

**2010**

National Centre *for* **First Nations Governance**

**Prairie Region**



**[INTRODUCTION TO  
CONSTITUTIONS]**

Tsuu T'ina Nation, AB  
Veterans Memorial Hall  
March 16 & 17, 2010

## Table of Contents

1. Workshop Overview.....	3
2. Agenda .....	4
3. Participants: .....	5
4. Video: Perspectives on Traditional Governance, Interview Matrix Activity.....	5
5. Introduction to Constitutions, Power Point Presentation .....	8
6. Elements of a Constitution, Breakout Activity.....	10
7. Putting the “Self” in Self-Governance, SWOT/ Visioning Activity.....	12
8. What is a Constitution Overview .....	20
9. What is a Constitution Overview, Group Recap .....	21
10. Introduction to Constitutions, Workshop Group Photo .....	22
11. Workshop Evaluation.....	23

## 1. Workshop Overview

### Workshop Objectives

**Introduction to Constitutions** – this two day introduction provided a basic understanding of what a constitution is and why it is important. It also allowed participants to get a sense of some of the challenges and solutions that the First Nation might have in developing a constitution that is reflective of their community- a fundamental step in the process of nation re-building. First Nations governed for thousands of years with principles, laws, rights, and responsibilities that were clearly defined and understood by all. For a First Nation to truly establish effective self-governance today, it must fulfill the basic elements of a constitution.

The development of a constitution is a significant step for First Nations in the; implementation of self government, the assertion of aboriginal title, the fulfillment of inherent and treaty rights. This workshop is a first step towards that goal. The workshop objectives included the following:

- Identify the challenges and opportunities that your First Nation might have in developing a constitution
- Understand the basic elements of all constitutions
- Review examples of First Nation constitutions
- Leave participants with practical tools, resources, and examples

### Workshop Logistic

Location: Veteran's Hall Council Chambers, Tsuu T'ina Nation AB  
Dates: March 16 and 17, 2010  
Time: 9 am to 4 pm

### NCFNG Facilitators

Kay Lerat, Prairie Region  
Cheryl Simon, Governance Advisory Service

### Contact Information:

Tsuu T'ina Governance Department  
9911 Chiila Blvd.  
Tsuu T'ina Nation, Alberta  
Phone: 403.281.4455  
Fax: 403.251.6061

Diane Meguinis, Director of Operations  
Email: dianem@tsuutina.com  
Cell: 403.828.8134

## 2. Agenda

**NCFNG**  
National Centre  
For First Nations  
Governance



**CNGPN**  
Centre National  
pour la Gouvernance  
des Premières Nations

### TSUU T'INA NATION

#### INTRODUCTIONS TO CONSTITUTIONS WORKSHOP

March 16 & 17, 2010

#### AGENDA

##### **March 16 – 9 am to 4 pm**

1. Protocol – Prayer / Opening
2. Personal Introductions & Introduction to NCFNG
3. Review Workshop Objectives & Agenda
4. Constitutions – Video & Exercise

##### LUNCH

5. Constitutions – Video & Exercise Debrief
6. Constitutions – Presentation
7. Constitutions – Hands-on Exercise
8. Homework - Exercise

##### **March 17 - 9 am to 3 pm**

1. Review Agenda & Recap Day #1
2. Homework Review
3. The “Self” in Self-Governance

##### LUNCH

4. Constitution Exercise
5. Video & Exercise
6. Evaluation
7. Closing Circle

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*Putting a new memory into the minds of our children. | Mettant de nouveaux souvenirs dans l'esprit de nos enfants.*

### 3. Participants:

The majority of workshop participants were youth from the community between the ages of 18 to 30. There was also some Tsuu T'ina administrative staff, and community Elders.

### 4. Video: Perspectives on Traditional Governance Interview Matrix Activity

After watching the Native Nations Institute video titled, "Constitutions and Constitution Reform," workshop participants were asked a series of questions.



#### REPORTERS NOTEBOOK

I am #: \_\_\_\_\_

My question is (check one):

- What was the most interesting thing about the video?
- Why do you think a constitution is important?
- What questions do you still have about constitutions?
- What are the challenges that your First Nation might have in developing a constitution?

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The questions, and participant responses, are summarized below.

#### 1. What was the most interesting thing about the video?

- The importance of a constitution, can take years to develop, and you have to make it a reflection of your culture and language.
- They talked about blood quantum, people losing status and not knowing
- Involvement of the people
- Without ownership of the people the document is worthless
- Hearing the Chief of Ktaxana talk about using their language and developing their citizenship rules to decide who's a member; the blood quantum didn't matter you, you just had to show your roots to be a member
- They used the language strongly

- Having a constitution can basically secure the nation
- They talked about land ownership and living conditions on their reservations
- How the constitution would help people, but it would take a while
- Lawyers come after the constitution is made by the people
- Constitution is created, then interpreted

## 2. Why do you think a constitution is important?

- Because it sets rules, and these rules must be followed by everyone
- It's good for their Membership Code
- It protects our culture
- It provides equality for our people
- Will provide equal membership
- Protect us as a Nation
- Everybody needs an outline to abide by it; also important because it keeps us strong as a Nation. It has history. It helps us define our policies in administration.
- It could be a foundation for a First Nation's identity
- Without a constitution, there will be no balance
- It helps our Nation with ownership of the land

## 3. What questions do you still have about constitutions?

- What is a constitution?
- What is the definition?
- How long does it take, or is it possible, to change a constitution?
- Who does it affect? People who marry in, or are adopted by Tsuu T'ina Nation?
- What happens after a constitution is put in place?
- Why is it important to have a constitution?
- What would society be without a constitution?
- What is the legal status of a First Nation constitution? What happens if it's challenged? Does the government have to recognize it? Do we have to give up anything?
- What laws can flow from our constitution?
- Is there boundaries? Does it only apply on Nation land?
- How do you get access to information? How do you know if you're breaking a law?
- Do we need our own court system to enforce the constitution or laws?
- How do we put it into effect?
- Will the constitution lock us into a box?
- How can we change the status quo? How can we get Chief and Council to relinquish their power?

- How do we get beyond personal vendettas and move toward cooperation for the benefit of the whole community?
- Will a constitution affect Treaties and Treaty Rights?
- Who has access to our constitution? Just Nation members? Others?

4. **What are the challenges that your First Nation might have in developing a constitution?**

- Misinterpretation
- Getting the Tsuu T'ina Nation involved
- A lot of people not understanding what a constitution is
- Needs to be written in layman terms
- Fairness and equality
- Informed decision-making
- Financial equity
- Recognize the word "Treaty" and inherent (won't challenge inherent)
- Not written by a lawyer, but by us as a Nation
- Participate door to door, lobby
- To rely on ourselves
- They need to relinquish their power (Council)
- Citizenship, change
- Inter-communication
- More information
- "Tsuu T'ina" as a second language
- Managers must be more communicative between one another
- Must concur in order to move forward
- To be more effective
- Protect confidentiality
- Prevent biased decision-making

# 5. Introduction to Constitutions Power Point Presentation



### What is a constitution?

A constitution is the fundamental, overarching law of a nation. It establishes the institutions of government, defines the scope of power, and guarantees individual civil rights and liberties. It is the instrument documenting these principles.

Black's Law Dictionary

Introduction to Constitutions

National Centre for First Nations Governance

- ### A constitution is...
- ▶ "...fundamental, overarching law of a nation..."
  - ▶ "...establishes the institutions of government..."
  - ▶ "...defines the scope of power..."
  - ▶ "...guarantees individual...rights..."
  - ▶ "...instrument documenting these principles..."
- Introduction to Constitutions
- National Centre for First Nations Governance

### A constitution is...

- ▶ "...fundamental, overarching law of a nation..."

Introduction to Constitutions

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### A constitution...

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Introduction to Constitutions

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Introduction to Constitutions

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**A constitution...**

- "...guarantees individual...rights..."

National Centre for First Nations Governance Introduction to Constitutions

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- "...instrument documenting these principles."

National Centre for First Nations Governance Introduction to Constitutions

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Black's Law Dictionary

National Centre for First Nations Governance Introduction to Constitutions

**Why develop a constitution?**

- For effective governance you need to understand the rules of the game.
- For effective governance you need to have rules that reflect your own culture and values.
- You need effective governance and jurisdiction to achieve your Nation's objectives.

National Centre for First Nations Governance Introduction to Constitutions

**Why develop a constitution?  
Rules of the Game.**

Where do your governance rules come from?

Are the rules consistent?

Does everyone understand the rules?

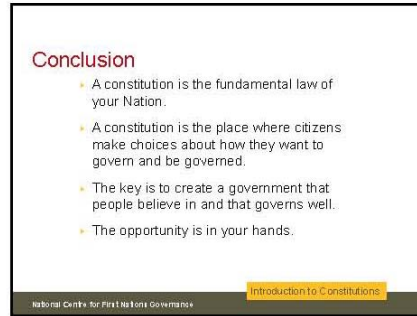
Does everybody support the rules?

National Centre for First Nations Governance Introduction to Constitutions

**Why develop a constitution?  
Rules of the Game.**

- "We just follow the Indian Act"
- "Culture tells us who can do what"
- "The rules are whatever the Chief says they are"
- "We ask the elders and do what they say"
- "Nobody knows what the rules are. We make them up as we go along."
- "If you got the votes, you make the rules"

National Centre for First Nations Governance Introduction to Constitutions



## 6. Elements of a Constitution Breakout Activity

Workshop participants were given copies of the following Constitutions:

- Westbank
- Thunderchild
- T’it’q’et
- Huu-ay-aht

They were then given the following instructions:

1. Find a reference in the constitution to culture
2. Find something you like
3. Find something you don’t like
4. Was there something that surprised you about the constitution?

**Participants' responses are provided below.**

**1. Find a reference to culture:**

- Westbank
  - Aboriginal title
  - Inherent right to self-government
  - Time immemorial
  - Protect Aboriginal rights
- Culture – sacred laws of life
- Thunderchild First Nation shall advance and preserve its culture, heritage and language under the guidance of the Elders of the Thunderchild First Nations

**2. Find something you like**

- Westbank:
  - Accessible, stable, effective, accountable, transparent
  - Healthy and prosperous future
  - Connection to the land
  - Protect the land
  - Respect, protect and promote heritage
  - Role of Council
  - Minutes can be inspected
  - Resolutions
  - Conflict of interest
  - Council cannot accept gifts
  - Financial management, accountability
- The list of rights (page 4-5)

**3. Find something you don't like:**

- Westbank – three readings, too much like Canadian procedures
- Westbank – no culture component, too legal

**4. Something that surprised you:**

- How traditional one of the constitutions is

**General comment:**

- We dislike Bill C-31 because any Aboriginal person with genes should have the right to be on their parent's band list.

## 7. Putting the “Self” in Self-Governance SWOT/ Visioning Activity

The purpose of this exercise was to begin discussing a vision for Tsuu T’ina Nation – moving away from the negative and towards the positive. Tsuu T’ina Nation’s vision for the future should build on the culture, values, history and circumstances of today.

Developing a constitution can help move a community toward its future vision. You can look at examples of what other First Nations have developed, but the answers about what is right for Tsuu T’ina Nation can only come from Tsuu T’ina people – that is what is meant by putting the “self” in self-government.

Participants were divided into small groups, and each group was given an opportunity to discuss each of the following questions:

1. What are the most negative changes that have taken place in your nation in the last 25 years?
2. What do you think are the most important positive changes that have taken place in your Nation in the last 25 years?
3. What in your Nation today do you hope will last for the next 25 years? What do you hope will still be a characteristic of your society?
4. 25 years from now, what do you hope will be different in the way people in the community live, work, interact with each other, and the non-Native world around you?

Many of the responses listed below were raised three or four times, by each of the groups; however, similar responses have only been listed once with the number in brackets indicating the amount of times they were raised.

### 1. Negative changes over past 25 years

- Messed up roads
- Debt of nation
- Casino – brings poverty
- Money wasted on ring road (2)
- Bullhead Hall burnt down
- DND land is still contaminated
- Too close to the city
- Too much video games and TV; getting inactive
- Shooting
- Child and family apprehensions
- Alcohol, drugging, drug dealing
- Pill poppers
- Always the same council members, no changes

- Trespassing – quads, biking, jogging, fishing
- Abandoned houses
- No Band meetings, little information
- No participation in community events and activities
- Losing Elders
- Losing cultural resources and language speakers
- Not sharing their knowledge
- Division among the people
- BBC conflicts, city neighbours, land value went down
- Negative tribal policing
- No resources to recover from addictions
- Less dancers, singers, cowboys
- Lose our ways
- Not too many doing ceremonies
- Youth club, nothing new, starting again
- Not enough employment
- Casino is supposed to provide jobs, hardly any jobs now
- Criteria for jobs makes it difficult (i.e. gaming)
- Can't talk to leadership, screened out
- Large salaries for council made them inaccessible, lazy
- Office was meant to keep staff there but still going elsewhere (i.e. meetings)
- No church, falling apart
- No priest for Catholic faith
- Nepotism hiring
- Not enough educated members
- Have our people teaching at the school – culture, etc.
- Suicide
- Diseases
- Housing selection is not fair
- Council should not get involved in housing selection
- Too much political interference
- Not too much fairness; some get away with a lot
- Contractors hired are ripping off the nation and no one is checking
- Journeyman's need to be more accountable
- Background checks on contractors
- Inexperienced workers
- Safety for children's program, daycare staff not certified
- Daycare directors not there
- Not enough graduates
- Schools, ALC not there, accountable, not treated respectfully
- ALC should have been a college
- Better training for public workers

- Dusty, upkeep, safety is an issue
- Need more health inspections (i.e. painting over mould)
- Staff lack social skills, are arrogant
- Hardly any Tsuu T'ina working at the companies and departments
- Anglican church – older
- Made to feel you're a bother
- Casino is becoming stereotyped
- Not enough land
- Think about our daughters now; in the past it was about our boys
- Redwood Meadows – racist golf course
- Redwood Meadows lease, need the land
- Gravesites, historical sacred sites, tree flags

## **2. Positive Changes over past 25 years**

- New administration building – 1994 (3)
- New houses – 2008 (2)
- Casino – 2007, bingo (3)
- Schools (2)
- Rodeo and pow wow grounds
- Gas bar/station (2)
- Fire department – 2008 (4)
- Golf course – Buffalo Run (4)
- Golf course Redwood Meadows – 1970s (4)
- Health Centre – 1970s – better health services (2)
- Daycare – 1970s (4)
- Police, RCMP – 2000 (3)
- Sportsplex – 1977 – more activities for youth, workout centre for everyone (2)
- ½ road (new)
- Agri-plex – 1980s – riding program for youth (2)
- Gravel pit
- Lodge, shelter, healing centre (2)
- Tsuu T'ina court, peacemaker (3)
- Buffalo Paddock, adventures in Buffalo paddock (3)
- 125<sup>th</sup> Celebration
- Casino powwow & rodeo (2)
- Stoney Corrections (2)
- Education house donation
- More jobs because of housing
- Arena – 7 Chiefs
- Gravel pit (2)
- Prize money at powwow and rodeos

- Asphalt plant, moved now
- Infrastructure, houses
- BBC – old one – gave people temporary homes, over 100 families (3)
- Automotive shop at the school
- Bottle depot
- Heavy duty equipment training, built roads
- Fitness centre
- Youth – workshops, casual labour, sports program (7 Chiefs), hockey schools, teams, culture, language, basketball teams, grade 12 grads travel (Hawaii, Florida, Cancun, Disneyland)
- Language symposium, Dene people at TTM (Navajo next host)
- Community events – Treaty Day, Chief and Council elections, Tsuu T’ina Day, Stampede
- Wolf’s Flat, old company, DND clean up lands
- More funding for schools (i.e. programs)
- A lot more kids
- Negative – powwow grounds was not good, trees taken down, gravel
- Security training, 20+ people trained, should do another
- Schools got built – Chiilo and high school (2)
- Band office built 1994
- ALC, Chief Bullhead College to be built (3)
- Education building
- Sarcee Gravel, slowly getting better (3)
- Rebuild community hall, exact same place
- Dump site shut down
- Music and art is more important
- Re-learning the language
- More powwows
- Roads
- Demolition of BBC
- New townsite, North Sarcee
- Getting back 940 lands from DND
- Prenatal care
- Multipurpose building
- Gas stop (tax exempt)
- Better water
- Healing – SHL, training awareness, lifeskills, mental health/wellness
- Less fear
- Women more active in everything
- Education, sky is the limit
- Quality of life
- Don’t starve anymore

- We have busses for transportation now, don't have to walk to school
- Medical taxi – transport
- Elder's bus – transport
- Disabled/handi-bus transport
- Drop in centre – SHC, temporary hostel
- Rebirth of culture, sundance, sweats, ceremonies
- Decline in alcoholism

### **3. The next 25 years – things that should remain**

- Keep land rather than sell, protection
- Language – older speakers now
- Knowledge of Dene culture and heritage
- Youth as priority
- Sports teams and leagues – baseball, etc.
- Fund for kid's gear, equipment, etc.
- Golf courses – jobs, sport, free golf
- Money put into education, housing, roads, infrastructure
- New houses
- Economic development, casino, gaming
- Arena (youth)
- Protect from poaching – wild horses
- Buffalo paddock on the reserve
- Other people coming home (from city)
- Relationship with Calgary was good
- This year 3 powwows
- Payment to provinces (gaming taxes)
- Families
- Education – bigger, stronger, younger people
- Hunting
- Protect hunting – mostly deer
- More powwows and round dances
- Museum
- Culture class
- Not crowded
- Dry community, known for being clean and safe
- Close to city, easy to get to
- Community events (i.e. concerts, dances, etc.)
- A lot of trees
- This is where roots are
- Good roads
- No gangs

- Indigenous games
- Your Nation
- Best place to raise kids
- Wildlife
- View mountains
- Treaty 7 strong relationship
- Celebration
- Safe
- Quiet
- Fair, equal, arms length
- Workshops, different kinds, fun community stuff
- No trespassing, better enforcement
- Keep having kids
- Keep graduating
- Child and family continue to evolve (Connie Jacobs)
- The way they do things now
- Old age (good health)
- Artists – all different kinds, beading
- Musical – getting more into it
- Pride in who we are
- Community authority
- Better relationship with police
- Smart, potential, realizing opportunity, training, jobs
- Skill development, anything you want to do
- The reserve is growing
- Recreation – more involvement with kids
- Families still here instead of the city
- Men’s shelter
- Development is growing
- Putting money into the community
- Education, jobs, training
- Band office (big and nice)
- Meat from buffalo
- Distribution
- Individual and collective
- Hockey fees
- 2010 is Randy’s year!

#### **4. The next 25 years – things that should change**

- Still have a reserve
- Not surrounded by the city

- More united
- Working together
- Supportive of each other
- More independent
- Have more jobs for men
- Have a women's shelter
- Constitution that is simple, not complex
- Citizenship Code that is fair, that preserves us instead of eliminating us, based on our roots
- More educated and professionally trained people
- Live by natural laws
- Language
- Have our own radio station
- Business – mall/TH/jobs
- Better schools
- Have our own college
- Better roads, paved
- Sports – lots to be involved in
- More financial support for sports
- Have a community hall
- Hotel/casino/resort
- More & better recreation facilities
- Seniors home
- Youth centre
- Better programs for people with addictions
- Language institute devoted to language preservation
- Using natural resources – plants, environmental protection, recycle, better waste management
- Tougher penalties for trespassers
- Have our own judicial system, court
- Energy plant
- More support from Chief and Council
- Bigger, better powwow
- Family programs to help families (i.e. sports)
- No more family feuds
- Trespassing of non-natives
- Strongest Nation in Treaty 7
- Getting along better, no more verbal insults
- Already a vibrant community, do not change
- More in tune with culture
- No more racial slurs
- Trading post

- Stronger identity
- Ceremonies (i.e. honouring animals still practiced)
- More fluent Tsuu T'ina speakers
- More job opportunities
- Better care for Elders
- Better quality housing
- Bus stop or C-Train station
- Bigger golf course
- Shopping mall (i.e. tax free Walmart)
- Agricultural program – organic farming, traditional medicines, greenhouse
- Solar power
- Have grand children
- Filthy rich
- Food on the table
- More jobs
- More funding for programs
- No ring road
- Better Citizenship Code
- No more favoritism, nepotism
- Election system that allows for change
- Educated people hired
- Better dog and cat control
- Wild animal control (i.e. cougars)
- Get rid of Big Smoke
- DND lands free of contamination
- No more trespassing by non-natives
- Better relations with the city

## 8. What is a Constitution Overview

### Overview of Constitutions



#### What is a constitution?

- The highest law of the land – all laws, policies, and procedures must be consistent with the Constitution.
- A constitution describes the “rules of the game”.
- It is the guarantee that our government makes to the people.
- It is the foundation upon which to build a strong government.
- It is everything the *Indian Act* is not.

#### What is in a constitution?

- A constitution describes who we are and where we come from.
- It must reflect the basic beliefs, principles and values of citizens.
- It defines how government will operate including how citizens can participate in government.
- It defines how the resources of the Nation will be protected and how they can be used (for example: lands, resources, finances).
- It sets out the expectations, requirements, and conduct of government officials to act in a manner that benefits the entire Nation.
- A constitution sets the limits of government authority and power.
- It identifies how disputes will be resolved and by whom.

#### Why have a constitution?

- So that we can govern ourselves based on our own values – self determination.
- So that everyone in our Nation can understand and be assured of how our government will operate and how we can participate in government decisions.
- Constitutions can lead to political stability.
- To lay the foundation for good governance and sound economic growth for our future generations.

*The constitution is our voice and reflects our values, our identity, and our rights as a self-determining Nation.<sup>1</sup>*

*Constitutions put the “self” back into self-government.<sup>2</sup>*

*Building a constitution will take time, energy, and resources. The process requires patience and good problem-solving skills as we grapple with fundamental issues of Nation-building.<sup>3</sup>*

<sup>1</sup> Maa-Nulth First Nations Constitutions – Bulletin No.5; May 16, 2007.

<sup>2</sup> Attributed to “Strategic Analysis: A Practical Tool for Building Native Nations” by Steven Cornell, 1998.

<sup>3</sup> Attributed to “Building a Community Constitution: A Handbook for Anishinabek First Nations” by Institute on Governance, 2001.

*Creating a New Memory in the Minds of Our Children*

## 8. What is a Constitution Overview

### Group Recap

We ended the workshop with a brainstorming session. The questions asked and participants' responses are summarized below.

#### 1. What is a constitution?

- Foundation of a Nation
- Made by the people, for the people
- It can be written, verbal, a statement
- Identity of values, culture of a Nation
- Guideline to rights and freedoms
- Protection of identity
- Everything the *Indian Act* is not
- Constitutions are fundamental principles of a government in a Nation; they are laws and customs that have been embodied in one fundamental document. The categories are customary, written or unwritten documents and constitutions.
- It is individual rights
- How to run the Nation
- What we value
- Recognizes equality
- Expresses our uniqueness
- The constitution identifies who and where we come from
- A government rule and not an *Indian Act*
- A set of rules and policies
- It defines how the resources of the nation will be protected and how they can be used.

#### 2. Why is a constitution important?

- Balance and stability within the community
- Enforces the rights and freedoms of citizens
- Ownership of their own laws
- Good economic growth
- Security for the people
- Job security and equality
- Freedom of beliefs
- It is important because it gives the country the identity of our Nation. Also because it shows who we are as a Nation. We have never had a constitution before!
- Run our affairs our way

- Protects our treaty rights
- Recognizes our nationhood
- Protects our culture
- Gives us pride
- Helps protect the future
- So the nation has power
- Leads to political stability
- It can help re-build a nation
- Protects our resources and people – language and culture
- Can govern ourselves with our own values and beliefs
- Helps land ownership
- Recognition

## 10. Introduction to Constitutions Workshop Group Photo



## 11. Workshop Evaluation

### Prairie Region Evaluation Summary for:

First Nation: TSUU T'INA NATION Date: March 16 & 17, 2010  
 Location: Tsuu T'ina, AB (Veteran's Memorial Hall)  
 Workshop: Introduction to Constitutions  
 Facilitators: Kay Lerat and Cheryl Simon

Number of evaluations turned in: 23

	Excellent	Very Good	Average	Poor
1. How relevant was the information presented?	9	12	2	0
2. How well did the workshop facilitator(s) answer questions and provide additional information that was helpful to understanding the workshop topics?	10	10	2	1
3. How would you rate the Power Point presentation(s)? <b>3 Left Blank</b>	5	7	5	3
4. How would you rate the video presentations? <b>2 Left Blank</b>	6	6	8	1
5. Was there sufficient time to discuss the workshop topics?	11	11	1	0
6. Overall, how would you rate the workshop?	9	13	1	0

7. What did you like the most about the workshop?

- *It got me thinking about the different future, the facilitators were good at what they were doing and very nice, When we did the 25 yrs into the future, groups was from all ages making it more effective, just being a part of it was good, hearing the young peoples answers, How everyone got up and talk about it, group activities, working together, yes, the video, activities, everything, learning how it affects my people in the next generation, group work, everybody was participating and involved, discussing/learning about constitutions (2), fun activities/exercises (3), getting to know what the TTN youth's knowledge, it was very food, the bingo, the presentation and information,*

8. Are there areas that may be improved?

- *No/None (9), it was good (2) left blank (2), the internet connection (3), yeah on the explanations, give time for the young people to give their opinions, more awareness, we need more people, location, more promotions of the workshops*

9. How did you first hear about NCFNG?

- *Family/friends/Courtney Bigplum (9), Tsuu Tina governance department/program/band office (6), internet, In this workshop, about a month ago, through the reserve, bylaws and governance*

10. Would you attend another workshop presented by NCFNG? 22 Yes    0 No    1 left blank

11. Additional Comments/Suggestions:

- *Good work, Thank you, it was very good, workshop was good, learnt a lot and hope you'll come back soon, it was very good, very useful info for our future, nice workshop to Chief and Council, thanks, for coming I really enjoyed your presentation and activities, good job, more one on one with the staff, glad I got to be involved,*

*"Creating a new memory in the minds of our children"*

1