
CODE GOVERNING LEGAL, POLITICAL AND ADMINISTRATIVE STRUCTURES

WHEREAS the Chief and Council of the Kapawe’no First Nation have determined that it is desirable and necessary to ensure that legal, political and administrative structures are established to guide the activities of the leadership, staff and members of the Kapawe’no First Nation in a democratic, fair and open manner.

AND WHEREAS the Kapawe’no First Nation has the inherent Aboriginal rights, Treaty rights and authority to govern relations among its members and between the First Nation and other governments.

AND WHEREAS the peoples of our Nation have approved by vote the adoption of the Kapawe’no First Nation Code Governing its Legal, Political and Administrative Structures as outlined herein.

AND HAVING by the consent of the peoples of our Nation confirmed that this written code represents the accepted process guiding the legal, political and administrative structures of our Nation.

AND THEREFORE the Chief and Council of the Kapawe’no First Nation at a duly convened meeting of the Chief and Council hereby enact the following code.

SHORT TITLE

1. This code may be cited as the “Kapawe’no First Nation Code Governing Its Legal, Political and Administrative Structures”.

INTERPRETATION

2. This Code shall be:
 - (a) Interpreted in accordance with the values, traditions, customs and laws of the Nation; and
 - (b) Interpreted and applied to protect and preserve the cultural integrity, social unity and historical traditions of the Nation; and
 - (c) Interpreted consistent with the spirit and intent of all Treaty 8 and Aboriginal rights of the Nation.



3. Every section of this code is severable and in the event any part is declared void, the remainder continues to be valid and in full force and effect.
4. In this Code:
 - a. “Band Office” means the administrative operations of the Kapawe’no First Nation
 - b. “Member” means a person whose name is entered on the Treaty 8 and Aboriginal Rights List maintained by the Nation;
 - c. “Treaty 8 and Aboriginal Rights List” means the list of members maintained by the Nation;
 - d. “Reserve” means the Kapawe’no First Nation Reserve;
 - e. “Kapawe’no Council” means the Chief and Council of the Kapawe’no First Nation;
 - f. “Nation” means the Kapawe’no First Nation;

APPLICATION

5. The Chief and Council of the Kapawe’no First Nation shall ensure that legal, political and administrative structures are established to guide the operation, administration and activities of the Kapawe’no First Nation, its Chief and Council, employees, agencies, and members.
6. Legal structures shall include bylaws, laws and regulations that establish guidelines and parameters for activities of the Nation and its members.
7. Political structures include the establishment and operation of Chief and Council.
8. Administrative structures include the Band office, corporate entities and agencies.
9. In establishing the legal, political, and administrative structures of the Kapawe’no First Nation, Chief and Council shall ensure that Codes of Governance are developed and followed as it relates to the development, ratification and approval of laws, government decisions, and other activities affecting members of the Nation.
10. Policies and procedures regarding the day-to-day operations of the Band offices and businesses shall be determined and approved by Chief and council. Such documents and decisions do not require community member ratification.
11. Chief and Council and all employees of the Kapawe’no First Nation shall be responsible and accountable for their actions to the members of the Nation.
12. Roles and responsibilities of Chief and Council, and the authorities and decision-making powers granted to them by the Nation and through bylaws, legislation, regulations, and Codes of Governance, shall be clearly outlined in writing.



13. Job Descriptions shall be developed and maintained for each employee of the Nation, clearly identifying responsibilities and authorities delegated by Chief and Council.
14. All records and documents, except personal records and other private information as governed by the Access to Information and Privacy Code and respective federal and provincial legislation, shall be made accessible and available to community members upon request.

GENERAL MATTERS

- 15) Where the Codes require that an individual must receive written notice, the condition is met if a reasonable effort is made to contact the individual and provide him with the required notice.
- 16) Words in the Codes that would normally imply a particular gender should be interpreted to include both the male and female gender, as the context requires.
- 17) The Codes are effective on the day the Chief and Council determines by resolution that the electors have consented to its adoption as the written statement of the Nation's Membership Rules.

THIS CODE IS HEREBY ENACTED at a duly convened meeting of the Chief and Council of the Kapawe'no First Nation this _____ day of _____, 2003.

Chief Frank T. Halcrow

Witness

Councillor Sydney Lee Halcrow

Witness

Councillor Peter H. Chalifoux

Witness

