

PP.HS.1609



Tsuut'ina Nation Housing Policies and Procedures

Mission Statement

On behalf of the Tsuut'ina Nation Citizenship it is the goal of the Tsuut'ina Nation to ensure that the Treaty right to shelter shall be reaffirmed through the existing Treaty.



Preamble

The Tsuut'ina Nation owns all houses built by or on behalf of the Tsuut'ina Nation located on Tsuut'ina Nation Lands.

The Tsuut'ina Nation receives funding from the Federal Government in the form of a contribution agreement to fund housing operations.

In addition to these funds, the Tsuut'ina Nation contributes a certain amount of funds from other sources. Population growth and a backlog of pre-existing repairs have resulted in limited funding.

The Tsuut'ina Nation Housing Department and Tsuut'ina Nation Citizenship have a shared responsibility for the best use of housing funding.

This document serves to find equality through process to adequately deliver housing services to the Tsuut'ina Nation Citizens for safe and healthy homes.

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1 Definitions and Interpretations

1.1. The following definition of terms will be used throughout the document:

- (a) **"Accountability"** means being liable for activity or decisions. This includes "yes" or "no" authority and veto power. Accepting the liability for delegating responsibility of policy, process and or overall direction of the Nation.
- (b) **"Add-on"** means items not approved on the standard specifications used for the construction of a house through the approved new house budget.
- (c) **"Approve"** or **"Approval"** means to consent, agree to, or endorse.
- (d) **"Assign"** or **"as assigned"** means to appoint or delegate, or as appointed or delegated.
- (e) **"Assistant Chief Executive Officer"** or **"ACEO"** means the individual assigned by Council to serve as the Assistant Chief Executive Officer for the Tsuut'ina Nation. The ACEO is that is responsible for the day-to-day oversight of their assigned portfolio and assists the Chief Executive Officer.
- (f) **"Authority"** means the power or right to determine, control, command, or approve.
- (g) **"Budget"** means the forecast of planned revenues and expenditures for the Housing Department, for a specific period of time.
- (h) **"Chief and Council"** means the duly elected Chief and Council of the Tsuut'ina Nation.
- (i) **"Chief Executive Officer"** or **"CEO"** means the individual assigned by Council that is responsible for the day-to-day oversight of the Nation's operations.
- (j) **"Citizen"** or **"Citizenship"** means a member of the Tsuut'ina as described by the Tsuut'ina Citizenship Code.
- (k) **"Committee of Members"** means a group of non-Council members that are appointed to sit on a Committee of the Nation.
- (l) **"Committee or Board"** means a Committee of Council or Members that is accountable for the activities of the Nations Programs or Companies. Further information on specific accountabilities and authorities for each Committee or Board can be found in the applicable Committee or Board Terms of Reference.
- (m) **"Council"** means the Chief and each of the Councillors elected by the Nation.
- (n) **"Ensure"** means to make certain.
- (o) **"Executive Director"** means the Executive Director of Programs. Executive Directors are accountable for the day-to-day oversight of their respective Portfolio. Executive Directors are responsible to ensure that their Portfolio Managers adhere to their respective mandate and service delivery.
- (p) **"Finance Act"** means the Tsuut'ina Finance and Administration Act.
- (q) **"Fiscal Year"** means the one-year period ending on March 31st of each year.

- (r) **“Funding Restrictions”** means requirements imposed by external funding agencies that dictate how the Nation must spend the funds.
- (s) **“Generational/Family House”** means a house occupied by a family built on Tsuut'ina Land assigned to a custom landholder and is not located within cluster/community housing.
- (t) **“Housing Department”** means Tsuut'ina Nation Housing Department has been delegated by the Tsuut'ina Chief and Council to be the department that is responsible and accountable for the proper use and maintenance of all Tsuut'ina housing assets.
- (u) **“Housing Manager”** is the manager of the Housing Department and has administrative authority specific to the department mandates, staffing, and budget expenditures. This authority extends to other duties as detailed in the job description and as needed.
- (v) **“Immediate Relative”** means, for the purposes of this manual, an immediate relative that includes a:
- spouse or common-law partner
 - parent
 - step-parent
 - child
 - step-child
 - sibling
 - step-sibling or half-sibling
 - mother-in-law, father-in-law, brother-in-law or sister-in-law
 - grandparent
 - sensitive relationships that are not set out above are subject to review by an Executive Director and the Human Resources Manager on a case-by-case basis
- (w) **“Implement”** means to fulfill, perform, or carry out.
- (x) **“Infrastructure Department”** means a department under the Programs Portfolio that provides and maintains the basic and physical organizational structures (e.g. roads, utilities, etc.) for the Tsuut'ina Nation.
- (y) **“Internal Control”** means an activity, review or approval step, or a system based check designed to promote efficiency or reduce the risk of theft, fraud, error, and misuse of Nation Funds and assets.
- (z) **“Manager”** means the Department Manager hired as an employee to manage the day-to-day responsibilities of their respective Department in accordance with an approved job description.
- (aa) **“May”** means to take action at one's discretion and not a requirement.

- (bb) **"May Only"** means to take action at one's discretion after a specified action has taken place by another individual or group of individuals.
- (cc) **"Minor"** means a person less than 18 years of age.
- (dd) **"Must, Will, Shall, Required"** means to be obliged or bound by an imperative requirement with no discretion to avoid.
- (ee) **"Nation"** means the Tsuut'ina Nation.
- (ff) **"Nation Citizen"** see "Citizens" or "Citizenship"
- (gg) **"Nation Funds"** means all monies of the Nation.
- (hh) **"Nation House"** means a Tsuut'ina Nation House that is the property of the Tsuut'ina Nation, which is built and financed by the Nation and located on Nation Lands.
- (ii) **"Payment"** means any form of money used as payment including cheques and electronic fund transfers (EFT).
- (jj) **"Per Capita Distribution" or "PCD"** refers to the distribution of equal share of any non dividend payment to every person who is a Citizen of the Band; Any Citizen entitled to payments shall commence as of the date of a Citizen's admission to Citizenship and shall terminate on that person ceasing to be a Citizen or during suspension.
- (kk) **"Program"** means a Nation organization or department that is not established with the intention of generating a profit but provides services to Nation Citizens.
- (ll) **"Public Works Department"** means Housing, Infrastructure, and Technical Services Departments.
- (mm) **"Purchase Order"** means a document that captures the approval of a purchase transaction and when accepted by a vendor, becomes a binding contract for both the Nation and the vendor.
- (nn) **"Recommend for Approval"** means to represent as advisable.
- (oo) **"Responsibility"** means being the individual or group of individuals who do the work or direct the completion of work or activity.
- (pp) **"Review"** means to inspect, examine, and discuss.
- (qq) **"Rule"** means a principle or regulation governing conduct, action or procedure that must be followed.
- (rr) **"Technical Services Department"** means a department under the Programs Portfolio that provides the services of building new homes.
- (ss) **"Terms of Reference"** means the document approved by Chief and Council that describes the purpose, authorities, responsibilities, composition, meeting requirements and other information pertaining to a Board or Committee.
- (tt) **"Tsuut'ina Chief and Council"** means the elected governing body for the Tsuut'ina Nation.

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- (uu) **“Tsuut’ina ” or “Tsuut’ina Nation”** means the sovereign Nation previously referred to as the “Sarcee” Nation.
 - (vv) **“Tsuut’ina Citizen”** means a Citizen of Tsuut’ina who is or who becomes a Citizen under the Tsuut’ina Citizenship Code First Amendment.
 - (ww) **“Tsuut’ina Legislation”** means an act, law or code that has been approved by the Tsuut’ina Nation Chief and Council.
 - (xx) **“Tsuut’ina List”** means the list of Tsuut’ina Citizens kept according to the Tsuut’ina Citizenship Code.

2 Purpose, Scope, and Application

- 2.1. This policy document governs the administration of "Tsuut'ina Housing Department," for services to Tsuut'ina Nation Citizen Occupants of a Nation House on Tsuut'ina Nation Lands.
- 2.2. This policy document is to be referred to as the "Tsuut'ina Nation Housing Policy and Procedures," and within this document as the "Housing Policy."
- 2.3. This policy establishes:
 - (a) Chief and Council, Council Portfolio Holders, Chief Executive Officer, Executive Director-Programs, and Housing Department roles and responsibilities, and Tsuut'ina Nation Citizen Occupant roles and responsibilities pertaining to housing repairs and maintenance.
 - (b) Application for a fair and impartial decision-making process for the allocation of new and vacant houses.
 - (c) Application for a fair and impartial criteria to assist in the priority ranking of applicants for new and vacant housing and applicants seeking repairs or renovations to an existing house.
 - (d) Housing Repair and Maintenance Department Administration.
 - (e) The allocation of funds for emergency repairs and maintenance to existing and individually owned houses.
 - (f) Procedures for the maintenance of complete records on all existing and future houses on the Nation Lands.
- 2.4. This Housing Policy applies to Citizens, Housing Staff, Occupants, Contractors, and Suppliers.
- 2.5. The following list of ratified and in force legislation and agreements support or extend upon the Housing Department:
 - (a) Tsuut'ina Accepted Specifications
 - (b) Tsuut'ina Accountability Code
 - (c) Tsuut'ina Residency Law
 - (d) Tsuut'ina Matrimonial Law
 - (e) Tsuut'ina Nation Human Resources – Policy and Procedures
 - (f) Tsuut'ina Nation Finance and Administration Act
 - (g) Tsuut'ina Procurement Policy
 - (h) Tsuut'ina Nation Legislation Process
 - (i) External Funding Proposal Requirements
 - (j) Other applicable Legislation

3 Governing and Administrative Authority

Organizational Structure

- 3.1. The organizational structure is a part of the Tsuut'ina Nation Public Works structure. The structure is under the Programs Portfolio within the overall Tsuut'ina Nation Organizational Structure.
- 3.2. The Public Works structure can be found in the Appendix and shall be amended from time to time to meet requirements of the Nation.

Chief and Council

- 3.3. The Chief and Council Approve the mandate of the Housing Department through these policies and procedures and annual Budget.

Council Portfolio

- 3.4. The Council Portfolio Representatives shall provide specific mandate direction to the Executive Director-Programs for administration of the Public Works Departments.
- 3.5. Council Portfolio Representatives May receive calls or concerns from house occupants requesting for service. The Council Portfolio Representative or any other member of Council shall:
 - (a) Ask for a contact number for the house occupant and indicate that a member of staff shall return the call for service or update on the concern.
 - (b) Forwards the call for housing service to the Executive Director who will forward the call or concern to the Manager who is responsible for accommodating request.
 - (c) Have the Manager or other staff member return the call to the occupant and set-up the service.
 - (d) Have the Executive Director and Manager keep call logs that are made to the Chief and Council.

Chief Executive Officer (CEO)

- 3.6. The CEO oversees the Executive Director (ED) - Programs providing administrative guidance and coordination of planning and communication to the Tsuut'ina Chief and Council.

Executive Director (ED) - Programs

- 3.7. The ED of Programs oversees the Tsuut'ina Public Works Departments providing administrative Authority for Budget expenditures, planning and communication to the Tsuut'ina Chief and Council per the Tsuut'ina Nation Administration and Finance Act.

Housing Manager

- 3.8. The Housing Manager provides administrative Authority specific to the department mandates, staffing, and Budget expenditures. This Authority extends to other duties as detailed in the job description and as needed.

3.9. The Housing Manager shall:

- (a) Supervise and manage staff employed by the Nation for the purpose of the Housing Department.
- (b) Supervise and manage any contractor or sub-contractor arrangements entered into by the Nation in relation to the housing program.
- (c) Be responsible for developing and maintaining both annual and long term (5 year) housing maintenance plans.
- (d) Maintain a Housing Application, Renovation Application, and Work Order List.
- (e) Ensure that complete records are maintained with respect to all aspects of the housing program, including, but not limited to; housing work order listings, housing occupants, repairs, maintenance, housing applications and financial records.
- (f) Complete other tasks mandated by the Tsuut'ina Chief and Council from time to time per Chief and Council Directive or the Emergency Management Team.
- (g) Not deviate from the mandate of the Tsuut'ina Chief and Council, as set out in this Policy, unless authorized notified to do so by the Tsuut'ina Nation Chief and Council by a written directive in a duly convened Chief and Council meeting.
- (h) Provide Citizens with an annual report each year, which summarizes the activities of the housing program. The annual report will exclude any information considered by the Housing Department to be personally confidential in nature.

4 Repair and Maintenance Services

- 4.1. The Housing Department does not provide renovation services to house occupants. Renovations are defined as repairs requiring in excess of \$20,000.00 (Twenty thousand dollars) and are referred to the Public Works Technical Services Department.
- 4.2. In an effort to Ensure proper maintenance of houses by the house occupants, each house shall be provided with a house maintenance package as determined by the Housing Manager per Budget availability.
- 4.3. The Tsuut'ina Elders Program shall provide a list of Tsuut'ina Elders annually to the Housing Department.
- 4.4. The Housing Department is responsible to provide each Elder house with regular maintenance scheduling per 4.2.
 - (a) The Housing Manager will create a list of maintenance items every Fiscal Year. It will be communicated to the Elders at a regular scheduled Elders meeting.
 - (b) The Elders coordinator is responsible to Ensure that information at Elders meetings are communicated to the Elders regardless of their attendance at the meeting.
- 4.5. Emergency minor repairs Approval are subject to the following:
 - (a) Elders and medical needs occupant repairs upon assessment are considered a priority for the Emergency Minor Repairs program.
 - (b) Required repairs are classified as a health, safety or fire hazard and determined by the Housing Manager through work scope.
 - (c) All repairs Must receive prior Approval from the Housing Department before any work begins.
- 4.6. Technical Services shall provide Housing with a full description of warranties when transferring the house to Tsuut'ina Housing Inventory. The Housing Manager shall determine if repair services provided by the Housing Department are in accordance with any standing warranties.
- 4.7. The Housing Department, subject to funding availability, will cover the cost of the following emergency repairs.

Plumbing

- Faucets
- Filtration Systems
- Hot water tanks
- Leaking toilet – repair or replacement
- Plugged plumbing lines
- Pressure Tanks
- Shower
- Sump pumps
- Tub surround

- Tubs

Health and Safety Structural Repairs

- Doors - deterioration caused by normal wear and tear including:
 - Exterior doors, windows, sills
 - Interior bathroom doors
 - Broken doors and lock replacement
 - Damage or problems directly related to mold Must accompany a emergency health report
- House envelope – vapor barrier replacement
- Improper construction, materials, or workmanship repairs Must accompany an inspection report completed by a certified journeyman
- Mold or asbestos remediation
- Roof repairs or replacement – deterioration or leak remediation
- Structural repairs - foundations, roofs, or walls
- Weather stripping windows and doors

Electrical Repairs

- Electrical wiring as per approved work order
- Heating and furnace repairs and/or replacement

Other

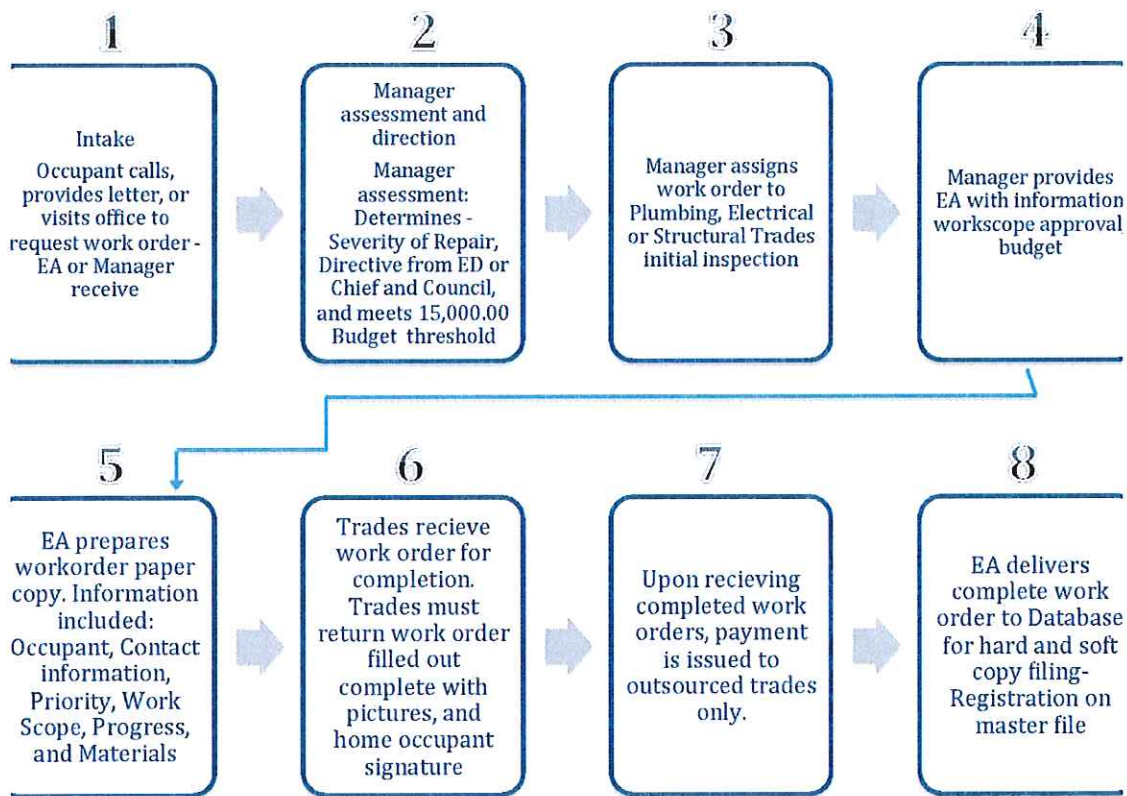
- Chimney cleaning, not more than once per year
 - Damage caused by natural disasters, such as floods, hail storms, wind, lightning strikes, and tornados
 - Fumigation, upon the approved recommendation by the Emergency Health Officer report
- 4.8. Repairs that are required as a result of criminal activity will not be covered by the Housing Department, unless a police report is filed and restitution is sought to cover expense of the repair by the occupant. This includes smashed windows, kicked in doors, cracked doorjambs, and holes in walls.
- 4.9. The Nation's coverage of emergency minor repairs excludes repairs resulting from lack of care, negligence or intentional destruction of the house and include the following:
- (a) Freezing pipes, where it is determined that it was caused by the neglect of the occupant of the house, and not more than once per year
- 4.10. Repairs that are required by reason of neglect will be the Responsibility of the house occupant. House occupants May apply for deductions to Tsuut'ina Employee Payroll Deduction to cover the cost of half of the repairs, but Must sign a promissory agreement.
- 4.11. House occupant responsibilities are not financially covered by Housing include:
- (a) Occupants Must make every effort to use plunger to unplug toilet prior to repair request

- (b) Water softener repairs
- (c) Wall paint and painting (interior and exterior)
- (d) Light bulbs replacement
- (e) Eaves trough cleaning
- (f) Damages to walls, ceiling, floors;
- (g) Damage caused by vehicles or machinery;
- (h) Any other damage to any part of the house or its services determined by the Housing Department to be caused by abuse or neglect of the occupant, or vandalism, which was preventable by the occupant.
- (i) All service charges for utilities (including electricity, telephone, heating fuel, water and sewer); or any other common service that is now, or may be, provided is the Responsibility of the occupant of the house.
- (j) Elders and medical needs Citizen occupant common utilities (including electricity, telephone, heating fuel, water and sewer); are covered through a delegated Tsuut'ina Department who assumes Responsibility for the administration of these accounts.
- (k) Occupants Must allow time for the Housing Department to schedule appointments to enter houses for required maintenance or repair. If the occupant does not allow for entry, then a written notice is given to reschedule. The repair or maintenance staff will not reschedule until the occupant has given notice to enter premises.

4.12. The occupant of the house shall be responsible for fencing, landscaping, removal of junk, and maintenance of the property that has been allocated to them for occupancy by the Housing Department.

5 Repair and Services Work Order Approval Process

- 5.1. Occupants who request repairs Must contact the Housing Department through telephone, email, in-office form request, or letter to receive a work order. See Appendix: Forms
- 5.2. Repairs will not be accepted or discussed through social media sites, or through third party non-occupant requests.
- 5.3. The Nation will not accept Responsibility for any repairs or renovations that are undertaken without the prior Approval of the Housing Department.
- 5.4. Please see the following work order process flowchart:



6 Building Standards

- 6.1. The following shall serve as a guide to minimum standards with regard to housing on the Nation Lands unless formally amended by the Tsuut'ina Nation Chief and Council:
- (a) Current National Building Code of Canada (latest edition)
 - (b) Electrical Code Regulation
 - (c) National Fire Code of Canada (latest edition)
 - (d) Safety Codes Act (latest edition)
 - (e) Alberta Building Code (latest edition)
 - Information regarding special needs requirements can be found in this document
 - (f) Regular monitoring and inspections of housing construction by certified house inspectors or journeyman carpenter
 - (g) Other applicable approved Tsuut'ina Legislation

7 Renovation Application and Approval Process

- 7.1. Renovations are subject to Budget availability annually.
- 7.2. Citizens are eligible to apply for a renovation by submitting a completed renovation application through the Housing Department.
- 7.3. Citizens May not be listed on more than one renovation application.
- 7.4. Citizens are responsible for the updating of renovation application prior to January 1st of each year or as their circumstances change.
- 7.5. Occupants May not apply for a renovation for a house that is less than ten years old, unless there is a health and safety report filed, and inspection recommendation.
- 7.6. Chief and Council shall select the renovations of houses. A list of applicants will be provided to Chief and Council by the Housing Department for selection.
- 7.7. The Housing Department will forward complete application forms with condition reports for all renovation applicants.
- 7.8. See Appendix: Forms.

8 New Housing Application and Approval Process

- 8.1. See Appendix: New House Allocation Point System.

9 Existing House Allocation

- 9.1. The Nation owns all houses built by or on behalf of the Nation located on Nation Lands.
- 9.2. A Citizen who occupies a Nation House with the authorization of the Housing Department shall be considered the authorized occupant of the house.
- 9.3. A housing inventory list is kept within the Housing Department that includes civic addresses and persons occupying house.
- 9.4. Occupation of a house will be cross-referenced with Residency Office list to maintain accuracy quarterly.
- 9.5. A Citizen who is allocated a Nation House shall be required to sign a Nation House Allocation Agreement, prior to occupying the Nation House and subject to the terms of the Allocation Agreement.
- 9.6. The Citizen or authorized occupant of the house cannot sell or rent their allocated Nation House.
- 9.7. Any Citizen who is the subject of a change of possession/occupancy of a Nation House Must submit an application for housing in the proper form to the Housing Department.

Vacated Subdivision House Reallocation Process

- 9.8. All subdivision houses that are vacated because a new house was allocated to the residing occupant of the house are returned to the Nation and are not subject to the opinions or decisions of the former occupant of the house.
- 9.9. Chief and Council shall select the reallocation of houses. A list of applicants will be provided to Chief and Council by the Housing Department for selection.
- 9.10. The Housing Department shall assess renovations required for reallocation of house being transferred. Renovations per assessment exceeding \$20, 000.00 shall be forwarded to Technical Services for completion.
- 9.11. Any improvements done to a Nation House, or fixtures added to a Nation House, by an occupant of the house become the property of the Nation and shall not be removed from the Nation House when the occupant vacates the house unless expressly authorized to do so by the Housing Department.
- 9.12. A Citizen, who applied for a house May be offered a previously occupied house as one becomes available.
- 9.13. A Citizen who is offered a house May refuse the offer of a previously occupied house and remain on the Housing Application List.

Allocation of Generational/Family Houses

- 9.14. Any Citizen who is the subject of a change of possession/occupancy of a Nation House Must submit an application for housing transfer form to the Housing Department.

- 9.15. Generational/Family house transfers are approved through Chief and Council through the prescribed form.
- 9.16. Transfer occupant Must prove they are able to maintain the Generational/Family house and are responsible to transfer utilities.
- 9.17. The Housing Department shall assess renovations required for reallocation of house being transferred. Renovations exceeding \$20, 000.00 shall be forwarded to Technical Services for application.
- 9.18. Occupants accept that renovations to Generational/Family houses are subject to the renovation Approval process.

10 Vacant/Abandoned Houses

- 10.1. Anyone who occupies a Nation House without the prior Approval of Chief and Council will be evicted from the Nation House and may be subject to criminal and/or civil penalties.
- 10.2. All Nation Houses, which have been declared as vacant/abandoned by the Housing Department, shall become available for allocation to a Citizen.
- 10.3. A Nation House shall be declared as “vacated” or “abandoned” when the Citizen or occupant of the house has not lived in or used the house for a period of three (3) consecutive months or more, and the occupant of the house has not notified the Housing Department of an acceptable reason for vacating the Nation House.
- 10.4. In cases where a Citizen or occupant of the house has notified the Housing Department of an acceptable reason for vacating the Nation House, the occupant is responsible for the safety, care, and security of the house.
- 10.5. The Nation is not responsible for damages to houses on the Nation Land that are left vacant for extended periods of time.
- 10.6. The Tsuut’ina Finance Department will cancel utilities for houses identified by Housing Department as vacant/abandoned when the request is received in writing.

11 House Eviction

- 11.1. A person who occupies a house they have not been allocated through the housing application process can be evicted from that house by the Housing Department delegated by Chief and Council for eviction.
- 11.2. The following offences will be deemed to be justifiable reasons for the eviction of an occupant of a Nation House:
 - (a) Regular and serious damage to, or abuse of, a Nation House, including serious neglect of the maintenance and repair of a Nation House
 - (b) Abandonment of the house
 - (c) Repeated cases of confirmed criminal activity within the house by an occupant, household member, or guest
 - (d) Residency Law Approval to live on the Nation has been revoked
- 11.3. This notice shall be in the form of a letter with a minimum of thirty days (30) notice to vacate the Nation House, unless the Housing Department determines that immediate eviction is required to protect the house from serious damage or destruction, or to protect Citizens from immediate risk of injury.

12 Allocation of House for Separation or Divorced Spouses

12.1. Subject to the Tsuut'ina Matrimonial Property Law.

13 Ratification and Amendment

Amendment Requirements and Procedures

- 13.1. This policy shall be ratified and amended through the Tsuut'ina Legislative Process.

Chief and Council Signatory Page

THIS POLICIES AND PROCEDURES IS HEREBY made at this duly convened meeting of the Chief and Council of the Tsuut'ina Nation this 28th day of September 2016 by Nation Council Resolution.

Voting in favour of the Housing Policies and Procedures, as evidenced by signatures, are the following members of the Chief and Council:

Tsuut'ina Nation Chief



Member of Tsuut'ina Nation Council



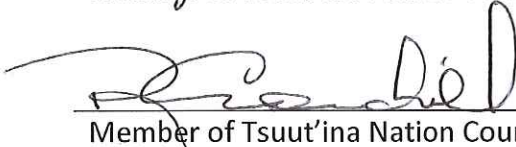
Member of Tsuut'ina Nation Council



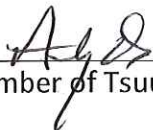
Member of Tsuut'ina Nation Council



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