

February 24, 2023

Council Update

Vuntut Gwitchin Government | Old Crow

Chief and Council have been working hard on several priorities for the benefit of VGFN Citizens. As part of this work, Council has passed the following two Resolutions by consensus, and has developed a Terms of Reference for a Vuntut Gwitchin Government Disbursement Committee.

Resolution 02-16-2023 #03

Establishing an Executive Committee of Elders

Vuntut Gwich'in people have long valued the knowledge and guidance of our Elders. This value is clearly reflected in our Constitution, which states that an Elders Council be established to advise Council broadly.

Despite direction from the General Assembly and repeated calls from Citizen, we have not had a formal Elders Council for some time. Part of the reason for this is that we are a busy community and nation facing many day-to-day challenges. With this in mind, Council has developed a plan intended to be both inclusive and practical.

The Executive Committee of Elders will gather the input of Vuntut Gwich'in Elders (defined by the constitution as any citizen who is 60+) and communicate this to Council on a regular basis.

Members of the Executive Committee of Elders will be actively involved in our government. In particular, the Committee will work to ensure that efforts to strengthen VGFN culture and traditions remains at the forefront of our government.

To read Resolution 02-16-2023 #03 in full, **see Appendix A.**

Resolution 02-17-2023 #05

Extension of the Community Emergency Declaration and Order Regarding Dangerous Offenders

Chief and Council passed a resolution extending the Community Emergency Declaration and Order barring Christopher Schafer from entering, accessing, using or otherwise being present on VGFN Settlement Lands.

The order is now in force until May 17, 2023.

Council extended this order in response to Schafer's release on probation from the Whitehorse Correctional Centre earlier this month, following assault charges dating back to October 2022.

According to the new order, it is prohibited to help Schafer in any way to enter, access, use, or otherwise be present on, VGFN Settlement Land. Anyone who does not comply with these measures commits an offence under VGG's *Community Emergency Act*.

VGG will continue to work with the Government of Canada and the Government of Yukon to ensure the safety of our community, and in particular the women and girls within our Traditional Territory.

VGG is working hard to ensure community members can access programs and services in Old Crow that integrate proven harm reduction approaches with a focus on community wellness.

To read Resolution 02-17-2023 #05 in full, **see Appendix B.**

Council wishes to establish a VGG Disbursement Committee

VGFN Citizens deserve to have confidence in their government's decisions. One way to do this is by bringing Citizens into a transparent, fair, and equitable government decision-making process.

To do this in a way that is both concrete and accountable, Chief and Council wishes to enact a new Disbursement Committee.

The VGG Disbursement Committee Terms of Reference (**See Appendix C**) lays out a clear plan for the Committee. It will consist of five (5) Citizens who will be the committee's voting members, and the Chair who will not have a vote. At least one of the five Citizen members must be an Elder, and the Chair will be VGG's Finance Director or Finance Manager.

The Committee will be transparent and will ensure that Chief and Council, the Elders Committee, the GA, and the ED are updated regularly on their work and decisions. It will disburse funds in these key areas:

- housing
- harvest allocation
- post-secondary education
- youth enhancement funding
- scholarships, bursaries, and grants
- employee incentives/long service awards
- general funding requests

Membership will be determined by Chief and Council after consulting with the Chair, taking account of the balance of skills and expertise necessary for the Committee to perform its role and subject to specific requirements or directions of the General Assembly.

To be considered for membership, you must be Vuntut Gwitchin Citizens with an established record of community involvement (other requirements are listed in the *Terms of Reference*). Members will be appointed for a period of two (2) years with a possibility of one renewal.

If you would like to be considered for membership on the VGG Disbursement Committee, please contact:

James Smith, Executive Director
Vuntut Gwitchin Government
(867) 332-1543 | james.smith@vgfn.net

Deadline: Monday March 13, 2023.

To read the VGG Disbursement Committee Terms of reference in full, **see Appendix C**.

Appendix A



VUNTUT GWITCHIN GOVERNMENT
Government of Vuntut Gwitchin First Nation

CHIEF AND COUNCIL

P.O. Box 94

Old Crow, Yukon

Y0B 1N0

Phone: (867) 966-3261

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VUNTUT GWITCHIN FIRST NATION

COUNCIL RESOLUTION 02-16-2023 – #03

RE: ESTABLISHING AN EXECUTIVE COMMITTEE OF ELDERS

WHEREAS:

- A. The Vuntut Gwitchin First Nation (“VGFN”) *Constitution* establishes an Elders Council;
- B. Any Citizen 60 years of age or older is eligible to be and Elders Council Member;
- C. The Elders Council structure established in the Constitution is inclusive of all Vuntut Gwich’in Elders;
- D. The Constitution states that the Elders Council is to advise the VGFN Council broadly;
- E. There has not been a formal Elders Council in effect for some time;

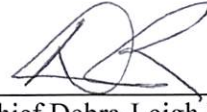
THEREFORE THE COUNCIL OF THE VUNTUT GWITCHIN FIRST NATION RESOLVES THAT:

- 1. An Executive Committee of Elders is established.
- 2. The Executive Committee of Elders will act as a conduit for all Vuntut Gwich’in Elders as defined in the *VGFN Constitution*.
- 3. The Executive Committee of Elders will consist of Elders at the request of Council.
- 4. The Executive Committee of Elders will provide support, advice, and guidance to Council and preserve and protect VGFN traditions, customs, laws, culture, and language.
- 5. Members of the Executive Committee of Elders will be actively involved in government business.

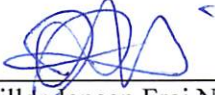
THIS RESOLUTION being duly approved by a quorum of the Council at a meeting duly convened on February 16, 2023 at Old Crow, Yukon is hereby passed by consensus.



Chief Pauline Frost



Deputy Chief Debra-Leigh Reti



Councillor Jeneen Frei Njootli

Appendix B



VUNTUT GWITCHIN GOVERNMENT
Government of Vuntut Gwitchin First Nation

CHIEF AND COUNCIL

P.O. Box 94

Old Crow, Yukon

Y0B 1N0

Phone: (867) 966-3261

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VUNTUT GWITCHIN FIRST NATION

COUNCIL RESOLUTION 02-17-2023 – #05

RE: EXTENSION OF COMMUNITY EMERGENCY DECLARATION AND ORDER REGARDING DANGEROUS OFFENDER TO OLD CROW

WHEREAS:

- A. CHRISTOPHER RUSSELL SCHAFER, born April 17, 1977, (the “Dangerous Offender”) is a prolific serial dangerous offender who has committed serious violent and sexual offences against women and girls on Settlement Land of the Vuntut Gwitchin First Nation (“VGFN”) and elsewhere.
- B. VGFN has learned that the Dangerous Offender has been released from custody in Whitehorse the week of February 6, 2023, and he is currently on Probation.
- C. VGG understands the Probation Order stipulates the following conditions for the Dangerous Offender:
 - Keep the peace and be of good behaviour.
 - Appear before the court when required to do so by the court.
 - Notify the court, in advance, of any change or name or address, and, promptly, of any change in employment or occupation.
 - Have no contact directly or indirectly or communication in any way with certain persons.
 - Do not go to any known place or residence, employment or education of certain persons.
- D. Every person on Settlement Land has the right to life, liberty and security of the person, and to not be subjected to infringements of that right without justification.
- E. If Council reasonably believes that a preventable, foreseeable, imminent, or actual danger exists to life, health or safety on Settlement Land, then Council may make a Community Emergency Declaration pursuant to section 5 of the Community Emergency Act (the “Act”) declaring that a Community Emergency exists within the meaning of the Act.
- F. If a Community Emergency Declaration is made under the Act, and Council reasonably believes that certain special temporary measures are necessary to address the existing Community Emergency, then Council may also make a Community Emergency Order under the Act to establish such special temporary measures.
- G. Council made a Community Emergency Declaration on October 7, 2022 for 90 days. This declaration expired on January 5, 2023, while the Dangerous Offender was in custody.

THEREFORE THE COUNCIL OF THE VUNTUT GWITCHIN FIRST NATION RESOLVES THAT:

Community Emergency Declaration

1. This Community Emergency Declaration is hereby made by Council pursuant to section 5 of the Act in relation to the Dangerous Offender.
2. This Community Emergency Declaration shall come into effect immediately upon this Council resolution being published in accordance with the section 5 of the Act and will remain in effect for a period of 90 days unless terminated earlier or extended pursuant to section 6 of the Act.

Community Emergency Order

3. This Community Emergency Order is hereby made by Council pursuant to section 7(a) of the Act establishing the following special temporary measures in relation to the Community Emergency Declaration set out above:
 - (a) The Dangerous Offender is hereby prohibited from entering, accessing, using or otherwise being upon Settlement Land due to the preventable, foreseeable, imminent, and actual risks posed to life, health and safety on Settlement Land.
 - (b) No person shall counsel, aid or abet the Dangerous Offender in entering, accessing, using or otherwise being upon Settlement Land contrary to the special temporary measure set out under paragraph 3(a) of this Community Emergency Order.
4. This Community Emergency Order will come into effect immediately upon this Council resolution being published in accordance with section 8 of the Act and will remain in effect for the duration of the Community Emergency Declaration set out above.
5. This Community Emergency Order may be amended at any time during the duration of the Community Emergency Declaration pursuant to section 9 of the Act.
6. Any person who does not comply with this Community Emergency Order commits an offence under the Act and is liable on summary conviction to imprisonment for a term of six months.


THIS RESOLUTION being duly approved by a quorum of the Council at a meeting duly convened on February 17, 2023 at Old Crow, Yukon.



Chief Pauline Frost



Deputy Chief Debra-Leigh Reti



Councillor Jeneen Frei Njootli

Appendix C

TERMS OF REFERENCE

Vuntut Gwitchin Government Disbursement Committee



February 16, 2023

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1.0 INTRODUCTION

- 1.1 The *Constitution and Governance Act* of Vuntut Gwitchin require that Council provide for good governance and the transparent operation of Vuntut Gwitchin Government (“VGG”).
- 1.2 Chief and Council wish to nominate a committee to be known as the VGG Disbursement Committee (the “Committee”) who will be responsible for disbursing designated program funds on behalf of VGG in a transparent and responsible manner.

1.3 Any words used in these Terms of Reference that are not defined have the meaning given to them in the *Constitution* or the *Governance Act*.

2.0 PURPOSE AND ROLE

2.1 The purpose of the Committee is to disburse programs funds on behalf of VGG following best practices and in a manner that is aligned with the values, goals and objectives of the Vuntut Gwitchin First Nation.

2.2 The Committee will make decisions regarding the disbursement of funds under the following programs:

- a) Housing
- b) Post-Secondary Education;
- c) Youth Enhancement Fund;
- d) Scholarships, Bursaries, Grants;
- e) Employee Incentives/Long Service Awards; and
- f) General Funding requests, including any specific requests for funding that is not otherwise identified under existing programs.

2.3 The Committee will disburse funds in accordance with established program criteria.

2.4 The Committee will work closely with the Finance Director and Finance Manager to identify all costs associated with the work of the Committee so that those costs can be included in the annual budget and approved before the Committee makes any expenditures.

2.5 The Committee will engage with Chief and Council, the Elders Committee, the General Assembly, and the Executive Director of VGG.

3.0 MAKE-UP OF THE COMMITTEE

3.1 The Committee will consist of:

- a) Six members;
- b) One non-voting, ex officio member will be either the Finance Manager or the Finance Director and they will play the role of Chair;
- c) Five members will be Citizens; and
- d) At least one member who is not the Chair will be from the Elder's Council or an acknowledged Elder.

4.0 APPOINTMENT AND REMOVAL

- 4.1 The membership of the Committee will be determined by Chief and Council after consulting with the Chair, taking account of the balance of skills and expertise necessary for the Committee to perform its role and subject to specific requirements or directions of the General Assembly.
- 4.2 Members will be appointed to hold office for a period of two years with a possibility of one renewal.
- 4.3 Specific criteria for membership will normally include:
 - a) other than the Chair, members must be Vuntut Gwitchin Citizens;
 - b) an established record of community involvement and a reputation for objectivity and thoughtfulness;
 - c) a demonstrated commitment to the success and operation of the VGG and the Vuntut Gwitchin community;
 - d) good communication skills; and
 - e) the ability to attend real or virtual meetings of the Committee.
- 4.4 Members who miss more than two meetings in a row without a good reason may be removed and replaced on the request of the Chair or by Chief and Council.
- 4.5 Members serve at the pleasure of Chief and Council and may be removed from the Committee without cause.

5.0 QUORUM

- 5.1 Quorum for doing the business of the Committee will be three (3) voting members.

6.0 POWERS AND DUTIES OF THE COMMITTEE

- 6.1 All applications for disbursement decisions to the Committee must be submitted with required documentation on or before the date set out in the Program Directives and the Committee may reject any late or insufficient applications.
- 6.2 The Committee will review all complete applications individually or collectively before rendering a decision.
- 6.3 All funding must be used in compliance with program conditions and restrictions and the Committee will report to Chief and Council on any suspected or proven non-compliance.
- 6.4 The Committee will determine at its sole discretion to pay or not pay or reduce expenses that it deems unreasonable.
- 6.5 In the event that the Committee is unable to make a decision, the question will move to Chief and Council for decision.

- 6.6 The outcome of the decisions of the Committee will be provided to the applicants by letter within three days of a decision being made and notification may occur by fax or email where the applicant has provided the relevant contact details.

7.0 REPORTING AND ASSURANCE ARRANGEMENTS

- 7.1 The Committee will report formally, regularly and on a timely basis to Chief and Council and the General Assembly on the Committee's activities. This includes quarterly verbal updates with written summaries on the Committee's activity, the submission of Committee minutes, and an annual written report, including a Conflicts of Interest report. The annual report will cover the fiscal year and be due to Chief and Council three months following the end of each fiscal year.
- 7.2 The Committee, through the Executive Director, will bring to the specific attention of Chief and Council any significant matters under consideration by the Committee.
- 7.3 The Committee will ensure appropriate escalation arrangements are in place to alert Chief and Council and the Management Team of any urgent or critical matters that may affect the operation or reputation of VGG.
- 7.4 The Committee will perform an annual review of the areas of funding, the criteria for funding, and the overall work of the Committee to ensure they reflect the intent, objectives and priorities of the Committee and of the VGG. This will be part of the annual report.

8.0 ADMINISTRATIVE AND TECHNICAL SUPPORT

- 8.1 The provision of administrative support, if required, will be discussed between the Chair and the VGG Executive Director.
- 8.2 The Chair will arrange for the provision of advice and support to Committee members on any aspect related to the conduct of their role.
- 8.3 VGG Program area Directors will provide briefings and briefing materials to the Committee to support informed decision-making. Directors will work with the Chair on scheduling and coordinating information flow.

9.0 COMMITTEE MEETINGS

- 9.1 The Chair is responsible for organizing Committee meetings, preparing and distributing agendas, materials and minutes.
- 9.2 It is expected that all major decisions will be approved by consensus and, failing that, by majority vote.
- 9.3 Meetings will be held as the Chair of the Committee deems necessary and their occurrence will be consistent with departmental processes, but will happen

quarterly at a minimum or at the behest of Chief of Council or the Executive Director.

- 9.4 Meetings will be held in person in Old Crow when possible but may be held by electronic communications means, provided that each member in attendance can clearly hear and participate.
- 9.5 Departmental representatives may be invited to attend meetings as advisors but will have no voting rights unless they are appointed to the Committee.
- 9.6 The Committee will ensure that all conditions and restrictions are met under the relevant program and under any contribution agreement affecting the program.
- 9.7 The Committee will conduct its activities in a fair and transparent manner.
- 9.8 The Committee may hold an in-camera session when private information is to be discussed but minutes will be kept and those minutes will be sealed and provided to Council under confidential cover.

10.0 RELATIONSHIPS AND ACCOUNTABILITY

- 10.1 The Committee is directly accountable to Chief and Council for its performance in exercising the functions set out in these terms of reference.
- 10.2 The Committee will adhere to the VGG's corporate standards, priorities, requirements and highest standards of equality and human rights when conducting its business.

11.0 CONFLICTS OF INTEREST

- 11.1 The Committee members will take and adhere to the VGG oath of confidentiality.
- 11.2 The Committee members will abide by the Conflict of Interest Policy attached hereto as Schedule 'A'.
- 11.3 Any declared conflict of interest will be recorded and will form part of a conflicts of interest report to be submitted annually with the Committee reports.

12.0 REVIEW

- 12.1 These Terms of Reference will be reviewed annually by Chief and Council and the Committee.

Schedule 'A': Conflict of Interest Policy

General Policy

1. Members of the Committee are to work at all times in the best interests of VGG. Members will not place themselves in a position which may result in a perceived, or real conflict between the interests of the VGG and the interests of the Member or a member of their immediate family.

Understanding Conflict of Interest

2. A conflict of interest is a situation where a person or their immediate family has a personal interest that makes it appear that the interest could impact their actions, decision-making, or choices in their official role or duties. A conflict is a perceived or real situation where it appears that the person's objectivity about a decision might be interfered with because of their personal relationships. For example, a Committee Member whose grandchild wished to apply for an educational bursary from VGG would be in a conflict of interest when a decision is being made by the Committee whether or not to award that bursary.

Definition of "immediate family"

3. "Immediate family" means relations to the member including grandparents, parents, siblings, children, and grandchildren. These include both birth relations and in-law relations, including common-law. A member may also be in a conflict for anyone else that may impact the member's neutrality decision due to their relationship.

Specific Policies

4. Directors or members of their immediate family will not misuse for profit, political gain, or personal gain any VGG-provided information, resources, monies, property or an opportunity obtained because of the Member's role on the Committee.
5. Members will not take part in reviews, discussions, or decisions which involve an immediate family member of the Member.
6. Members will not take part in reviews, discussions, or decisions involving a business or an organization in which the Member or a member of their immediate family has an interest or is in some way involved.

Declaration of a Conflict of Interest

7. It is the personal responsibility of a Member to declare any perceived or real conflict of interest to the other Members of the Committee immediately upon

becoming aware of one. When they have declared a conflict of interest, they will remove themselves from the review, the discussion, and any decision-making about the relevant application.

8. Failure of a Member to declare a perceived or real conflict of interest involving the Member or a member of their immediate family will be viewed as a breach of appropriate conduct and subject to discipline, removal from the Committee, and, at the discretion of the Council, cancelation of any approved funds if the Member can be said to have influenced a decision about the disbursement of those funds.
9. There may be circumstances where Members who are not in conflict may not be sufficient to form a quorum; in those cases, the Members may request that Council appoint individuals to act as temporary, *ad hoc*, Members for the purposes of the review in question.

Action to be Taken When There is a Conflict of Interest

10. All perceived or real conflicts of interest will be reviewed immediately and with due diligence, to determine the appropriate steps to protect the integrity of both the Member and the Committee, and where appropriate, to determine the necessary course of action.