



# Snuneymuxw

First Nation

[www.snuneymuxw.ca](http://www.snuneymuxw.ca)

## **Snuneymuxw First Nation 79 Acre Trust**

### **Information on the Role of and Becoming a Trustee**

#### The role of a trustee

The role of a trustee is basically to manage the property of the trust in accordance with the trust agreement. The 79 acre trust will include five trustees from Snuneymuxw and an Administrative Trustee. Decisions of the trustees are made by voting and for most decisions the vote of a majority of the trustees is the decision of the trustees.

#### The role of the Administrative Trustee

The Administrative Trustee (an outside firm) is the protector of the trust and is ultimately responsible to ensure the trust is managed in accordance with the trust agreement and applicable laws. The administrative Trustee has the power to veto a decision of the trustees where the decision violates the trust agreement or applicable laws.

The Administrative Trustee will also be responsible to advise and train SFN trustees on an ongoing basis. This is in addition to other training the SFN trustees will receive.

The Administrative Trustee will be selected by Chief and Council.

#### Who can become a trustee

Any SFN member who meets the basic qualifications can become a trustee. These qualifications include:

- you must not be bankrupt.
- you must not be mentally incompetent.
- you must not be previously convicted of fraud.
- you must be a minimum of 19 years of age.
- you must be in good standing with SFN (i.e. not in arrears to SFN for rent, loans etc.)
- you must be a Canadian resident.
- pass a criminal record check (i.e. no conviction for an indictable offence for which a pardon was not obtained)

A member of SFN Council is not permitted to be a trustee at the same time.

### Term of trustees

Based on recommendations by the Trust Planning Working Group, SFN Chief and Council will appoint the first group of trustees for an initial term of two years. After this initial two year term, elections will be held for the office of trustee. These elections for trustees will coincide with regular elections for seats on Council. The term of trustees who are elected will be four years. However, to create staggered terms two trustees in the first election will hold office for two years and the other three will hold office for four years.

Trustees can hold office for a maximum of two consecutive terms.

### Training for trustees

Under the trust agreement, trustees are required to complete training within six months after assuming office. This training is delivered primarily online and the cost will be paid by the trust. Also, trustees will be required to participate in ongoing training organized by the trust. This training is designed to equip trustees with the knowledge and skills they need to be good trustees.

### Honoraria

For their services, trustees will be entitled to receive an honorarium. The amount of the honorarium will be determined by the Administrative Trustee based on what other First Nations trusts are paying to their trustees. Also, trustees will be entitled to reimbursement for approved expenses (e.g. travel).

### The trust agreement

The trust agreement is a critical document. It sets out (among other things) the powers and responsibilities of the trustees. The trustees must manage the trust in accordance with the trust agreement.

Earlier this year, Chief and Council created a Trust Planning Working Group with a mandate to develop a framework for the trust agreement. In fulfilling that mandate, the Working Group consulted extensively with SFN members including a survey. Based on this consultation, the Working Group submitted a detailed report to Chief and Council on a framework for a trust agreement with recommendations. Chief and Council accepted the recommendations of the Working Group.

SFN's lawyers, Woodward & Company in Victoria, are drafting the trust agreement. The trust agreement will be based on the framework developed by the Working Group and approved by Council. When the trust agreement is finalized, it will be distributed to SFN members and voted on together with the settlement agreement with Canada for the 79 acre claim.

### Professional advice and support

The trustees will receive support and advice from the Administrative Trustee. However, they can also employ the services of professional advisors (e.g. lawyer, tax specialist, investment consultant, investment manager and so on). The costs of these services will be paid by the trust.

The trust agreement will specifically state that in retaining outside experts, the trustees must strive to employ the best experts in their field.

#### What criteria will be used by SFN Council in selecting the initial group of trustees

Trustees must meet the basic qualifications to become a trustee (see “Who can become a trustee”). However, in addition to these basic qualifications SFN Chief and Council will use the following criteria in selecting the initial group of trustees.

- a. Is the applicant knowledgeable about trusts or financial management
- b. Is the applicant knowledgeable about SFN culture and values?
- c. Is the applicant reliable, trustworthy and of good character?
- d. Is the applicant committed and prepared to invest the time and effort required to be a good trustee?
- e. Is the applicant capable of acting in an impartial and unbiased way?
- f. Is the applicant able and willing to learn and apply that learning as a trustee?
- g. Is the applicant respected and trusted in the community?

#### The application process

Applications to become a trustee will be screened by a committee of SFN Council and a short list will be prepared and submitted to SFN Chief and Council. The final decision on the initial group of trustees will be made by Chief and Council. When the initial group of trustees is selected, an announcement will be made.