

**LOCAL**

**BAND**

**GOVERNMENT**

**ONTARIO**

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Department of  
Indian Affairs and  
Northern Development

Indian  
Affairs  
Branch

Ministère des  
Affaires indiennes et  
du Nord canadien

Direction  
des affaires  
indiennes

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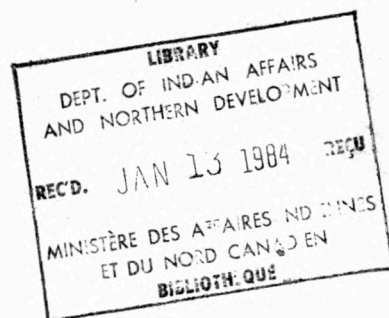
April 15, 1968  
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our file/notre dossier  
your file/votre dossier  
date

The purpose of this booklet is to give the Indian people in Ontario Region an insight into government at the grass roots level. It is here that true democracy must flourish. It is on the reserve where the minds of the Indian youth are shaped and from where future Indian leaders must come. To provide them with the legacy of an honest and efficient local government should be the aim of the present generation.

With band councils requesting additional authority to manage their own affairs, it is more important than ever that the local government structure be improved to meet the needs of our time.

T. L. Bonnah  
Superintendent of Development  
Ontario Region  
(Local Government Unit)



No history of Ontario would be complete without a chapter on the struggle of her citizens to achieve local self-government. In this respect the Indian people are beginning to play a conspicuous role.

Long before the first settlers arrived in Canada the various Indian tribes had political organizations of their own. Where the need for government was small their rulers were few in number. Nevertheless their problems were many when one considers there were eleven totally different languages spoken by the Indians in Canada and some fifty dialects used among the various tribes.

Some Chiefs and headmen were chosen under the hereditary system. Others succeeded to leadership roles because of their ability to hunt or their prowess in battle.

In Ontario, the struggle to achieve local government by non-Indians was carried on for nearly 75 years and with the passing of the Baldwin Act in 1849 prescribed areas attained their first real measure of local government.

In 1869 provision was made in the Indian Act so that the Indian people could bring their own form of local government more in line with neighbouring non-Indian communities. In this way many Indian bands adopted the practice of electing leaders whom they felt could conduct reserve business competently. The present practice of electing local representatives is outlined in the Indian Act and pertinent regulations. Band Councils have powers under this Act not unlike those given to organized municipalities under the

Municipal Act of the Province.

Our purpose here, however, is not to record historical events but rather to produce something that might be helpful to the Indian band council and its staff so that the best local administration possible might be attainable in the Indian community.

Local government has many definitions. We like to think of it as the means through which people have perfected the art of looking after their own local needs in the most efficient and economical manner.

This is a big order when one considers the many services required that embody such departments as education, social services, housing, health and road work to name a few.

It is still more frightening when one reflects on the money required to provide those services. With our system of different levels of government, however, arrangements are generally worked out whereby grants are provided to help the local community carry the load for many of the essential services. A good example of this may be found in subsidies paid for road work or the sharing of education and welfare costs by the Federal and Provincial governments. The community itself is expected to carry a reasonable portion of the costs.

In the non-Indian community this "sharing" of costs is often done through a direct tax on property. There are of course, the hidden taxes as well as the tax on income. Most Indian wage earners are effected by taxes in one way or another.

It is seldom however, under the existing Indian Act, that a Band Council puts an assessment on its members insofar as interests in

reserve land are concerned. This poses a problem as it is very obvious that if the services noted above are expected by the people, then those receiving them should pay their fair share towards installation and maintenance costs.

To bridge this financial gap between what is provided in the form of GRANTS by senior governments and the actual costs of services required the Indian band council could quite often raise the money by developing the natural resources of the reserve. Failing this, an alternative means of raising the necessary funds must be found or do without the services. The "public purse" will only stand so much strain. There is no bottomless pit from which money grows.

In the Indian community as in other municipalities, grants either come from the federal or provincial governments. It is important, therefore, that the council and the band staff be familiar with this subject. The Province of Ontario issues a very useful publication on "Provincial Assistance to Municipalities, Boards and Commissions". Through the courtesy of the Province a copy of this was sent to all band administrators some time ago. As other bands take over responsibility the names of newly appointed full-time band administrators or clerks will be added to the mailing list. Obviously good relationship with senior levels of government is of paramount importance.

To operate an Indian community in today's complex society, the electors must select dedicated leaders with the ability, experience and education necessary for the job. This is especially so when we consider that regional conservation, education and economic development

programs are taking the place of a multitude of smaller programs heretofore considered only on a purely local basis. Even regional government is being talked about as being more efficient than the many little municipal governments that now struggle along across the Province.

This puts a heavy burden on a band council and with an election every two years, under the present Indian Act, the elected representatives have no time to lose in getting down to business. Progressive bands in Ontario have some permanent band staff and there is continuity of operation between the outgoing council and the newly elected one. Many, however, have no permanent band staff and are not equipped to do any more than just "survive" during the two year period.

One would assume that the first thing an incoming Council would do would be to determine the committee organization required to carry out the functions of the different departments such as road, health, education, recreation, finance, etc.

The BUDGET for the year would require immediate examination for indeed many band councils are unfortunately elected at a time of the year when the budget has been nearly all spent by the outgoing council.

COMMITTEES form an important part of band administration. They are the "eyes and ears but not the head of the Council". They fall into two classes:

- 1) Standing Committees such as Public Works, Welfare Parks, Fire, Sanitation, Finance, Education, Recreation, etc., according to the needs of the community.

- 2) Select Committees. These are set up to deal with special matters that come up from time to time. When the specific matter is dealt with the committee is discharged and ceases to exist.

Committees as a general rule have only the power to investigate and discuss matters under their jurisdiction and make their report with recommendations to the band council. It is up to the council to adopt or reject or even ask for a further study of the matter being dealt with. Minutes should be kept of committee meetings. If the committee does its work properly council proceedings can be shortened considerably. Before making recommendations the committee might be well to consider local customs and public opinion.

If the band has a sizeable budget there would appear to be much merit in having a Finance Committee. A Public Works committee could consider such matters as having to do with municipal improvements, garbage collection and disposal, sewage treatment and the like.

The number of committees will depend to a large extent on the amount of the band budget and the variety of activities engaged in by the council.

In the more heavily populated non-Indian communities boards and commissions are established under Provincial legislation. Some of these are elected but in all cases they have statutory authority and serve as an integral arm of the local council. The local school board and the board of health are good examples of such bodies. In Ontario elementary school boards are composed of elected representatives.

A band council has only the powers granted it under the Indian Act. Generally speaking these are made effective under BY-LAW. It is important the Council learn what its powers are and make use of them in the interests of the Indian community. The council should learn what the requirements are as set out by statute and what the procedure is in passing a by-law. While draft by-laws may be obtainable through the Branch it might help to see how the neighbouring community solves a similar problem. Equally important is to see that the by-law is enforced.

The BAND STAFF executes the policies of the council. These employees often have a difficult task to perform and relationship between some members of the council and its officials often become strained. On one side there is the employee who is expected to carry out the policy of the council while on the other hand the councillor often finds himself in the position where he is expected to perform favours for a particular member or pressure group in the community.

Sharing RESPONSIBILITY between elected officials of the band council and the appointed members of the band staff is the Key to successful municipal administration.

In the old days usually the Chief or headman made the decisions. Under the democratic system decisions are generally reached after all viewpoints have been thoroughly examined and a majority vote attained.

Since important decisions are often reached in council as a result of research or footwork done by an appointed official of the band



staff, it is obvious there should be no CONFLICT OF INTEREST on the part of either. For example, a Chief or Councillor should never act as an administrator or clerk of the band at the same time. Even if he were the most honest person in the world he would be putting himself in an awkward position where he could be accused of passing out favours. Even at a council meeting a chief or councillor should declare if he has any pecuniary interest in the subject under discussion. If he has he should be excused from voting on the matter.

Elected members should be responsible for policy making while the duty of the appointed staff member is to carry out the policy. An appointed staff member should not try to influence policy but he has a responsibility to provide the council with all relevant information on the subject under consideration. Therefore, mutual respect, understanding and co-operation should exist between the elected officials and the staff members. Where a senior staff member exists such as a Band Administrator or Head Clerk all responsibilities of the band staff should be channeled through him. This means that the elected representatives deal with one person rather than several members of the band staff. This method seems to work out best. It leaves the elected official the time needed to concentrate on his chief responsibility of formulating programs and arriving at decisions that benefit the community.

Attending to the needs of an Indian community is a difficult matter due in no small measure to statutes governing land tenure on Indian reserves. Quite often vast resources in privately held undeveloped lands are rendered useless thus leaving the council helpless to raise funds to provide for the general need.

This perhaps is most frustrating to the person who is a newly elected chief or councillor and who had in the first place only a burning desire to enter local politics in the hope of making things better. Perhaps at this point we should realize the important part played in a progressive community by the individual citizen.

Good municipal government is not possible without an efficient band administrative staff. This is next to impossible without a good elected body. It is the individual voter that really calls the play. If he is doing his job as a good citizen in the community he will either take enough interest to run for election or he will see to it that the best persons possible are nominated for the job. It takes community support to establish laws that work for the good of all the people.

Those in a democracy must exercise direct control of their affairs through their representatives. This can only be achieved when the ordinary citizen has the interest he should have in local band elections.

Good PUBLIC RELATIONS is perhaps one of the surest routes to good government. It is not enough for a council to just take office and then go on about their business. Indeed it isn't "their business" but the business of the community that is involved.

The community, therefore, needs to know what is going on in the council chamber. In the more settled areas the press can play a useful role in this regard. In remote districts another approach may be required. In any event, let the people know WHAT is going on and more important still, WHY.

LONG RANGE PLANNING requires projecting our thoughts into the future. It is necessary to think before we plan. It may be as hazardous to live in a community without "planning" as it is to drive on our highways without the benefit of traffic regulations.

Authority granted a band council under the Indian Act is of little use unless the council exercises its jurisdiction. A council that lacks the foresight to plan for the future of its band members hardly warrants the support of the people.

Zoning is an important part of planning. For example, certain sections of the reserve may be more suitable for industrial development while another area might be the ideal location for residential use. Some reserves lend themselves to agriculture and others to recreational use. The important thing is to plan in such a way that the best possible use can be made of available land and its development may be carried out in an orderly manner for the good of the people.

Information on Community Planning can be provided by the Branch and the Province. An alert band council or administrator will, however, always keep an eye on what is going on in this regard in the surrounding district.

Urban renewal (planning and redevelopment of an existing community) does not affect too many reserves. There are a few, however, that should think about the best way to retain what is good and repair or rebuild the remainder of the community. Generally

speaking, these reserves are up against the more heavily populated municipalities. Joint planning will produce better results in this case. Planning for less than 20 to 25 years is inadequate.

In view of the importance of good housing requirements and the fact that Central Mortgage and Housing Corporation will loan money under certain conditions to build houses on reserves, Community Planning should be given top priority by the council. Few, if any, lending institutions want to take a chance on loaning money to build a home in a community that because of lack of planning is "dead from the ground up".

#### BAND OPERATED PROGRAMS

The progress of the Indian people in the Region is such that within the past three years the Department has, upon request, extended financial authority to a number of band councils to carry out programs from Parliamentary approved funds. Formerly these projects were supervised directly by the Branch.

Perhaps the most interesting of these programs is in the field of housing.

Such programs, however, put an added responsibility on the Band Council as well as their staff to ensure that the money is spent wisely. Few governments continue to permit expenditure of public funds on programs that have not the objective of helping the people.

It is not enough to place the full responsibility for these projects solely on the Band staff. The staff are employees of the Council and as such need to be given direction.

Perhaps in the case of an entirely new program the Council, or its appropriate Committee, should make it a point to be thoroughly

conversant with the program before attempting to direct their band staff.

It is important for the Council or the Committee to know not only the total monies allotted for a given program but the balance on hand monthly, weekly or daily as the demand requires. Otherwise, over-expenditures occur and with no funds to pay accounts the Band Council and Indian people run the risk of hurting their credit rating. It is bad public relations to procrastinate on unpaid accounts, especially when a supplier has been good enough to provide the goods without cash on delivery.

The Band must have a proper bookkeeping system in their office that will provide information needed on the spot. A local auditor or Branch officer will help to get such a system started. But the best system in the world is no good if the Band staff doesn't keep it up to date.

Regardless of how large or small the program is the Council or Committee involved should demand from its staff an accounting on progress achieved and expenditures made. This should be done at regular monthly meetings.

Labour and materials will build houses but only an accurate accounting system will determine what the cost of each house is. This is important so that the Band Council can stay within funds that are provided and at the same time know if they are getting value for the money spent.

#### ACTS

Perhaps, because of the long association with the senior government in Canada, the Indian people are more familiar with most federal acts that affect their lives. Apart from the Indian Act some of the better known pieces of federal legislation covers such matters as Family and Youth Allowances, Old Age Security, Manpower, Adult Occupational Training and Veterans services, to name a few.

There are, of course, joint agreements between the Federal

Government and the Province of Ontario covering Welfare and Community Development. These, however, only apply on reserves with approval of the Indian Band Council.

A Resource Development agreement also exists between the Indian Affairs Branch and the Province of Ontario whereby the natural resources, particularly in the North, may be better managed to provide the best livelihood possible for those Indians who still must depend on wildlife and forestry for a living. The concern of the Government of Ontario in all her citizens living within the Province has resulted over the years in the passing of many provincial acts that influence the lives of the Indian people. Some of the more important pieces of provincial legislation are noted hereunder:

HIGHWAYS IMPROVEMENT ACT

- This Act provides for the payment by the Province of road subsidies covering all authorized work done on reserves. A minimum of 50% subsidy is paid on all road construction and maintenance work and 80% on all bridge construction and maintenance. This is covered through a by-law approved by the municipal engineer for the Province.

PARKS ASSISTANCE ACT

- Permits subsidy up to a specified amount (now \$100,000) for the development of an approved park on Indian reserves. Recent amendment permits development of Beach area for swimming and recreation purposes.

GENERAL WELFARE ASSISTANCE ACT

- This Act revised in 1967. For the past several years Indian bands wishing to operate under this Act were eligible for subsidy on all direct welfare expenditures. 50% of this is paid to all municipalities through the Province by the Federal government.

FAMILY BENEFITS ACT (1966)

now incorporates

- a) Mothers & Dependent Children's Act
- b) Blind Persons Allowance Act
- c) Disabled Persons Allowance Act
- e) Old Age Assistance Act
- f) Rehabilitation Services Act

- The name of these Acts are indicative of the contents. There are other Acts of course now included within the Family Benefits Act but they do not apply to Indians as yet.

CHILD WELFARE ACT

- Incorporates all Children's Aid activities, etc.

DEPARTMENT OF EDUCATION ACT

- This Act was revised in 1967 to permit an Indian person to sit on a School Board. This is significant where a joint school agreement exists for off-reserve education of Indian students. The County Re-organization system now reaching its peak may open up additional advantages to the Indian people.  
The course of studies for the Province applies throughout the Region in all schools operated by Indian Affairs Branch.

COMMUNITY PROGRAM REGULATIONS ACT

- This is a part of the Education Act but is a separate division that deals mainly with adult education, recreation and the like.

DEPARTMENT OF TOURISM AND INFORMATION ACT

- This provides for 33-1/3% salary of museum curators up to a fixed amount and up to \$600. each year for purpose of establishing a museum.

COMMUNITY CENTRES ACT

- This covers subsidies on community halls, athletic fields, inside and outdoor skating rinks.

THE COMMUNICABLE DISEASES ACT

- By virtue of authority of Indian Act.

DAY NURSERIES ACT

- This Act does not apply as yet to an Indian reserve. As the need develops however, and a request comes in from a Band Council, the 80% subsidy municipal contribution for operation and maintenance will be considered by the Province.

MEAT INSPECTION ACT (1965)

- Applies to all communities where a slaughter-house is or may be in operation.

MUNICIPAL UNCONDITIONAL GRANTS ACT

- This instead of actually providing a subsidy to a reserve, because of its very nature provides payment of \$1. per capita of reserve population to the county organization, towards the cost of administration of Justice.

CONSERVATION AUTHORITIES ACT

- This Act provides for a grant of up to \$10,000. for conservation projects undertaken by two or more municipalities. Hopefully, the Legislative Assembly at the sitting in 1968 will be considering a submission to include Indian Bands under the Act in the same manner as other municipalities. This may also open the way to including Indian Bands under the Small Reservoir Program for a 75% grant where a water reservoir is constructed on an Indian reserve.

DRAINAGE ACT

- A request has been made to the Department of Municipal Affairs to treat Indian Bands in the same manner as municipalities for the purpose of this Act. Hopefully, the Provincial Department concerned will make a submission to the sitting of the Legislature (January 1968) for this purpose, thus opening the way for Indian bands to share in all grants under the Act.

CEMETERIES ACT

- Defines "cemetery" and regulates burials and disinterment in cemeteries within Province including Provincial Crown Lands and related matters not inconsistent with Sec. 90 of the Indian Act.

MARRIAGE ACT

- Specifically refers to marriage involving two Indians and permits their marriage by Indian custom without cost of licence. An authorized Band member may issue licence.

PROVINCIAL LAND TAX ACT

- Provides for liability to assessment and taxation of certain Provincial Crown Lands with exemption to "land held in trust for a band or body of Indians" or land "belonging to Canada .....".

ASSESSMENT ACT

- Provides for assessment and taxation of all lands coming within the Municipal Act except land "belonging to Canada ....", and "Property held in trust for a tribe or body of Indians, but not if occupied by a person who is not a member of a tribe or body of Indians".



RETAIL SALES TAX ACT

- Applies to business enterprises within the Province and those who render services to consumers but not vendors of the "tangible personal property that they use incidentally in rendering the service". Businesses conducted by Indians on reserves to serve Indian consumers are exempt from collecting sales tax as is merchandise delivered to purchaser's residence on reserve. Special tax exempt permits are available to Indian businessmen operating on a reserve and who must purchase goods in Town for resale on reserve.

AGE AND DISCRIMINATION ACT

- Defines "age" and prohibits discrimination in employment of all citizens in the Province between 45 to 64 years of age inclusive. A complaint must be registered by the person discriminated against.

LEGAL AID ACT (1966)

- Under this Act Indian persons receive legal aid in both criminal and civil cases on the same basis as other citizens of Ontario. This also eliminates the need for the Government of Canada appointing legal counsel to Indian persons in Ontario charged with murder.

VITAL STATISTICS ACT

- This Act sets out the regulations for the registration of births and deaths in the Province and who shall act as registrar of vital statistics. The Act applies on and off reserves and "Indian" in the Act has the same meaning as in the Indian Act.

CORPORATIONS ACT

- By virtue of this Act, the Lt. Gov. may issue a charter to not fewer than three (Indians included) of 21 or more years of age who apply to become shareholders or members of a corporation whether operating on an Indian reserve or not.

THE INDIAN LANDS ACT 1924  
(ONTARIO)

- This Act confirms settlement of certain questions between the Governments of Canada and Ontario respecting Indian Reserve Lands. It provides for Canada to administer Indian reserves and to dispose of mineral rights subject to Ontario law and to a 50-50 share with the Province of mineral revenues (excepting Treaty 3 lands for which Indians receive full benefit). A number of amendments have been recommended (1968) which would give Indian Bands full benefit from disposal of minerals by Canada on reserve lands and surrendered lands along with some relief from provincial taxation on mineral production.

Listed below for your information are Provincial organizations that are concerned with improving the standard of municipal administration.

It is thought that even though your band may not want to participate directly with any of these organizations at this time, it would be well to know where they are located.

Some of the organizations are, of course, local in character. In such cases, it might be in the interests of the Indian Band Council to consider membership. In any event the senior administrator of the band would be well advised to get to know the executive officers of such organizations. It is a good way of keeping abreast with what is going on in the surrounding district.

Name and Address Bureau of Municipal Research,  
Dominic Del Guidice, Executive-Director,  
Suite 406, 4 Richmond Street East,  
Toronto 1, Ontario.

Fees from \$25. to \$1,000. depending on type of membership

Main Objectives - Mainly concerned with research, information, education and international studies of large urban centres such as, primarily of, Metropolitan Toronto

Name and Address Ontario Association of Rural Municipalities,  
C. A. Keeley, Secretary-Treasurer,  
c/o Municipal Officer, County of Essex,  
3277 Sandwich Street West,  
Windsor, Ontario.

Fees variable with type of membership and population \$5. to \$25.

Main Objectives - Study problems affecting residents of Ontario and their relations to municipal government; to consider legislation affecting rural and urban municipal (not cities and towns); equitable distribution of tax dollar; for education purposes.

Name and Address Kenora District Municipal Association,  
S. G. Calvert, Secretary-Treasurer,  
Eagle River, Ontario.

Comprises towns of Kenora, Dryden, Sioux Lookout, Keewaten, townships of Red Lake, Jaffray-Melick, Machin and Ignace, Imp. Dist. of Balmertown, Barday and Sioux Narrows.

Name and Address Association of Municipal Clerks and Treasurers of Ontario  
MacDonald Dunbar, Secretary-Treasurer,  
Suite 219, 77 York Street,  
Toronto, Ontario.

Fees variable with type of membership

Main Objectives - Improve professional standards; promote interests of its members; to provide formal training.

Name and Address                      Town and Village Section of Ontario Municipal Association,  
D. J. Low, Secretary-Treasurer,  
Box 640,  
Fergus, Ontario.

Membership (criteria & fees) - Elected and appointed officials of  
towns and villages

Main Objectives - To provide program, information, conferences to discuss  
problems of local government at the town and village level.

Name and Address                      Sudbury and District Municipal Association,  
Mrs. B. Clark, Secretary-Treasurer,  
Box 1000,  
Sudbury, Ontario.

Fees variable on population of municipality

Main Objectives - To consider municipal matters in general and specifically  
in Sudbury area.

Name and Address                      Ontario Municipal Personnel Association,  
F. O. Barnett, Secretary-Treasurer,  
550 Burnhamthorpe Road,  
Etobicoke, Ontario.

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Name and Address                      Ontario Recreation Association  
Mrs. June Braaton, Executive-secretary,  
45 Deepwood Cres.,  
Don Mills, Ontario.

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Name and Address                      Ontario Welfare Officers Association,  
R. Tomlinson, Secretary-Treasurer,  
c/o Metropolitan Toronto Welfare Department,  
Fifth floor, East Tower, City Hall,  
Toronto 1, Ontario.

Fees are nil but being considered

Main Objectives - To promote and develop closer relationship between municipal  
welfare officers and Ontario Department of Public Welfare; .  
to work towards betterment of persons in indigent circumstances;  
to promote uniform application of the General Welfare Assistance  
Act; and towards practical amendment thereto; to promote  
efficiency.

Name and Address Ontario Municipal Administrators' Association,  
R. W. Travis, Secretary,  
City Hall,  
Windsor, Ontario.

Name and Address Thunder Bay District Municipal League,  
Mrs. F. M. Pajamaki, Secretary-Treasurer,  
R. R. #1,  
Kakabeka Falls, Ont.

Comments - Affiliated with Northwestern Ontario Municipal Association.  
Includes Port Arthur, Fort William and surrounding areas.

Name and Address North Western Ontario Municipal Association,  
V. K. Croxford, Secretary-Treasurer,  
P. O. Box 220,  
Rainy River, Ontario.

Name and Address Regional Development Branch,  
Ontario Department of Economics and Development  
Richard S. Thoman, Director,  
Room 820, 950 Yonge St.,  
Toronto, Ontario.

Main Objectives - Branch of provincial government to assist local  
municipalities in regional development; to build a  
healthy economy in this region.



NOTES and COMMENTS on ADDITIONAL ACTS