

**KA:'YU:'K'T'H'/CHE:K'TLES7ET'H'
FIRST NATIONS GOVERNMENT**

Enacted under the Economic Development Act section 4.1

**GOVERNANCE AND FISCAL
AGREEMENT REGULATION**

KCFNR 15/2017



This law enacted on January 27, 2017

Signed Peter Hanson
Peter Hanson, Legislative Chief,
Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations

DEPOSITED IN THE
REGISTRY OF LAWS
AND OFFICIAL RECORDS

ON January 27, 2017

[Signature]
Signature of Clerk

TABLE OF CONTENTS

PART 1 - INTRODUCTORY PROVISIONS..... 5
 Short Title..... 5
 Application 5
 Definitions 5

PART 2 - AUTHORIZATION 7
 Executive approval 7
 Authorized signatory 7
 Further acts, deeds and things 7
 Amendments..... 7

PART 3 - REVIEW OF BOARD MEMBER REMOVAL..... 9
 Interpretation 9
 Review of board member removal..... 9

SCHEDULE 1 – GOVERNANCE AND FISCAL AGREEMENT..... 11

PART 1 - INTRODUCTORY PROVISIONS

Short Title

1.1 This regulation may be cited as the Governance and Fiscal Agreement Regulation.

Application

1.2 This regulation is enacted under section 4.1 of the Act and

- (a) authorizes and directs the legislative chief to execute the governance and fiscal agreement on behalf of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, and
- (b) provides a right of review to the Administrative Decisions Review Board to individuals who have been removed from an operating board.

Definitions

1.3 In this regulation:

“Act” means the Economic Development Act.

PART 2 - AUTHORIZATION

Executive approval

- 2.1 The Executive hereby enters into the governance and fiscal agreement on behalf of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations for the purpose of clearly defining the respective roles and responsibilities of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations and each Ka:'yu:'k't'h'/Che:k'tles7et'h' business relating to the governance and finances of Ka:'yu:'k't'h'/Che:k'tles7et'h' businesses.

Authorized signatory

- 2.2 The legislative chief is hereby authorized and directed to execute the governance and fiscal agreement on behalf of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations and may correct technical, grammatical, spelling or other similar errors.

Further acts, deeds and things

- 2.3 The legislative chief is hereby authorized to do all such other acts, deeds and things that may be reasonably necessary or desirable to better carry out the terms of the governance and fiscal agreement and to execute on behalf of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations such other and further deeds, assurances and things as may be reasonably necessary or desirable to better carry out the terms of the governance and fiscal agreement.

Amendments

- 2.4 For certainty, any amendment to the governance and fiscal agreement requiring the approval of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations may only be approved by the Executive, by Order.

PART 3 - REVIEW OF BOARD MEMBER REMOVAL

Interpretation

- 3.1 This Part applies to any dispute contemplated under section 2.6 of the governance and fiscal agreement and if such a dispute arises, this Part must be utilized to interpret the obligations and powers of a person as they relate to the adjudication of that dispute in accordance with the Administrative Decisions Review Act.

Review of board member removal

- 3.2 (a) If a dispute contemplated under section 2.6 of the governance and fiscal agreement arises regarding the removal of a board member from an operating board and the individual who has been removed from the operating board gives notice to the chair of the holdings board of such dispute, that dispute may be referred by that individual to the Administrative Decisions Review Board in accordance with the Administrative Decisions Review Act.
- (b) The referral of a dispute to the Administrative Decisions Review Board in accordance with subsection (a) is deemed to be a review request filed under section 3.1 of the Administrative Decisions Review Act to which section 1.3(a) of that Act applies and, for the purposes of the review request,
- (i) the individual that gave notice to the chair of the holdings board in accordance with subsection (a) is deemed to be the applicant,
 - (ii) the holdings limited partnership is deemed to be a Ka:'yu:'k't'h'/Che:k'tles7et'h' institution that is responsible for the determination that is the subject of the review,
 - (iii) the chair of the holdings board is deemed to be a Ka:'yu:'k't'h'/Che:k'tles7et'h' public employee for the purposes of that review, and
 - (iv) the decision to remove the applicant from an operating board is deemed to be a decision made under this regulation.
- (c) If under section 4.8 of the Administrative Decisions Review Act the Administrative Decisions Review Board makes an order setting aside the decision to remove the applicant from an operating board, the holdings limited partnership must take all necessary steps to reinstate the applicant as a board member of that operating board.
- (d) A dispute contemplated under section 2.6 of the governance and fiscal agreement regarding the removal of a board member from an operating board must not be

- (i) referred to a committee under section 9.1 of the governance and fiscal agreement,
- (ii) mediated under section 9.2 of the governance and fiscal agreement, or
- (iii) settled by arbitration under section 9.3 of the governance and fiscal agreement.

SCHEDULE 1 – GOVERNANCE AND FISCAL AGREEMENT

[This page intentionally left Blank]

[see attached governance and fiscal agreement]