

BY-LAW NO. 8

The Council of the Blood Band of Indians, in the Province of Alberta, at a Meeting held at Cardston, Alberta, this 24th day of June, A.D. 1968, makes the following By-Law pursuant to paragraph (g) of Section 80 of the Indian Act.

A By-Law of Rules and Regulations governing the Blood Band Employee Service.

BLOOD BAND EMPLOYEES REGULATIONS

- I
1. A Blood Band Employee Service shall be established as the administrative Branch of the Blood Band and Blood Band Council.
 2. The Service shall be non-political and have continuity of service, even though the Band Council may be changed by election.

II Appointment of Band Manager

1. A Band Manager shall be appointed by the Band Council for the management of all Band affairs and be responsible directly to the Chief and Band Council.
2. The Band Manager shall be subject to discipline only by the Chief and Band Council.

III Duties of Band Manager

The Band Manager shall:

1. Be responsible for the supervision and to co-ordinate the work of all Band employees.
2. Attend all Band Council and Committee Meetings. In the case of Committee Meetings, the Band Manager shall make arrangements to be represented if he cannot attend in person.
3. Advise the Band Council and Committees on progress of projects, programmes and recommend changes where necessary.
4. Liaise closely with the Department of Indian Affairs, Provincial and Municipal officials.
5. Compile Council Resolutions for signature and other reports and correspondence for the operation of the Band Administration.
6. Assist in the financial co-ordination of joint Band and Federal projects and programmes.

7. Review projects and programmes and encourage Council to initiate policies for implementation and improvement where necessary.
8. Be responsible to draw up Agenda for all Council and Committee Meetings.
9. Present monthly financial and budget information to the Council.
10. Initiate interviews with Band members and the general public.
11. Initiate action on requests received by Council.
12. Keep all records pertaining to Band employees regarding salaries, leave, travelling expenses, mileage and other related personnel records.
13. Report semi-~~annually~~ to the Band Council, in writing, on the performances of all Band employees in the months of March and September.
14. Have the authority to issue oral or written reprimands to any employee for misconduct or negligence, the full facts of which shall be reported, in writing, to the Band Council.
15. Have the authority to suspend, to a maximum of two weeks, any employee for misconduct or negligence, the full facts of which shall be reported to the Band Council, in writing.

IV

Other Appointments

1. The Band Manager shall deal with all appointments, promotions, conditions of service and salaries in consultation with the Band Council, of all Band employees.
2. The Band Manager in consultation with the Band Council, shall set the qualification standards for all job positions.

3. Vacancies of all permanent positions shall be advertised, if the Band Manager so desires, in public places throughout the Reserve, for a period of time, as may be determined by the Band Manager in consultation with the Band Council.
4. The Band Manager shall submit, in writing, to the Band Council a list of suitable candidates, in order of preference, with their education, experience and recommendation for employment.
5. Permanent appointments shall be accomplished through the execution of an employment contract, after final approval by Band Council.
6. Band employees shall serve a probationary period of a minimum of six months. They may be removed by the Band Manager, through the Band Council, for negligence or mis-conduct.
7. All permanent positions shall be supported by written description of the duties to be performed. Such job sheets as drawn up by the Band Manager, shall be approved by the Band Council before the position may be filled. In addition to the description of duties, the job sheet shall include the following:
 - a) position title
 - b) rate of pay
 - c) designation of supervisor
 - d) positions to be supervised
 - e) date of approval by Band Council

V Conditions of Service

1. Working Week:

A working week shall consist of 37½ hours, Monday through Friday inclusive, except for those employees who are engaged in essential services. Despite the above, all Band employees shall be on call in case of emergency e.g. fire, flood and other disasters.

2. Leave:

- (a) Vacation Leave. Annual paid leave shall be granted at the rate of one and one quarter days per month, subject to a maximum of fifteen working days per annum. Annual leave is based on the fiscal year April 1 to March 31. There shall be no carryover of vacation leave into the next year. The following paid holidays shall be observed:

New Year's Day
 Good Friday
 Easter Monday
 Victoria Day
 Dominion Day
 Labour Day
 Thanksgiving Day
 Remembrance Day
 Christmas Day
 Boxing Day

One Indian Day, as may be declared by the Council, and any other holiday as may be declared by the Governor in Council.

- (b) Sick Leave. Sick Leave shall be granted at the rate of one day per month subject to a maximum of twelve days per annum. Sick leave shall be accumulated from year to year. If an employee is unable to perform his duties because of sickness or injury, he may be granted sick leave with pay as a charge against his unused sick leave credits, or leave of

absence without pay if he does not have unused sick leave credits. After two days of absence due to illness, a medical certificate will be required.

- (b) Study Leave. Employees shall be granted leave for study purposes with or without pay or reduced pay according to the circumstances and subject to the recommendations of the Band Manager to the Council.
- (d) Compassionate Leave. Leave of absence on compassionate grounds such as death in the family or marriage, will be at the discretion of the Band Manager.

3. Election:

- (a) A Band employee may become a candidate for Band Council election, and if elected, he must resign his position as a Band employee.
- (b) All Band employees who are working on the day of a Band election or Band referendum shall be given time off, with pay, to vote.

CONSTITUTION AND BY-LAWS OF THE BLOOD TRIBE

ALBERTA

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PART 1

PREAMBLE

We, the duly enrolled members of the Blood Indian Reserve in the Province of Alberta, Canada, in order to secure to ourselves and our descendants the management of our own affairs, and to perpetuate this reservation as an abiding place for the members of this community, do establish the constitution of the Blood Indian Reserve:

Article I - Objectives

It shall be the object of the Blood Reserve:

- (a) to establish and maintain, with the aid of the Department of Indian Affairs, a form of home rule that shall promote the advancement and welfare of the Indians of the Blood Reserve.
- (b) to establish and enforce such rules as may be necessary to safe-guard Indian property for the use of present and future generations.
- (c) to obtain all Indians of this Reserve, of the present and future generations, lands needed for home and livelihood.

Article II - Territory

The jurisdiction of the Blood Reserve shall extend to all lands now contained within the Blood Indian Reserve, and to any lands that may in future be added thereto.

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PART 2

GOVERNING BODY

Governing Body of the Blood Tribe is the Chief and Blood Tribal Council. Membership in the Council will be by election as provided for in Section 73 of the Indian Act and the Indian Band Election Regulations made under the Indian Act; or by any other Tribal election system as approved by Band Members and the Tribal Council and made in the form of a By-law.

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PART 3

DUTIES OF BLOOD TRIBAL CHIEF

- (a) The Chief is the Head of the Blood Tribe.
- (b) The Chief shall officially open all Council Meetings or he may appoint a Chairman from among the members of Council.
- (c) The Chief is the chief liason officer for the Tribe.
- (d) The Chief is responsible for co-ordinating activities with Federal, Provincial and Municipal governments.
- (e) The Chief shall attend all Council, Tribal and Special Meetings, whenever possible and is also an ex officio member of all Committees.
- (f) The Chief may delegate his authority to any tribal member to represent the Tribe at any meeting or Conference.

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PART 4

ORGANIZATION & RESPONSIBILITIES OF COUNCIL

- (a) The Blood Tribal Council shall have powers in accordance with Section 80 of the Indian Act, and any other such by-laws and resolutions as may be passed by the Council, from time to time.

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PART 5

SALARIES OF CHIEF & COUNCIL

The Chief and Council may pass a resolution (a) for paying the Chief and members of Council a per diem, monthly or annual salary (b) a subsistence allowance for each full day spent on special assignment, (c) mileage for every mile necessarily travelled on special assignment.

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PART 6

RESIGNATIONS, VACANCIES,

FORFEITURE OF SEAT

(a) Resignations, vacancies, and forfeiture of seat of Chief and Council are governed by Sections 77,78, and 79 of the Indian Act and any other by-laws that may be passed by Council.

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PART 7

MEETINGS OF COUNCIL

(a) The Council may make such rules of procedure as are not inconsistent with the Regulations Governing Procedure at Indian Tribal Council Meetings, P.C. 1953 - 1313 made and established October 1, 1953.

(b) These regulations state:

(1) The first meeting of the Council shall be held not later than one month after its elections, on a day, hour and place stated in a notice given to each member of the Council, and meetings shall thereafter be held on such days and at such times as may be necessary for the business of the Council and the affairs of the Tribe.

(2) No member of the Council may be absent from meetings of the Council for three regular monthly meetings without being authorized to do so by the Chief of the Tribe, with the consent of the majority of the Councillors of the Tribe.

(3) The Chief of the Tribe or the designated Chairman may, at anytime, summon a special meeting of the Council, and shall summon a special meeting when requested to do so by a majority of the members of the Council.

(4) The Chief or designated Chairman shall notify each member of the Council of the day, hour and place of the meeting.

ORDER AND PROCEEDINGS

(5) A majority of the whole Council shall constitute a

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quorum.

- (6) If no quorum be present within one hour after the time appointed for the meeting, the Secretary shall call the roll and take the names of the members then present and the Council shall stand adjourned until the next meeting.
- (7) The Chief, or any member designated by him, shall be the presiding Officer or Chairman.
- (8) Upon a quorum being present, the Chief or designated Chairman shall take the chair and call the meeting to order.
- (9) In the absence of the Chief or the designated Chairman, a Chairman shall be chosen from among the members present who shall preside during the meeting or until the arrival of the Chief or the designated Chairman.
- (10) The presiding officer shall maintain order and decide all questions of procedure.
- (11) The order of business at each regular meeting shall be as follows:
 - (a) reading (correction, if any) and adoption of the minutes of the previous meeting;
 - (b) unfinished business;
 - (c) presentation and reading of correspondence and petitions;
 - (d) presentation and consideration of reports of committees;
 - (e) new business;
 - (f) hearing depositions or interviews;

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(g) adjournment.

- (12) 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.
- (13) After a resolution has been placed before the meeting by the presiding officer it shall be deemed to be in the possession of the Council, but it may be withdrawn by consent.
- (14) When any member desires to speak, he shall address his remarks to the presiding officer, and confine himself to the question then before the meeting.
- (15) In the event of more than one member desiring to speak at one time, the presiding officer shall determine who is entitled to speak.
- (16) (a) The presiding officer or any member may call a member to order while speaking and the debate shall then be suspended and the member shall not speak until the point of order is determined.
- (b) A member may speak only once on a point of order..
- (17) Any member may appeal the decision of the presiding officer to the Council and all appeals shall be decided by a majority vote and without debate.
- (18) (a) All questions before the Council shall be decided by a majority vote of the Councillors present.
- (b) The presiding officer shall not be entitled to vote but whenever the votes are equal, the presiding

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officer shall cast the deciding vote.

- (19) Every member present when a question is put shall vote thereon unless the Council shall excuse him or unless he is personally interested in the question, in which case he shall not be obliged to vote.
- (20) Whenever a division of the Council is taken for any purpose, each member present and voting shall announce his vote upon the question openly and individually in the Council, or if the presiding officer so wishes, by secret ballot.
- (21) Any member may require the question or resolution under discussion to be read for his information at any period of the debate, but not so as to interrupt a member speaking.

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PART 8

COMMITTEES

1. The Tribal Council, from time to time, may appoint standing or special committees consisting of one or more of its members, or from outside the Council, and may delegate to the Committees through terms of reference:

- (a) Any matter for consideration, inquiry, management or regulation - for the purpose of social, economic, cultural and educational development of tribe.
- (b) To report to the Council from time to time as often as the interests of the Tribe may require, all matter connected with the duties imposed on them respectively and to recommend such action by the Council relation thereto as they may deem necessary and expedient.
- (c) To consider and report upon all matters referred to them by the Council or by the Chief of the Tribe.
- (d) Any of the duties and powers by this Constitution imposed and conferred upon the Council, except the powers:
 - (i) to borrow money,
 - (ii) to pass a by-law, or
 - (iii) to enter into a contract.

2. A majority of the members of a Committee shall be a quorum.

3. The Tribal Chief shall be an ex officio member of all committees and be entitled to vote at all meetings thereof, and other members of the Council may attend meetings of a Committee and may with the consent of a Committee take part in the discussions but shall not be entitled to vote.

4. Special meetings of Committees shall be called at the request of

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the Chairman or a majority of the Committee or in the absence of the Chairman on request of the Chief or the Tribal Administrator.

5. The Council may make such rules of procedure as are not inconsistent with these regulations in respect of matters not specifically provided for, thereby, as it may deem necessary.

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PART 9

TRIBAL MEETINGS

- (a) The Chief and Tribal Council shall call at least two annual general meetings at which the auditors' report on the financial standing of the Tribe, the budget, progress report and general state of development of the Tribe shall be reported upon by the Chief, and the Tribal Council.
- (b) Notices shall be posted at least seven days prior to the date of the meeting at different centres on the reserve and in newspapers stating the date, place and time of the meeting.
- (c) If so requested at any time by the written petition of twenty electors or voters, the Chief by public notice posted at different centres on the Reserve, shall call a Tribal meeting of the electors or voters of the Reserve to be held on the date and place named in the notice for the discussion of Tribal affairs or of any matter relating to this.
- (d) The date for the meeting named in the notice shall be not more than thirty days from the date of receipt of the petition.
- (e) The notices shall be posted at least seven days prior to the date of the meeting named in the notice.

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PART 10

APPOINTMENTS AND DUTIES

OF TRIBAL MANAGER

(a) A Tribal Manager shall be appointed by the Council for the management of all Tribal Affairs and be responsible directly to the Chief and Council.

(b) The Tribal Manager shall be subject to discipline by the Chief and Council.

(c) Description of Duties:

Under the direction of the Chief and Council, to direct the overall operation of the Blood Tribe Administration by:

(1) Supervising, training, and co-ordinating the work of all employees.

(2) Attending all Council and Committee meetings to give or extract information concerning reserve programs.

(3) Advising Council and Committees on progress of work projects and programs.

(4) Assisting in the financial co-ordination of joint tribe and federal programs.

(5) Initiating all matters pertaining to the appointment, promotion, conditions of work, and salaries of Tribal officials and employees, in consultation with Council.

(6) Supervising the control of Tribal finances.

(7) Carrying out correspondence relevant to Tribal administrative matters.

(8) Performing other related duties as required.

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PART 11

OFFICIALS AND EMPLOYEES

- (a) A Tribal Civil Service shall be established to carry out the administrative work and duties of the Chief, Tribal Council and the Tribe as a whole. The Tribal Manager is the supervisor of all officials and employees.
- (b) The Civil Service shall be non-political and the officials have security of tenure, even though the Tribal Council may be changed through election.
- (c) No official or employee of the Tribal Civil Service shall be a member of the Tribal Council.
- (d) Officials and employees may be nominated for Council, and if elected, must resign from the Tribal Civil Service.
- (e) It shall be the responsibility of the Council, with the Tribal manager, to establish qualification standards for all appointed Tribal positions.
- (f) All permanent Tribal Positions shall be subject to establishment by the Council. The authority to establish Tribal positions includes the responsibility to prescribe the salary or wages to be paid upon recommendation by the Tribal manager.
- (g) All vacancies shall be advertised in newspapers and by notice in public places on and off the Reserve, for a period as may be determined by the Council.
- (h) The Tribal Manager shall submit to the Council a list of suitable Candidates with their education, experience, and in order of preference, recommendations for employment.
- (i) The Council may appoint a Selection Board from or outside the Council, with the Tribal Manager, to interview candidates.

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(j) Final selection of the candidate will be made by the Council, in conjunction with the Tribal Manager, based on recommendations.

(k) Tribal Employees shall serve a probationary period of six months, during which they may be removed by the Council, through the Tribal Manager, for unsatisfactory work. The Tribal Manager shall report to the Council in writing of the nature of the unsatisfactory work of the employee.

(l) All permanent positions shall be supported by a written description of the duties to be performed. Such job descriptions shall be approved by the Tribal Council before the position may be filled. In addition, to the description of duties, the job description shall include the following:

- 1) Position title
- 2) Rate of pay
- 3) Designation of Supervisor
- 4) Positions to be supervised
- 5) Date of approval by Council.

(m) The Tribal Manager shall report in writing annually in September to the Council, on the performance of each Tribal employee.

(n) The Tribal Manager, shall have the authority to issue oral or written reprimands to any employee for misconduct or negligence, the full facts of which shall be reported, in writing, to the Council.

(o) The Tribal Manager, shall have the authority to suspend without pay any employee for a period of up to three weeks, for misconduct or negligence, the full facts of which shall be reported, in writing, to the Council.

(p) When a suspended official or employee is dismissed by the Council, the official or employee shall not receive any salary or remuneration from the date of his suspension, unless Council, by a

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resolution, otherwise determines.

(q) No employee shall be dismissed (1) without being given a reasonable opportunity to be heard before the Council in person, and (2) without being given, in writing the true reasons for his dismissal.

(r) There shall be established rules and regulations governing the conditions of service of officials and employees of the Tribe.

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PART 12

ELECTION OF CHIEF AND
TRIBAL COUNCIL

Elections for the Chief and Tribal Council, shall take place in accordance with Sections 73 - 78 of the Indian Act and the Indian Band Election Regulations, until such time as the Tribal members, agree through a referendum to be exempted from these Sections and Regulations and go into a Tribal Electoral System, through the passing of a By-law.

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PART 13

TRIBAL PROPERTY

- (a) The Tribal Council shall have full and complete authority and responsibility for the safe-guarding, insuring, and assigning use of all Tribal property, buildings, etc.
- (b) The Council will also assume primary responsibility for accountability and Control records, even though such property may be authorized custody of a responsible official or employee or assigned to a particular program or project.
- (c) A stock survey and inventory of all tribal property shall be made in writing at least once annually by a special committee, appointed by Council, of all tribal properties of the Tribe.

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PART 14

FINANCE

- (a) The Tribal Council shall assume primary responsibility over the Finance Committee, one function of which will be to prepare the Budget each year with the Tribal Manager and other officials.
- (b) Members of the Finance Committee shall consist of the Chairman of each Standing Committee, and the Tribal Manager and the Secretary-Treasurer as ex officio members, without voting power.
- (c) The Finance Committee is primarily responsible for the development of the Tribal budget for the ensuing fiscal year and for development forecasting.
- (d) The Standing Committees, responsible for projects, enterprises and programs shall be required to submit budgets to the Finance Committee by October 31, of each year.
- (e) The Finance Committee shall review the Budget and present their recommendations to Council on or before the 15th of December.
- (f) Final approval of the Budget will be given by Council at this meeting.
- (g) The fiscal year shall be from April 1 to March 31.
- (h) The Council shall assume responsibility for the management and control of the approved budget.
- (i) The Council shall at least once in each year, cause the budget, and the spending there of, to be audited, by an external auditor.
- (j) The audit should determine that officials and employees charged with the responsibility of managing Tribal programs and enterprises, are carrying out this responsibility with efficiency in the manner authorized by the Council.
- (k) The auditor shall also conduct a general review of the accounting

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proceedures of the Tribe and l) make such tests of the accounting records and other records as he considers necessary to be able to certify that the books and accounts of the Tribe are properly kept in accordance with standard accounting practices.

(l) The report of the auditor shall be presented at Council meeting, as soon as possible after it has been received by the Tribal Manager. The report shall also be read at the annual Tribal meeting. However, when it appears to the auditor:

1) that an expenditure has been made contrary to a by-law or resolution, or

2) that there has been an irregularity on the part of the Council or of an official or employee of the Council in dealing with money or property of the Tribe,

the auditor shall write a special report respecting the same and shall deliver that report to the Chief who shall lay the same before the Council at its next regular meeting.

(m) At least once per month the Secretary-treasurer shall prepare a report showing the actual expenditures and commitments in relation to the budget. This report shall be presented to Council.

(n) No over expenditure of funds shall be incurred without prior approval of Council. This must be supported by a resolution in writing.

(o) Financial signing authority of members of council, officials, and employees shall be supported by a resolution.