

**BAND COUNCIL RESOLUTION  
RÉSOLUTION DE CONSEIL DE BANDE**

Chronological No - N° consécutif
File Reference - N° de référence du dossier

NOTE: The words "From our Band Funds" "Capital" or "Revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.  
 NOTA: Les Mots "des fonds de notre bande" "capital" ou "Revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

The council of the Le conseil de la bande indienne	<b>Moose Lake First Nation</b>	Current Capital Balance Solde de capital	\$ _____
Agency District		Committed Engagé	\$ _____
Province	<b>Manitoba</b>	Current Revenue Balance Solde de revenu	\$ _____
Place Nom de l'endroit		Committed Engagé	\$ _____
Date	<u>05</u> <u>01</u> AD 19 <u>93</u> Day - Jour Month - Mois Year - Année		

DO HEREBY RESOLVE:  
DÉCIDE, PAR LES PRÉSENTES:

WHEREAS the Moose Lake First Nation defines health in the same terms as endorsed by the World Health Organization, as a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity;

AND WHEREAS the Moose Lake First Nation members have a right to health services at an adequate and proper level to meet their health requirements;

AND WHEREAS the Moose Lake First Nation entered into solemn Treaty arrangements with Her Majesty's Government of the Dominion of Canada by adhesion to Treaty #5;

AND WHEREAS the Moose Lake First Nation did not, through said Treaty, give up their authority to be a self-governing people;

AND WHEREAS the Chief and Council of the Moose Lake First Nation desires by this by-law to take over responsibility for the delivery of health and related services and programs;

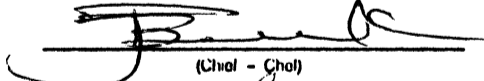
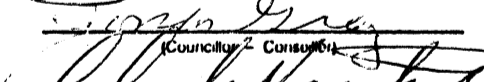
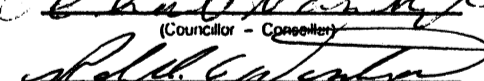
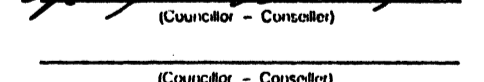
AND WHEREAS Section 81 of the Indian Act empowers the Chief and Council of the Moose Lake First Nation to enact by-laws respecting the health of residents of the Reserve and other related matters;

AND WHEREAS the said Indian Act, in Section 3, also empowers the Governor in Council to make regulations respecting certain aspects of Indian health;

AND WHEREAS the Minister has, through Section 73 of the said Indian Act, enacted the Indian Reserve Waste Disposal Regulation, CRC 1978 c. 960;

..... 2

A quorum for this Band Pour cette bande le quorum est
consists of ixé à <u>03</u>
Council Members. membres du Conseil.

_____	 (Chief - Chef)	_____
_____	 (Councillor - Conseiller)	_____
_____	 (Councillor - Conseiller)	_____
_____	 (Councillor - Conseiller)	_____
_____	_____	_____

**FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE**

Band Fund Code Code du compte de bande	2. Computer Balances - Soldes d'inventaire		3. Expenditure - Dépenses	4. Authority (Indian Act Section) Autorité (Article de la Loi sur les Indiens)	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
	A Capital \$	B. Revenue - Revenu \$			
Recommended - Recommandable			Approved - Approuvé		
Date	Recommended by Councillor - Recommandé par		Date	Approved by Councillor - Approuvé par	

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DO HEREBY RESOLVE:  
DÉCIDE, PAR LES PRÉSENTES:

AND WHEREAS the Chief and Council of the Moose Lake First Nation deems it appropriate to create a By-Law, a Health Authority, a Board of Directors for the Health Authority and administrative structure to take over responsibility for and establish a complete health care service for the Moose Lake First Nation members;

AND WHEREAS said By-Law and administrative structure has met the Medical Services requirements for "mandatory services";

AND WHEREAS it is desirable that the Moose Lake First Nation, as a self-governing people, have control and administration over their own health and related services:

1. BE IT THEREFORE RESOLVED THAT the Moose Lake First Nation this day enacts and recognizes the Moose Lake First Nation Health Authority By-Law approved by the Chief and Council on August 4, 1992, as a valid and subsisting By-Law of the Moose Lake First Nation.

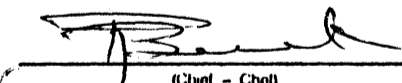
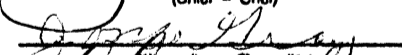
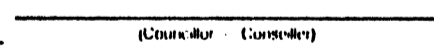

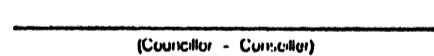
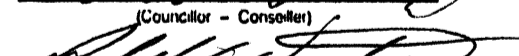
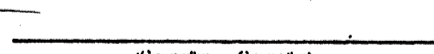
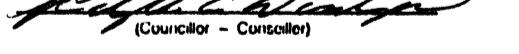
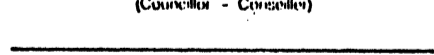
2. BE IT FURTHER RESOLVED THAT the Chief and Council of the Moose Lake First Nation, in accordance with Section 4 of the said By-Law, shall appoint, for a term of four (4) years, the following persons to be Directors of the Board of Directors of the Moose Lake First Nation Health Authority:

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A quorum for this Band  
Pour cette bande le quorum est

consists of  
ixé à 03

Council Members.  
Membres du Conseil.

 (Chief - Chef)	
 (Councillor - Conseiller)	 (Councillor - Conseiller)
 (Councillor - Conseiller)	 (Councillor - Conseiller)
 (Councillor - Conseiller)	 (Councillor - Conseiller)
 (Councillor - Conseiller)	 (Councillor - Conseiller)

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	A Capital \$	B. Revenue - Revenu \$			
Recommended - Recommandable			Approved - Approuvé		
Date	Recommending Officer - Recommandé par		Date	Approving Officer - Approuvé par	

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DO HEREBY RESOLVE:  
DÉCIDE, PAR LES PRÉSENTES:

3. BE IT FURTHER ENACTED THAT the Moose Lake First Nation hereby requests that the Government of Canada enact a regulation under Section 73 of the Indian Act to allow the Moose Lake First Nation Health Authority By-Law to supercede the Indian Reserve Waste Disposal Regulation, CRC 1978 c. 960, and any other regulations relating to health pursuant to Section 73 of the Indian Act.

A quorum for this Band  
Pour cette bande le quorum est

consists of / fixé à 03

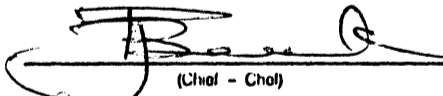
Council Members.  
Membres du Conseil.

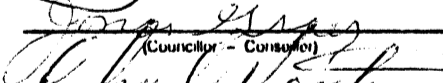
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(Councillor - Conseiller)

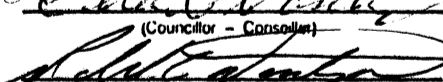
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(Councillor - Conseiller)

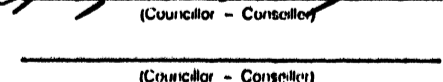
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(Councillor - Conseiller)

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(Councillor - Conseiller)

  
(Chief - Chef)

  
(Councillor - Conseiller)

  
(Councillor - Conseiller)

  
(Councillor - Conseiller)

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(Councillor - Conseiller)

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(Councillor - Conseiller)

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(Councillor - Conseiller)

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(Councillor - Conseiller)

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**MOOSE LAKE FIRST NATION HEALTH AUTHORITY BY-LAW**

**PREAMBLE**

**WHEREAS** the Moose Lake First Nation is a recognized and accredited First Nation situated on the Moose Lake First Nation Reservation and governed by a Chief and Council in accordance with the provisions of the Indian Act;

**AND WHEREAS** the Moose Lake First Nation members have a right to health services at an adequate and proper level to meet their health requirements;

**AND WHEREAS** the Moose Lake First Nation entered into solemn Treaty arrangements with Her Majesty's Government of the Dominion of Canada by adherence to Treaty Number 5;

**AND WHEREAS** the Moose Lake First Nation did not, through said Treaty give up their authority to be a self-governing people;

**AND WHEREAS** the Chief and Council of Moose Lake First Nation desires by this by-law to take over responsibility for the delivery of health and related services and programs;

**AND WHEREAS** Section 81(1)(a), (d), (f), (g), (h), (j), (l), (q) and (r) of the Indian Act R.S.C. 1970 Ch. 1-6 as amended empowers the Moose Lake First Nation to make by-laws inter alia:

- (a) To provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases;
- (d) The prevention of disorderly conduct and nuisances;
- (f) The construction and maintenance of water courses, roads, bridges, ditches, fences and other local works;
- (g) The dividing of the reserve or a portion thereof into zones and prohibition of the construction of buildings or the carrying on of any class of business, trade or calling in any such zone;
- (h) The regulation of the construction, repair and use of buildings, whether owned by the Band or by individual members of the Band;
- (j) The destruction and control of noxious weeds;
- (l) The construction and regulation of the use of public wells, cisterns, reservoirs and other water supplies;
- (q) With respect to any matter arising out of or ancillary to the exercise of powers under this section;
- (r) The imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for violation of a by-law made under this section.

**AND WHEREAS** Section 36 of the Constitution Act, 1982 provides that without altering legislative authority of Parliament or of the Provincial Legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Canada and Manitoba are committed to:

- a) Promoting equal opportunities for the well being of Canadians;

- b) Furthering economic development to reduce disparity in opportunities; and
- c) Providing essential public services of reasonable quality to all Canadians.

**AND WHEREAS** the Moose Lake First Nation defines health in the same terms as endorsed by the World Health Organization as a state of complete physical, mental and social well being and not merely the absence of disease or infirmity;

**AND WHEREAS** the health conditions of the Moose Lake First Nation Reserve cannot be significantly improved without Indian involvement in and control of local health care services;

**AND WHEREAS** the Moose Lake First Nation members desire their Chief and Council to create, maintain and operate a local health authority on their reserves;

**AND WHEREAS** pursuant to Section 73 of the Indian Act, the Government of Canada has enacted certain regulations respecting health and waste disposal;

**AND WHEREAS** the Chief and Council has by Band Council Resolution requested the Minister to exempt the Moose Lake First Nation from said regulations and enable this by-law to supercede said regulations;

**AND WHEREAS** the Moose Lake First Nation was not a party to the Memorandum of Agreement entered into in 1964 between the Medical Services Branch and Manitoba Health and is therefore not bound by that Agreement;

**AND WHEREAS** nothing in this by-law shall alter, diminish, abrogate, derogate or breach the Treaty and or Aboriginal rights of the Moose Lake First Nation or its members;

**AND WHEREAS** further, nothing in this by-law shall alter, diminish, abrogate, derogate or breach the Treaty status of the Moose Lake First Nation or its members under Treaty Number 5 with Her Majesty's Government of Canada, nor shall it be interpreted or construed to do so;

**BE IT ENACTED AND THEREFORE IT IS HEREBY ENACTED** as a By-Law of the Chief and Council of the Moose Lake First Nation herein called the "Council" as follows:

**Council Authorized to Obtain Agreements for Local and Regional Health and Related Services**

1. The Council is hereby authorized to enter into such agreements and declarations as in its sole discretion it deems appropriate, to create, maintain and operate a Moose Lake First Nation Health Board to serve the community health needs of the Moose Lake First Nation.

**Establishment of the Moose Lake First Nation Health Board**

2. The Council hereby enacts and it is hereby enacted and established that there shall be a Moose Lake First Nation Health Board hereinafter referred to as the "Board".

3. The community health service needs of residents on-Reserve shall be administered, delivered and maintained by the Board. The Board shall be guided initially by the Moose Lake First Nation Health Policy Manual (hereby incorporated by reference to this by-law and attached hereto as Appendix "A"). The Board shall in the

future make recommendations to the Council for the revision of the policies set out in the said manual as changing conditions require.

4. The Council shall appoint the Moose Lake First Nation Health Board and said Board shall be responsible and accountable to the Council.

- a) A Director's term of office, subject to future Band by-laws, shall be for a four year term or until a successor is appointed by Chief and Council.
- b) Vacation of Office. The office of Director shall be vacated automatically:
  - i) if by notice in writing to the Board he resigns his office;
  - ii) if he dies;
  - iii) if he misses three consecutive Board meetings without a reasonable excuse;
  - iv) if he is found to be of unsound mind;
  - v) if he is dismissed for "just cause" by the Council.
- c) The Council has authority to dismiss Board members for "just cause". The determination of what constitutes just cause shall be made by the Council. Change in the composition of the Council shall not be "just cause" within the meaning of this section. Such matters as serious misconduct, breach of confidentiality, failure to responsibly perform the duties of a Board member, missing meetings too frequently, or conviction for a serious criminal offence may fall within the definition of "just cause".
- d) The Directors shall establish operating procedures of the Board and dealing, inter alia, with such matters as meetings, duties of Directors, the establishment of Board Committees to monitor, evaluate and assess the various programs that are delivered by the Board.
- e) The Directors shall meet not less than 10 times per year. The Directors are empowered to include in their operating procedures a provision for meetings by telephone conference where circumstances warrant.

#### Board of Directors

- 5.
- a) The Board shall consist of five voting members, at least four of whom must be members of the Moose Lake First Nation.
  - b) In appointing the Directors, the Council shall be guided by the need to provide representation on the Board from the following elements of the Moose Lake First Nation Community:
    - i) Representation from the Moose Lake First Nation elders;
    - ii) Representation from youth (ages 18 to 30);
    - iii) Representation by persons knowledgeable on health issues of the community.
  - c) There shall be representation by a Band Councillor for the Moose Lake First Nation with responsibility for the Health Portfolio. Said Councillor shall sit as an ex-officio member and shall have no vote at Board meetings.

- d) The Board is hereby authorized to select a chairman from amongst their midst and to appoint such other officers as they may see fit. The chairman shall not have a vote except in the event of a tie vote in which case the chairman shall cast the deciding vote.
- f) Sitting Board members are eligible for reappointment at the expiry of their term.
- g) No one person employed by the Board shall be eligible for Board membership at any given time.
- h) A quorum of the Board shall be three voting members.

#### Health Care Administrator to Attend All Board Meetings

6. The Health Care Administrator selected by the Board shall have, as part of his job description, an obligation to attend all meetings of the Moose Lake First Nation Health Board.

#### Cree Nation Tribal Health Centre Inc.

7. The Council may appoint one person from the Board to sit on the Board of the Cree Nation Tribal Health Centre Inc., which provides specialty health services.

#### Confidentiality of Client/Patient Records

8.(1) Subject to this by-law, client/patient records made under this by-law and the Moose Lake Health Policy are confidential and no person shall disclose or communicate information from the record in any form to any person except:

- a) to the Moose Lake Health Care Administrator, or to a person employed, retained or consulted by said Health Care Administrator in the course of administering or enforcing any provision of this by-law or the Moose Lake Health Care Policy;
- b) to the client/patient in question provided that release of the information to the client/patient has been approved by the Moose Lake Health Care Administrator;

8.(2) A client/patient of the Moose Lake First Nation Health Authority is entitled to be given access to:

- i) his or her own records; and
- ii) the record of a child who is in the adult's legal care subject to the exceptions contained in paragraph 8(3) herein;

8.(3) The Moose Lake Health Care Administrator may refuse to give a person access to all or any part of a record referred to in 8(2) where:

- a) There are reasonable grounds to believe that disclosure of all or part of the record might result in physical or serious psychological harm to that person;
- b) That part of the record discloses the identity of a person who is not employed by the Moose Lake First Nation Health Authority and who has supplied information in confidence to the Moose Lake First Nation Health Authority for any purpose relating to

the administration or enforcement of this by-law or the Moose Lake First Nation Health Policy;

- c) and the Moose Lake First Nation Health Care Administrator shall notify the person in writing of the reasons for refusing access to all or any part of his or her record or the record of a child in his or her care.

8.(4) It shall be stipulated in every contract of employment that the Board enters into that employees are undertaking to protect and honour the special relationship and confidentiality that exists between the Moose Lake Health Board and its clients/patients. It shall be further stipulated that breach of such confidentiality shall be grounds for dismissal.

8.(5) It shall be the duty of every Director of the Board to comply with the confidentiality provisions of this by-law and should a Board member breach said confidentiality provisions it shall be grounds for the dismissal of that Board member from his position by the Council.

#### The Board May Negotiate Agreements

9.(1) The Council hereby authorizes the Board to negotiate agreements with other Swampy Cree Tribal Bands, the Federal Government, the Provincial Government, public health services agencies, or other private health services agencies, or other such agencies pursuant to the Moose Lake First Nation Health Policy Manual for the delivery of regional or community health services to residents including, inter alia, the provision of or construction of health services staff and personnel including, inter alia, physicians, community health representatives, dentists, dental assistants, dental therapists, nurses, midwives, traditional Indian healers, medical officers of health, environmental health officers, and other necessary personnel.

9.(2) Without restricting the generality of the foregoing, the Council hereby authorizes the Board to negotiate agreements for the maintenance and construction of nursing stations or other health care delivery facilities.

9.(3) All such agreements shall be brought to the Council for approval and ratification, and shall be subject to review, approval and ratification by Council.

#### Responsibilities of the Board

10.(1) The Board shall be responsible for the overall administration, maintenance and delivery of health services in the community and without restricting the generality of the foregoing may:

- a) Develop operating procedures for the Board;
- b) Recommend administrative, personnel, financial, and other policies;
- c) Receive and approve budget;
- d) Subject to the approval and ratification of the Council, borrow and spend money and acquire, dispose of and manage all forms of personal property;
- e) Manage such real property as the Council may direct;
- f) Review and approve the Annual Report;



- g) Provide an Annual Report to the Council and consult from time to time with the Council on the health needs of the community;
- h) Hire and dismiss a qualified Health Care Administrator;
- i) Advise the Council on health and health related policy matters;
- j) Ensure that policies and procedures are in place to maintain the traditional confidentiality of medical records.

11. The Board may enter into agreements for the retention of a qualified Health Care Administrator who shall be responsible and accountable directly to the Board and who shall be the senior health services staff officer. The Board is also empowered to dismiss the Health Care Administrator.

12. The Board shall have the power to maintain, control and manage the affairs of the various health and other related activities of the Moose Lake First Nation, and the power to disburse funds up to the amount of the budget approved by the Council and where necessary, any parties to any agreements made pursuant to this by-law and to disburse any other grants, fees, donations or other monies received by the Board in the course of operating their programs and activities pursuant to the Moose Lake First Nation Health Policy Manual.

#### Duties of Health Care Administrator

13. The Board may determine from time to time the duties and responsibilities of the qualified health care administrator and without restricting the generality of the foregoing the qualified health care administrator shall be responsible for:

- a) organizing and managing the day to day business of the Health Board;
- b) establishing procedures to implement policies contained in the Moose Lake First Nation Health Policy Manual;
- c) personnel administration and supervision of health services and staff including the power to hire and fire, subject always to such policy as to appeals or grievances as may be established by the Board;
- d) financial administration;
- e) program supervision;
- f) liaison with other agencies;
- g) managing all arrangements contracted for with others;
- h) reporting to the Board on all the above mentioned matters, and such other matters as the Board determines, in such form and on such schedules as the Board may from time to time determine.

#### Staffing and Personnel

14. The Board may determine from time to time the duties and responsibilities and the number of staff and personnel of the Board and without restricting the generality of the foregoing including,

inter alia, dental assistants, dental therapists, nurses, midwives, traditional Indian healers, medical officers of health, environmental health officers, clerks and other necessary personnel.

15. The Board may recognize persons who act as traditional Indian healers and may provide for a method of any remuneration or any compensation to the traditional Indian healers for such services.

#### Programs and Services

16.(1) The Moose Lake First Nation is not a party to the Memorandum of Agreement between the Federal Government of Canada and the Province of Manitoba entered into in 1964. The Moose Lake First Nation, Band Council and Board is not bound by the said 1964 Agreement.

16.(2) The Board shall administer, manage, maintain and deliver, in accordance with the Health Transfer Agreement between the Minister of National Health and Welfare and the Moose Lake First Nation, the following health services and programs and it is hereby enacted that at a minimum specific Provincial standards relating to such programs shall apply until such time as there may be an Agreement to the contrary between the Minister of Health and Welfare for Canada and the Moose Lake First Nation.

- a) Those treatment services contained in Health and Welfare Canada's Health Program Transfer Handbook dated September 28, 1989 and any amendments thereto;
- b) Communicable disease control;
- c) Occupational and environmental health and safety;
- d) Emergency health planning.

16.(3) The Board shall administer and maintain such other local health services as are determined by the Council to be required to be administered, maintained, and delivered to members of the Moose Lake First Nation.

#### Regulation of Wastes and Sanitation

17. No person shall destroy, damage, or cause or allow to be polluted by any foreign matter whatsoever, any well, cistern, reservoir, or any other means of water supply within the Reserve;

18. No persons shall deposit or accumulate or permit to be deposited or accumulated upon premises in his possession anything which is or may become offensive or injurious to health;

19. All garbage, including any refuse or matter which may attract scavengers, cause a nuisance, or otherwise be deemed to be potentially injurious to public health, shall be kept in a plastic or metal container which is properly sealed;

20. In the spring of each year, as soon as the weather permits, the person residing in any premises within the reserve shall collect or cause to be collected all waste matter lying thereon;

21. All such waste matter or garbage shall be disposed of in such manner and such place as will prevent any nuisance and as the Council may from time to time direct.

Regulation of Animals

22. All animals living on a reserve shall be either kept in the home, in a pen or corral designed for said animals, or shall be tied up in the yard, so that at all times they are secure from running at large.

23. No animals shall be allowed to run at large on the reserve. Any animal found running at large shall be apprehended by a Band Constable or such other animal control officer as the Council may designate, and shall take said animal to such pound or other place of confinement as the Council shall designate, whereupon:

- a) The apprehending officer shall notify the owner of said animal, or attempt to discover and notify said owner.
- b) The animal shall be destroyed five (5) days after apprehension if it is not claimed, or may be destroyed immediately if upon notification the owner indicates the intention to abandon the animal.
- c) Regardless of the disposition of the said animal, any owner who allows their animal to run at large shall be liable to a fine or penalty under this section.

24. Notwithstanding the provisions of Section 23, the Health Board may authorize the designated Animal Control Officer, the Band Constable, or any other person, for a designated period of time not to exceed two weeks, to shoot or otherwise destroy on sight any animal of a class designated by the Health Board (i.e. dogs or cats) found to be running at large, following one weeks' notice by the Health Board to the community, said notice to set out the period in which animals running at large are to be destroyed and the class of animals to be destroyed, said notice to be posted in a public place and published in the local community newspaper.

25. Dogs trained specifically for and acting as sled dogs, guard dogs, hunting dogs, guide dogs, or retrievers of game shall be deemed not to be at large so long as they are acting in the course of their training or tasks or are being taken from or taken to such tasks.

26. Animals which are in public or on public lands, but tied or attached to a leash held by a person or are otherwise accompanied by and under the control of a person, shall be deemed not to be at large.

27. Upon request of the Council, Health Board, Health Administrator, or any other person a Band Constable or such other animal control officer as the Council may designate may apprehend any animal if:

- a) The animal is reasonably suspected of, or showing signs of carrying diseases which constitute a danger to humans, animals or is detrimental to public health.
- b) The animal appears to be vicious and uncontrollable as shown by attacks of the animal on humans or animals which lead to injury.
- c) The owner of an animal apprehended under sections (a) and (b) may be charged with the keeping of either a diseased animal or a vicious animal, and liable to the penalties set out in this regulation upon summary conviction.
- d) Upon the completion of a hearing under section (c),

if a judge finds the animal in question to be vicious or diseased, the Band Constable or such person designated by the Council may destroy said animal.

28. No person shall keep any animals in a manner which is deemed to be unsafe, unsanitary, injurious to the animal, or threatening to public health and safety.

29. The Council may require:

- a) All dog owners living on the Reserve to register the dogs with the Band Constable or such other person designated by the Council;
- b) A fee shall be collected for the registration of dogs;
- c) Failure to register or pay fees may be subject to penalties under these regulations as the Chief and Council directs;
- d) All registered dogs are to wear a registration tag which will be given to the owner at the time of registration;
- e) All registrations shall be renewed from time to time at the direction of the Council;
- f) Provisions respecting the regulation of dogs may be applied to other classes of animals designated by Council.

#### Enforcement and Penalties

- g) Registration fees, periods, and penalties shall be set by the Council and shall be posted by notice in public places to be determined by the Council, and the general public shall be notified by way of said notice and a notice shall be published in the local community newspaper.

#### Incorporation by Reference

30. Insofar as they are not inconsistent with this by-law or any future by-law, specific provincial laws and regulations relating to the matters mentioned in paragraphs 15(3)(a), (b), (c) and (d) are hereby incorporated as part of this by-law and may be enforced as part of this by-law, until such time as the Council may otherwise agree with the Minister of Health and Welfare for Canada.

#### Amendments and Enactments

31. The Board may, from time to time, recommend to the Chief and Council:

- a) Amendments to this by-law;
- b) The enactment of further by-laws to create or give effect to programs required for the health and well being of members of the Moose Lake First Nation;
- c) Other measures that may be required to enable the Board to carry out its duties and responsibilities.

### Enforcement

32. The Board is hereby authorized to take any action necessary to ensure this by-law or policy established thereunder is complied with.

33. The Board may consult with the Council when enforcing this by-law or ensuring compliance with this by-law.

34. This by-law shall be enforced by Band Constables or any other Peace Officers serving the Moose Lake First Nation or by inspectors employed or designated by the Board.

35. Every individual, person or corporate body shall comply with this by-law and the laws and regulations referred to in paragraph 16.

36. A violation of this by-law that continues for more than one day constitutes a separate offence for each day during which it continues.

37. Any individual, person or corporate body who violates any of the provisions of this by-law shall be guilty of an offence, and shall be liable on a summary conviction to a fine not exceeding \$1,000.00 or imprisonment for a term not exceeding 30 days, or to both a fine and imprisonment, for each violation.

### Interpretation

38. In this by-law, the masculine includes the feminine, the feminine the masculine and the singular includes the plural and the plural the singular as the context requires.

### Severability

39. In the event that a Court of competent jurisdiction or other body with jurisdiction determines that any provision herein is unlawful or beyond the jurisdiction of the Council, and/or the Government of Canada, said provision shall be severable from this by-law and the remainder of the terms of the by-law and any regulations thereunder or future by-law shall remain in full force and effect.

### For the Protection of Directors and Officers

40. No Director or Officer of the Board shall be liable for:

- a) the acts, receipts, neglects or defaults of any other director or officer or employee;
- b) for joining in any receipt or act for conformity;
- c) for any loss, damage or expense happening to the Board through the insufficiency or deficiency to title to any property acquired for or on behalf of the Board;
- d) for the insufficiency or deficiency of any security upon which any of the monies of the Board are placed or invested;
- e) for any loss or damage arising from the bankruptcy, insolvency or tortious act of any person, firm or corporation with which any monies, securities or effects shall be deposited or lodged;

- f) for any loss, conversion, misapplication or misappropriation of, or any damage resulting from any dealings with any monies, securities, or other assets belonging to the Board;
- g) for any other loss, damage or misfortune whatever;

unless the above shall happen by his failure to exercise the powers and to discharge the duties of his office of trust honestly in good faith and in the best interests of the Board, and to exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

Indemnities to Directors and Officers

41. Subject to the provisions of this by-law, every Director and Officer of the Board, his heirs, executors, administrators, and other legal personal representatives and persons acting on instruction of the Board shall be indemnified by the Board for:

- a) any liabilities, costs, charges and expenses that he sustains or incurs in respect of any action, suit or proceeding that is proposed or commenced against him in respect of the bona fide execution of the duties of his office; and
- b) all other charges, expenses which he sustains or incurs in respect of the affairs of the Board.

Insurance

42.(1) The Board shall purchase comprehensive employers liability insurance before commencing its operations under this by-law, and such insurance shall include primary coverage for the Board and its Directors, employees, facilities and equipment.

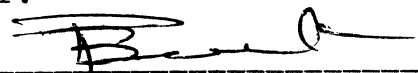
42.(2) The Board shall purchase insurance for motor vehicles from the Manitoba Public Insurance Corporation and said insurance shall provide for not less than \$1,000,000.00 (one million dollars) coverage per incident for personal injuries, death, and dismemberment.

42.(3) The Board shall require professionals and contractors with whom it is in a relationship for services to maintain adequate insurance coverage through their professional or other relevant associations, and such requirement shall be a term in every contract for such services.

DONE AND PASSED by Chief and Council in Council assembled this 05 day of JANUARY, A.D. 1993.

THE MOOSE LAKE FIRST NATION

Per:

  
 Chief \_\_\_\_\_  
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(A QUORUM FOR THIS BAND CONSISTS OF THREE (3) COUNCIL MEMBERS)