

# **BIGSTONE CREE NATION MEMBERSHIP MEETING BYLAW**

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**BIGSTONE CREE NATION**  
**A BYLAW GOVERNING MEMBERSHIP**  
**MEETINGS OF THE BIGSTONE CREE NATION**

**WHEREAS** the Aboriginal and Treaty rights of the Bigstone Cree Nation to self government are recognized and affirmed in Treaty No. 8 entered into between Her Majesty the Queen and the Bigstone Cree Nation and confirmed by section 35 of the *Constitution Act*, 1982;

**AND WHEREAS** Membership Meetings are an exercise of the Aboriginal and Treaty rights to self government and nothing in this Bylaw may be construed as to abrogate or derogate from any Aboriginal and Treaty rights of the Bigstone Cree Nation;

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

**AND WHEREAS** the peace, order, and good governance of the Bigstone Cree Nation is best served by the orderly conduct of Membership Meetings in accordance with a system of rules which balance the rights of all the Members;

**NOW THEREFORE CHIEF AND COUNCIL OF THE BIGSTONE CREE NATION ENACTS THE FOLLOWING BYLAW:**

**Part 1**  
**Interpretation**

**1.0 Short Title**

- 1.1** This Bylaw may be cited as the Bigstone Cree Nation Membership Meeting Bylaw.

**2.0 Definitions**

**2.1** In this Bylaw:

- (a) "Administrative Offices" means the location at which the Nation transacts its day to day business;
- (b) "Annual Membership Meeting" means a Membership Meeting held once in each calendar year for the purpose of providing financial information including audited financial statements of the Nation to the Members;

- (c) "Chairperson" means a person appointed by the Council from time to time to be responsible for conducting the Membership Meeting;
  - (d) "Chief" means the member of the Council elected to the office of Chief;
  - (e) "Council" means the Chief and Council of the Bigstone Cree Nation;
  - (f) "Councillor" means a member of the Council;
  - (g) "General Membership Meeting" means a Membership Meeting held at which information is provided to the Members;
  - (h) "Majority" means more than half of the votes cast by Members at a Membership Meeting at which a quorum is present;
  - (i) "Member" means a person whose name appears on the Nation's Membership List in accordance with the Membership laws applicable to the Nation;
  - (j) "Membership Meeting" means any Membership Meeting held to provide information to the Members and includes the Annual Membership Meeting and a General Membership Meeting;
  - (k) "Minutes" means the record of proceedings of the Membership Meeting;
  - (l) "Motion" means a formal proposal by a Member, in a Membership Meeting, that the Membership Meeting take certain action;
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- (m) "Nation" means the Bigstone Cree Nation;
  - (n) "Quorum" means a minimum of twenty five (25) Members must be present at any Membership Meeting at Wabasca for business to be legally transacted or a minimum of fifteen (15) Members must be present at any Membership Meeting at Calling Lake for business to be legally transacted, or a minimum of ten (10) Members must be present at any Membership Meeting at Chipewyan Lake for business to be legally transacted provided that employees of the Bigstone Cree Nation who are present at a Membership Meeting and are working at the Membership Meeting on behalf of the Bigstone Cree Nation shall not be included in determining any of the above quorum requirements;
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- (o) "Secretary" means the person appointed by Council pursuant to Section 15 herein to make a record of proceedings of the Membership Meeting; and

- (p) "Vote" means by which the Members at a Membership Meeting make a decision and includes a show of hands or a secret ballot.

## **Part 2**

### **Meetings and Notice**

#### **3.0 Calling a Membership Meeting**

**3.1** All Membership Meetings shall be called by Council by resolution.

**3.2** Before calling a Membership Meeting Council shall:

- (a) establish the place, date and time of the Membership Meeting,
- (b) develop an agenda for the Membership Meeting,
- (c) determine how notice shall be given,
- (d) determine whether any documents or materials should be delivered to the Members in advance of a Membership Meeting,
- (e) appoint a Secretary;
- (f) appoint a Chairperson, and
- (g) make such other determinations and do any other thing that the Council considers proper in preparation for the Membership Meeting.

**3.3** The Chief and Council shall call:

- (a) an Annual Membership Meeting once in each calendar year, and
- (b) General Membership Meetings as may be required from time to time.

#### **4.0 Notice of a Membership Meeting:**

**4.1** Notice to the Members shall be given for all Membership Meetings:

- (a) in the case of an Annual Membership Meeting at least thirty (30) days before the date of the Annual Membership Meeting by posting the notice at the Administrative Offices and by whatever other method Council deems proper, or
- (b) in the case of a General Membership Meeting at least thirty (30)

days before the date of the General Membership Meeting by posting the notice at the Administrative Offices and by whatever other method Council deems proper.

- 4.2 On complying with section 4.1, Council may publish, mail and deliver additional notices by any other method as many times as Council considers proper.
- 4.3 Notice to a Member is deemed to have been effected if mailed to the address which the Member last provided to the Bigstone Cree Nation.
- 4.4 In the event of any irregularity in the giving of notice, notice is deemed to have been waived by the Members in respect of any Membership Meeting at which a Quorum is present.
- 4.5 A notice shall, at minimum, include the time, date, and location of the Membership Meeting.

### **Part 3 Rights of Members**

#### **5.0 Registration at Membership Meetings**

- 5.1 Each Member attending a Membership Meeting shall provide their name and Treaty number to the Secretary and the Secretary shall make a record of that Member's attendance.
- 5.2 A Member who has registered their name with the Secretary is entitled to participate in the Membership Meeting in accordance with this Bylaw.

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#### **6.0 Membership Rights at Membership Meetings**

- 6.1 Subject to subsections 5.2 and 6.2, a Member participating in a Membership Meeting is entitled to:
    - (a) obtain a copy of the agenda for the Membership Meeting,
    - (b) propose amendments to the agenda,
    - (c) ask questions and receive responses from Council on any matter that is before the Membership Meeting,
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- (d) make motions provided the Member is a minimum of eighteen (18) years old,
  - (e) debate the merits of any motion, and

- (f) vote on motions presented provided the Member is a minimum of eighteen (18) years old.

**6.2** No Member shall be permitted to use a Membership Meeting for the purpose of engaging in political lobbying, seeking benefits for themselves or their families, or raising issues which are not on the agenda for that Membership Meeting.

#### **Part 4**

#### **Conduct of Business in a Membership Meeting**

### **7.0 Duties of the Chairperson**

**7.1** The Chairperson shall:

- (a) open a Membership Meeting and ensure that a quorum is present,
- (b) close a Membership Meeting,
- (c) announce the agenda and ensure the agenda is followed,
- (d) direct the discussions,
- (e) recognize Members who are entitled to speak,
- (f) table motions,
- (g) put motions to a vote,
- (h) announce results of the vote,
- (i) enforce rules relating to debate,
- (j) ensure maintenance of order at Membership Meetings,
- (k) rule on points of order,
- (l) adjourn or close debates,
- (m) exclude non-members from the Membership Meetings in accordance with this Bylaw, and

- (n) generally do all other things necessary to ensure observance of this Bylaw.

## **8.0 Maintenance of Order**

- 8.1 The Chairperson shall maintain the order, dignity, and peace of any Membership Meeting.
- 8.2 The Chairperson has the discretion to expel or limit the participation of a Member who conducts himself/herself in any way which threatens the order, dignity, or peace of the Membership Meeting.

## **9.0 Non Members**

- 9.1 Non Members shall not be entitled to attend any Membership Meeting unless the Non Member has received the written permission of Council to attend the Membership Meeting which must be provided to the Secretary during registration.
- 9.2 A Non Member shall not be entitled to vote at a Membership Meeting.
- 9.3 A Non Member may participate in a Membership Meeting with the permission of the Chairperson for the sole purpose of providing information to the Membership Meeting.
- 9.4 A Non Member shall not be permitted to debate any motion at a Membership Meeting.

## **Part 5**

### **Motions in Membership Meetings**

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## **10.0 Bringing Forward and Consideration of a Motion**

- 10.1 The process by which a motion is brought before a Membership Meeting and considered is as follows:
    - (a) The Chairperson shall recognize a Member,
    - (b) The Member shall give his/her name and Treaty number,
    - (c) The Member shall make his/her motion,
    - (d) A second Member shall state his/her name and Treaty number and second the motion,
    - (e) The Chairperson shall state the question on the motion,
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- (f) The Members shall debate the motion (unless no Member claims the floor for that purpose),
- (g) Any Member may make an amendment to the motion,
- (h) The Chairperson shall confirm the existence of a quorum and put the motion to a vote, and
- (i) The Chairperson shall announce the result of the vote.

## **Part 6 Debate**

### **11.0 Right to Debate**

- 11.1 A Member, upon being recognized by the Chairperson, may ask questions, comment upon, or debate a motion or matter before the Membership Meeting.
- 11.2 The time allowed to a Member to address the Membership Meeting may not exceed, in total, three (3) minutes unless further time is permitted by the Chairperson.
- 11.3 The Chairperson may call a Member to order if, in the Chairperson's discretion, the remarks of the Member are irrelevant to the motion or matter before the Membership Meeting and, upon being called to order, the Member shall cease speaking.

## **Part 7 Voting**

### **12.0 Participation in Voting**

- 12.1 A Member shall be a minimum of eighteen (18) years old in order to vote on any motion or matter before a Membership Meeting.
- 12.2 A Member who is an employee of the Bigstone Cree Nation and is present at a Membership Meeting and is working at the Membership Meeting on behalf of the Bigstone Cree Nation shall not be permitted to debate or vote on any motion at a Membership Meeting.
- 12.3 Any Member who is in a conflict of interest with respect to a motion or a matter before the Membership Meeting shall not vote. For the purposes of this section, conflict of interest means:
  - (a) situations in which personal, occupational or financial considerations

may affect, or appear to affect, a Member's objectivity, judgment, or ability to act in the best interests of the Nation; or

- (b) situations in which a Member or a Member's immediate family (includes spouse, common-law spouse, children, parents, siblings, in-laws, grandchildren, grandparents, foster parents, foster children, nephews, nieces, step-children, step-grandchildren, step grand-parents, legal guardian, same sex partners and their children and any person living in the same dwelling) who has a private or personal interest in a matter being deliberated by the Membership Meeting.

### **13.0 Declaration of Voting Results**

**13.1** The voting shall be done by a show of hands unless a motion is approved to hold a secret ballot.

**13.2** The Chairperson shall:

- (a) in respect to a vote conducted by show of hands:
  - (i) count the votes for and against the motion,
  - (ii) state the vote results to the Members, and
  - (iii) declare the result of the vote, or
- (b) in respect of a vote conducted by secret ballot:
  - (i) recess the Membership Meeting to allow for a preparation of the ballots,
  - (ii) proceed with the vote,
  - (iii) count the vote, and
  - (iv) declare the result of the vote.

**13.3** No voting result is official until declared by the Chairperson.

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## **Part 8 Officials and Minutes**

### **14.0 Secretary**

**14.1** The Council shall appoint a Secretary for the Membership Meeting who shall fulfill the duties and responsibilities of a Secretary as set out in this Bylaw subject to such terms as may be established by the Council from time to time.

**14.2** The Secretary shall:

- (a) maintain a record of the Members attending the Membership Meeting,
- (b) maintain a record of the Minutes of the Membership Meeting and distribute these Minutes at the next Membership Meeting, and
- (c) do such other things as may be assigned by the Council or as may be required for the orderly administration of the Membership Meetings.

### **15.0 Acknowledgement of Minutes by Council**

**16.1** The Minutes of a Membership Meeting shall be acknowledged by Council at their regular Council Meeting as soon as possible after the Membership Meeting.

## **Part 9 General Matters**

### **16.0 Treaty Rights**

**16.1** This Bylaw shall be interpreted in accordance with the traditions, customs and values of the Bigstone Cree Nation and nothing in this Bylaw shall be interpreted as to deny, abrogate or derogate any Aboriginal or Treaty right of the Bigstone Cree Nation or its Members.

### **17.0 Invalidity**

**17.1** If any provision of this Bylaw is determined by the Court to be invalid for any reason the provision shall be severed from the Bylaw and shall not affect the validity of the remaining provisions of the Bylaw.

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### **18.0 Amendment**

**18.1** This Bylaw may be amended by Chief and Council in accordance with the

following procedure:

- (a) in the first reading, a draft of the proposed amendment(s) shall be tabled with Chief and Council after which the proposed amendment(s) shall be available to Members of the Bigstone Cree Nation for their information,
- (b) in the second reading, Chief and Council, shall review the proposed amendment(s) on a clause by clause basis and during this period shall consult with the Bigstone Cree Nation Membership as deemed necessary by Chief and Council, and
- (c) in the third reading, the proposed amendment(s) shall be voted upon by Chief and Council.


**THIS BYLAW IS HEREBY** made at a duly convened meeting of the Chief and Council of the Bigstone Cree Nation this 10 day of July, 2013.

Voting in favour of the Bylaw are the following Members of Council:

Chief 

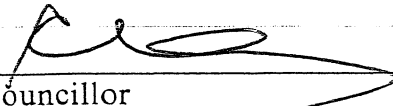
  
Councillor

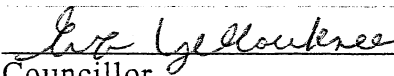
  
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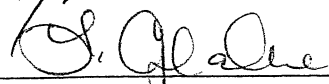
  
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