
CODE GOVERNING THE RATIFICATION OF GOVERNMENT DECISIONS

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 current customs and traditions of the Kapawe’no First Nation require democratic, fair and open decision-making.

AND WHEREAS the peoples of the Kapawe’no First Nation approved by vote the adoption of the Code Governing the Ratification of Government Decisions as outlined herein.

HAVING by the consent of the members of our Nation confirmed that this written code represents the accepted process to be followed to ratify decisions of Chief and Council of the Kapawe’no First Nation.

NOW 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 to govern the Ratification of Government Decisions.

SHORT TITLE

1. This code may be cited as the “Kapawe’no First Nation Code Governing the Ratification of Government Decisions”.

INTERPRETATION

2. This Code shall be interpreted:
 - (a) in accordance with the values, traditions, customs and laws of the Nation; and
 - (b) and applied to protect and preserve the cultural integrity, social unity, and historical traditions of the Nation; and
 - (c) 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) “Act” means the Indian Act being chapter I-6 of the Revised Statutes of Canada 1970, as amended;
 - b) “Constitution Act” means the Constitution Act of Canada, 1982;
 - c) “Traditional Laws and Practices” means the traditional laws and practices of the Kapawe’no First Nation;
 - d) “Council” means the Chief and Council of Kapawe’no First Nation;
 - e) “Member” means a person whose name is entered on the Treaty 8 and Aboriginal Rights List maintained by the Nation;
 - f) “Treaty 8 and Aboriginal Rights List” means the list of members maintained by the Nation;
 - g) “Nation” means the Kapawe’no First Nation;
 - h) “Referendum” means a referendum held in accordance with the Constitution of the Kapawe’no First Nation and the Indian Referendum Regulations.

AUTHORITY

5. Members of the Kapawe’no First Nation are the democratic governing body of the Nation.
6. Members of Kapawe’no First Nation derive their rights and freedoms to ratify Council decisions from the:
- a) Kapawe’no First Nation Declaration of Inherent and God Given Rights and Freedoms
 - b) Kapawe’no Codes and Regulations
 - c) Traditional laws and practices
 - d) Constitution Act
 - e) Indian Act
7. All decisions made by the Chief and Council of the Kapawe’no First Nation shall be ratified by vote of not less than fifty per cent plus one (50% plus 1) of the community members present and eligible to vote at a duly convened meeting (minimum 30 days notice of meeting) of the membership including:
- a) Adoption of and amendment to tribal law
 - b) Adoption of and amendment to by-laws
 - c) Adoption of and amendment to codes
 - d) Adoption of and amendment to governance and authorities
 - e) Adoption of and amendment to the Kapawe’no First Nation Land Use Plans.
 - f) Decisions regarding the establishment of the purpose and objectives of any corporations, profit-based agencies, and economic development ventures



8. Within 30 days minimum and 60 days maximum of a vote and decision by Chief and Council, a community meeting shall be held to present proposed decisions to community members for discussion and ratification.
9. The date for the membership meeting shall be established by Council Resolution and posted at locations on Kapawe'no First Nation as determined by Chief and Council.
10. Notice of membership meetings shall be communicated (utilizing postings, mail, phone, internet and newsletters) with members of the Nation living on and off reserve.
11. The notice of membership meetings shall include the date of the meeting, time, location, and purpose. A copy of proposed decisions requiring ratification, or information pertaining to such decisions, shall also be included and made available to be picked up at the Kapawe'no Band Office.
12. Minutes of membership meetings held for ratification purposes shall be maintained by the Band Manager or designate, and distributed to members within two weeks of the meeting. Such minutes shall include the results of the vote taken on each decision.
13. Majority decision by the Kapawe'no First Nation members shall mean 50% plus one (1) of community members in attendance at the meeting.
14. Upon receiving Kapawe'no First Nation members ratification, the Chief and Council shall officially approve the decision as documented through Band Council Resolution

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

