

PORT SIMPSON BAND OF INDIANS

BY-LAW NO. 1981 - 1

A BY-LAW FOR THE ESTABLISHMENT AND REGULATION OF THE  
LACH GOO ALAMS RECREATION COMMISSION

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WHEREAS Order-in-Council P.C. 1955-672 dated 12th May, 1954, empowers the Council of the Port Simpson Band of Indians to make by-laws for any or all of the purposes set out in S. 83 of the Indian Act; and

WHEREAS Ss. 83(c) and (g) of the Indian Act empower the Council of the Band to make by-laws appointing officials to conduct the business of Council and any matter arising out of or ancillary to the exercise of the said power; and

WHEREAS it is deemed necessary to enact a by-law for the purposes set out in paragraph 83(g) of the Indian Act;

NOW THEREFORE THE COUNCIL OF THE PORT SIMPSON BAND OF INDIANS ENACTS AS FOLLOWS:

1.00            SHORT TITLE

1.01            This By-law may be cited as the "Lach Goo Alams Recreation Commission By-law No. 1981 - 1".

2.00            DEFINITIONS

2.01            In this By-law:

- (a) "Band" means the Port Simpson Indian Band;
- (b) "Council" means the duly elected Council of the Port Simpson Indian Band;
- (c) "Commission" means the Lach Goo Alams Recreation Commission and includes the Chairman;
- (d) "Commissioner" means a member of the Lach Goo Alams Recreation Commission and includes the Chairman, but does not include an ex-officio member of the Commission;
- (e) "Director" means the Recreation Director appointed from time to time pursuant to Section 5.02 of this by-law;

- (f) "Councillor" means a duly elected member of the Council and includes the Chief Councillor;
- (g) "Band Administrator" means the senior administrative officer of the Band appointed from time to time by the Council;
- (h) "Recreation Centre" means the Lach Goo Alams Recreation Centre;
- (i) "Recreation Program" means any activity of a recreational nature carried on at the Lach Goo Alams Recreation Centre or any other place designated by Council for recreational use.

3.00 RECREATION COMMISSION

3.01 A Recreation Commission is hereby established under the authority of the Council of the Port Simpson Indian Band to be known as the Lach Goo Alams Recreation Commission.

4.00 APPOINTMENT OF COMMISSIONERS

4.01 The Commission shall consist of seven Commissioners to be appointed as follows:

- (a) The Band Administrator shall hold office as a Commissioner;
- (b) One Councillor, to be appointed by and serve at the pleasure of Council, shall be a Commissioner;
- (c) Five Commissioners shall be appointed by the Council in the manner provided for in paragraph 4.02 hereof;

4.02 Commissioners appointed under paragraph 4.01(c) hereof shall be appointed by Council by resolution at a duly convened meeting of Council. No person who is not nineteen (19) years of age or older may be appointed to hold office as Commissioner. No Councillor or Band Administrator may be appointed to hold office as a Commissioner pursuant to paragraph 4.01(c) hereof.

4.03 The office of a Commissioner appointed pursuant to paragraph 4.01(c) hereof shall become vacant when such person:

- (a) dies or resigns from office; or
- (b) is convicted of an indictable offence; or
- (c) is duly elected as a Councillor or appointed as the Band Administrator; or
- (d) when the Council on the recommendation of the Commission declares that a Commissioner has been absent from three consecutive Commission meetings without sufficient cause; or
- (e) when the Council declares that it is satisfied that a Commissioner has been guilty of theft, corruption, or dishonesty with respect to the operation of recreation programs under the control of the Commission, or is in breach of his duties herein.

4.04 In the event that the office of a Commissioner appointed pursuant to paragraph 4.01(c) hereof is vacated before the expiry of such Commissioner's term, Council shall appoint an interim Commissioner to hold office until the expiry of the term of office of the Commissioner which was vacated. The provisions of paragraph 4.02 hereof shall apply to the appointment of a Commissioner under this part.

5.00 DUTIES AND POWERS OF THE COMMISSION

5.01 In a manner consistent with this by-law, the Commission shall carry out the executive duties and powers of the Council with respect to the operation of recreation programs, and shall exercise such other executive duties and powers as may from time to time be delegated by by-law or resolution of Council.

5.02 The Commission shall recommend the hiring by the Council of a Recreation Director and, subject to the approval of the Director, such other employees as are deemed necessary to carry out recreation programs under the control of the Commission. The Council shall represent the Band in any contracts or agreements respecting terms of employment that are entered into between the Band and recreation program employees.

5.03 The Commission, subject to the approval of the Director, shall have the power to suspend for cause the employment of any recreation program employee. All suspensions

shall be reported forthwith to the Council for such action as the Council deems necessary. All suspended employees shall have the right to a hearing before the Council.

5.04 The Commission shall make recommendations to the Council concerning the suspension or termination of the employment of the Director in the event that the Director is in breach of his duties herein. In the event that the Commission recommends suspension or termination of employment, the Director shall have the right to a hearing before the Council. The Council is empowered to suspend and/or terminate the employment of the Director with or without regard for the recommendations of the Commission.

5.05 By no later than the 15th day of November preceding each fiscal year for recreation programs under the control of the Commission, the Commission, on the advice of the Director, shall cause to be prepared and presented to the Council their recommendations and estimates of the annual budgets for the operation and maintenance of, and capital improvements to, the recreation centre and for such other recreation programs as the Commission deems advisable. Such budget recommendations and estimates shall provide for the assessment and collecting of rates and charges for the use of recreation facilities. The Commission budgets shall be subject to Council approval.

5.06 The Commission, on the advice of the Director and pursuant to the Commission budgets, shall plan and decide all activities associated with the operation of the recreation centre and any other recreation program that the Commission deems advisable.

5.07 The Commission may appoint ex-officio members who may participate in discussions at Commission meetings but who shall exercise no other rights. Such ex-officio members shall serve at the pleasure of the Commission.

5.08 The Chairman of the Commission shall, as directed by the Council, report to the Council or Council Committees on the operation of any recreation programs under the control of the Commission.

5.09 The Commission shall cause minutes of all Commission meetings to be kept and shall make such minutes available for inspection by members of the Band.

5.10 The Commission shall, within sixty (60) days of the end of each fiscal year for recreation programs, provide the Council with an audited financial statement of the revenues and expenditures of recreation programs under the control of the Commission for the past fiscal year, and make such financial statements available for inspection by members of the Band.

5.11 The fiscal year for the recreation programs under the control of the Commission shall commence on the first day of April of a year and expire on the 31st day of March in the following year.

6.00 PROCEDURE FOR COMMISSION MEETINGS

6.01 The Commissioners shall meet within thirty (30) days of their appointment pursuant to paragraph 4.01 and at their first meeting shall, from among the two-year Commissioners appointed pursuant to paragraph 4.01(c) hereof, elect a Chairman by majority vote. The Commission shall thereafter meet at intervals of no longer than one (1) month on dates to be fixed by the Commission. The Chairman shall preside over meetings of the Commission.

6.02 The Chairman shall serve until the term of office of the two-year Commissioners expire, at which time the Chairman shall step down from that office. If for any reason before that time the office of the Chairman becomes vacant the Commissioners shall at the next regular meeting at which a quorum is present elect from among the two-year Commissioners a new Chairman by majority vote.

6.03 The Commission shall appoint from among their number a presiding officer who shall preside over meetings of the Commission in the absence of the Chairman.

6.04 In the absence of the Chairman and the presiding officer, a presiding officer shall be chosen by majority vote from among the Commissioners present and shall preside over that meeting in the absence of the Chairman and the presiding officer and carry out the duties of the Chairman as provided for herein.

6.05 The Chairman shall maintain order and shall decide all questions of procedure and points of order, and may exclude any person from a meeting who is causing a disturbance. Any Commissioner may appeal a decision of the Chairman and all such appeals shall be decided by the Commission by majority vote.

6.06 The Chairman or any Commissioner may call another member to order while speaking and the member shall not speak until the point of order is determined.

6.07 The order of business at each regular meeting shall be as follows:

- (a) reading of the minutes from the previous meeting;
- (b) unfinished business arising from the minutes;
- (c) presentation and reading of correspondence;
- (d) new business;
- (e) hearing depositions;
- (f) adjournment.

6.08 The Chairman, or in his absence the presiding officer, or in the event of the absence of both of them, any Commissioner may call a special meeting of the Commission provided that all other members of the Commission and the Director are notified no later than forty-eight (48) hours in advance in writing, by telephone, or in person, of the time, date, and place of the meeting and the items of business. No items of business other than those indicated in the notice may be considered at a special meeting.

6.09 The only valid decisions of the Commission shall be those made by resolution by a majority of the Commissioners present at a duly convened meeting at which a quorum of Commissioners is present. A quorum shall consist of any four Commissioners.

6.10 Each resolution shall be presented by the mover, duly moved and seconded and placed before the meeting by the Chairman for discussion prior to the vote.

6.11 Each Commissioner shall have one vote except the Chairman who shall vote only to break a tie vote.

6.12 No Commissioner shall take part in the discussion or vote on any matter in which he, a member of his immediate family, or a relative living with him may benefit by financial gain. As soon as a Commissioner becomes aware of having a conflict of interest in any matter brought before the Commission, that Commissioner shall immediately make full disclosure of the nature of his interest, and if the Commission by resolution so directs, shall leave the meeting until the matter has been decided.

6.13 All regular and special meetings of the Commission shall be open to any Band member, who may attend as observers, but no one who is not a Commissioner, an ex-officio member of the Commission, or a Director shall be permitted to address the Commission except with the permission or upon the invitation of the Commission.

6.14 The Commission may adopt such other rules for meeting procedures that are not inconsistent with this by-law as it deems necessary.

7.00 DUTIES AND POWERS OF THE RECREATION DIRECTOR

7.01 The Director shall be responsible for the overall administration of all programs and projects associated with the operation of the recreation centre and any other recreation program under the control of the Commission.

7.02 The Director shall make recommendations to the Commission on all matters of policy and all programs and projects associated with the operation of the recreation centre and any other recreation program under consideration by the Commission.

7.03 The Director shall attend all regular and special meetings of the Commission and shall as directed by the Council report to the Council or Council Committees on the operation of any recreation program under the control of the Commission.

7.04 The Director shall be responsible for and have control and supervision over all recreation program employees and departments and shall ensure that the duties of such employees and departments are carried out and performed, subject to any contract or agreement respecting terms of employment that the Council may enter into on behalf of the Band with recreation program employees.

7.05 The Director shall generally have supervision and control over Commission finances and may authorize the purchase of materials, supplies, implements, machinery, and other goods and property which may be lawfully obtained or purchased for recreation programs and award contracts having a value of \$500.00 or less pursuant to the Commission budgets. Purchases and contracts having a value greater than \$500.00 shall be



approved by the Commission and shall be in accordance with the Commission budgets. The powers of the Director and the Commission herein shall be subject to such financial regulations as the Council may from time to time approve by by-law or resolution.

7.06 The Director shall provide for the carrying out of all resolutions of the Commission and enforcement of all by-laws respecting the operation of the recreation centre and any other recreation program under the control of the Commission.

7.07 The Director shall provide for the care and maintenance of the recreation centre and any other property, buildings and works associated with recreation programs under the control of the Commission.

7.08 The Director shall forthwith advise the Council of any claims arising from damage to the recreation centre or any other property, buildings and works associated with recreation programs under the control of the Commission.

7.09 The Director shall provide for the assessment and collecting of all rates and charges for the use of recreation facilities, pursuant to the Commission budgets.

7.10 The Director shall annually prepare and present to the Commission recommendations and estimates of the annual budgets for the operation and maintenance of, and capital improvements to, the recreation centre and for such other recreation programs as he deems advisable.

7.11 The Director shall, within seven (7) days of the expiry of each month of a fiscal year, provide the Commission and the Council with a statement showing the receipts and expenditures of the recreation programs under the control of the Commission during the said month.

8.00 REMUNERATION OF COMMISSIONERS, DIRECTOR AND EMPLOYEES

8.01 The Commissioners shall be paid an honorarium in an amount to be established annually, immediately prior to the commencement of the fiscal year, by the Council.

