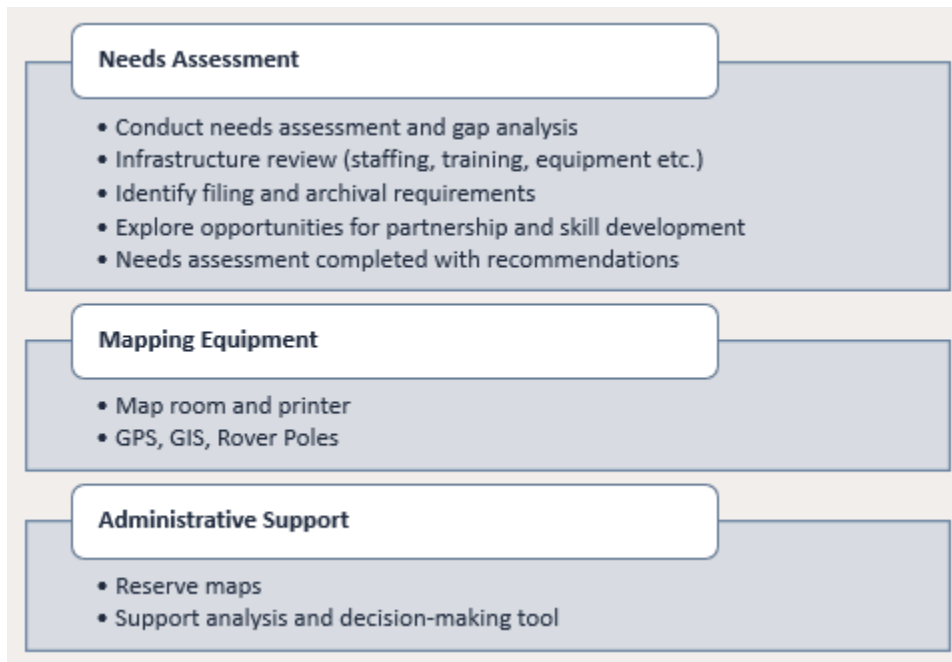
Administration

- Establish process and recommend any Land Laws or policy
- Determine fees and royalties to be paid for taking of natural resources

Timber Permits

- Review Land Code for authorities
- Research policy & procedures, templates
- Approvals obtained
- (as there were regulations previously under the Indian Act, your community may already have a process that you could review for consideration)

KEY FOCUS AREA – Mapping (GIS)



Needs Assessment

- Conduct needs assessment / gap analysis
- Infrastructure review (staffing, training, equipment etc.)
- Identify filing / archival requirements
- Explore opportunities for partnership and skill development
- Needs assessment completed with recommendations

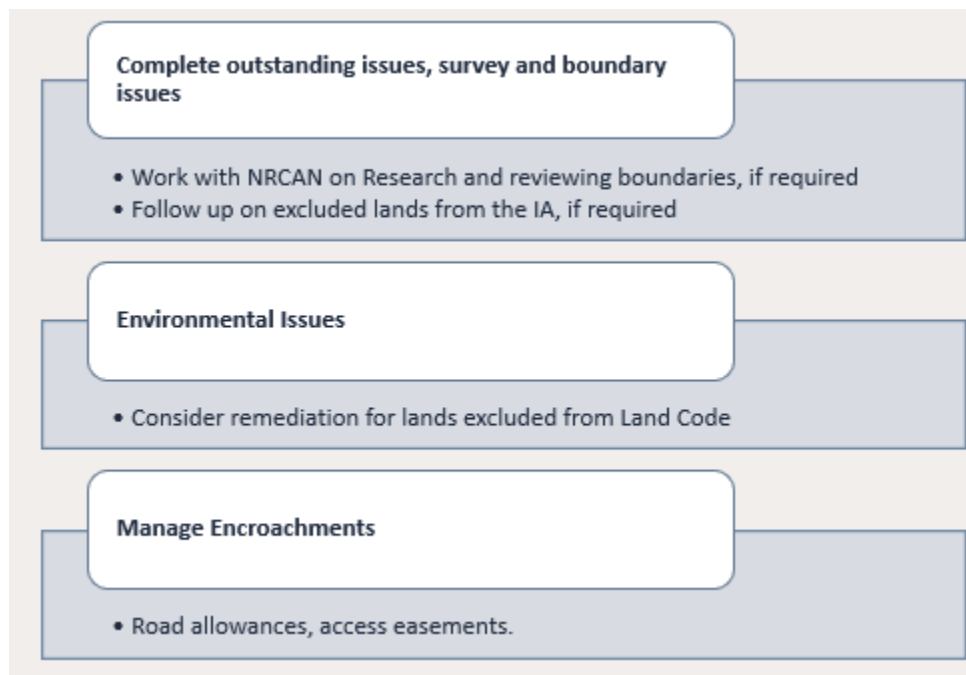
Mapping Equipment

- Map room and Printer
- GPS, GIS, Rover Poles (metal detectors mentioned in surveys)

Administrative Support

- Reserve maps
- Produce maps for LMC binders
- Maps in the LMC binders

OUTSTANDING ISSUES – Individual Agreement



Complete outstanding issues, survey and boundary issues

- Work with NRCAN on Research and reviewing boundaries, if required
- Follow up on excluded lands from the IA, if required

Environmental Issues

- Consider remediation for lands excluded from Land Code

Manage Encroachments

- Road allowances, access easements

On/Off Reserve Management

Traditional Territory

- Identify priorities pertaining to traditional territory lands, especially where any of those lands may form a part of First Nation Lands under land code

For more information, please contact your land code governance advisor.