

Muscowpetung Saulteaux First Nation

Constitution

Short Title

This legislation may be cited as the *Muscowpetung Saulteaux First Nation Constitution*

Preamble

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Muscowpetung Saulteaux First Nation signed Treaty 4 with representatives of Her Majesty the Queen of the British Crown as a sovereign Nation and occupier of lands now identified as Treaty 4 territory and other ancestral lands. We the people of Muscowpetung Saulteaux First Nation assert our inherent and sovereign right to self-government and self-determination as we have done since time immemorial. This Constitution shall govern our lands and territories, the establishment of self-governing laws and frameworks for justice, liberty, peace and order, lands, resources, minerals and good governance. This Constitution shall protect and encourage the fundamental principles of Muscowpetung Saulteaux First Nation including, our natural and traditional laws, culture, language, traditions, heritage, history, peace, order, good governance and our sovereign Treaty relationship with the British Crown.

**Article One
Assertion of Sovereignty**

Sovereignty

1.01 Muscowpetung Saulteaux First Nation hereby asserts its sovereignty and the right to exercise its inherent jurisdiction to govern its affairs, lands, resources and Citizens.

**Article Two
Fundamental Rights & Freedoms**

General Rights

2.01 Citizens shall, without hindrance, enjoy equality, treaty rights, freedom of worship, culture, conscience, speech, assembly, press, association, and the right to due process subject to reasonable limits founded in a free and democratic society and the cultural values and teachings of Muscowpetung Saulteaux First Nation.

Special Rights

2.02 Citizens have equal opportunity to participate in all programs and services of the Muscowpetung Saulteaux First Nation subject to reasonable limitations, and have rights specific to persons identified as Citizens in legislation of Muscowpetung Saulteaux First Nation passed from time to time.

**Article Three
Citizenship**

- Citizenship* **3.01** Citizenship in Muscowpetung Sauteaux First Nation, regardless of residency, is determined by legislation of Muscowpetung Sauteaux First Nation governing Citizenship.
- Voting* **3.02** Every Citizen of Muscowpetung Sauteaux First Nation is entitled to vote at elections and referendums of Muscowpetung Sauteaux First Nation provided such citizen is at least eighteen (18) years of age and not disqualified from voting pursuant to legislation of Muscowpetung Sauteaux First Nation.

**Article Four
Muscowpetung Sauteaux
Territory**

- Territory* **4.01** Muscowpetung Sauteaux First Nation Reserve lands are those lands contained within the boundaries and borders of Muscowpetung Sauteaux First Nation Indian Reserves, past, current and future, and includes without limitation, all attributes of land, water, minerals, resources, wild life and all other resources on, under or over such lands; and includes territories identified by oral history, use and occupancy of our ancestors, including all traditional territories protected under Treaty.
- Sale of Reserves* **4.02** Muscowpetung Sauteaux First Nation Indian Reserve lands, identified as 80, 80A and 80B, or any part thereof, shall not be sold, alienated or otherwise surrendered.
- Land Legislation* **4.03** The management of Muscowpetung Sauteaux First Nation Reserve lands and resources, including lands and resources held in trust or held for and on behalf of the Citizens of the Muscowpetung Sauteaux First Nation shall be governed by legislation of Muscowpetung Sauteaux First Nation.

**Article Five
Treaty**

- Relationship with Canada* **5.01** The relationship of Muscowpetung Sauteaux First Nation with Her Majesty the Queen and Her successors is established by Treaty No. 4 entered into between the parties on September 15, 1874.

<i>Treaty Process</i>	5.02 Muscowpetung Saulteaux First Nation acknowledges that the articles of Treaty No. 4 were entered into on a Nation to Nation basis and that the full meaning and effect of the articles of Treaty is determined in accordance with the spirit and intent of such Treaty.
<i>Treaty Rights</i>	5.03 All Citizens of Muscowpetung Saulteaux First Nation are entitled to the rights, benefits and protections under Treaty No. 4.
<i>Fiduciary Responsibility & Treaty Relationship</i>	5.04 Nothing in the <i>Muscowpetung Saulteaux First Nation Constitution</i> shall reduce, derogate or change the fiduciary responsibility of Her Majesty the Queen, and Her successors, to the Citizens of Muscowpetung Saulteaux First Nation or the Treaty relationship between the parties and beneficiaries to Treaty No. .

Article Six Chief and Council

<i>Powers of the Government</i>	6.01 The Chief and Councillors of Muscowpetung Saulteaux First Nation hold the exclusive executive powers of the Government of Muscowpetung Saulteaux First Nation.
<i>Elections</i>	6.02 The election of the Chief and Councillors of Muscowpetung Saulteaux First Nation and the ability to maintain office including without limitation, by-elections, term of office, vacancy, disciplinary action and impeachment are determined under legislation of Muscowpetung Saulteaux First Nation governing elections.
<i>Council Decisions</i>	6.04 All decisions of the Council are made by way of majority vote at a duly called band council meeting, by way of motion, moved and seconded, and the content of the motion is recorded in the minutes of each respective meeting of Chief and Councillors. The quorum for meetings of Chief and Councillors is four (4) members of the Council and the minimum to carry a motion is four (4) members of the Council.
<i>Notice of Meetings</i>	6.05 A valid meeting of the Council of Muscowpetung Saulteaux First Nation shall be called by the Chief or by a majority of Councillors provided reasonable notice of such meeting is given in good faith to all of the Council prior to such meeting.
	6.06 The Chief is hereby affirmed as the leader of the Government of Muscowpetung Saulteaux First Nation, the Head of State of Muscowpetung Saulteaux First Nation, the chairperson of Council, and has the prerogative to designate the portfolio duties of Councillors and to appoint a Deputy Chief.

**Article Seven
Appeal Tribunal**

- Jurisdiction* **7.01** An Appeal Tribunal shall be established and maintained with jurisdiction to hear and resolve any conflicts brought before it relating to all matters within Muscowpetung Saulteaux First Nation Territory and jurisdiction and determined in accordance with the *Muscowpetung Saulteaux First Nation Constitution* and any specific legislation of Muscowpetung Saulteaux First Nation based on remedies and processes that are fair, just and equitable and in accordance with the laws of Muscowpetung Saulteaux First Nation.
- Qualifications of the Tribunal* **7.02** An Appeal Tribunal member must be an individual who is in good standing with Muscowpetung Saulteaux First Nation, of good character and reputation, educated and experienced in law, independent and impartial, has no criminal record, was at no time disbarred from practicing law, and with preference of appointment given to First Nations persons.
- Appeal Tribunal Decisions* **7.03** The decision of the Appeal Tribunal shall be in writing and made by a majority of members of the Appeal Tribunal hearing the appeal, and decisions of the Appeal Tribunal are final and binding on the parties with no further right of appeal.
- Rules of Procedure* **7.04** The Appeal Tribunal shall follow the rules and procedures as prescribed in legislation of Muscowpetung Saulteaux First Nation governing the Appeal Tribunal and in the absence of applicable rules and procedures contained in legislation of Muscowpetung Saulteaux First Nation, the Appeal Tribunal shall determine rules and procedures that are fair, economical, expedient and efficient, in the absolute discretion of the Appeal Tribunal, so that matters are resolved in a fair, just and equitable manner.

**Article Eight
Muscowpetung
Saulteaux Laws**

- Laws* **8.01** Muscowpetung Saulteaux First Nation may pass laws from time to time covering any subject within its jurisdiction and such laws are binding on any person, government or entity on Muscowpetung Saulteaux territory or dealing with Muscowpetung Saulteaux First Nation.

- Rule of Law* **8.02** Muscowpetung Sauteaux First Nation is subject to the Rule of Law so as to insure fairness and security for all Citizens of Muscowpetung Sauteaux First Nation and persons dealing with Muscowpetung Sauteaux First Nation.
- Paramount* **8.03** *The Muscowpetung Sauteaux First Nation Constitution* is paramount over any legislation enacted by Muscowpetung Sauteaux First Nation.
- Limitation of Powers* **8.04** *The Muscowpetung Sauteaux First Nation Constitution* and legislation of Muscowpetung Sauteaux First Nation defines the duties, responsibilities and powers of the Council, the Appeal Tribunal, governance structures and the Citizens of Muscowpetung Sauteaux First Nation.
- Legislative Powers* **8.05** Except for *The Muscowpetung Sauteaux First Nation Constitution*, all laws of Muscowpetung Sauteaux First Nation are enacted, amended or repealed by referendum passed by a simple majority of those Citizens who are eligible voters who voted in the referendum and such legislation shall be initiated by a Resolution of Council.
- Referendum Procedure* **8.06** A Muscowpetung Sauteaux First Nation referendum is conducted in accordance with legislation of Muscowpetung Sauteaux First Nation governing referenda and until such legislation is passed the following rules of procedure shall apply to carry out such referenda:
- (a) The Council shall do the following:
- (i) Formulate the question to be put to the eligible voters; (ii) Set a voting day;
 - (iii) Appoint a Referendum Officer and Deputy Referendum Officers, one of which is the alternate Referendum Officer.
- (b) The Referendum Officer, or a Deputy Referendum Officer(s) designated by the Referendum Officer, shall carry out the following:
- (i) Prepare a voters list and a Notice of Referendum, and post the voters list and the Notice of Referendum in a conspicuous place in three main community buildings of Muscowpetung Sauteaux First Nation at least thirty (30) days before the voting day;
 - (ii) Set the voting location to be on Muscowpetung Sauteaux First Nation Reserve with an advance poll in Regina, Saskatchewan;
 - (iii) At least thirty (30) days before the voting day, post on Muscowpetung First Nation website(s), including www.muscowpetung.com a copy of the Notice of Referendum, the information package and a copy of the Vote by Mail Package.

- (iv) the phone number of the Electoral Officer shall be posted with the Information package and members can contact the Electoral Officer to send a Mail-in-Voting Package by mail and provide a return mailing address, and such request must be received by the Referendum Officer no later than twenty (20) days before voting day. On receipt of the above request, the Referendum Officer sends a Mail-in-Voting Package to the subject eligible voter at the return address provided;
- (v) A Mail-in-Voting package consists of a copy of the Notice of Referendum, voting instructions and an affidavit of identity in prescribed form. The Electoral officer shall take special care to make sure mail in ballots are opened so the secrecy of the voter is maintained. The ballot shall be secretly put into the ballot box **before** it is read, but after the affidavit of identity is confirmed proper and the voter is properly identified on the voters list;
- (vii) Conduct at least one (1) round of information meetings on the subject of the vote at each of Muscowpetung Sauteaux First Nation Reserve and Regina, Saskatchewan;
- (viii) In circumstances where an eligible voter also voted by mail, the ballot cast in person will be counted and not the mail-in ballot;
- (ix) Carefully use and protect secret ballot voting procedures;
- (x) Complete a certificate confirming compliance with the provisions governing referendums and confirming the results and details of the referendum, and provide an original copy of the same to the Council, the prescribed form of which may be amended from time to time in legislation.

Legislation Enforcement **8.07** Enforcement of the *Muscowpetung Sauteaux First Nation Constitution* and all legislation is the responsibility of the Council, and every Citizen and other persons dealing with Muscowpetung Sauteaux First Nation have the right to seek remedies from the Appeal Tribunal for violations of the *Muscowpetung Sauteaux First Nation Constitution* and legislation of the First Nation.

**Article Nine
Meetings of Citizens**

Number of Meetings **9.01** In each fiscal year, the Council will call at least two meetings of eligible voters held on Muscowpetung Saulteaux First Nation Territory called a General Band Meeting, one of which will be an open agenda meeting for Muscowpetung Saulteaux First Nation Citizens.

Notice **9.02** The notice for a General Band Meeting is given by the Council to the eligible voters of Muscowpetung Saulteaux First Nation by way of posting at the main administrative offices of Muscowpetung Saulteaux First Nation on Muscowpetung Saulteaux First Nation Reserve and, subject to no technical limitation, posting on the Muscowpetung Saulteaux First Nation internet website at least fourteen (14) days before such meeting.

Chair & Secretary **9.03** The chairperson and secretary of each General Band Meeting are selected by the Council and in default the chairperson and secretary is selected by the eligible voters in attendance. Minutes shall be recorded and maintained at the Band Office.

Power **9.04** Except as is specifically provided in legislation of Muscowpetung Saulteaux First Nation, a General Band Meeting, or any other meeting of Citizens of Muscowpetung Saulteaux First Nation, has no legislative or executive power and no power of appeal or disciplinary action.

Meeting Rules **9.05** All meetings of Muscowpetung Saulteaux First Nation officials and Citizens follow an agenda and use fair and reasonable rules of order for the meeting.

General Band Meeting Minutes **9.06** Minutes will be made of all valid motions passed during a General Band Meeting and such minutes will be posted at the main administrative offices of Muscowpetung Saulteaux First Nation and on the Band Website for a period of at least thirty (30) days.

**Article Ten
Culture and Tradition**

Preservation **10.01** Muscowpetung Saulteaux First Nation shall advance and preserve its culture, tradition, history, heritage and language under the guidance of the Elders of Muscowpetung Saulteaux First Nation.

**Article Eleven
Accountability**

Reporting **11.01** The Council shall cause the following reports to be made or given to the Citizens:

- (a) Annual audited financial reports for Muscowpetung Saulteaux First Nation and its entities shall be presented at a General Band Meeting;
- (b) Annual portfolio or program reports shall be presented at a General Band Meeting.

*Leadership
Review*

11.02 Legislation of Muscowpetung Saulteaux First Nation passed from time to time, may contain provisions that enables Citizens, through such legislation, to review, recall or otherwise affect the right of a Chief or Councillor to hold office.

Article Twelve Ratification, Amendment, Repeal and Effect of the Constitution

*Majority
Requirement*

12.01 *The Muscowpetung Saulteaux First Nation Constitution* is enacted, repealed and amended by a vote of the eligible voters of Muscowpetung Saulteaux First Nation, provided:

- (a) 50% plus one of all eligible voters of Muscowpetung Saulteaux First Nation vote, which count includes spoiled ballots, and;
- (b) 50% plus one of those voters who voted did so in favour of the enactment, repeal or amendment.

Effect

12.02 *The Muscowpetung Saulteaux First Nation Constitution* will take effect midnight on the date such legislation is passed.