

BLACK LAKE DENESULINE FIRST NATION ADMINISTRATION PROCEDURES BYLAW BYLAW # 97-10-11

WHEREAS paragraph 81((1)(c) and (q) of the Indian Act empowers the council of an Band to enact bylaws with respect to law and order and with any matter arising out of or ancillary to the exercise of the powers listed under section 81(1) and the imposition of a penalty for the violation thereof:

AND WHEREAS the Band Council of the Black Lake Denesuline First Nation Band is of the opinion that it would serve the best interests of the community to have internal procedures governing the band council, council meetings, and general meetings;

NOW THEREFORE The Council of the Black Lake Denesuline First Nation Band enacts as a bylaw thereof as follows:

Short Title

1. This bylaw may be cited as the "Black Lake Administrative Procedures By-law."

Interpretation

2. In this bylaw:

"Act" means the Indian Act, R.C.S. 1985 c. I-5;

"Band" means the Black Lake Denesuline First Nation

"band secretary" means the person so appointed by band council resolution;

"community" means the community comprising the members of the band;

"councilor members" means the chief or councillor of the band;

"resolution" means the formal statement of opinion agreed to by chief and council at a duly convened meeting and kept in the minutes book.

"reserve" means the Chicken Indian Reserve No. 224, No. 225, and No. 226 reserves.

Head Office

3. The head office of the Band shall be located at the Band Office located on the No. 224 reserve.

Powers of Council

4. (1) The Council shall exercise its powers as determined by the Indian Act, R.C.S. 1985 c. I-5;
- (2) The Council shall act by resolution, except where required to act by bylaw.

Composition of the Council

5. (1) The Council shall consist of one Chief and seven councillors.
- (2) The Chief is the principal representative and Chief Executive Officer of the Band and shall perform duties assigned to him by custom, by the Election Act, or by the bylaws of the Band, the Resolutions of the Council, Resolutions of the members passed at general meetings and may exercise whatever powers pursuant to the Act.
- (3) In the event that the Chief is incapacitated, missing, resigns, dies, or the office of the Chief becomes vacant, the Council shall meet to appoint an interim Chief until such a time as an election can be held to elect a new Chief.

Meetings of the Council

Regular Meetings

6. Regular Council meetings shall be held at least once each month at a time and place designated by the Chief or the Councillor he appoints, in writing, in his place.

Special Meetings

7. Special council meetings shall be called by the band secretary on direction of the Chief or on direction in writing of a quorum, as defined in subsections 11(1), (2), and (3), of existing councillors. Subject to subsection 9(2), such special meetings may be held at such time as the Chief or the councillors, as the case may be, may determine.

Place

8. Special council meetings shall take place at the Band office or such other place as the chief may determine by resolution from time to time.

Notice

9. (1) No Notice of regular meetings need be given.
- (2) Notice of any special council meeting shall be posted at the Band Office of the Band and given by the band secretary to each councillor at least seven (7) days prior to such meeting. Provided there is quorum no notice need to be given of a special council meeting held immediately after the annual general meeting of members of the Band.
- (3) Notice may be given in writing, by telephone, or by any other means of communication.
- (4) Notice of a special meeting shall give the date and time of such meeting and a concise statement of the matters to be considered thereat.
- (5) No notice of a special meetings need be given if the chief and councillors are present at, and consent to, such a meeting or if the chief and councillors waive notice in writing of the time, place, and purpose of such meeting.

Agenda

10. (1) The agenda of a regular meeting shall be prepared at the beginning of the meeting by the chief and councillors.
- (2) The agenda of a special council meeting shall be prepared by the band secretary on the direction of the chief or councillors calling such meeting and shall set forth the matters specified in the notice of such meetings.

Quorum

11. (1) Subject to subsections (2) and (3), the quorum at any council meeting consists of the majority of the number of positions of chief and councillors.
- (2) Where, at any time, vacancies on the council result in there being in office

fewer present than constitute a quorum under subsection (1) shall be considered present a quorum.

- (3) The chief or councillor who, pursuant to subsection 17(1) to (3), is disqualified from taking part in deliberations and from voting shall be considered not to be present for the purpose of determining a quorum under subsections (1) and (2).

Procedure

12. (1) The Chief, or in his/her absence the appointed representative, shall act as chairperson at council meetings.
- (2) The band secretary shall act as secretary at council meetings.
- (3) In the event that the band secretary is unable to act as secretary at the council meeting, the chief and councillors, shall by resolution, designate another person to so act.
- (4) Subject to subsection (5), council meetings shall be open to the band members.
- (5) The chairperson of a council meeting may cause to be expelled and excluded from that meeting any person whom he/she considers guilty of improper conduct at the meeting.
- (6) Upon a quorum being present, the chairperson shall take the chair and call the meeting to order.
- (7) The chairperson shall decide all questions of procedure at council meetings.
- (8) The order of business at each regular council meeting shall be conducted as follows:
 - (i) Traditional Greetings and Prayer.
 - (ii) Review and approval of previous recordings in minutes book.
 - (iii) Presentation by each councillor of items they wish discussed. This shall be done in a clock-wise order, commencing with the secretary.
 - (iv) Presentation of general order of business by the chief.
 - (v) The chief shall determine the order in which each councillor shall

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speak.

- (vi) After each topic has been presented in full, and discussed thoroughly, a vote or consensus will be taken to determine the action to be carried out.
- (vii) The chief may call any councillor to order while he is speaking.
- (viii) Any councillor who refuses to be called to order shall have his concerns for discussion revoked until a future date.
- (xiv) Continued disruption by any councillor shall cause that councillor to be removed from the meeting. All concerns initially brought forward from the general band membership by the ejected councillor, shall be revoked, until a future date. Reasons for delay in discussing such subject matter shall be given to the general band membership from which the topics came.
- (x) All meetings shall conclude with the traditional prayer.

Voting

- 13. (1) The approval of any matter by the councillors requires the affirmative votes of the majority of those present when the vote is taken, subject to subsection 16 (1) to (3).
- (2) For the purpose of subsection (1), in any vote, where a councillor present does not indicate either an affirmative vote or a negative vote or an abstention, he shall be deemed to have voted in the affirmative.
- (3) In the event of tied vote, the Chief may, except where disqualified from taking part in deliberations and from voting shall be considered no to be present for the purpose of determining a majority under subsection (1).
- (4) A councillor who, pursuant to subsections 16 (1) to (3), is disqualified from taking part in deliberations and from voting shall be considered not to be present for the purpose of determining a majority under subsection (1).
- (5) All votes at any council meeting shall be by assent or dissent.
- (6) A declaration by the Chief of the council meeting to the effect that a bylaw has been enacted or defeated, that a resolution has been adopted or defeated, as to the number of votes cast, or as to the majority for or against, shall be conclusive evidence thereof and shall be noted by the band secretary in the minutes of the meeting at which the question

concerned was decided.

Adjournment

14. (a) Meetings may be adjourned by the chairperson or upon a vote being taken or a consensus being reached by those present.
- (b) Any ordinary or special meeting can be adjourned by the council to any other hour of the same day or to a subsequent day, without it being necessary to give notice of such adjournment to the members who were not present, except in the case mentioned in paragraph (c).
- © Two members of the council, when there is no quorum present, may adjourn the meeting after one (1) hour from the time it was established that there is no quorum. The hour of adjournment and the names of the members present must be entered in the minutes of the meeting. Special notice of the adjournment to all members must be given, in writing.

Remuneration of Council Members

15. (1) Council members shall be entitled to receive such remuneration as may be fixed by resolution of the members of the band at an annual general meeting or a special band meeting called for the purpose of considering same.
- (2) The council may, by resolution, award special remuneration to the council members undertaking any special services on the band's behalf other than the routine work ordinarily required of them. The council member concerned shall not take part in deliberations of the council on such special remuneration nor vote on such special remuneration.
- (3) The council members shall be entitled to be paid, in addition to the remuneration contemplated in subsection (1) and (2), travelling and other expenses properly incurred by them in connection with affairs of the band in accordance with guidelines approved by the council by resolution.

Disclosure of Interest

16. (1) A council member shall disclose to the council any pecuniary interest that he/she has in any matter before the council and shall not take part in deliberations of the council on that matter nor vote on that matter.
- (2) Where disagreement arises as to whether the council member has a

pecuniary interest in a matter before the council, the council shall decide by vote whether the said member has such an interest, and the council member in question may not take part in that vote.

- (3) Where the council decides, pursuant to subsection (2) that one of the council members has a pecuniary interest in a matter before the council, the council member in question shall not take part in deliberations of the council on that matter nor vote on the matter.
- (4) Where, pursuant to subsections (1) to (3), the chairperson is prohibited from taking part in deliberations and from voting, he/she may nevertheless continue to act as chairperson.
- (5) In the case of a proposed contract with the band, a council member shall disclose his/her interest at the council meeting at which the question of entering the contract is first taken into consideration, or if the council member is not, at the date of the meeting, interested in the proposed contract, at the next meeting of the council held after he/she becomes so interested.
- (6) Where a council member becomes interested in a contract with the band after it is made, he/she shall disclose his/her interest at the first council meeting held after he/she becomes interested.
- (7) Without limiting the generality of subsection (1) and subject to subsection (8), a council member shall be deemed to have pecuniary interest in a matter before the council where he/she has an interest in an enterprise or in a partnership, company or corporation having or proposed to have a contract or dealings with the band.
- (8) A council member shall be deemed not to have a pecuniary interest in the case of any contract made by or on behalf of the band to give a council member any security for advances or by way of indemnity.
- (9) Subject to this section, the chief or councillor may be or become a member of a company in which the band may be interested as vendor, purchaser, shareholder, or otherwise and no such person shall be accountable for any benefits received as shareholder or director of such company.

General Band Meetings

Calling of Meetings

17. (1) The band shall hold at least six (6) general meeting each calender year or when deemed necessary by the chief and council.
- (2) A general meeting shall be called by the band secretary upon the order of the chief, or upon the petition of fifty-one (51) percent of electorate delivered in writing to the band secretary, to be held, subject to section 19, on such day and at such time and place on the reserve as may be specified in such order, or petition.

Place

18. Unless otherwise specified in accordance with subsection 17(2), general meetings shall be held at the Band Hall.
19. At least ten (10) days prior to date fixed for a general meeting, the band secretary shall post at one or more public places, including the band office, within the reserve.

Agenda

20. (1) The agenda of a general meeting shall be prepared by the band secretary on the direction of the chief, councillors or electors calling such meeting and shall set forth the matters specified in the notice of such meeting.
- (2) The agenda of a general meeting shall be adopted by resolution with such amendments, subject to section 21, as the meeting may approve.

Business

21. Only those matters specified in the notice of a general meeting may be considered thereat save with the unanimous consent of the electors present at such meeting.

Quorum

22. The quorum at a general meeting shall be (present or (number) of electors present in person.

Conduct of Meetings

23. (1) The Chief or, failing him, the appointed representative, shall act as presiding officer at a general meeting. He may appoint such assistants, and assign to them such functions and duties, subject to his general direction, as he may deem appropriate for the proper conduct of such meeting.
- (2) The band secretary shall act as secretary at a general meeting.
- (3) In the event that the band secretary is unable to act as secretary at a general meeting, the meeting shall, by resolution, designate another person to so act.
- (4) Subject to subsection 5, general meetings shall be open to the members of the band.
- (5) The presiding officer of a general meeting may cause to be expelled and excluded from that meeting any person whom he considers guilty of improper conduct at the meeting, i.e., a person shouting, screaming, throwing objects, being intoxicated or jeopardizing the security of those members attending the general meeting.
- (6) At this date, time, and place specified in the notice of the general meeting, the presiding officer shall ascertain whether a quorum of electors is present.
- (7) If, one (1) hour after the time specified in the notice for the start of the meeting, no quorum of electors is present, the presiding officer may adjourn the meeting from time to time, without notice other than an announcement at the meeting, until a quorum shall be present. At any such adjourned meeting at which a quorum shall be present, any business may be transferred which might have been transacted at the meeting as originally called.
- (8) Upon ascertaining that a quorum of electors is present the presiding officer shall call the meeting to order and shall explain to the electors present the purpose of the meeting.
- (9) Subject to the Act and this bylaw, the presiding officer shall decide all questions of procedure at a general meeting.
- (10) The order of business at each general meeting shall be as follows:
 - (a) reading, amendment, subject to section 21, and adoption, by resolution, of the agenda of the meeting;

- (b) presentation, correction, if any, and adoption, by resolution, of the minutes of previous band meetings;
- © Any other business that appears on the agenda and may properly be brought before the meeting.
- (11) Each resolution shall be presented or read by the mover and, when duly moved and seconded and placed before the meeting by the presiding officer, shall be open for consideration.
- (12) After a resolution has been placed before the meeting by the presiding officer, it shall be open for consideration by the meeting, but it may be withdrawn by the consent of the majority of the electors present.
- (13) When an elector present desires to speak, he/she shall, upon be recognized by the presiding officer, address his/her remarks to the presiding officer and confine himself/herself to the question then before the meeting.
- (14) In the event that more than one (1) elector desires to speak at the same time, the presiding officer shall decide who is entitled to speak.
- (15) The presiding officer may call any elector to order while he/she is speaking.
- (16) Any councillor may require the question or resolution under consideration to be read for his/her information or explain to him/her at any period of the debate, but not so as to interrupt an elector while is speaking.

Voting

24. (1) When satisfied that sufficient time has elapsed to afford the electors present at the general meeting a reasonable opportunity to deliberate upon and to intervene in respect to each meeting being considered there, the presiding officer shall put such matter to the vote.
- (2) Voting at a general meeting shall be by a show of hands or, if so demanded by a majority of electors resent, b y secret ballot.
- (3) All questions and resolutions at a general meeting shall be decided by a majority in number of the votes cast for and against.
- (4) All voting for the chief and councillors shall be done by way of secret ballot.

Record of Votes

25. (1) When the results of the vote on any matter submitted for decision at a general meeting are known to the presiding officer, he/she shall forthwith declare such results to the electors present at such meeting.
- (2) A declaration by the presiding officer at a general meeting that a resolution has been adopted or defeated, as to the number of votes cast, or as to the majority for or against, shall be conclusive evidence thereof and shall be recorded by the band secretary in the minutes of the meeting at which the resolution concerned was decided.
- (3) The band secretary shall record in the minutes of each council meeting the results of the vote upon every question or resolution submitted for decision thereat.

Documents

26. (1) Certified copies of any resolution of the band, and of minutes of council meetings, special band meetings, and general meetings may be issued by the chief or band secretary or, failing them, by the person designated from time to time as acting secretary by the council by resolution.
- (2) The original copy of any bylaw of the band must be signed by;
- (a) the chairperson of the meeting at which they are adopted; and
- (b) the band secretary or, failing him/her, the person designated from time to time as acting secretary by the council by resolution.
- (3) All documents in connection with the ordinary course of business of the band, including returns required to be submitted to or filed with governmental authorities, customs and excise declarations and returns, affidavits, statutory declarations, proofs of claims or loss and general or partial releases relating to same, and declarations in respect of garnishment proceedings involving the band or affidavits upon articulated facts may be signed and executed by the chief, or band secretary or in the name of and on behalf of the band and, if signed and executed as aforesaid, shall be binding upon and enforceable against the band.

Budget

27. The annual budget, or the supplementary budget, if any, of the band shall be adopted by band members at a general meeting.

Contract

28. (1) Subject to subsection (5), any and all contracts, grants, commitments, or undertaking of or by the band for value not exceeding fifty thousands (\$50,000) dollars, to be sign and executed by the band, may be signed and executed by the chief, band secretary, or personal director, for or in the name of the band and, if so signed and executed, shall be binding upon and enforceable against the band.
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- (2) Subject to subsection (3), any and all contracts, grants, commitments or undertaking of or by the band, to be signed and executed by the band, other than those contemplated in subsection (1), shall be signed and executed by the band, other than and on behalf of the band by such person or persons, and upon such terms and conditions, subject to bylaws of the band, as the council may determine by resolution.
- (3) The band may not expend monies or commit itself, by contract or otherwise, to expand monies unless such expenditure is authorized in accordance with subsection (1) or (2) and a certificate issued by the band administrator stating that monies are available for such expenditure, but non-compliance by the band with the subsection does not affect the validity or enforceability, with respect to the other party of the band's commitment to expand monies, if the other party took reasonable steps to satisfy itself that the band had complied with this subsection.

Band Projects

29. For projects by the band, a major purpose of which is to provide goods or services to or for the benefit of the band or the members thereof, the band, acting through the council or through its officers or agents duly authorized by council by resolution, shall establish:
- (a) In respect of employment on such projects, by
- (i) interpreting requirements for various categories of jobs so that members able to perform the work deemed eligible;
 - (ii) advertising jobs created by such projects in the community or in employment offices situated therein at the same time such jobs are advertised to the general public; and
 - (iii) hiring a qualified member before a non-Native person for each available job.

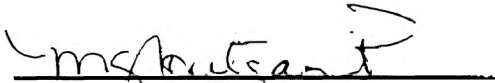
- (b) In respect of contracts arising from such projects by:
- (i) designing contract packages to provide members a reasonable opportunity to submit competitive tenders;
 - (ii) posting calls for tenders in a public place in the community on the date on which the general public is made aware of such call for tenders; and
 - (iii) setting the date, location, terms, and conditions for tendering so the individual members or groups may reply with reasonable ease.

Amendment, Repeal, and Replacement

30. A bylaw of the band may be amended, repealed, or replaced only by bylaw enacted in conformity with the Act.

THIS BYLAW IS HEREBY made at a duly convened meeting of the Council of the Black Lake Denesuline First Nation Band this 31 day of JANUARY, ~~1999~~ 2000

Voting in favour of the bylaw are the following members of Council:


(Member of Council)


(Member of Council)


(Member of Council)

(Member of Council)


(Member of Council)

(Member of Council)


(Member of Council)

being the majority of those of the Council of the Black Lake Denesuline First Nation Band present at the aforesaid meeting of the Council.

The quorum of the Council is 4 members.

Number of members of the Council present at the meeting: 5.

I, Edwin Boneleye Chief of the Indian Band, so hereby certify that a true copy of the foregoing bylaw was **mailed** to the Minister of Indian Affairs and Northern Development at the District/Region/Hull offices (as the case may be) pursuant of subsection 82(1) of the Indian Act, this 31 day of JANUARY, ~~1999~~ 2000

Edwin Boneleye
Chief

[Signature]
Witness