

CREE NATION OF CHISASIBI

Law No. 2020-003 respecting the Governance of the Community

WHEREAS the Cree Nation of Chisasibi enacted the General By-law No. 89-009,

WHEREAS it is necessary and desirable that General By-law No. 89-009 be updated in order to reflect the current procedures and processes of the Cree Nation of Chisasibi and to better regulate its internal affairs of the Cree Nation of Chisasibi,

NOW THEREFORE:

PURSUANT to its inherent sovereign authority and section 6.2(1)(a) of the *Agreement on Cree Nation Governance Between the Crees of Eeyou Istchee and the Government of Canada*, as given effect by section 3 of the *Cree Nation of Eeyou Istchee Governance Agreement Act*, SC 2018, c 4, s 1, the Cree Nation of Chisasibi enacts the present law with respect to governance of its internal affairs.

INTERPRETATION

1.(1) Unless otherwise indicated, the words and expressions used in this law have the same meaning as in the *Agreement on Cree Nation Governance Between the Crees of Eeyou Istchee and the Government of Canada* and the *Constitution of the Cree Nation of Eeyou Istchee*.

1.(2) In this law,

“*Agreement*” means the *Agreement on Cree Nation Governance Between the Crees of Eeyou Istchee and the Government of Canada*,

“*CNC*” means the Cree Nation of Chisasibi,

“*Constitution*” means the *Constitution of the Cree Nation of Eeyou Istchee*,

“*Council*” means the Council of the CNC,

“*elector*” means a member, or a person entitled to be a member, of the CNC, 18 years of age or older, and not declared mentally incompetent by a court of the province of Quebec,

“*member*” means a member of the CNC as described in section 5.3 of the *Agreement*, namely a Cree beneficiary who is enrolled or entitled to be enrolled on the community list pursuant to section 3 of the *James Bay and Northern Quebec Agreement*

SHORT TITLE

2. The law may be cited as the Governance Law.

APPLICATION

3. This law applies to the CNC and to its Council.

HEAD OFFICE

4. The head office of the CNC is located on its Category IA land at such place as determined by Council.

SEAL

5.(1) The corporate seal of the CNC must be circular in shape and must indicate its name in Cree, English and French.

5.(2) There may only be one seal unless Council authorizes the creation of a duplicate.

POWERS OF COUNCIL

6.(1) The CNC acts through its Council.

6.(2) Council must act by resolution, unless it is required by the *Agreement* or the *Constitution* to act by law.

PRINCIPLES OF GOOD GOVERNANCE

7.(1) In exercising its powers and carrying out its duties, Council must comply with the principles of good governance, CNC laws and, more particularly, the rules set out in the Council Code of Ethics Law.

7.(2) Without limiting the generality of the foregoing, Council must act

- (a) honestly, openly and transparently,
- (b) fairly and impartially, in the best interests of the CNC,
- (c) courteously and respectfully, and
- (d) with dignity and integrity.

COUNCIL MEMBERS' ROLES AND RESPONSIBILITIES

General

8.(1) Chief, Deputy Chief and Council members must comply with this law, the Council Code of Ethics Law, their oath of office and CNC laws and policies.

Chief and Deputy Chief

8.(2) The Chief is the principal representative and chief executive officer of the CNC and performs all duties assigned to the Chief by the Agreement, the Constitution and CNC laws, or that may be directed by Council resolution.

8.(3) The Deputy Chief performs those duties assigned to the Deputy Chief by the Agreement, the Constitution or CNC Laws or that may be directed by Council resolution.

8.(4) The Deputy Chief will assume the duties and may exercise the powers of the Chief in the event the Chief is absent or incapacitated, or if the office of Chief is vacant.

Portfolios and Assignments

8.(5) Council may assign portfolios and tasks to individual Council members.

8.(6) Every Council member assigned a portfolio must carry out the functions of that portfolio diligently and to the best of the ability of that Council member. Without limiting the generality of the foregoing, the Council member assigned a portfolio must attend meetings of related committees to ensure that Council's concerns and positions are communicated, and report back to Council on the activities of those committees.

8.(7) A Council member who is assigned tasks to perform for Council must perform such tasks diligently and in a timely manner. The Council member must report to Council when and as required with respect to those tasks.

8.(8) If unable to fully participate in the functions of the assigned portfolio or to complete an assigned task, the Council member must inform Council and request assistance or a replacement to ensure that the objects of the portfolio are advanced or the task is completed.

Attendance at Council Meetings

8.(9) Council members must attend all meetings of the Council, whether regular or special, and must arrive on time and prepared to discuss the matters on the agenda. The Corporate Secretary will keep a register of attendance and, if a Council member is absent, must note the absence and the reason for that absence.

8.(10) A Council member who cannot attend a Council meeting must give notice to the Corporate Secretary prior to the start of the Council meeting.

8.(11) The Corporate Secretary will send draft minutes of each Council meeting to all Council members before the next scheduled meeting.

Those Council members who attended the Council meeting must review the minutes to ensure that these accurately reflect the discussions and decisions of Council. Council members who did not attend the meeting must review the minutes for their own information.

Attendance at Members Meetings

8.(12) Council members must attend regular and special Members meetings.

8.(13) At Members meetings, Council members must be prepared to speak to issues that are within the scope of their portfolios and must, at all times, uphold Council decisions in order to maintain the unity and functioning of the Council.

Provision of Information

8.(14) The Chief, Deputy Chief and other Council members must provide regular updates at Council meetings and Members meetings with respect to matters affecting the community.

8.(15) Council members must present information in a clear, concise, honest and transparent manner, ensuring that the information is complete, accurate and relevant.

8.(16) Council members must respond to questions, concerns or inquiries of other Council members and Members in a timely manner. Nevertheless, Council members must not question or contradict Council decisions publicly.

Council Decisions

8.(17) Council must act in the best interests of the CNC when making decisions and must not allow its decisions to be influenced by other considerations.

8.(18) Council members must participate in and are responsible for the decisions of Council. Council members must participate in deliberations on matters before the Council.

8.(19) A Council member may express an opinion on any matter before Council during a Council meeting, and that opinion will be reflected in the minutes of the meeting. Council must treat Council members' opinions, including dissensions, respectfully and fairly and must give adequate consideration to any concerns expressed by a Council member.

8.(20) All decisions of Council are by vote. A Council member votes according to their conscience and the votes are recorded in the minutes of the meeting and in the Council resolution reflecting the outcome of the vote.

8.(21) Once Council has reached a decision on a matter, no Council member may dispute that decision publicly. Council members must maintain and favour Council unity and support the Council decision whenever discussing it publicly.

Confidentiality

8.(22) Council members must refrain from disclosing to any unauthorized third party information obtained in the course of carrying out their functions. Without limiting the generality of the foregoing, Council members must not disclose

- (a) project budget information,
- (b) personnel information,
- (c) information relating to business development,
- (d) supplier information,
- (e) contractor information, or
- (f) information marked confidential.

8.(23) Council members must also refrain from using information obtained in the course of carrying out their duties for purposes other than the purpose for which that information was provided to the Council member. More particularly, Council members must not use such information for personal benefit or for the benefit of any third party.

Conflict of Interest

8.(24) A conflict of interest exists where a Council member has, or appears to have, a direct or indirect financial interest in a matter before Council.

8.(25) In accordance with the Council Code of Ethics Law, a Council member will be deemed to have a financial interest if

- (a) that Council member owns and/or controls a corporation, partnership or sole proprietorship that has a contract with the CNC or will benefit directly from a decision made by Council,
- (b) a member of the immediate family of that Council member is
 - (i) directly or indirectly interested in a matter, or
 - (ii) owns and/or controls a corporation, partnership or sole proprietorship that has a contract with the CNC or will benefit directly from a decision made by Council.

8.(26) A Council member must disclose to Council any conflict of interest the Council member has in a matter before Council.

8.(27) If there is a disagreement as to whether a Council member has a conflict of interest in a matter before the Council, Council will decide the question by vote. The Council member object of such a vote may not take part in Council's deliberations or in the vote and must leave the room during the deliberations and vote.

8.(28) Where a Council member discloses a conflict of interest pursuant to section 8.(26) or Council decides pursuant to section 8.(27) that a Council member has a conflict of interest in a matter before the Council, the Council member in question must not take part in deliberations of the Council on that matter or vote on that matter and must leave the room during the deliberations and vote.

8.(29) If the Chair is prohibited from taking part in deliberations and voting, under this conflict of interest section, and has left the room, an alternate will act as the Chair of the Council meeting or the relevant portion thereof pursuant to section 10.(3).

8.(30) A Council member who is disqualified from taking part in deliberations and voting because of a conflict of interest is deemed to be absent for the purposes of establishing quorum under sections 10.(17) and 10.(22) and a majority under section 10.(34) or 10.(35).

8.(31) In the event a Council member serves as an officer or director of a corporation or organization, whether as part of the Council member's portfolio responsibilities or otherwise, the Council member must at all times balance their duty to act in the best interests of the CNC and their duty to act in the best interests of the corporation or organization. The Council member must refrain from disclosing confidential information of the CNC to the corporation or organization and from disclosing confidential information of the corporation or organization to the CNC.

If the Council member is unable to comply with their duties to both the CNC and the corporation or organization, the Council member must resign from Council or must cease acting as an officer or director of the corporation or organization.

Obligations upon Ceasing to Hold Office

8.(32) Immediately upon ceasing to hold office as a Council member for any reason, the Council member must return to the CNC any money, keys, books, documents, records and other property of the CNC that is in the Council member's possession.

Sanctions

8.(33) A Council member who fails to perform their portfolio functions may be sanctioned by a deduction of the honorariums normally paid to that member.

8.(34) A Council member who fails to attend Council meetings may be removed from office if

- (a) the Council member has missed 3 or more consecutive meetings without justification and for reasons other than illness or incapacity, and
- (b) at least 15 electors, including Council members, petition for the removal.

Immediately upon receipt of a petition under this section, the Corporate Secretary will call a special meeting of the CNC members or a referendum, at which at least 20% of the electors must vote, to decide if the office of that Council member should be declared vacant, and if the electors so decide, then the office of that Council member will immediately become vacant.

REMUNERATION OF COUNCIL MEMBERS

9.(1) Council members will be remunerated in accordance with the rate(s) of remuneration established by a Council resolution or a Members resolution.

9.(2) Council may award special remuneration to Council members for work undertaken on behalf of the CNC, other than work carried out as part of that Council member's ordinary duties.

A Council member may not take part in any discussion or vote concerning their special remuneration.

9.(3) In addition to the remuneration identified in sections 8.(1) and 8.(2), Council members may be reimbursed those expenses properly incurred by them in carrying out their duties on behalf of the CNC and in accordance with any policies adopted by the CNC in that regard.

9.(4) If a Council member fails to attend a Council meeting or a Members meeting, the Council member will not receive the remuneration that is ordinarily paid to Council members for attendance

at that meeting.

9.(5) If a Council member fails to perform a task that Council has assigned to the Council member, the Council member will not receive any remuneration that would ordinarily be paid for performance of that task. If a disagreement arises as to whether the Council member has failed to perform the task, Council will deliberate and vote on the matter, and the interested Council member must leave the room during the deliberations and vote.

COUNCIL MEETINGS

10.(1) Council may convene for regular meetings or special meetings. Council meetings are held in the Cree language and the English and/or French language.

10.(2) If at any time an Inuk of Chisasibi has not been elected as a Council member, the Inuit of Chisasibi will be entitled to have one Inuk observer at Council meetings.

The Inuk observer must be notified of, and has the right to attend, all Council meetings and has the right to participate in the deliberations of the Council, as if the Inuk observer were a Councillor, but does not have the right to vote.

The provisions of section 8 respecting conflicts of interest apply to an Inuk observer as if the Inuk observer were a Council member.

10.(3) The Chief is the Chair of Council meetings, unless the Chief is absent or unable to chair a meeting or any part of a meeting, in which case the Deputy Chief is the Chair.

If both the Chief and Deputy Chief are absent or are unable to chair a Council meeting or any part of a meeting, Council will appoint a Chair from amongst the Councillors present at that meeting.

10.(4) The Corporate Secretary is the secretary of Council meetings. If the Corporate Secretary is absent or unable to act, Council will appoint another Council member or a CNC employee to act as the secretary of the meeting.

10.(5) Subject to section 10.(31), Council meetings are open to the public, unless the nature of the matter to be discussed requires the meeting to be held *in camera*.

Regular Meetings

10.(6) Council will hold at least eleven regular meetings each year, on a monthly basis, more or less.

10.(7) Council may, by resolution, schedule the time and place for its regular meetings for a given year at the end of the preceding year and, in such an event, must provide a copy of this schedule to all Council members immediately thereafter.

Special Meetings

10.(8) Council may hold special meetings as needed from time to time.

10.(9) The Corporate Secretary calls a special meeting on the

- (a) direction of the Chief,
- (b) direction of the Deputy Chief, or
- (c) written direction of two or more Councillors.

Notice

10.(10) No notice of regular meetings is required where a schedule of regular meetings has been established by Council pursuant to section 10.(7). If no schedule of the regular meetings has been established, notice must be given to all Council members at least 5 business days prior to the meeting and must provide the date, time and place of the meeting and the business to be dealt with.

10.(11) The Corporate Secretary must give notice of a special meeting to Council members at least 24 hours prior to the meeting and must provide the date, time and place of the meeting and the business to be dealt with.

10.(12) Notice of a special or regular meeting, as required, must be given directly to each Council member in writing or by telephone, email or other means of communication.

10.(13) No notice of a special meeting is required if

- (a) all the Council members are present and consent to the meeting or waive their right to receive notice in writing prior to the meeting, or
- (b) the meeting is held immediately after a general Members meeting.

Agenda

10.(14) The Corporate Secretary must prepare the agenda for regular and special meetings as directed by the Chief, the Deputy Chief or the Councillors calling that meeting and must include the business set out in the notice.

Business

10.(15) Council may consider or transact any business at a regular meeting.

10.(16) However, Council may consider and transact only those matters specified in the notice of the special meeting, unless all Council members are present at that special meeting and consent to additional matters.

Quorum

10.(17) Except as provided in section 10.(20) and subject to section 10.(22), the quorum at Council meetings consists of a majority of the number of positions of Council member.

10.(18) If a quorum has not been attained within 1 hour after the meeting commenced, the Chair will declare lack of quorum and no business may be conducted except to adjourn the meeting to another time.

10.(19) When a meeting is adjourned for lack of quorum, the Corporate Secretary will record the time the meeting was adjourned and the names of the Council members present.

10.(20) Where, at any time, vacancies on the Council result in there being in office fewer Council members than constitute a quorum under section 10.(17), the Council members remaining in office constitute a quorum, subject to sections 10.(21) and 10.(22).

10.(21) When a quorum is constituted under section 10.(20), Council may only act in a caretaker capacity until such time as there are enough Council members in office to attain a quorum in accordance with section 10.(17). However, nothing in this section will relieve the CNC of its obligation, if any, to hold elections for the purpose of filling vacancies.

10.(22) A Council member who is disqualified from taking part in deliberations and from voting pursuant to the conflict of interest provisions at section 8 will be deemed to be absent for the purpose of achieving a quorum under sections 10.(17) and 10.(20) and a majority under section 10.(34) or 10.(35).

Procedures

10.(23) The Chair decides all questions of procedure at Council meetings, subject to this law, the Agreement and the Constitution.

10.(24) The order of business at regular meetings is

- (a) upon quorum being established, the Chair calls the meeting to order,
- (b) the Chair presents the agenda and asks for any additions or amendments,
 - (i) if Council members propose additions or amendments to the agenda, Council votes on those additions or amendments,
 - (ii) if Council members do not propose additions or amendments to the agenda, the Chair asks that the agenda be adopted,
- (c) the Chair presents the minutes of the previous meeting and asks if there are any corrections,
 - (i) if Council members propose corrections to the minutes, Council votes on the proposed corrections,
 - (ii) if Council members do not propose corrections to the minutes, the Chair asks that the minutes be adopted,
- (d) the Chair presents any business that was deferred from the previous meeting, explains the nature of the issue or issues, and asks that Council reach a decision on the matter or matters,
- (e) the Chair presents items that have been referred to specific Council members, management, or others, with reference to a task distribution list where appropriate,

- (i) the Chair may invite those who have been assigned tasks to provide an update to Council on the status of those tasks,
- (ii) the Chair invites Council to discuss and decide on whether to make changes to the task distribution list or timelines,
- (f) the Chair asks members of committees to report on the activities of the committees, and invites Council to discuss and decide on whether to issue new directives to the committees, subject to the governing law of each committee,
- (g) the Chair presents matters that require resolution and asks Council to deliberate and vote on these matters, giving priority to time-sensitive items,
- (h) the Chair introduces financial requests and asks Council to vote on these requests,
- (i) the Chair introduces outside experts or other individuals who have information to present to Council, and
- (j) the Chair asks whether there are any other matters Council would like to discuss, before concluding the meeting.

10.(25) The Chair presents the question to be considered and declares it open for discussion and consideration.

Each question must be accompanied by a draft resolution, a succinct description of the issues to be considered and by supporting documents, where available.

10.(26) When a Council member wishes to speak, the Council member must ask the Chair for permission. When two or more Council members wish to speak at the same time, the Chair decides the order in which they speak.

10.(27) Council members must address the Chair and refrain from speaking directly to other Council members.

10.(28) Council members must limit their comments to the question before the meeting.

10.(29) Council members may request that any question before the meeting be restated for their information or explained to them, provided they do not interrupt another Council member who is speaking.

10.(30) The Chair may call any Council member to order while the Council member is speaking.

10.(31) The Chair may expel any person who has engaged in or is engaging in disruptive conduct.

Voting

10.(32) When Council has finished discussing a question, the Chair calls for a vote.

10.(33) Each Council member is entitled to one vote. In the event of a tied vote, the Chair has a second tie-breaking vote, except where disqualified from voting pursuant to the conflict of interest provisions as section 8. If the Chair is disqualified, the acting Chair will have a second tie-breaking vote.

10.(34) Subject to sections 8.(28), 10.(35) and 10.(36), the approval of any matter requires an affirmative vote of the majority of the Council members present when the vote is taken, except as otherwise required by the Agreement or the Constitution.

10.(35) The following matters require approval by a special majority of two-thirds of the votes of all the Council members in office:

- (a) adoption of a law to change the English, French or Cree name of the CNC,
- (b) adoption of a law respecting taxation for local purposes, other than income tax, of
 - (i) interests in Category IA land, and
 - (ii) occupants and tenants of Category IA land, and
- (c) consent to a waiver of exemption from seizure in respect of an individual's right or interest in Category IA land.

If Council approves a law to change the English, French or Cree name of the CNC, the Corporate Secretary must post a notice in accordance with section 12.(1).

10.(36) For the purposes of section 10.(34), a Council member who is present but does not vote in favour of or against the matter before the meeting and does not expressly abstain will be deemed to have voted in favour of the matter. A Council member who expressly abstains from

voting on a matter will be deemed not to have voted.

10.(37) Voting will be carried out by a show of hands unless a Council member requests that voting be carried out by secret ballot.

10.(38) Following a vote, the Chair will declare the results of the vote and that the law has been enacted or defeated or that a resolution has been adopted or defeated.

10.(39) The Corporate Secretary records the results of the vote in the minutes of the meeting and indicates the votes in favour of and against the matter as well as any abstentions.

Adjournment

10.(40) Council may, by resolution, adjourn any meeting to another time or to the following day.

GENERAL MEMBERS MEETINGS

11.(1) General Members meetings are held at least once each calendar year. Members meetings are held in the Cree language and the English and/or French language.

11.(2) The Chief is the Chair of Members meetings. If the Chief is absent or unable to act, the Deputy Chief is the Chair.

11.(3) If both the Chief and Deputy Chief are absent or unable to act, the Members will appoint a Chair from the Councillors present at the meeting.

If no Councillors are present at the meeting, the Members will appoint a Chair from amongst the Members present at the meeting.

11.(4) The Corporate Secretary is the secretary of Members meetings. If the Corporate Secretary is absent or unable to act, the Members will appoint another Member to act as the secretary of the Meeting.

11.(5) Subject to section 11.(18), Members meetings are open to the public.

Notice

11.(6) The Corporate Secretary must post notice of a general meeting at least 10 days prior to the meeting at one or more public places within the community, including at the head office of the CNC, and provide the date, time and place of the meeting and the business to be dealt with.

Agendas

11.(7) The Corporate Secretary will prepare the agenda for general meetings as directed by the Chief, Council, or Electors calling that meeting, and must include the business set out in the notice.

Business

11.(8) Electors may consider or transact any business at a general meeting.

Quorum

11.(9) Quorum at a Members meeting consists of the Electors present at the meeting.

Procedures

11.(10) The Chair decides all questions of procedure at Members meetings, subject to this law, the Agreement and the Constitution.

11.(11) The order of business at general meetings is

- (a) the Chair calls the meeting to order at the scheduled start time,
- (b) the Chair presents the agenda to the meeting and asks for any additions or amendments,
 - (i) if Members propose additions or amendments to the agenda, the Electors will vote on those additions or amendments,
 - (ii) if Members do not propose additions or amendments to the agenda, the Chair asks the Electors to adopt the agenda,
- (c) the Chair presents the minutes of the previous meeting and asks if there are any corrections,
 - (i) if Members propose corrections to the minutes, the Electors vote on the proposed corrections,
 - (ii) if Members do not propose corrections to the minutes, the Chair asks the

Electors to adopt the minutes,

- (d) the Chair presents any business that was deferred from the previous meeting, explains the nature of the issue or issues, and asks the Electors to reach a decision on the matter or matters,
- (e) the Chair presents financial information or introduces presentations or reports on financial information,
- (f) the Chair presents matters that require resolution and asks the Electors to vote on these matters, giving priority to time-sensitive items,
- (g) the Chair introduces presentations and reports on other matters, and
- (h) the Chair asks whether there are any other matters Members would like to discuss, before concluding the meeting.

11.(12) The Chair presents the question to be considered and declares it open for discussion and consideration.

Each question must be accompanied by a draft resolution, a succinct description of the issues to be considered and by supporting documents, where available.

11.(13) When a Member wishes to speak, the Member must ask the Chair for permission. When two or more Members wish to speak at the same time, the Chair decides the order in which they speak.

11.(14) Members must address the Chair and refrain from speaking to other Members directly.

11.(15) Members must confine their comments to the question before the meeting.

11.(16) Members may request that any question before the meeting be restated for their information or explained to them, provided they do not interrupt other Members who are speaking.

11.(17) The Chair may call any Member to order while the Member is speaking.

11.(18) The Chair may expel any person who has engaged in or is engaging in disruptive conduct.

Voting

11.(19) When Members have finished discussing a question, the Chair will call for a vote.

11.(20) Each Elector is entitled to one vote. In the case of a tied vote, the Chair has a second tie-breaking vote.

11.(21) Voting will be carried out by a show of hands unless an Elector requests that voting be carried out by secret ballot.

11.(22) Following a vote, the Chair declares the results of the vote and that the law has been enacted or defeated or that a resolution has been adopted or defeated.

11.(23) The Corporate Secretary records the results of the vote in the minutes of the meeting.

Adjournment

11.(24) The Members may by resolution adjourn any meeting to another time or to the following day.

SPECIAL VOTING REQUIREMENTS

CNC Name Change

12.(1) In the event Council wishes to hold a Council meeting to consider enacting a law to change the Cree, English or French name of the CNC pursuant to section 10.(35)(a), the CNC must post a notice in a public place in the community, at least ten days prior to the Council meeting, setting out the date, time and place of the Council meeting and containing

- (a) a brief description of the proposed law, and
- (b) an explanation that the electors may file a petition pursuant to section 12.(2) to request that such law not come into force unless approved by the electors in accordance with section 12.(3).

12.(2) Within 5 days of the enactment by Council of a law referred to in section 12.(1), at least 5% of electors may file a petition with the Corporate Secretary of the CNC to request that the law not come into force until approved by the electors in accordance with section 12.(3).

12.(3) If a valid petition is filed in accordance with section 12.(2), the law referred to in section 12.(1) will not come into force unless it is approved by the electors at a special meeting or referendum at which at least 5% of the electors of the CNC vote on the matter.

Land Use Plan or Resource Use Plan

12.(4) Where a land use plan or resource use plan has been approved by the electors at a special meeting or referendum at which at least 25% of the electors of the CNC voted on the matter, any law or resolution of the CNC that is inconsistent with the land use plan or resource use plan is inoperative to the extent of such inconsistency.

Zoning Laws

12.(5) A law respecting zoning must be approved by the electors at a special meeting at which at least 15% of the electors of the CNC vote on the matter.

Hunting, Fishing and Trapping Laws

12.(6) A law respecting hunting, fishing and trapping must be approved by the electors at a special meeting or referendum at which at least 10% of the electors of the CNC vote on the matter.

Long-Term Borrowing Laws

12.(7) A law authorizing a long-term borrowing, except for borrowing related to community housing, must be approved by the electors at a special meeting or referendum at which at least 20% of the electors of the CNC vote on the matter.

Commercial Forestry

12.(8) Any authorization by the CNC for commercial exploitation of forest resources on Category IA land must be approved by the electors at a special meeting or referendum at which at least 25% of the electors of the CNC vote on the matter.

Mineral, Subsurface and Mining Rights

12.(9) In respect of matters related to mineral, subsurface and mining rights on Category IA Land must be approved by the electors at a special meeting or referendum at which at least 25% of the electors of the CNC vote on the matter including,

- (a) CNC's consent to a grant or exercise by Quebec of mineral rights or subsurface rights on the Category IA land and to the mining or extraction of any mineral or other subsurface material or substance,
- (b) CNC's grant of a right or interest in Category IA land in connection with the consent referred to in section 12.(9)(a), and
- (c) CNC's agreement as to the type and amount of compensation to be paid to the CNC for the consent in section 12.(9)(a).

Expropriation by Quebec

12.(10) Matters related to expropriation by Quebec of any Category IA land or buildings of the CNC or of servitudes over such land must be approved by the electors at a special meeting or referendum, at which at least 25% of the electors of the CNC vote on the matter, including with respect to

- (a) the amount to be paid by Quebec to the CNC for taking a right over land for the purpose of establishing a public service or structure, as provided for in subsection 11.5(3) of the Agreement,
- (b) the type and amount of compensation Quebec must provide to the CNC, in land or money, for taking full ownership of land for the purpose of establishing a public service or structure, as provided for in subsection 11.5(4) of the Agreement,
- (c) the preference of the CNC as to the selection of replacement land where the CNC is entitled to be compensated with land, as provided for in paragraph 11.8(1)(a) of the Agreement,
- (d) the selection by the CNC from the alternative replacement land proposed by Quebec of an area of land equal to the area of the expropriated land, as provided for in paragraph 11.8(1)(c) of the Agreement,
- (e) other arrangements agreed to between Quebec and the CNC in respect of replacement land, as provided for in paragraph 11.8(1)(d) of the Agreement,
- (f) the amount to be paid to the CNC in lieu of replacement land, as provided for in paragraph 11.8(1)(e) of the Agreement, and
- (g) a resolution of the CNC requesting Canada and Quebec to reclassify as Category IA land expropriated land that is no longer required, as provided for in subsection 11.9 of

the Agreement.

Leases and other Land Rights

12.(11) Leases or other rights of use or occupation granted by the CNC with respect to its Category IA land for a term of 10 years or more for non-residential purposes under paragraph 12.3(1)(a) of the Agreement have no effect unless approved by the electors at a special meeting or referendum at which

- (a) at least 10% of the electors of the CNC vote on the matter, in the case of a grant for a term of less than 25 years, or
- (b) at least 25% of the electors of the CNC vote on the matter, in the case of a grant for a term of 25 years or more.

The same requirements apply where CNC wishes to authorize a subsequent transfer of that right or interest, or any part thereof. The CNC can either include such authorization in the original grant or hold another special meeting or referendum at the time it wishes to authorize a specific transfer.

Commercial Fishery and Outfitting Operations

12.(12) Permission to use Category IA land for a commercial fishery or outfitting operation must be approved by the electors at a special meeting or referendum at which

- (a) at least 10% of the electors of the CNC vote on the matter, in the case of permission for a period of less than 25 years, or
- (b) at least 25% of the electors of the CNC vote on the matter, in the case of permission for a period of 25 years or more.

Waiver by the CNC of Seizure Exemption

12.(13) The waiver by the CNC of its exemption from seizure, as provided for in the *Cree Nation of Eeyou Istchee Governance Agreement Act*, SC 2018, c 4, s 1, must be approved by the electors at a special meeting or referendum at which at least 25% of the electors of the CNC vote on the matter.

Other Laws or Resolutions

12.(14) Even if a law or resolution is not required to be approved by the electors, the law or resolution may nevertheless provide that it will not come into force unless approved by the electors at a special meeting or referendum at which at least the minimum percentage of CNC electors specified in the law or resolution vote on the matter.

DOCUMENTS

13.(1) The Chief, Deputy Chief and Corporate Secretary, or any person appointed to act in their place, may issue certified copies of

- (a) laws,
- (b) Council resolutions,
- (c) Members resolutions,
- (d) Council meeting minutes, and
- (e) Members meeting minutes.

13.(2) The original of any law passed by the CNC must be signed by the Chair and Secretary of the Council meeting at which it was enacted.

13.(3) Council meeting minutes must be adopted by the Council by resolution and signed by the Chair and Secretary of the meeting at which they are adopted.

13.(4) Where a law or resolution is required to be approved by the electors at a special meeting or referendum, the Corporate Secretary must

- (a) with respect to a law, post a copy of the law and attach a statement signed by the Corporate Secretary indicating the date when approval was given, or
- (b) with respect to a resolution, record in the minutes of the first Council meeting following the approval a statement signed by the Corporate Secretary indicating the date when approval was given.

13.(5) The Chief, Deputy Chief or Corporate Secretary may sign, in the name of and on behalf of the CNC, all documents in connection with the ordinary course of business of the CNC.

13.(6) Documents signed pursuant to section 13.(5) are binding on and enforceable against the CNC.

13.(7) A duly enacted law or a duly adopted resolution are not invalidated by a failure to comply with the provisions of this section 13.

13.(8) Subject to section 13.(9), a resolution comes into force on the day on which it is adopted by Council or on such later day as is specified in the resolution.

13.(9) Where a resolution is required to be approved by the electors at a special meeting or referendum, that resolution will come into force on the day on which such approval is given or on such later day as is specified in the resolution.

13.(10) Within one week after a law has been enacted by the CNC, or, if required, has been enacted by the CNC and approved by the electors at a special meeting or referendum, the Corporate Secretary must post a copy of the law at the head office of the CNC. The law may also be published through other means of communication.

13.(11) A law enacted by the CNC will come into force on the date on which it is posted, whether or not it is posted within the time set out in section 13.(10), or on such later date as may be specified in the law.

ACCESS TO DOCUMENTS

14.(1) The Corporate Secretary will maintain a register of laws in which will be kept the original copy of all laws of the CNC, including laws that have been repealed or are no longer in force.

14.(2) The Corporate Secretary must record the full text of every resolution adopted by the CNC in the minutes of the Council meeting at which the resolution was adopted.

14.(3) Non-compliance with this section 14 does not affect the validity of a law or resolution.

14.(4) Any person is entitled to obtain a copy of a law or resolution of the CNC, upon payment of such administrative fees as may be established by Council.

14.(5) Members may consult the following documents at the head office of the CNC during regular business hours

- (a) the CNC's budget or supplementary budget,
- (b) the CNC's accounting books and financial records, and
- (c) any report prepared by an auditor hired by the CNC to evaluate its financial standing or records.

14.(6) No person may prevent or obstruct a Member from exercising their right to access the documents enumerated at section 14.(5).

OFFENCES

15.(1) Except as otherwise provided in this section, every person who contravenes a provision of this law is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000 or to a term of imprisonment of not more than two years less a day, or to both

15.(2) A Council member who contravenes any of the conflict of interest provisions commits an offence and is liable on summary conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months, or to both.

15.(3) Any person who fails to comply with section 8.(32) commits an offence and is liable on summary conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months, or to both.

15.(4) Any person who obstructs a Member from viewing CNC's accounting books and financial records, or, having control or possession of those books or records, fails to provide reasonable access to them, is guilty of an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both.

REPEAL

16. This law replaces the General By-law 89-009 from the date of its coming into force.

COMING INTO FORCE

17. This law will come into force on the day of its posting.

Signed this 4th day of March 2020 and posted this 5th day of March 2020.



Chairperson – Davey Bobbish



Secretary – Christina Kitty

