

DIFFERENCES IN COMMUNITY GOVERNMENT STRUCTURES

| Body and Authorities | Settlement Corporations | Charter Communities | Hamlets | Tlicho Community Governments | Cities, Towns and Villages | First Nations & Designated Authorities |
|----------------------------|---|---|--|--|--|---|
| LEGAL STATUS | Settlement Corporation under Settlements Act NOTE: Settlements are a name and boundary only with no corporate decision-making by elected councils. | Municipal Corporation established under <i>Charter Communities Act</i> Effective April 1, 2004 repeal of Charter Communities Act 1988 and replace with Charter Communities Act, S.N.W.T. 2003, C.22, s. 1 | Municipal corporation established under <i>Hamlets Act</i> Effective April 1, 2004, repeal of Hamlets Act 1988 and replace with Hamlets Act, S.N.W.T. 2003, C.22, s.32 | Municipal corporation established under the <i>Tlicho Community Government Act</i> . This Act is similar to the new <i>Hamlets Act and Charter Communities Act</i> , with additions to reflect the Tlicho Agreement. Effective Day set for August 4, 2005. 1 st election of Councils June 13, 2005. | Municipal corporations established under <i>Cities, Towns and Villages Act</i> Effective April 1, 2004 repeal of CTV Act 1988, and replace with Cities, Towns and Villages Act, S.N.W.T. 2003, C. 22, s. 2 | Band on or off -Reserve – by Minister for Indian Affairs OIC. Designated Authorities – NWT - Bands off-reserve, primary authority in community to deliver municipal services |
| CRITERIA FOR STATUS | Subject of review in new proposed Settlements Act. Ministerial decision based upon whether residents desire it and any other factors. Minister sets out duties for Council. | Public request with minimum of 25 persons eligible to vote or Minister's initiative. 90 days public notice. 180 days notice to change municipal status with 60% approval required. | Public request with minimum of 25 persons eligible to vote or Minister's initiative. 90 days public notice. 180 days notice to change municipal status | Refer to the <i>Tlicho Act</i> , recognizes existing communities with change of names/spelling and expanded boundaries. See Establishment of new communities below. | Council request or Minister's initiative and minimum assessment base. 90 days public notice. 180 days to change municipal status | Band & Reserve through application of <i>Indian Act</i> . Land Claim or Self-Government by Act of Parliament |
| ESTABLISHMENT | By Minister's Order, after consultation | By Minister's Order & Charter after consultation. | By Minister's Order | By agreement of the parties and amendment to the <i>Tlicho Community Government Act</i> | By Minister's Order | Claimant groups established by Act of Parliament or Societies Act Self-government agreements by Act of Parliament |
| LANDS | Administered by Commissioner's Agent – Municipal and Community Affairs. Cannot acquire or dispose of lands/real property. | Generally lands within municipal boundary – except lands set aside for Indians. Commissioner's Land available after consultation period with affected claim group | Generally lands within municipal boundary – except lands set aside for Indians. Commissioner's Lands available after consultation period with affected claim group. | All community lands transferred to community governments to manage on Effective Date. | Generally lands within municipal boundary – except lands set aside for Indians. Commissioner's Lands available after consultation period with affected claim group. | Lands set aside for Indians in municipalities OR reserve lands under Indian Act OR lands set aside by Act of Parliament under self-government agreement or land claim. May effectively advise on disposal of Commissioner's Lands |

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| TAXATION | Property taxes paid to GNWT. Option to become a taxing authority not considered in legislation because of size and lack of bylaw making authority. | Property taxes paid to GNWT Option to become Municipal Taxing Authority – no taxing Charter Communities at present. Minister may declare community tax-based. | Property taxes paid to GNWT. Option to become Municipal Taxing Authority – no taxing Hamlets at present. Minister may declare community tax-based. | The <i>Tlicho Act</i> gives the Community Governments the option to exercise rights of property taxation if they so choose. | Municipal Taxing authorities. Assessments conducted by GNWT except Yellowknife. Municipal Mill Rate Bylaw passed by all communities. Education mill rates set by GNWT, except Yellowknife. Collections of municipal and education taxes. Some collection costs kept by taxing authority for education taxes. | <i>Indian Act</i> allows taxation of reserve. Claimant group may negotiate various taxation authorities. Leaseholds may be taxable. Lands may be open for sale after a specified term. |
| FINANCIAL AUTHORITY | Budgeting, banking, charges for service delivery. No lending, borrowing or making grants permitted | Extended authority to manage money on year to year, or long-term planning cycle. Extended investment authority. Extended ability to borrow on long term basis– limits set by regulation. | Extended authority to manage money on year to year or long-term planning cycle. Extended investment authority. Extended ability to borrow on long-term basis – limits set by regulation. | Extended authority to manage money on year to year or long-term planning cycle. Extended investment authority. Extended ability to borrow on long-term basis- limits set by regulation | Extended authority to manage money on year to year or long-term planning cycle. Extended investment authority. Extended ability to borrow on long-term basis- limits set by regulation | Bands not on a reserve - Budgeting, banking, charges for services, short term borrowing. Long-term borrowing restricted to areas where federal government guarantees lending. Band on a reserve – Indian lands unalienable, federal government guarantees loans Self-Government - Borrowing permitted through agreements- provision for unalienable lands. |

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| BYLAW MAKING AUTHORITY | No bylaw making authority. Council conducts business by resolutions. GNWT may act upon resolutions, which may mean the enforcement of Territorial enactments within the boundaries. e.g. ATV & Dog Acts | Full bylaw authorities within spheres of jurisdiction pursuant to <i>Charter Communities Act</i> . May be directed by Charter to provide for further consultation with community groups. Bylaws apply to all persons. Enforcement on band lands may be by agreement. | Full bylaw authorities within spheres of jurisdiction pursuant to <i>Hamlets Act</i> . Bylaws apply to all persons. Enforcement on band lands may be by agreement. | Full bylaw authorities within spheres of jurisdiction pursuant to <i>Tlicho Community Government Act</i> . Bylaws apply to all persons. Enforcement on Tlicho lands within community boundaries may be by agreement. | Full bylaw authorities within spheres of jurisdiction pursuant to <i>Cities, Towns and Villages Act</i> . Bylaws apply to all persons. Enforcement on band lands by agreement. | Band-off reserve - band governance by resolution Reserves – bylaw authority under <i>Indian Act</i> -similar municipal powers Self government - authorities negotiated by self-government agreement in public government or aboriginal government establishment. |
| ELECTIONS | Unless set by Establishment Order, elections held the 2 nd Monday in December. Chairperson selected from elected members. | Set by Establishment Order. First Nation Elections may precede Charter Elections. Head of First Nation and specified number of councillors sit on Charter. Option of 2 or 3 year terms with staggering option. | Held 2 nd Monday in December. Option of 2 or 3 year terms with staggering option. | First election held June 13, 2005. Four year terms. Subsequent elections held 3 rd Monday in June. | Held 3 rd Monday in October. Option of 2 or 3 year terms with term staggering option. | Set by Band Resolution. All Bands in NWT set own custom election practices. None follow <i>Indian Act</i> . Efforts to codify election procedures to avoid confusion over rules. |

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| FINANCIAL RESOURCES | Water/sewage services funding. Formula funding for other services based on population, cost of living and infrastructure indicators. Capital funding. MACA FUNDING POLICY AMENDED 01 | Water/sewage services funding. Formula funding for other services based on population, cost of living and infrastructure indicators. Capital funding. MACA FUNDING POLICY AMENDED 01 | Water/sewage services funding. Formula funding for other services based on population, cost of living and infrastructure indicators. Capital funding. MACA FUNDING POLICY AMENDED 01 | Water/sewage services funding. Formula funding for other services based on population, cost of living and infrastructure indicators. Capital funding. MACA FUNDING POLICY AMENDED 01 | Water/sewage services funding. Capital Assistance for water & sewer infrastructure only. Grant In Lieu payments from GNWT/Canada. Property Taxation raises anywhere from 30 – 45% of budget needs. MACA FUNDING POLICY AMENDED 01 | Funded by Federal and GNWT Departments to deliver specific services and programs. MACA provides funding resources to provide municipal services. Water/sewage services funding. Formula funding for other services based on population, cost of living and infrastructure indicators. Capital funding. MACA FUNDING POLICY AMENDED 01 |
| LEADERSHIP | Chairman selected by elected members of council | Charter determines leadership. Generally, the Chief of First Nation Band is appointed to head the municipal corporate body. | Mayor and councillors on separate ballots, but candidates may run for both Mayor and council | Chief and council on separate ballots. Councillor cannot run for Chief. Guaranteed minimum Tlicho participation. Tlicho seats remain vacant until by-election. Ties settled in by-elections. | Mayor elected separately. Candidates cannot run for Mayor and Councillor. | Chief or 'Ehk' Wahtide usually elected separately but may be selected by councillors after band election. |
| DELEGATING/ AGREEMENTS/ ECONOMIC DEVELOPMENT | N/A | Establish Services, utilities, facilities. Boards or Commissions Enter agency agreements. Delegation agreements. Establish municipal businesses & encourage economic development | Establish Services, utilities, facilities. Boards or Commissions Enter agency agreements. Delegation agreements. Establish municipal businesses & encourage economic development | Establish Services, utilities, facilities. Boards or Commissions Enter agency agreements. Delegation agreements. Encourage economic development, but cannot establish municipal businesses. | Establish Services, utilities, facilities. Boards or Commissions Enter agency agreements. Delegation agreements. Establish municipal businesses & encourage economic development | May enter into agreements with 3 rd parties for work/training/impact resources. |