

**By-law No. 2007.1 of the
SALT RIVER FIRST NATION**

ASSEMBLIES BY-LAW

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WHEREAS the Salt River First Nation has inherent and Treaty rights and authority to govern relations among its Members; and

WHEREAS the Aboriginal and Treaty right of the Salt River First Nation to self-government was recognized and affirmed in Treaty No. 8 entered into between Her Majesty the Queen and the Salt River First Nation and confirmed by section 35 of the *Constitution Act, 1982*; and

WHEREAS the Assemblies By-law is an exercise of the aboriginal and Treaty right to self-government and nothing in this By-law may be construed as to abrogate or derogate from any Aboriginal and Treaty rights of the Salt River First Nation; and

WHEREAS the *Indian Act*, R.S.C. 1985, c. I-5 further provides in sections 81(1)(c) and (q) that the Council may make laws for the observance of law and order and ancillary matters; and

WHEREAS the Salt River First Nation is a modern democracy governed by traditional and constitutional principles which recognize rights of participation of each Elector; and

WHEREAS the peace, order, and good governance of the Salt River First Nation is best served by the orderly conduct of assemblies in accordance with a system of rules which balances the rights of all the Electors;

NOW THEREFORE THE CHIEF AND COUNCIL OF SALT RIVER FIRST NATION ENACT AS FOLLOWS:

- 1 Definitions
- 1.1 In this by-law:
 - (a) "Annual General Assembly" means an "Assembly" called once in each calendar year for the purposes of providing information to "Electors" regarding a review of past years departments, portfolios, committees,

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- projects, undertaking, audit of the last fiscal year and budget for the next fiscal year;
- (b) "Assembly" or "Meeting" means an assembling of the "Electors" and includes an "Information Meeting", a "Special Meeting", and the "Annual General Assembly";
 - (c) "Assembly Secretary" means the person appointed by the "Council" pursuant to section 17;
 - (d) "Band Office" means the location at which the "First Nation" transacts its day to day business;
 - (e) "Chairman" means a person appointed by the "Council" on a temporary basis who is responsible for maintaining order at an "Assembly";
 - (f) "Chief" means the Member elected to the office of Chief pursuant to the Election Regulations of the Salt River First Nation;
 - (g) "Council" means those Members Elected pursuant to Election Regulations of the Salt River First Nation who hold the office of Chief or Councillor and who are empowered to act as the governing body of the First Nation.
 - (h) "Councillor" means a Member elected to the office of Councillor pursuant to the Election Regulations of the Salt River First Nation;
 - (i) "Confidential Information" means:
 - (i) information which could prejudice First Nation's negotiating or financial position if it became publically available;
 - (ii) information which was provided by a Member in confidence; and
 - (iii) information about a Member in respect of which that Member had a reasonable expectation of privacy;
 - (j) "Elector" means a Member who is entitled to Vote pursuant to the Election Regulations of the First Nation;
 - (k) "First Nation" means the Salt River First Nation;
 - (l) "Information Meeting" means an "Assembly" called, from time to time, for the purposes of receiving or providing Information to "Electors";

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- (m) "Majority" means more than half of the Votes cast by "Electors" at an "Assembly" with sufficient attendance to constitute a "Quorum";
 - (n) "Member" means a person whose name appears on the Membership List of the First Nation;
 - (o) "Minutes" means a written summary giving the substance of any discussion and the decisions taken at each "Assembly";
 - (p) "Motion" means a proposal to take a certain action or a question stated by the "Chairman" to be determined by a "Majority" of the "Quorum" at an "Assembly";
 - (q) "Quorum" means:
 - (i) in respect of a "Special Meeting" that not less than twenty-five (25%) percent of the "Electors" residing within 100 km radius of Fort Smith who vote;
 - (r) "Special Meeting" means an "Assembly" called for the purpose of deliberating one or more "Motions";
 - (s) "Vote" means any method by which the "Electors" at an "Assembly" communicate their position on a "Motion" by secret ballot.

**Part 1
Meetings and Notice**

2 Calling an Assembly**2.1** Before calling an Assembly, the Council shall by band council resolution:

- (a) establish the place, date and time of the Assembly;
- (b) develop an agenda for the Assembly;
- (c) if the Assembly is a Special Meeting, draft the wording for any Motions to be considered at the Special Meeting;
- (d) subject to section 3.1, determine how notice shall be given;

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- (e) determine whether any documents or materials should be delivered to the Electors in advance of an Assembly and the manner of delivery of such documents or materials;
 - (f) appoint an Assembly Secretary;
 - (g) appoint the Chairman;
 - (h) make such other determinations and do any other thing that the Council considers proper in preparation for the Assembly.
- 2.2 The Council shall call:
- (a) an Annual General Assembly once in each calendar year;
 - (b) Special Meetings as may be required from time to time; and
 - (c) Information Meetings as required by the applicable laws of the First Nation or as may be required from time to time.
- 3 Notice**
- 3.1 Notice to the Electors shall be given for all Assemblies and:
- (a) in the case of an Annual General Assembly shall be given at least 30 days before the Annual General Assembly by posting the notice at the Band Office and other locations designated by Council;
 - (b) in the case of a Special Meeting shall be given by the Council at least 14 days before the Special Meeting by posting the notice at the Band Offices; and
 - (c) in the case of an Information Meeting shall be given by the Council within a time and by the method determined by the Council.
- 3.2 On complying with section 3.1, the Council may publish, mail and deliver additional notices by any other method as many times as the Council considers appropriate.
- 3.3 In the event of any irregularity in the giving of notice, notice is deemed to have been waived by the Electors in respect of any Assembly at which a Quorum is present.
- 3.4 A notice shall, at minimum, include, the time, date, and location of the Assembly and a copy of the agenda for the Assembly.

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**Part 2
Rights of Electors****4 Registration at assemblies**

- 4.1 Each Elector attending an Assembly shall provide their name to the Assembly Secretary and the Assembly Secretary shall make a record of that Elector's attendance.
- 4.2 An Elector who has registered their name with the Assembly Secretary is entitled to participate in the Assembly in accordance with these By-laws.

5 Participation rights

- 5.1 Subject to subsections 4.2 and 5.2, an Elector participating in an Assembly is entitled to:
- (a) obtain a copy of the agenda for an Assembly;
 - (b) ask questions and receive responses from the Council on any matter that is before an Assembly;
 - (c) debate the merits of Motions before a Special Meeting;
 - (d) propose amendments to a Motions before a Special Meeting; and
 - (e) Vote on Motions in a Special Meeting.
- 5.2 No Elector shall be permitted to use an Assembly for the purposes of engaging in Electoral politics, seeking benefits for themselves or their families, promoting issues or agendas which are of a personal nature and which do not relate to the interests of the First Nation as a whole, or to debate or promote issues which are not properly before the Assembly or raising issues which are not on the agenda for that Assembly.

6 No right to expenses

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- 6.1 No Elector shall be entitled to claim travel or subsistence expenses to attend assemblies unless such expenses are agreed to in advance by the Council.

**Part 3
Conduct of Business in Assemblies**

7 Role of the Chairman**7.1 The Chairman shall:**

- (a) open and close Assemblies;
- (b) ensure agendas are followed;
- (c) direct the discussions;
- (d) accord the right to speak;
- (e) table Motions;
- (f) put Motions to a Vote;
- (g) announce decisions;
- (h) ensure maintenance of order at Assemblies;
- (i) rule on points of order;
- (j) adjourn or close debates; and
- (k) generally do all other things necessary to ensure observance of these by-laws.

8 Maintenance of order

- 8.1 The Chairman has the right to maintain the order, dignity, and peace of an Assembly and the Chairman has discretion to expel or limit the participation of Electors who conduct themselves in any way which threatens the order, dignity, or peace of the Assembly.

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9 Observers

- 9.1 Any person who is not an Elector and whose attendance has not been requested by the Council shall seek the permission of the Council in writing to attend an Assembly as an observer.
- 9.2 The Council, has an absolute discretion to permit or to deny entry to an observer and may revoke permission granted to an observer during the course of an Assembly.
- 9.3 The conditions on which an observer may attend an Assembly, include the obligation to:
- (a) give notice of their presence to the Assembly Secretary;
 - (b) refrain from speaking or participating in the Assembly unless invited to do so by the Chairman;
 - (c) remove himself or herself from the Assembly upon request of the Chairman;
 - (d) not remove or take any document from the Assembly without the permission of the Chairman; and
 - (e) not to make any record of any part of the Assembly by means of any mechanical recording device.

**Part 4
Motions in Assemblies**

10 Process for determining Motions

- 10.1 In Special Meetings, the issues to be decided by the Electors shall be stated by the Chairman as a Motion.
- 10.2 Once stated by the Chairman, the Motion is open for debate and questions from the Electors. The Chairman shall have full discretion on the time allowed for debate and questions and, if necessary, may adjourn the Motion to a further Special Meeting.
- 10.3 Any Elector may propose an amendment to a Motion.

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- 10.4 Once the Chairman has closed debate and questions, a Motion may be made by any Elector to call a vote on the Motion for which the Special Meeting was called to consider, and that Elector's name shall be recorded by the Assembly Secretary as the maker of the Motion.
- 10.5 A Motion must be seconded by another Elector and that Elector's name shall be recorded by the Assembly Secretary as seconding the Motion.
- 10.6 The Assembly Secretary shall confirm that Quorum exists and, upon such confirmation, the Motion shall be put to a Vote of the Electors attending the Assembly.
- 10.7 If the Chairman or any Elector believes that there has been insufficient time to consider a Motion, then the Chairman or Elector may make a Motion to extend debate and adjourn the main Motion to the next Special Meeting.
- 10.8 Motions are not to be debated at an Annual General Assembly.

**Part 5
Debate****11 Right to debate**

- 11.1 Any Elector may, upon being recognized by the Chairman, ask questions, comment upon, or debate a matter pending before an Assembly.
- 11.2 The time allowed to an Elector to address the Assembly may not exceed, in total, 10 minutes unless further time is permitted by the Chairman.
- 11.3 The Chairman may call an Elector to order if, in the Chairman's discretion, the remarks of the Elector are irrelevant to the business then before the Assembly and, upon being called to order, the Elector shall stop speaking and leave the floor in accordance with the Chairman's direction.

**Part 6
Voting****12 Participation in voting**

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- 12.1 Voting at a Special Meeting shall be secret ballot.
- 12.2 Once voting has begun, no one may interrupt voting and no Elector is permitted to explain his Vote or in any way seek to influence the voting.
- 13 Declaration of voting results**
- 13.1 Once voting is complete, the Chairman shall:
- (i) adjourn the Special Meeting to allow for a counting of the ballots;
 - (ii) advise the Assembly Secretary in writing of the voting result;
 - (iii) give notice of the voting results to the Electors; and
 - (iv) declare the result of the Vote.
- 13.2 No voting result is official until declared by the Chairman.
- 14 Renewal**
- 14.1 A Motion which is defeated by the Electors cannot be brought before the same Assembly but may be introduced at a future Special Meeting in accordance to this By-law.
- 15 No appeal from result**
- 15.1 No voting result is subject to any appeal or review save that a Motion may be proposed at a subsequent Special Meeting which has the effect of repealing or varying a Motion passed at a prior Assembly.
- 15.2 No repeal or variation shall have the effect of invalidating any action taken pursuant to a Motion in force and effective as of the date the action was taken.

**Part 7
Committees**

16 Committees

- 16.1 The Council may, in its discretion, appoint committees comprised of Electors, Councillors, professional advisors, and any combination thereof to investigate,

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report, and make recommendations on any matter in preparation for or arising from an Assembly or a Motion.

- 16.2 The terms of reference for committees appointed by Council shall be set by Council.
- 16.3 The Chief shall be an *ex officio* member of all committees and will be subject to the terms of reference set for the Committee by the Council, pursuant to Section 16.2.
- 16.4 Each committee shall appoint from among their members, a representative, who shall be responsible for reporting the work of the committee to an Assembly.
- 16.5 Each member of committee appointed by Council shall not use or communicate Confidential Information or any information acquired in their capacity as a Committee member for their personal gain or for the benefit or harm of any other person and shall swear an oath or affirmation confirming the same.

**Part 8
Officials and Minutes**

17 Assembly Secretary

- 17.1 The Council shall appoint an Assembly Secretary who shall fulfill the duties and responsibilities of an Assembly Secretary as set out in these by-laws subject to such terms and remuneration as may be established by the Council from time to time.
- 17.2 The Assembly Secretary shall:
- (a) maintain a record of the Electors attending an Assembly;
 - (b) keep and distribute Minutes of assemblies;
 - (c) organize the assemblies including renting meeting space, arranging for catering, and such other tasks as may be required;
 - (d) prepare and distribute documentation for the agenda or as directed by the Council;
 - (e) maintain files and records of assemblies; and
 - (f) do such other things as may be assigned by the Council or as may be required for the orderly administration of assemblies.

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18 Minutes

- 18.1 Minutes shall include the substance of any discussions at an Assembly, the Motions, and the decisions taken at an Assembly.
- 18.2 Minutes shall first be prepared in draft and circulated to the Council who may suggest corrections or amendments in writing within 30 days of the distribution of draft Minutes. Any disagreement on corrections or amendments shall be determined by the Council.
- 18.3 If no corrections or amendments have been suggested within 30 days of the distribution of draft Minutes, then the Minutes are held to be adopted.
- 18.4 The text of any Minutes of the Annual General Assembly, Information Meetings, or Special Meetings that have been adopted shall be made available to Members at the Band Offices but may not be copied or removed from the Band Offices.
- 18.5 Notwithstanding anything in this section, the Council may, in its absolute discretion, require that a record be taken of an Assembly by way of transcription or any audio or video recording device.

**Part 9
General****19 Relationship to Other First Nation Laws**

- 19.1 Special rules respecting Meetings, the calling of Meetings, and the frequency of Meetings as may be contained in other laws of the First Nation will prevail over this by-law to the extent that they are inconsistent. This by-law shall supplement any Special rules respecting Meetings as the context permits.

20 Amendments

- 20.1 This by-law may be amended by motion of Council.

21 Coming into Force

- 21.1 These by-laws are in force and effective as of the date they are approved and passed by a Quorum of the Council.

ASSEMBLIES BY-LAW

APPROVED AND PASSED at a duly convened Meeting of the Council of Salt River First Nation held at Fort Smith, in the Northwest Territories, this 18 day of February, 2008.

A Quorum of the Council consists of 4 Members of Council.

Chief

Councillor

Councillor

Councillor

Daphne Beaulieu
Councillor

[Signature]
Councillor

Mike Beaver
Councillor

[Signature]
Councillor

I, Toni Heron Chief/Councillor of the Salt River First Nation, do hereby certify that a true copy of the foregoing By-law was forwarded to the Minister of Indian Affairs and Northern Development pursuant to subsection 82(l) of the Indian Act, this 19 day February of, 2008.

[Signature]
Chief/Councillor

[Signature]
Witness