



Lytton First Nation

September 15, 2023

TemEEwuh na Ta hheeymOt (“Land Code”) Summary

This document provides a summary of the key elements of the Lytton First Nation TemEEwuh na Ta hheeymOt (the “Land Code”). This summary is prepared to provide membership with an explanation of important aspects of the Land Code and is meant to be an overview only and to assist eligible voters in understanding the main content of the Land Code. If there is any conflict between this summary and the provisions of the Land Code, the provision of the Land Code will govern. For a full understanding of the Land Code, readers are encouraged to review the entire Land Code.

PURPOSE OF THE LAND CODE

The primary objective of adopting a Land Code is to enable the Lytton First Nation to govern Lytton’s reserve lands in accordance with their relationship with the land and responsibility to manage, protect, maintain and benefit from the land. Currently decisions about Lytton’s reserve lands are made by the Minister of Indigenous Services Canada. The Land Code outlines how Lytton First Nation will exercise its authority to govern, manage, and administer Lytton’s reserve lands (“Lands”). If it is approved by the Lytton Electors in the *Land Code* Ratification Vote, the Land Code will replace 44 sections of the *Indian Act*. There is no loss of reserve land through adopting the Land Code.

RATIFICATION

The Land Code has been developed by the Council and the Land Code Development Committee in consultation with the community. The Land Code does not come into force unless the members approve both the Land Code and the Individual Agreement with Canada in the Ratification Vote. If the Land Code is approved, Lytton First Nation will manage its own reserve lands, and Lytton First Nation Reserve lands and resources will no longer be managed by the Minister under the *Indian Act*.

LAND CODE LIMITATIONS

The Land Code will **not** affect or change any members’ rights to their certificates of possession (“CP”) lands or claims to traditional land holdings in any way.

There are 10 Parts to the Land Code as well as a preamble. Below is a summary of those parts.

PREAMBLE

The Preamble outlines the connection Lytton First Nation has to the territory and commitment to manage and protect Lytton's Lands in an organized manner towards self-reliance and to live in harmony with Lytton's natural surroundings.

PART 1 – Principles and Interpretation

Principles Part 1 includes the purpose and the principles that guide the exercising of rights and responsibilities over the administration of Lytton's Lands, including:

- a **Vision Statement** that confirms that the people of the Lytton First Nation pledge to exercise their self-governance authority in accordance with Nlaka'pamux values, culture and heritage;
- a **Mission Statement** to guide the Nation toward achieving its goals;
- a confirmation that Lytton will continue to assert and exercise its aboriginal rights;
- a statement that the Land Code does not define or prejudice Nlaka'pamux aboriginal rights, title, inherent rights or any other Lytton First Nation rights; and
- a confirmation that the Land Code does not change or affect any rights Lytton in accordance with the *United Nations Declaration on the Rights of Indigenous Peoples*, the fiduciary relationship between Lytton and Canada, traditional land holdings or CP holdings.

Definitions This Part of the Land Code also sets out terms used in the Land Code and provides definitions for certain words.

Authority to Govern and Lytton Lands There is a description of where the authority to govern comes from and the Lytton First Nation Lands that the Land Code applies to.

PART 2 - Process to Pass Lytton First Nation Laws

Lytton Land Laws This Part of the Land Code sets out the principles, rules and administrative structures that the Nation will use to govern and manage its Lands under the Land Code. These structures include law making power over:

- occupation;
- development;
- protection and conservation;
- licences;
- land use planning and zoning;
- accountability and transparency to members;
- cultural heritage lands, sites and resources; and
- enforcement and financial management of Lytton Lands.

Land Law Development Part 2 sets out the procedure the Nation will follow to pass laws related to Lytton Lands, including the establishment of a Lands Committee, a membership engagement process to consult members on proposed Land laws and a process for Council to follow to bring a Land law into force. In addition, the Land Code provides that Council may enact Land laws to address emergency situations and that Land laws will be published and available for review.

PART 3 – Membership Approval by Vote

Membership Engagement and Inclusion Membership inclusion and participation in decision making is central to the Land Code. This Part stipulates that the Lytton membership must approve any Land laws that relate to the following matters:

- land use plan laws;
- any interest or license exceeding 49 years;
- laws relating to matrimonial property;
- any law respecting expropriation;
- any proposed desecration of a cultural-heritage site;
- any voluntary exchange of Lytton First Nation Land; and
- an amendment to the Land Code, besides minor edits (section 10.2).

Part 3 also provides that Council will undertake community engagement that includes calling a membership meeting, providing members with information about a proposed Land law and outlines the process for members to vote to approve the proposed law, including quorum and the threshold required to pass Land laws (50% + 1 of participating electors).

PART 4 – Accountability

Transparency for Members This Part provides the framework for accountability to membership over decision making about Land issues and financial management and accountability to members about all money gained from Lytton Lands and resources.

Conflicts of Interest Part 4 includes a process to disclose and address conflicts of interest for anyone on Council, the Lands Committee, Nation employees and members of other boards or committees of the Nation to ensure decisions are being made impartially and in the best interests of all members.

Financial Policies Also, this Part contemplates the development of financial structures to develop and implement policies for the management of money generated from Lytton Lands, consistent with the Financial Administration Law (FAL), including:

- processes to track how money is received and expended;
- managing financial records and accounts;
- preparing and implementing budgets;
- preparing financial statements and audits; and
- establishing and maintaining a responsible recordkeeping system.

Annual Reports The Land Code includes a requirement for the Council to prepare an Annual Report that is specific to Land matters, including land management activities, the land and resources department budget and an explanation of the audit in relation to the Lytton Lands and natural resources.

Access Members will also have access to a copy of the Land Code, any Land laws, audits and the annual report on Lands and natural resources.

PART 5 – Land and Natural Resources Administration

Administration This Part details the administrative operations and the tasks and authorities that can be delegated to staff and the duties of the Lands office, including to:

- advise Council on the development or amendment of Land laws;
- managing community consultation and any necessary votes;
- proposing department workplan and budget to Council;
- providing input on the Lands annual reports; and
- record keeping and data management.

Lands Committee Part 5 provides that Council is responsible for establishing a Lands Committee which must always include at least 5 Lytton members, developing a terms of reference and appointing committee members who are responsible for:

- assisting Council with the Land administration system;
- advising Council and staff on Lytton Land matters;
- recommending Land laws, policies, BCR's relating to Lands, land use plans;
- consulting members and interest holders on Land matters;
- receiving recommendations from members and others about Lands, environmental concerns and priorities; and
- overseeing membership meetings and votes.

PART 6 – Interests and Licenses in Land

Registration of Interests in Lytton Lands The Land Code provides that interests in Lytton lands must be registered in the First Nations Lands Register to be effective and enforceable. Any interest of licence over Lytton Land can only be granted in accordance with the Land Code. Council may enact Land laws about interests in Land, including for allocation of Land or a creation of an interest in Land to members.

Key elements of the Land Code relating to interests in Lytton Land include:

- non-members will not be entitled to an allocation or a permanent interest in Lytton Land;
- members may transfer or assign their interest in Lytton Lands without membership approval or the consent of Council;
- the Land Code provides that members, their spouses and children have a right or are authorized to reside on and access Lytton Lands;
- the Land Code provides for the transfer of interests in Lytton Land on death; and

- provides that policy will be developed to address matrimonial real property on the breakdown of a marriage, in accordance with the principals that each spouse should have an equal right to possess the home and be entitled to an undivided half interest in their home.

Existing Interests Any CP, interest or licence that exists or is in place prior to the adoption of the Land Code will continue on the same terms and conditions after the Land Code comes into effect, if approved by membership.

Unregistered Interests and Traditional Holdings Council will establish a policy to consider unregistered interests and nothing in the Land Code impacts those interests.

PART 7 – Land Acquired for Community Purposes and Exchange of Land for Public Purposes

Expropriation Will be Limited The Nation will only expropriate an interest or licence in Lytton Lands in accordance with a Land law that clearly outlines the procedures to do so. Lytton First Nation will have the authority to expropriate an interest or a licence in Land on the following basis:

- by mutual agreement between the Nation and the interest or licence holder;
- if not by mutual agreement, only for the limited purposes of necessary community works such as for a fire hall, sewage or water treatment, public works, utilities, roads, a school or daycare, hospital, health-care facility or a retirement home;
- Council will prepare a report to the community in advance of any proposed expropriation to explain the reason for the expropriation;
- fair and reasonable market value compensation will be provided to the interest or licence holder for an expropriation of their interest; and
- any dispute about the right of the Nation to expropriate will be resolved by a neutral evaluator.

Voluntary Land Exchange Council may agree to an exchange of a parcel of Lytton Land for another parcel only if approved by membership vote, after consultation.

PART 8 – Dispute Resolution

Process to be Established to Resolve Disputes Council will establish a dispute resolution process or Land Law within 18 months of the Land Code coming into effect.

PART 9 – Enforcement of Laws

Enforceability of Land Laws The Nation will have the ability to undertake enforcement of Lytton Land laws, including:

- appointing an enforcement officer;
- issuing tickets and orders for stop-work and vacating land;
- establishing offences that are punishable on summary convictions;
- that provide for the requirement to complete community service, to pay fines or imprisonment for achieving compliance in serious situations; and

- to enter into agreements with the provincial or municipal government to enable the enforcement of the Land Code and any Lytton Land law.

PART 10 – Other Matters

Insurance Council will arrange for adequate insurance to indemnify any members of Council, committee members and employees engaged in carrying out any matters or duties related to Lytton Land.

Revisions or Amendments Council may only implement minor revisions that do not change the substance of the Land Code, without a vote of the membership.

Effective Date The Land Code will take effect on the first day of the month following the approval by the members and the certification of the Land Code by the verifier.