

STÁUTW FIRST NATION NOTICE AND SUMMARY OF PROPOSED ÁLENENEÇ TFE (COMMUNITY LAND) DISPOSITION LAW

Council, on the recommendation of the Land Management Committee, is proposing a new law: the *STÁUTW First Nation ÁLENENEÇ TFE (Community Land) Disposition Law* (the “Law”).

Why is this Law being proposed?

Tsawout’s Land Code requires that rules be established before any interests or licences in Community (Band) Land can be given to Members or others. The types of interests or licences in Community (Band) Land could include Permanent Interests, Residential Allocations, Leases, Rights of Way, and Licences (e.g., Billboards).

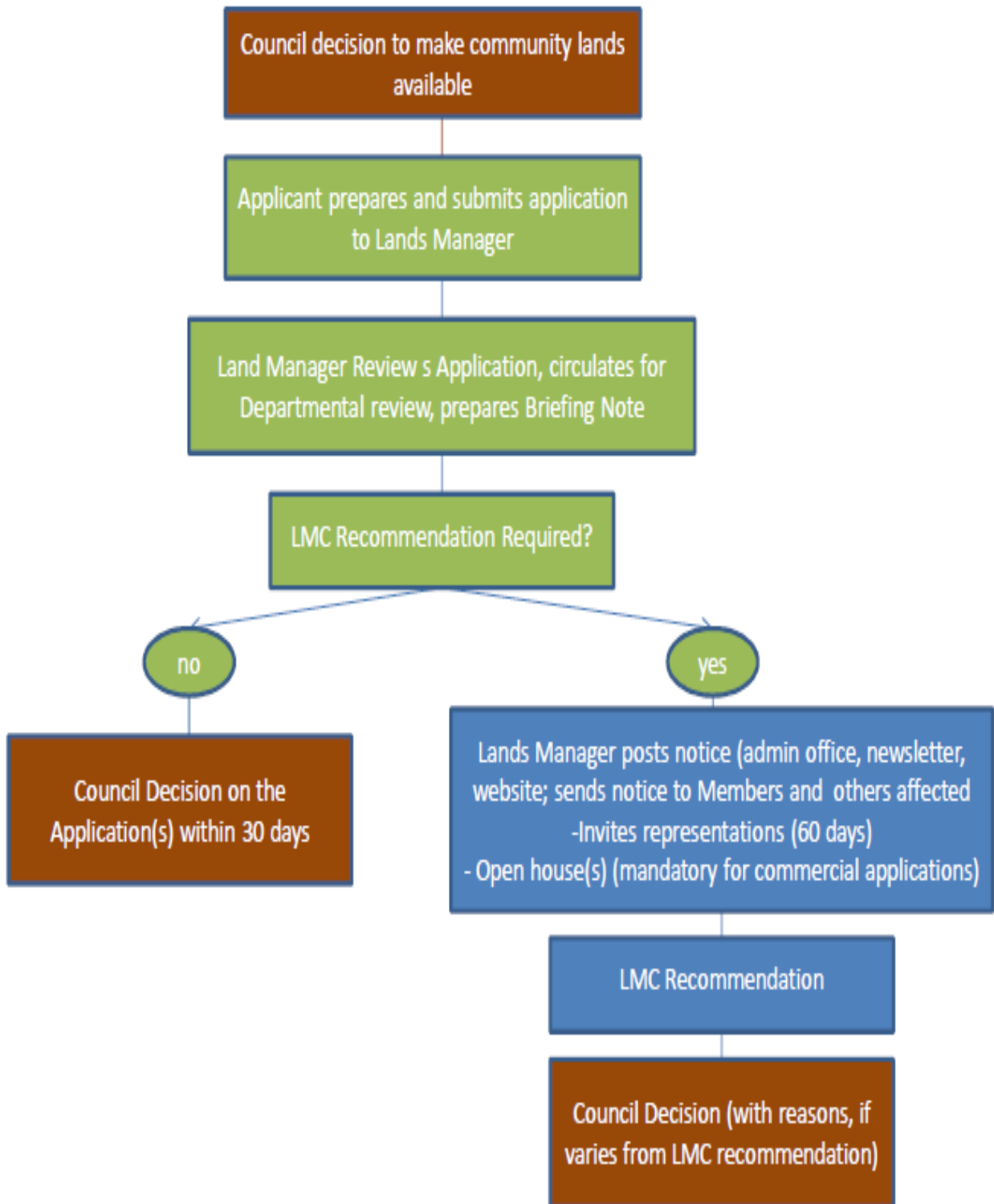
Here are some important things to know about the Law:

- It applies to Community Land (“Band Land”), and does NOT apply to Permanent Interest Land (“CP”).
- It sets rules that Council must follow before granting an Interest or Licence in Community Land, such as a Permanent Interest (“CP”) or a Lease.
- It requires Council to pass a Resolution before making a parcel of Community Land available. Council can only pass a “Community Land Availability Resolution” if there is no dispute over the land in question.
- In making Community Land Available, Council will consider many factors, including:
 - whether there is sufficient land available for community needs,
 - applicable Land Use Plans and zoning laws,
 - heritage and culture, and
 - potential for economic development.
- If Community Land is made Available, there will be an application process. The application process is set out in the Law.
- For longer term and bigger developments, the Land Management Committee is required to make a recommendation to Council about whether or not to approve the Application. For these types of applications there are also requirements for community notice and input, including the ability to make written representations and in some cases community meetings.

How will Tsawout Members be consulted about this Law?

A Meeting of Members will be held **on June 14, 2016 at 6:00pm**, Tsawout Gym. This will be an opportunity for members to learn more about the Law and to provide their input to Council and the Land Management Committee. A full copy of the Law is also available on the Tsawout First Nation website: www.tsawout.ca. For more info please call or email Gwen at shaysema@tsawout.ca or Heather at heather@woodwardandcompany.com

**Application Process under the Proposed
STÁUTW First Nation ÁLENENEĆ TFE (Community Land) Disposition Law**



Clause-By Clause Summary of the ÁLENENEĆ TĚE (COMMUNITY LAND) DISPOSITION LAW

The Preamble: The Preamble describes STÁUTW's relationship to the land, as well as the inherent rights, customs and traditions of the STÁUTW, including the inherent right to self-government.

Part 5: Preliminary Matters and Interpretation: Part 5 describes the purpose of the Law and provides definitions of important terms found in the Law. It also sets out rules for how the Law must be interpreted.

Part 6: Community Land Availability Resolution: Part 6 describes how Community Lands may be sold or transferred. It also sets out rules that put limits on when land can be sold or transferred. For example, before passing a Band Council Resolution to make land available for transfer, the Council is required to think about whether or not it is in the best interest of the Community to allow the sale or transfer of the land in question.

Part 7: Land Management Committee: Part 7 establishes a Land Management Committee that will make recommendations to Council about the best management of Community Land.

Part 8: Procedure for Making an Application: Part 8 says that if a Band Council Resolution dealing with land passes and makes a piece of land available for transfer, then applications for transfer of the land will be accepted through two different processes. Part 8 then describes the first process, which will be used where the transfer of land is of a less serious nature (for example, a transfer that would allow someone to erect a billboard).

Part 9 & 10: Community Consultation and LMC Recommendations: Parts 9 and 10 describe the processes that are required for addressing more serious applications (like for granting a permanent interest in land). This process requires elements like community consultation.

Parts 11-14: Part 11 explains what will count as an offence under the Law. Parts 12-14 establish when the Law comes into effect, and describe the procedure required before the law can be changed.