



Community Forests and the Law

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INTRODUCTION

- ▶ **My goal for today:**
- Providing some basics on when Comfords typically need legal advice
 - Putting obligations in writing (vs. handshake or napkin deals)
 - Thinking about risk assessment (liabilities) and crossing all the t's & dotting i's
 - Relationship management – understanding duties (and who owes them to who), governance

- ▶ **At the end of this:**
- You should have a better sense of when you might need to involve a lawyer

- ▶ **The “qualifier”**
- This is just my own view on things
 - Sadly, the circumstances of every situation are different
 - This is not intended to be legal advice

...and having a lawyer in your contacts on your phone is not a bad thing!

A COMFOR **IN BIRTH**:

Getting the team together

- Teaming/participation agreement
- Who to hold the licence? And how will the business run?
 - Partnership agreements, shareholders agreements
 - Governance

Understanding First Nations involvement

Dealing with the Minister

- Interpreting licence invitations and applications

Engaging consultants (and the first manager)

- Service contracts

A COMFOR **IN LIFE**:

Corporate

- Annual maintenance (AGM, director selection, resolutions)
- Change of directors
- Interest transfers
- Name changes
- Corporate restructurings
- Meeting minutes /record keeping for meetings

Governance

- Director duty training
- Conflict of interest issues
- Policy development
- First Nation & shareholder/member relationships
- Stakeholder/public engagement & reporting
- Confidentiality concerns
- Strategic planning

Operations

- Tender/RFP process
- Woodlands service contracts (logging, silviculture, seedlings, etc.)
- Timber sale agreements & management agreements
- Joint ventures
- Leases and licences
- Sales contracts
- Consultant and management contracts
- Regulatory issues and statutory interpretation
- OTBHs and C&E

A COMFOR **IN DEATH**?

Have not had to do this yet...!

- Corporate
 - Dissolutions, bankruptcy, wrap-ups
- Relationship disputes
- Licence issues
- Contract disputes
- Arbitrations

 Questions?

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