

TERMS OF REFERENCE (TOR)
DE-AMALGAMATION AND TRANSITION WORKING GROUP

PREAMBLE:

WHEREAS James Smith Cree Nation, Chakastaypasin Band of the Cree Nation, and the Peter Chapman Band (*the three sectors*) constitute James Smith Cree Nation #370 a band pursuant to the *Indian Act*.

AND WHEREAS the Chief and Councils of the three sectors are recognized as the Joint Council of James Smith Cree Nation #370 (*the Joint Council*);

AND WHEREAS at a May 2000 Band Assembly of the full membership of James Smith Cree Nation #370, the membership voted to formally initiate the reinstatement of the three sectors as three separate and distinct Treaty 6 "bands" within the meaning of the *Indian Act*;

AND WHEREAS the Joint Council have formally submitted a request pursuant to s. 17 of the "Indian Act", to Canada to recognize and reinstate the three separate and distinct Treaty 6 bands of James Smith Cree Nation, Chakastaypasin Band of the Cree Nation, and the Peter Chapman Band as "bands" within the meaning of the *Indian Act*;

AND WHEREAS it is necessary for the three sectors through the Joint Council to prepare a De-amalgamation and Transition Agreement to support the Minister's discretion under s. 17 of the *Indian Act* to constitute three new bands;

NOW THEREFORE BE IT RESOLVED that Terms of Reference or the De-amalgamation and Transition Working Group (the "Working Group") are as follows:

1. DEFINITIONS

"Council(s)" means the Chief and Council of each of James Smith Cree Nation, Chakastaypasin Band of the Cree Nation, and the Peter Chapman Band;

"De-amalgamation and Transition Working Group" (the "Working Group") means the Working Group appointed by the Joint Council of James Smith Cree Nation #370 as directed by these Terms of Reference;

"Facilitator" means the facilitator appointed by the Joint Council of James Smith Cree Nation #370, to aid in de-amalgamation and transition discussions under these Terms of Reference;

"Joint Council" means the Chiefs and Councils of James Smith Cree Nation, Chakastaypasin Band of the Cree Nation, and the Peter Chapman Band;

"Negotiating team" means, the James Smith Cree Nation, Chakastaypasin Band of the Cree Nation, and the Peter Chapman Band Councils, their Legal Counsel, and the Facilitator; and

2. PURPOSE

- 2.1** The Working Group will act as the technical support resource for the Joint Council and Negotiation team in their work in identifying and addressing issues related to de-amalgamation and transition into three separate and independent First Nations under the *Indian Act*.

3. WORKING GROUP'S MANDATE

- 3.1 Support the Process for De-amalgamation:** Discuss and complete tasks identified by either by the Negotiation team (including the Facilitator) or Joint Council, as the case may be, pertaining to the issues related to de-amalgamate the James Smith Cree Nation #370 into three separate bands under section 17 of the *Indian Act*.

- 3.2 Consultation and Liaison Support:** Provide support, and act as a liaison, to the Facilitator and the Negotiation team, as they engage in consultations with all relevant stakeholders, on all matters related to the division of assets, the de-amalgamation process, and potential transition issues after James Smith Cree Nation #370 has been constituted into three separate and independent bands.

- 3.3 Progress Report:** Report on discussion progress and make recommendations to decision-makers, drawing on related and necessary expertise and technical advice from respective legal counsel(s) or other advisors.

- 3.4 Term:** The Working Group will exist and operate for the entire duration of the de-amalgamation process, and may continue in service if so directed by the Chiefs and Councils of James Smith Cree Nation, Chakastaypasin Band of the Cree Nation, and the Peter Chapman Band, after constitution as bands under the *Indian Act*.

4. ROLE OF FACILITATOR

- 4.1** Facilitator shall be appointed by the Joint Council.
- 4.2** The Facilitator will lead and coordinate the Working Group's activities as it assesses and identifies priorities and necessary resources required to advance discussion.

4.3 The Facilitator will coordinate the Working Group's activities as it assesses and identifies priorities and necessary resources required to advance discussion.

4.4 The Facilitator will act as the primary spokesperson and liaison for the Working Group with the Negotiating team.

4.5 The Facilitator will facilitate effective communication, ensure adherence to timelines, and represent the Working Group in all external communications.

4.6 The Facilitator will oversee the preparation and dissemination of reports and documentation.

5. MEMBER COMPOSITION

The Working Group as appointed by the Joint Council will consist of the following:

5.1 The appointed Facilitator,

5.2 Two representatives and one Elder from each James Smith Cree Nation, Chakastaypasin Band of the Cree Nation, and the Peter Chapman Band; as appointed by each Chief and Council.

6. CONDUCT OF MEETINGS

6.1 Meeting procedures to be determined at the first meeting of the Working Group.

6.2 The Working Group will produce interim reports to track progress and a final report detailing the agreements reached.

6.3 Legal counsel for each of James Smith Cree Nation, Chakastaypasin Band of the Cree Nation, and the Peter Chapman Band and other relevant personnel with technical expertise may attend Working Group meetings to provide information or advice as needed.

6.4 Meetings will primarily be held online to accommodate the schedules and locations of all Working Group members. However, in-person meetings may also be held as determined necessary from time to time either by the Facilitator or a quorum of the members.

6.5 Decisions regarding the specific recommendations that will be given to the Joint Council and the Negotiating team will be made by consensus.

6.6 Any unresolved issues can be brought by the Facilitator to the Negotiation team.

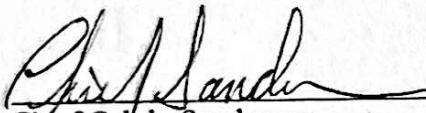
7. CONFIDENTIALITY AND TRANSPARENCY

7.1 No information from Working Group meetings will be shared externally unless specifically agreed upon by Working Group members or authorized by the Facilitator. This ensures the confidentiality of deliberations and protects sensitive information discussed within the Working Group.

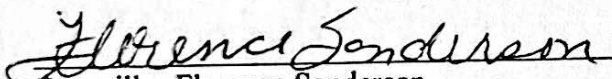
7.2 All members of the Working Group will be required to sign a confidentiality acknowledgment form.

Joint Chiefs and Councils

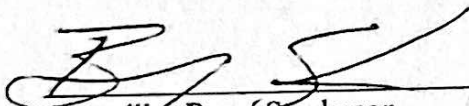
Chakastaypasin Band of the Cree Nation


Chief Calvin Sanderson

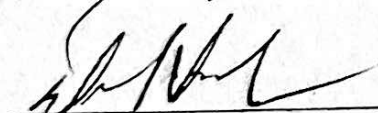
Aug 29/24
Date


Councillor Florence Sanderson

Aug 29/24
Date

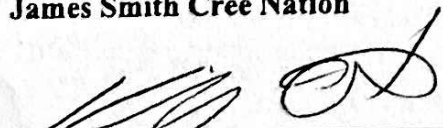

Councillor Barry Sanderson

Aug 29/24
Date

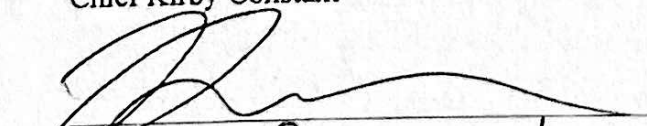

Chakastaypasin Derrick Sanderson

Aug 29/24
Date

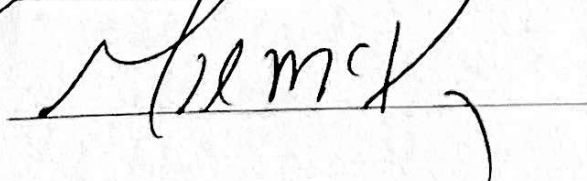
James Smith Cree Nation


Chief Kirby Constant

Aug. 29/24
Date


Councillor Justin Burns

Aug. 29/24
Date



Aug. 29/24

Councillor Gerald McKay

Date


Councillor Alvin Moostoos

Aug. 29/24
Date

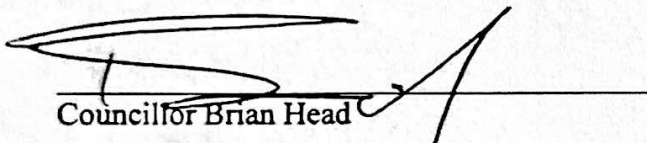

Councillor Tanya Moostoos

Aug 29/24
Date

Peter Chapman Band


Chief Robert Head

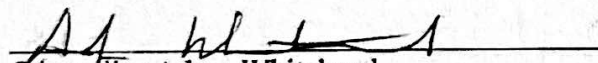
Aug 29/2024
Date


Councilor Brian Head

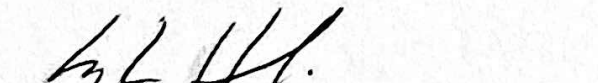
Aug 29/24.
Date

Councillor Valerie Whitehead

Date


Councillor Adam Whitehead

Aug 29/2024
Date


Councillor Hughie Head

Aug. 29/24
Date