

KAMLOOPS INDIAN BAND
RULES GOVERNING BAND MEETINGS
BY-LAW #1996-2

WHEREAS:

Section 81 of the Indian Act provides that the Council of the Band may make by-laws;

AND WHEREAS:

The Council of the Kamloops Indian Band deems it advisable to enact rules governing Band Meetings;

AND WHEREAS:

At a meeting of the Kamloops Indian Band the membership instructed that rules governing Band Meetings be enacted;

BE IT HEREBY RESOLVED

That pursuant to the Indian Act and in particular Section 81 (1) (c), (d) and (g) thereof, and further to the instructions of the members of the Kamloops Indian Band, the Council of the Kamloops Indian Band of Indians enacts the following bylaw for the purpose of regulating the order and conduct of Band meetings.

1. SHORT TITLE:

This bylaw be cited as the "Rules Governing Band Meetings Bylaw".

2. DEFINITIONS:

In this bylaw, unless the Context otherwise requires:

- | | |
|----------------|---|
| "adjourn" | means to bring the meeting to a close; |
| "agenda" | means the order of business to be brought up at a meeting; |
| "amend" | means to change or modify a motion by striking out, or by adding or by substituting any part thereof; |
| "Band Council" | means the Chief and Council |
| "Band Meeting" | includes a General Band Meeting and a Special Band Meeting; |
| "Band Member" | means a registered member of the Kamloops Indian Band as determined by the latest Band List; |
| "Chair" | means the person presiding at a meeting; |
| "Chief" | means the Chief of the Kamloops Indian Band as chosen by the custom of the Band or otherwise elected or appointed under the provisions of the Indian Act; |

- “Council Member” means a member of the Council of the Kamloops Indian Band as chosen by the custom of the Band or otherwise elected or appointed under the provisions of the Indian Act;
- “Debate” means to discuss the pros and cons of a motion;
- “Decision of Band Meeting” means a decision of the Band Council made in accordance with the provisions of the bylaws Governing Band Council Meetings;
- “minutes” means the official record of proceedings at a meeting;
- “motion” means a motion or resolution that introduces the business or a proposal to the meeting for action;
- “Obtain the floor” means when a Band Member present at a meeting is recognized by the Chief as being entitled to speak, when he or she “has the floor”;
- “on the floor” means a motion that is being considered by the Band Members at the meeting;
- “question” means, when a motion that is being considered by the Band Members at the meeting;
- “rebuttal” means, a reply to the debate on a motion by its mover
- “simple majority” means a vote in which the affirmative votes exceed the negative votes.
- “Special Band Meeting” means a meeting of the Band Members of the Kamloops Band of Indians called by the Chief or Band Council in order to deal with a particular item or items of business;
- “tabled” means the adjournment of a motion until a subsequent meeting
- “two-thirds” means a vote in which the affirmation votes are no less than twice the number of negative votes

3. BAND MEETINGS:

- 3.1 The Band Council shall, in its sole discretion, decide from time to time by resolution when General Band Meetings shall be held provided that such meetings shall be called at least four times each calender year.
- 3.2 Band members may, by motion passed at a Band meeting, call a special meeting of the Band. Such a meeting will be called at a date to be set by the Band council.
- 3.3 A Special Band Meeting may be called at any time by the Council and the notice of such meeting shall be given to each Band Member 18 years of age or over in the manner set out in Section 4 of this by-law.

4. NOTICE OF MEETINGS:

- 4.1 The Band Council or its designate will provide formal written notice of the time, date and place of each Band Meeting to each Band Member 18 years of age or over. In the case of Band Members entitled to notice living on the Reserve notice shall be given by delivering such notice to the residence of those Band Members. In the case of a Band Member entitled to notice who is not living on the Reserve notice shall be given by mailing such notice to the last known address of theat Band Member. In any case notice shall be given at least two weeks prior to the date of the meeting and such notice shall include an agenda of the business of the meeting. If the meeting is

a General Band Meeting, the notice shall also include a summary of the business conducted by the Band Council since the last preceding Band Meeting including a summary of the report of each Band Councillor.

- 4.2 The Band Council or its designate will post a notice of the time, date and place of each Band Meeting together with an agenda of the business of the meeting and a summary of the business conducted by the Band Council board in the Band Administration building at least one week prior to the date of the Band Meeting.

5. THE CHAIR:

- 5.1 The Chief of the Band shall preside at all Band Meetings. If the Chief does not attend at a meeting within thirty minutes after the time set for the commencement of such meeting then a Chair shall be chosen from amongst the Band Council members present. The Chair so chosen shall call the Band Members then present to order and shall preside during the meeting or until the arrival of the Chief.

- 5.2 The duties of the Chair are:

- 5.2.1 to call the meeting to order at the appointed time;
- 5.2.2 to preside and maintain order;
- 5.2.3 to announce all business on the agenda in its proper order;
- 5.2.4 to enforce all the time limits provided for in this bylaw;
- 5.2.5 to explain and decide all questions of order;
- 5.2.6 to entertain and decide all questions of order;
- 5.2.7 to permit no one to debate a motion before such is properly moved and seconded;
- 5.2.8 to encourage debate and assign the floor to those properly entitled to it;
- 5.2.9 to put all motions to a vote and give results;
- 5.2.10 to enforce the rules of order found in this bylaw;
- 5.2.11 to be absolutely fair and impartial
- 5.2.12 to extend every courtesy to the opponents or proponents of a motion even though the motion is one that the Chair favours or disfavors respectively.

6. THE SECRETARY:

- 6.1 The Secretary for the meeting shall be appointed by the Chief and Council;

- 6.2 The duties of the secretary are:

- 6.2.1 to keep the minutes of the meeting;
- 6.2.2 to record the proceedings and provide verbatim minutes of the debate and decisions;
- 6.2.3 to record the name of any Band Member who introduces a motion and the substance of the motion introduced;
- 6.2.4 to prepare a written record of the minutes of the meeting, a copy of which will then be available to any Band Member.

- 6.3 Band staff will be responsible for organizing the meeting, setting up the room, arranging seating and refreshments, and clean-up after the meeting.

7. ATTENDANCE AT BAND MEETINGS:

- 7.1 Any Band Member may attend a Band Meeting.

- 7.2 A person who is not a Band Member may not attend a Band Meeting except if that person is invited to attend by a decision of Band Council.

- 7.3 Any Band Member 18 years of age or over who wishes a person who is not a Band Member to be invited to attend a Band Meeting may submit a request in writing to the Band Council stating the name of the person to be invited and the reason why the presence of this person at the Band Meeting is desirable. A request made pursuant to this section must be submitted to Band Council at least two weeks prior to the Band Meeting at which the attendance of the person is requested. There are to be no exceptions to this rule.
- 7.4 No one may speak at a Band Meeting or put forward or second a motion unless the person is:
- 7.4.1 a Band Member 18 years of age or over; or
 - 7.4.2 a person who has been invited to speak by a person of Band Council in which case that person may speak but not forward or second a motion, or vote.

8. DUTIES AND RIGHTS OF BAND MEMBERS:

- 8.1 Duties of Band Members attending a Band Meeting;
- 8.1.1 to identify themselves before speaking;
 - 8.1.2 to refrain from speaking until they have obtained the floor;
 - 8.1.3 to refrain from speaking upon any matter until it is properly brought before the meeting as a motion by being moved and seconded;
 - 8.1.4 to speak only in respect of the motion or discussion currently pending on the floor;
 - 8.1.5 to yield the floor to calls for order;
 - 8.1.6 to avoid disturbing, in any way, the proceedings of the Band Meeting and the speech of any other Band Member recognized as having the floor;
 - 8.1.7 to respect and observe all the rules of order and conduct provided in this bylaw.
- 8.2 Rights of Band Members 18 years of age or over:
- 8.2.1 to put forward any motion that is relevant to the business of the Band;
 - 8.2.2 to explain or discuss that motion, or any matter properly before the Band Meeting;
 - 8.2.3 to hold the floor when obtained in accordance with this bylaw until finished speaking or until the expiry of the time provided in Section 11.3 of this bylaw.

9. AGENDA FOR MEETINGS:

- 9.1 All meetings shall be called to order by the Chair and opened with a prayer.
- 9.2 At a General Band Meeting, (immediately after the opening prayer) any Band Member 18 years or over may bring forward for review possible errors or omissions in the minutes of the preceding Band Meeting so that these possible errors or omissions may be corrected. In no case shall the discussion of the possible errors or omissions in the minutes of the preceding Band Meeting take longer than fifteen minutes. In the event that a Band Member has further possible errors or omissions that he or she wishes discussed at the expiry of fifteen minutes then a record of such possible errors and omissions shall be submitted in writing for the review of the Band Council.
- 9.3 At a General Band Meeting, immediately after the minutes of the preceding meeting have been reviewed each Band Council member shall present a report on his or her portfolio. Each report shall be no longer than ten minutes.

- 9.4 After all Councillors have given their reports at a General Band meeting, there shall be a question period during which any Band Member 18 years of age or over may ask any Band Council member questions directly related to his or her portfolio.
- 9.4.1 No Band Member shall ask more than one question at a time.
- 9.4.2 Each Band Council Member addressed with a question shall have an opportunity to respond to the question.
- 9.4.3 No response by a Band Council Member shall be longer than five minutes.
- 9.4.4 In no case shall the question period last for longer than one hour.
- 9.4.5 The Chair may, in his or her sole discretion limit the number of questions any Band Member may ask, the number of questions which may be directed to any single Band Council Member, and the length of the question period.
- 9.5 Unfinished Business.
- 9.6 New Business
- 9.7 Adjournment.

10 MOTIONS AND AMENDMENTS:

- 10.1 All business is brought before the meeting by a motion. Only one motion may be considered at a time. A motion must be put forward by a Band Member 18 years of age or over and seconded by another Band Member 18 years of age or over before it may be officially put before the meeting. When a motion is before the meeting, it must be accepted or rejected or tabled, before another subject may be introduced.
- 10.2 Amendments may be introduced to change, modify, or complete a motion. An amendment must be directly related to the subject of the motion. Amendments are seconded, debated and then either adopted or rejected by means of a majority vote. If the amendment is adopted, then the original motions, as amended, must be stated and discussed, and then put to a vote.
- 10.3 No motion which may affect the property rights of any Band Member as an individual rather than simply affecting such Band Member's rights in the same manner as all other Band Members shall be debated or voted upon unless prior notice of such motion in the manner set out in article 4 above concerning notice of meetings has been given to the Band Member concerned and that Band Member is present at the Band Meeting where the motion is put forward and has been given an opportunity to speak on the motion is to be tabled to the next general Band meeting. The member is to be notified again, in the manner set out in article 4 of the motion to be considered at the subsequent General Band Meeting. If the member does not attend this second meeting, the motion may be put forward, debated and voted upon by the Band Meeting.
- 10.4 All motions and amendments passed at a Band Meeting shall be binding upon all the Band Members and on the Band Council.

11. DEBATE:

- 11.1 No person may speak until he or she has been recognized by the Chair.
- 11.2 All remarks must be addressed to the Chair and confined to the motion or the matter being then considered by the meeting.
- 11.3 Each Band Member or other person entitled to speak at a Band Meeting pursuant to section 7.3 of this bylaw may speak twice to the motion or matter then being considered by the Band Meeting and no speech shall be longer than 10 minutes.

- 11.4 An order to close the debate is made when a Band Member 18 years of age or over "calls for the question". If the call for the question is seconded the Chair puts this question to a vote. If carried by a two thirds majority vote, all debate instantly ceases, after which the Chair immediately puts the motion or matter then being considered to a vote by the Band Members entitled to vote at the Band Meeting.
- 11.5 The procedure outlined in sub-section 11.4 is to be followed for an order limiting or closing debate. A Band Member who obtains the floor may make a motion to limit the time allowed each speaker, or the number of speeches, or to appoint a time at which debate shall close and the motion then being debated be put to a vote. A motion to limit or close debate, after being seconded, requires a two thirds majority for its adoption.
- 11.6 At the conclusion of the debate, and before the vote is taken, the mover of a motion under consideration has the right of rebuttal.

12. VOTING:

- 12.1 Only Band Members 18 years of age or over in attendance shall be entitled to vote at any Band Meeting.
- 12.2 The Chair of the meeting shall not vote. In the event that there is a tie vote, the matter shall be tabled to the next General Band Meeting.
- 12.3 Band members, on entering a Band Meeting, shall sign a registry and will be issued a voting card. Voting shall be by means of raising the voting card except that any Band Member entitled to vote may make a motion that a vote be by means of a secret ballot. A motion for a vote by means of a secret ballot shall not be debated. Except where these Rules expressly require a two-thirds majority, a simple majority will be sufficient to adopt any motion.

13. QUORUM:

- 13.1 50 Band Members 18 years of age or older shall constitute a quorum at a General or Special Band Meeting.

14. FAILURE TO COMPLY WITH RULE OF ORDER:

- 14.1 The Band Council is authorized to appoint an RCMP Sergeant at Arms to enforce the terms of this bylaw and ensure the orderly conduct of all Band Meetings.
- 14.2 If any Band Member or person attending a Band Meeting fails to comply with any of the rules of order provided for in this bylaw then the Chair may rule that the or she is out of order.
- 14.3 When the chair has ruled that any one is out of order the Chair, may in his or her sole discretion, decide that the Band Member or other person shall not remain in the room. The Chair may then order the Sergeant at Arms to remove such Band Member of other person from the Band Meeting, with minimum force.
- 14.4 Neither the Chair nor the Sergeant at Arms, nor the Band are liable for damages arising from an order, properly made and enforced, to eject a Band Member or other person from a Band Meeting.

15. AMENDMENTS:

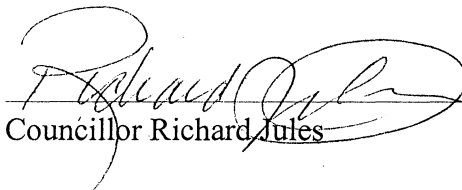
- 15.1 Amendments to these Rules will not take effect until after they have been approved at a Band meeting.

16. SEVERABILITY:

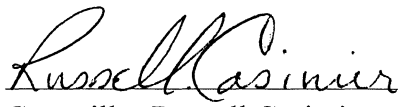
16.1 Each and every provision of these Rules is severable and where a section or part of a section is declared void or invalid, the remaining sections shall continue to be valid and of full force and effect.

THIS BY-LAW IS HEREBY MADE A BY-LAW OF THE BAND at a duly convened meeting of the Council of the Band the 2nd day of December, 1996.

Chief C. T. (Manny) Jules

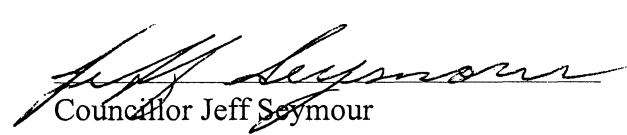


Councillor Richard Jules



Councillor Russell Casimir

Councillor Hank Gott

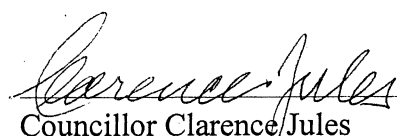


Councillor Jeff Seymour




Councillor Fred Camille

Councillor James Thomas



Councillor Clarence Jules



Councillor James Casimir

By-Law 1996-3
A By-law to Amend By-law 1996-2
Rules Governing Band Meetings By-law

Whereas, paragraphs (c), (d) and (q) of section 81 of the Indian Act empower the council of an Indian Band to make by-laws respecting Band Meetings under that section;

And Whereas, the council of the Kamloops Indian Band did enact by-law number 1996-2 respecting Rules Governing Band Meetings;

And Whereas, the said council deems it to be expedient and in the best interest of the residents of the Kamloops Indian Reserve to amend the said by-law;

Now Therefore, the council of the Kamloops Indian Band enacts as a by-law thereof as follows:

1. Preamble paragraph number four cites s.81 (1)(g) of the Indian Act and the same is hereby amended deleting the reference to "Section 81 (1) (c), (d) and (g) " in the first line thereof and inserting in lieu thereof a reference to "Section 81 (1) (c), (d) and (q) " so that the section shall read:

That pursuant to the Indian Act and in particular Section 81 (1) (c), (d) and (q) thereof, and further to the instructions of the members of the Kamloops Indian Band, the Council of the Kamloops Indian Band of Indians enacts the following bylaw for the purpose of regulating the order and conduct of Band meetings.

2. Section 7.3 of By-law No. 1996-2 and the same is hereby amended by deleting the word "whishes" in the first line thereof and inserting in lieu thereof the word "wishes", so that the section shall read:

7.3 Any Band Member 18 years of age or over who wishes a person who is not a Band Member to be invited to attend a Band Meeting may submit a request in writing to the Band Council stating the name of the person to be invited and the reason why the presence of this person at the Band Meeting is desirable. A request made pursuant to this section must be submitted to Band Council at least two weeks prior to the Band Meeting at which the attendance of the person is requested. There are to be no exceptions to this rule.

APPROVED AND PASSED at a duly convened meeting of the Council this 21st day of January, 1997.

CHIEF: _____

COUNCILLOR: James Casimir COUNCILLOR: Richard K. D.

COUNCILLOR: Lorraine Jules COUNCILLOR: John Gray

COUNCILLOR: Russell Casimir COUNCILLOR: _____

COUNCILLOR: _____ COUNCILLOR: _____