

Constitution Committee Community Consultation Meetings

February 14, 2018

Elders statements/questions

- Should ask previous chiefs/council if 3 year term is long enough.
- Need clearer definition of what is Administration vs Council and a org. structure of who makes what decision and how it is communicated to the community.
- # of Council – cost high to increase.
- # of Council – workload heavy, need to increase.
- # of Council – more Council bring in more issues/more work for staff.
- Should have a Council member from each subdivision to represent the neighbourhood.
- Voters from off BL – don't want them as they outnumber on BL members.
- Voters from off BL – don't want to have to provide services for them.
- Question of what rights do off BL members have?
- Statement regarding referendum re. ConAg funds. (LB to provide list of referendums to Barb Joe)
- Qualifications – if require experience, would be less of a popularity contest.
- Qualifications - A resume to be submitted with skills, experience, volunteering experience, concerns and interest for community future – want “active members”.
- Qualifications – healthy life style, willing to take drug tests.
- Qualifications – a resident on SL, willing and able to be trained.
- Council should not be able to take stress leave, or medical leave.
- Appeals – Arbitrator should be appointed with EO – would need to be unbiased – an outside person.
- If members appeal to the Supreme Court – would want to get the costs back from the sN.

February 20, 2018

- Why are only 4 sections of the Constitution being amended at this time? (BPierre Sr)
- Why do the updates need to go to the Federal Gov't – that was not the intent originally? (Lori Dixon)
- Is there a definition for “Active Band member”? (MJoe + others)
- Everyone on/off BL should be able to vote – but people need to reside here to nominate someone or to run. (Shiloh Joe)
- In order to be nominated, should fill in an application, intentions, resume, proof of being an active, involved member. (Shiloh Joe)
- To run for Council should need to live in TT or the 33 BLs.
- Need to have a healthy lifestyle.
- Need to have a driver's license.
- Cannot have a criminal record.
- When posting the voters list – is it legal to post it on-line?
- Who should have the right to nominate a candidate?
 - In the territory – Roberts Creek to Lang Bay

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- Sunshine Coast – Roberts Creek – Earls Cove
- Sunshine Coast – Port Mellon – Earls Cove
- Is there a potential legal effect if not allowing voters beyond Roberts Creek? If it's extended to include Gibsons – would it need to be extended beyond that?
- Age 18
- Allowing people off TT to request ballot to vote, send to them with marked envelope & instructions & deadline.
- Needing to request a ballot ensures they want to participate – makes them act first.
- Election/Nomination posted on website, newsletter, etc
- People who are off TT get ballot and deadline to send it in with a photocopy of ID (would match the Federal First Nations Elections Act)
- Council at Large – would this position travel to meet members everywhere?
- Not all members who live off BL want to come back.
- Members that want to run should come home and be included.
- Need to be fair to everyone – on/off BL
- Could nominations be done through skype?
- Who has right to vote? Registered students who live off BL can vote.
- Not allowing everyone to vote is discriminating against our own people.
- What is the legal right to vote if they go to court?
- Every member can vote – regardless where they live, but to run must live in territory.
- whoever has status card should have right to vote
- should shísháhlh be issuing voters cards?
- members that live off BL voice is not important
- Every member should have right to vote and be on the Band list
- How is list maintained
- Can Electoral Officer remove people from Band list?
- Voters list is posted 30 days before an election, member responsibility to ensure they are on the list
- We are all sN regardless where we live.
- Only shísháhlh blood members should vote – need to prove ¼ sN blood (parents responsibility)
- Criteria to run – package given to people interested in being nominated – constitution, laws, policy to be read prior.
- Financial cost to run (some communities refund this to people receiving more than 5% of the vote).
- Participate in candidates forum
- Provide information re – family history, attendance of community meetings, knowledge of shísháhlh history, grade 12 graduate, resume, live in territory (or BL), application, being active member, criminal record check, should be healthy, no debt owing to sN,
- no nomination meeting – need to apply,
- no c/ccl – just a board of directors

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- need to begin preparing youth to be leaders
- need to update, using other Nations models as a guide
- Councillor at Large – how much of a voice does that person have?
- how do you know they are doing their job
- One council here, but deals with off BL members
- Research and talk to other Nations how it works
- Who would be able to vote for Councillor at large?
- Would need to use technology to reach BM who live away.
- Criteria to run – higher qualifications – knowing your history, family tree, territory
- Have to understand technology
- Political science- governing part
- knowledge in local government, provincial government, federal government
- drug and alcohol free – drug tests
- criminal record check – clean for at least 5 years
- proof that they are getting help with past actions
- medical health assessment
- mental wellness
- Process – nomination packages – health history
- up to date on current issues of Nation business
- appeals
- External arbitrator to follow a process
- Westbank model – 30 days, using third party – selected prior to election
- someone to find out what has worked and what hasn't with Westbank
- need a transparent appeal process
- How many appeals have there been throughout the years
- Have the current procedures been followed
- voting rights – all members – residency denials
- Do members need to pay money to appeal – should there be a cost?
- Electoral officers – need to be trained
- Election procedures – need a check list – need a transparent election process
- Electoral officer – needs clear role description
 - arbitrator works with EO
 - Hired at same time
- Look at James Bay Cree, Niska Tswassen and other models
- How many council?
- With more council come more conflicts among themselves – Like 5 it is workable
- too many may be difficult to come to consensus
- move number from 1 for 120 to 1 for 200
- Quorum must be met
- Need to have an educated council

Constitution Committee Community Consultation Meetings

- chief and council is an Indian Act process, we had a hereditary system – village sites
- interface new with old ways – blood lines
- reaction to oppression – emotional re guild – honour our past – generational training honed skills
- apply modern times with history
- consensus decision making, chief should not be total decision maker
- Length of term – may need smaller group to discuss
- need more time to answer, send email of committee questions to community
- Staggered process – who does this? Would this cost more?
- Should the committee poll the past chief/councils on their opinion on length of term?
- Appeal – outside person arbitrator – extra cost and may not need them on payroll, hire if needed
- If member appeals would they get cost of appeal funds back
- Arbitrator must be transparent and from outside the community
- Electoral officer – should hire from outside community (people would need to bring ID)
- could hire a local deputy officer
- EO job must be transparent – with job description, check list which would need to be followed
- Instead of arbitrator – committee – how large?
- How many council?
- At least 10 – is there enough money
- 2 council for each area – front, bayview, ted Dixon
- Is there a provision for C/Ccl in FTA = relay to c/ccl to get more funding in FTA talks
- Need a budget breakdown of c/ccl costs
- Should vote continue as people running for chief, others for council or one vote for both, most votes is chief
- time management should be considered
- consider what other Nations are using and bring back to consultation table
- Term – would like more continuity
- should come with experience and knowledge
- c/ccl check list beyond binders
- Council working on important things should have 4 year term – shorter term for smaller less important things
- need to have 4 month mandatory training
- need to be informed and familiar with past decisions
- 3 month training with CAPU
- Future leadership – program to start now at school level – “our future leaders” mentoring process
- Education to help – education centre
- groom children to become leaders
- native environmental training
- curriculum development – cultural training

Constitution Committee Community Consultation Meetings

March 20, 2018 x 2 (one at hall, one at húham building)

General

- Need to engage with more members,
 - Call members who attended previous CCCC meetings.
 - Have staff remind students.
 - Email post-secondary students (send them questionnaire or link to it).
 - Provide childcare to those who may need it.
 - Provide food as flyer stated.
 - Change voting age to 16 – would involve more young people.
- Number of people who vote?

Membership

- Membership – suggest removing this from the Referendum section of the Constitution.
- Will there be a challenge if membership is removed from the Referendum section?
- What does Squamish and West Bank do regarding membership referendums?
- It is expensive to have a referendum for one person to get voted into the Nation.
 - Set up that the person wishing to become a sN member is required to pay for the referendum.
- Is there a difference in benefits between being a natural born sN member and a voted in sN member?

Laws

- Process of how a law is passed should be included in the Constitution.
- Definition needed of types of laws that need referendums.
- Does this need to be in the constitution? (survey question?)
- If we don't enforce laws, why bother having them?

Thresholds Required to Approve a Referendum

- Need a more standard threshold.
- Why are the thresholds different?
- Is a second vote needed? Second referendum without minimum # of voters is unfair.
- If a second vote – should have a high standard number of voters still required, and threshold to pass not be lowered.
- Getting more people out to vote to increase the majority – get people voting.
- Increase the threshold.
- Lower the threshold to 75% where 50% of voters need to vote for the referendum.
- Standard approach to voting.
- Research statistics on average turnout.
- Requirement of off BL members to register prior to voting – make clear it is an individual's responsibility to provide their contact information.
- Research a budget for voting.
- When adding all sN members ability to vote (on/off BL), would the thresholds need to change?

Constitution Committee Community Consultation Meetings

- Can we have different levels (thresholds) for various referendums? For example:
 - Sale of lands = 75% referendum approval.
 - 99 year lease = 75% referendum approval.
 - Becoming a Nation member = 50% referendum approval.
 - Consistency in thresholds – 75% for leases and sale of lands, 60% for all else.

Appeal Process under Referendums

- Not Supreme Court.
- Require proof – fact based only.
- Cannot be on outcome, only on process.
- Adequate notice of appeal.
- Voters list must be current.
- Should be consistent with Elections Appeal.
- Need to remain Supreme Court to ensure no corruption.
- A third party should be in as arbitrator instead of requiring court process.
- Needs to be a mechanism for appeal due to breach of policy.

Referendum Questions

- Referendum questions must be very specific.
- Check list developed – Referendum process, similar one for Elections.
- Question needs to include specific completion date, and detailed budget.
- Require a 90 day notice period – 30 days not adequate for off BL voters.
- Constitution Referendum – need to include completion date for entire constitution redraft and a commitment to have the process continue until completion.
- Referendums should include a time frame to enact the question.
- Referendum need to be very specific, with proper analysis done. More information is better than less.
- Questions need to meet a litmus test – need to follow a specific list of requirements (including timeline, cost, and interest rates).
- Constitution Referendum – mandate from the sN members present that the Constitution update needs to be a priority until completion.
- Should use shísháhl language (not certain if this in referendums or in Constitution in general).

Lands

- Using existing lands as collateral for borrowing.
- Vote on reconciliation agreement.
- Purchase/acquisition of lands – collateral for mortgage on existing lands – need referendum.
- Additions to BLs.
- Local Government agreements that involve lands.
- Lower length of time of lease requiring referendum from exceeding 99 years to exceeding 49 years.

Constitution Committee Community Consultation Meetings

- 99 years too long – should be a survey questions determining a more reasonable length of time, ie 25 years. BP stated that 99 years was chosen to correspond with banking/lending requirements for lessees.
- Should sN continue leasing lands? Never seem to make very much money from it.
- Need definition of “undeveloped lands”
- Need a CCP so sN members know where we are going over next 50 years.

Resources

- Is missing natural resources.
- Missing all water issues including run of river.
- DFO – traditional food harvest (including fish, elk), medicines, herbs, non timber forest products.
- “Territorial Resources” – keep Constitution open for future “until such time that sN has the ability to manage all of the natural resources of the territory”.
- Recognition of the entire sN territory.
- Logging on SBL – what does LUP say about logging on SBL?
- Should not have logging on culturally significant/heritage sites.

Finance

- Standard terminology for passing a vote.
- NEW: Encumbering mortgage on current assets – need definition of how this occurs for projects.
- Limit to how much is spend out of Band Capital or Loans.
 - What would the limits be?
- Should have a threshold for financial referendums – 60%?

Laws

- To have more laws
 - Need to consider budget impacts.
 - How do you enforce.
 - If a law impacts membership may want to consider taking to a referendum.
- Inventory of present laws, what is missing?
- With any law, need to consider if it is enforceable?
- With current laws – are then enforceable, or being used?
- Define tax laws, research required re how to vote.
 - F.N. tax (discount)
 - Westbank tax deal – look into (Tim Raybould)

Constitution Amendments

- No changes.
- Raise threshold to 60%.

Constitution Committee Community Consultation Meetings

Council Meeting

- Highest threshold – selling of rights, etc. (Landclaim)
- Council needs to focus on governance; administration should be in charge of everything else. There should be more separation between the two groups.

Great Importance

- Wide open – no thresholds.
- What has occurred under this? – Day Scholar.
- Areas where a sN member could lose a right – such as tax exemption.

Electoral Officer Job Description

- Should be same as one for elections.
- Is training required?
- Should this be a sN member or should it be outsourced?

May 3, 2018

Questions - Statements

- 1989-03 Residency Law – why are we not collecting this?
- By not enforcing laws, we are creating a dependence on the sN – need to end the dependency.
- (Emma) Chehalis as begun enforcing all of their bylaws.
- Who could be hired to enforce bylaws – would be very unpopular.
- SIGD Laws are paid for by property tax, sN pays the taxes for shíshálh Lands.
- Continually educating people about sN Laws would be better than reacting only.
- Laws are an individual's responsibility.

Looking for survey questions for Laws Survey:

1. Procedures
 - Steps to approve a law
 - How is a law started
 - How does a member bring forward an item for a law?
 - Motion at a General meeting?
 - Letter to Council?
 - Would need a criteria or rational – cannot be frivolous.
 - Need a procedure leading up to drafting and going to Council for the 1st reading.
 - Does membership get to discuss draft laws at General meetings or at an open house or at the AGA? Need better participation and engagement.
 - Does level of engagement need to be set by Council for each law as it does for policies?
 - Who needs to be involved to repeal a law?
 - What is engagement/notification process of a repealed law?
2. Jurisdiction

Constitution Committee Community Consultation Meetings

- What types of laws do sN Members have a say in?
- Finance – want say in.
- 3. Enforcement
 - Who is responsible for enforcement
 - Bylaw officer
 - Council
 - Individual members
- If there is a sN member motion at a GM ie re having an audit because so and so is stealing – should the process regarding this mirror the “Removal from office of Council members – Elections” Westbank (point 42.2 – requiring a petition signed by 20% of Electors)

May 16, 2018

Questions - Statements

- By collecting fines sN could offset some of the costs of a by-law officer.
- A formal process is needed on how to enforce laws.
- A procedure to put forward something as a law is needed.
- Would like a vote on any law regarding change of use of lands (probably part of the community plan.)
- To enforce laws need better communication, a dialogue entailing:
 - This is the problem.
 - This is how to remedy it.
 - Explanation of bylaw or policy
- How are fees/fines collected from people who do not work for sN? If they refuse to pay, add to their housing costs – if they still refuse to pay eviction notice!
- Seabird sends a notice of debt letter which includes a form asking how they intend to pay and the length of time payment will take.
- Need information on how are laws developed?
- Need a guide on procedures on enforcement.
- What type of fines should there be? Suggested set at 10 x currently minimum wage for minor infractions.
- Need to change the culture, make them a personal responsibility.
- A system to report incidents and their severity. Would allow statistics on which laws are being breached.
- Research cost of bylaw officer for one year – salary, expenses to make a cost projection for Council. Would also like a job description and qualifications needed.
- Need to be sure membership is aware that if a law is drawn down that the Nation would need to be able to fund it in perpetually.

Suggested Question for Law Survey:

- Do you agree that the Nation needs a bylaw officer?
- Which laws would you like to have a vote on?

May 22, 2018

Questions - Statements

- Confirm that the new Constitution will be Corbierre compliant and that all sN members will have the opportunity to vote.
- Is there a process occurring with the Federal government coinciding with the Constitution work to ensure this work will be accepted.

Constitution Committee Community Consultation Meetings

- Future Consultation meeting ideas
 - Family meetings
 - Questionnaires – liked how they were hand delivered house to house, would like to have someone ask the questions and record them directly.
 - Encourage high school students to become more involved, especially the Grads as they are becoming adults.

June 19, 2018

Questions/Statements

Electronic voting? Left open for now due to cost and worries of security.

Members at large – question in survey – result no.

Electoral Officer – Not a shíshálh member.

- Outside people don't know membership, deputy EO can be member.
- Members will be required to have ID. (As they do in Westbank).
- Membership consistently out of status cards could be an issue – any picture ID can be used.
- Some members do not have status, but are on the membership list – will need regular ID.

What type of orientation does the Council receive?

Consider having 5 Council members, no chief, all Council equal.

- The school District runs for trustees who then internally elect a spokesperson/chairperson.

When voting c/ccl to assist their family, do not understand why conflict of interest interferes.

- Conflict of interest is unavoidable in a small community.

Membership would like an opportunity to review the CDoc and then ask questions to committee members.

- CDocs, draft election and referendum sections, and original constitution to be posted on website and "S" Company drive for review.

Right to vote for all – many reasons all membership don't live in shíshálh community.

Criteria for our leadership, as children are the future, teach and prepare them. Knowledge, language and culture may eliminate popularity votes.

July 24, 2018

Questions/Comments from Community Members:

- Are people who have "debts" (unpaid loans) able to run for Chief or Council?
- Are financial statements presented at the AGA?
- If the CFO or treasurer is incompetent, does the Constitution have mechanism to protect the Nation?
 - Chief and Council responsibility, part of the performance evaluation.
- Could there be monthly or quarterly community meetings to view the financial statements?
 - It is a Council responsibility to view the statements monthly.
 - Could an independent community member (with financial background) attend this monthly review, would bring transparency to the community.
 - Could be an item on quarterly General Meeting agenda
 - Could be too big of an issue for GM – would need separate meeting.

Constitution Committee Community Consultation Meetings

- Strike a Budget Committee – consisting of staff members, Council member, community members who have knowledge of reading financial statements.
- Current financial statements are to be complete by end of June, presented to community by end of July.
 - Dates in Constitution may need to be changed as the current ones are often unattainable.
 - Breaching completion of financial statements – what is the penalty? Can this be addressed in the Constitution?
- Auditors recommendations – these should be implemented by staff, should this be part of Constitution?
 - These are to be implemented – is the responsibility of Chief and Council to ensure implementation.
- Need a process (mechanism to evaluate) for membership to have items reviewed of suspected breaches, in order to avoid confidentiality issues, would need "whistle-blower" process.
- Could Finance issue non-compliance reports ie someone not turning in receipts, proof of attendance of event, etc.
- Current approval of budget special meeting has low attendance, presentation is often confusing or overwhelming to audience.
- Financial Assets – why is the value of lands not included?
 - Currently \$13 million is the valuation of our land as a “historical cost”
- Bondable – When running for Council and if successful, to be signing authority.
- Capital Fund – what percentage of revenue should go into the Capital Fund – member recalled a Minute of Decision which required 25% of OSR be saved and 75% can be spent.
 - How much money is currently in the Capital Fund or other savings funds?
- Financial Plan for minimum 5 years to look at Revenue/Expenses and also the Balance sheet – a “statement of net worth”.
- Tsain-ko Corp and Fishing Corp not under current Constitution.
 - Add a Corporate section of Constitution as it is all Nation member money.
 - How much money are the Corporations allowed to keep – what percentage must go back to the Nation?
- Need a standardized approach when spending OSR for both on and off band land members.
- How much money is in capital surplus, how do projects get approved?
- How did the off Nation property tax get up to \$200,000?
- Sinking Fund (similar to a savings account) – if a fund is made and then not used for original plan, does membership get to vote on the change of plan on the use of these funds?
- How is the borrowing level going to change? Change from a capped amount to a ratio? Still want to require a referendum.
- The Prosperity Fund was for treaty – will there be a similar clause for the G2G and N2N negotiations (comprehensive claims)?

Constitution Committee Community Consultation Meetings

Next Steps

- Committee to draft a new Financial section.
- New Financial Section to be sent to legal for review.
- New Financial Section to be presented back to community before finalization.