

BEARDY'S AND OKEMASIS' CREE NATION

CONSTITUTION

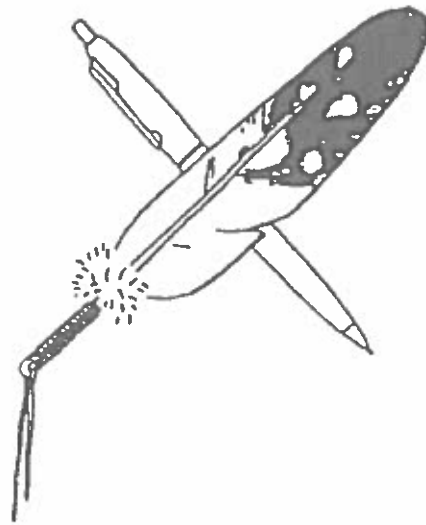


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PREAMBLE

We, the Beardy's and Okemasis' Cree Nation have the inherent right to govern ourselves according to our customs, traditions and natural laws of the nehiyawak. We declare these are our truths;

We are a Nation of many Nations. Chief Beardy (Kamiyistowesit) and Chief Cutnose (Saswapew) signed an adhesion to Treaty #6 on August 28, 1876 near Fort Carlton thereby entering into Treaty with the Crown, exercising all the powers of our Sovereignty and Nationhood.

With the teachings of our elders in our hearts & minds, we will conduct ourselves in a positive manner. We will maintain a good path with the next seven generations always in mind, so they carry on in such a way that our inherent rights remain protected.

Beardy's and Okemasis' Cree Nation has always had a special relationship with the Crown, a relationship that was recognized in the Royal Proclamation of 1763, Treaty 6 and in the Constitution Act, 1982; Under this special relationship, the Crown has special obligations to all of the People of the Beardys' and Okemasis' Cree Nation current and future members for as long as the sun shines, the grass grows and the rivers flow.

This Constitution does not in any way abrogate or diminish from Indigenous and Treaty Rights of the Beardy's and Okemasis' Cree Nation and its citizens protected under Section 35 of the Constitution Act of Canada; and the fiduciary responsibility of Canada to Beardy's and Okemasis' Cree Nation and its members.

It is upon this foundation that we, the members of the Beardy's and Okemasis' Cree Nation, put into place this Constitution, which is the basis for our government authority, our jurisdiction, our laws, our future laws and our traditions for the people of Beardy's and Okemasis' Cree Nation pursuant to its inherent rights existing since time immemorial including the inherent right to self-government.

This Constitution is a framework for the implementation of our inherent and treaty rights which extend to all of our people regardless of their residency.

NOW THEREFORE, by virtue of our rights and freedoms as an autonomous First Nation in an historical relationship with the Crown, we do hereby declare and institute the "Constitution of the Beardy's and Okemasis' Cree Nation."

PART I – CITATION

Article 1 - Citation

1.1 This document may be cited as “*Beardy's and Okemasis' Cree Nation Constitution*”.

PART II – INTERPRETATION

Article 2 – Interpretation

2.1 For the purpose of this Constitution:

- a) "BOCN" means Beardy's and Okemasis' Cree Nation.
- b) "BEARDY'S AND OKEMASIS' CREE NATION" means Beardy's and Okemasis First Nation.
- c) "CHIEF" means that Member of the Beardy's and Okemasis' Cree Nation who has been duly elected, under the *Beardy's and Okemasis' Cree Nation Election Act*, to fill the position of Chief and represent the Members of the Nation.
- d) "CONFLICT OF INTEREST" means financial and/or personal gain, direct benefit and/or other benefit(s) received by the individual or for their immediate family.
- e) "CONSTITUTION" means the Beardy's and Okemasis' Cree Nation Constitution.
- f) "COUNCIL" means the Chief and Councillors of the Beardy's and Okemasis' Cree Nation duly elected pursuant to the provisions contained in the *Beardy's and Okemasis' Cree Nation Election Act*.
- g) "ELDERS ADVISORY COUNCIL" means members appointed by Chief and Council, can include members of the Senate.
- h) "ELECTION" refers to the election of Chief and Councillors in accordance with the *Beardy's and Okemasis' Cree Nation Election Act*.
- i) "ELECTOR" means a member of the Beardy's and Okemasis' Cree Nation who has reached the age of 18 on or before the day of election.
- j) "EMPLOYEE" means an individual who is employed by the Cree Nation, its affiliates and/or subsidiaries on a permanent, part-time, seasonal basis or term appointment, for which salary, benefits and/or remuneration are paid by the Beardy's and Okemasis' Cree Nation.
- k) "GOVERNMENT" means the duly elected leadership of the Beardy's and Okemasis' Cree Nation.
- l) "IMMEDIATE FAMILY" means parents, grandchildren, children, siblings, grandparents, in-laws, spouse (including common-law), someone under the age of eighteen that they are acting in a parental capacity for, anyone who permanently resides in the home of the individual and anyone who is not an employee that is financially dependent on the individual or spouse.

- m) "INDIGENOUS and TREATY RIGHTS" includes those Aboriginal rights guaranteed under section 35 of the Canadian Constitution and in the *United Nations Declaration on the Rights of Indigenous Peoples*.
- n) "LEGAL REPRESENTATION" means legal Counsel for the Nation.
- o) "LEGISLATION" means the laws or law-making process of the Beardy's and Okemasis' Cree Nation.
- p) "MEMBER" means a person registered as a member of the Beardy's and Okemasis' Cree Nation.
- q) "OATH OF OFFICE" means and refers to the Oath of Office for the elected leadership of the Beardy's and Okemasis' Cree Nation.
- r) "NATION" shall refer to the Beardy's and Okemasis' Cree Nation.
- s) "PUBLIC POLICIES" means the policies of the Beardy's and Okemasis' Cree Nation as approved by the Chief and Council and as implemented by Council, Portfolio Committees or Administration.
- t) "RATIFICATION" means the official approval of Beardy's and Okemasis' Cree Nation Constitution or laws by the electors of the Cree Nation in accordance with this Constitution, or the amendment of laws in accordance with the amendment procedure set out in respective Nation laws.
- u) "REFERENDUM" means a general vote by the Membership on a single political question that has been referred to them for a direct decision.
- v) "TRIBUNAL" means the person(s) appointed by Chief and Council specifically to manage appeals and formal grievances, in accordance with this Constitution.

2.2 Words importing the singular number include the plural and vice versa and words importing gender include the masculine, feminine and neutral genders.

PART III – INHERENT RIGHTS

Article 3 – Inherent Rights

3.1 The Creator put us here as the people of the Beardy's and Okemasis' Cree Nation, he gave us laws that govern all of our relationships so that we may live in harmony with nature and mankind.

3.2 We have been autonomous and connected to our territories since time immemorial. This is confirmed by our oral history, our Elders teachings, our traditions and customary practices. It is therefore essential to declare:

- a) The foundations of our Nation are rooted in the sacred gifts from our Creator.
- b) Our inherent rights flow from the Creator and include but are not limited to:
 - i. Our spiritual beliefs, natural laws and practices;
 - ii. Our language;
 - iii. Our culture, customs and traditions;
 - iv. Our government;
 - v. Our freedom, our independence, and self-determination; and
 - vi. Our values of love, sharing, honour and respect.
- c) Our Inherent right to self-determination includes the following main elements:
 - i. The right to govern ourselves and to determine our own destiny; including the right to develop and amend our own constitution, laws, citizenship, and governance procedures based upon the will of our people; and
 - ii. The right to establish and maintain our own form of government in order to provide for the well-being and prosperity of our people.

3.3 We believe that each successive generation has the responsibility to maintain these inherent rights for seven generations into the future. Because of this belief, it is not possible for any generation to agree to compromise the inherent rights, including our nationhood rights, in any way, shape or form.

3.4 Our personal existence is defined by universal truths and natural laws, which guide us in honoring each individual's right to life, liberty and wellness. We accept these responsibilities that go with our rights, knowing that we are responsible for our own destiny and that our government is accountable to our people.

PART IV – MEMBERSHIP

Article 4 – Membership

4.1 Members of the Beardy's and Okemasis' Cree Nation are recorded by the Membership Department and maintained by the Membership Department in conjunction with Indigenous and Northern Affairs Canada.

4.2 Beardy's and Okemasis' Cree Nation will retain control of its Membership within three (3) years of the adoption of this Constitution. A Membership Act will be developed.

DIVISION 1 – RIGHTS AND RESPONSIBILITIES

4.3 Members:

- a) Members shall respect and abide by our Constitution, Laws, Acts and policies.
- b) Members have the right to apply their privileges and obligations as set forth in our Constitution, Laws, Acts and Governance policies.
- c) Members have the ultimate authority in making and amending laws.
- d) Members have the right to participate in Members' Assemblies or Membership meetings as duly provided for in our Constitution, laws or as called and approved by the Council.
- e) Members have the right to be included, engaged and informed.
- f) The *Beardys' & Okemasis' Cree Nation Election Act* ensures that there shall be consultation with and input by our people, through the will of our voters, in our leadership selection processes.
- g) The rights, freedoms and socio-economic benefits flowing from our Government system shall, to the extent possible, apply equally to all of our Nation people.
- h) All our Nation's people shall enjoy, without hindrance, freedom of worship, culture, conscience, speech, assembly, mobility and association.
- i) Rights and responsibilities extend regardless of where you reside.
- j) The judicial processes of our Government system shall be open to all of our Members.
- k) Membership has the right to hold our government accountable.
- l) Members are responsible for ensuring children and future generations understand treaty, language and culture of the Beardys' and Okemasis' Cree Nation.
- m) Members have the right to feel safe and secure in their community.

4.4 Elders: in addition to the Members Rights and Responsibilities, Elders have the following:

- a) The right to provide guidance to the Membership and Council.
- b) The right to be included, engaged and informed in a manner that best suits their needs.
- c) To select representatives for the Elders Advisory Council, in accordance with the *Elders Advisory Council Act*.

4.5 Youth: in addition to Members Rights and Responsibilities, Youth have the following:

- a) The right to be included, engaged and informed in a manner that best suits their needs.
- b) The right to grow up in a safe community.

- c) To select representatives for Youth Advisory Council, in accordance *Youth Advisory Council Act*.

PART V - GOVERNING STRUCTURE OF THE NATION

Article 5 – Governing Structure

5.1 The principle components of the Beardy's and Okemasis' Cree Nation Government shall be:

- a) A Members' Assembly consisting of the electors of our Nation.
- b) A Council, which shall serve as our government body.
- c) Tribunals, boards, commissions and committees as so provided for by our Acts, Laws and Policies.
- d) An Elders Advisory Council ratified by the Council, according to the *Elders Advisory Council Act*.
- e) A Youth Advisory Council ratified by the Council, according to the *Youth Advisory Council Act*.

PART VI - ROLES OF OUR GOVERNMENT

DIVISION 1 – MEMBERS' ASSEMBLY

Article 6 – Members' Assembly Role

6.1 The Members' Assembly shall consist of all members of the Beardy's and Okemasis' Cree Nation who are eighteen (18) years of age or older. The Members' Assembly shall fulfill the following roles and functions:

- a) To review, amend, ratify all laws;
- b) To review and monitor the financial management and accountability of the Nation and its governance and administrative systems;
- c) To discuss, ratify and monitor the major institutions of the Nation;
- d) To review and monitor the development and management of the Nation resources, territories, lands and revenues;
- e) To provide guidance to the Council and other institutions of the government; and
- f) To meet at least once each and every year to deal with all of the above items.

DIVISION 2 – COUNCIL

Article 7 – Council Role

7.1 Council shall fulfill the following roles and functions:

- a) To uphold the laws of the Nation and this Constitution;
- b) The Chief is the representative of the government based on our culture and historic traditions. The Chief is also the spokesperson reflecting the decisions of Council. As our leader, the Chief is our voice in representing the interests, priorities and aspirations of our people, and Council;
- c) The Chief & Councillors are elected and mandated in accordance with the *Beardy's and Okemasis' Cree Nation Election Act*. Their term of office is defined in the *Beardy's and Okemasis' Cree Nation Election Act* and performance standards is identified in the *Beardy's and Okemasis' Cree Nation Executive Act*;
- d) The Chief & Council shall, upon election to office, take the '*Oath of Office*' in the presence of our Elders and as interpreted by our Elders. This establishes terms of reference for their activities and their performance of duties;
- e) To represent and protect our Nations' rights, culture and traditions;
- f) To promote and protect our Inherent and Treaty rights;
- g) To reflect and implement our peoples' goals, priorities & primary interests;
- h) To foster democratic processes and consensus decision-making;
- i) To promote unity, harmony, fairness and respect among our people;
- j) To establish and apply public policies for the general benefit of our people;
- k) To oversee our economy and resources;
- l) To ensure effective, efficient and accountable government in consultation with our people through the Members' Assembly;
- m) To effectively manage the fiscal and financial affairs of the Nation including full and open accountability to our people;
- n) To provide for the fair reconciliation of grievances, appeals and disputes;
- o) To manage inter-governmental relations, negotiations and agreements;
- p) To ensure that "Conflict of Interest" is avoided;
- q) To honour and respect the Beardys' and Okemasis' Cree Nation Pledge of Allegiance (Appendix 1);
- r) Other roles and responsibilities as identified in our Nation laws.

DIVISION 3 – ADVISORY COUNCILS

Article 8 – Elders Advisory Council Role

8.1 The Elders Advisory Council:

- a) Is ratified by Chief and Council;
- b) Members of the Senate shall be appointed to the Elders Advisory Council;
- c) The role of the Elders Advisory Council is to provide guidance and support to Council, Members' Assembly and to Tribunals, Boards, Commissions and Committees.

Article 9 – Youth Advisory Council

9.1 The Youth Advisory Council:

- a) Is ratified by Chief and Council;
- b) The role of Youth Advisory Council is to provide guidance and support to Council, Members' Assembly and to Tribunals, Boards, Commissions and Committees.

DIVISION 4 – BOARDS, COMMISSIONS, COMMITTEES

Article 10 – Boards, Commissions and Committees Role

10.1 Boards, Commissions and Committees may be authorized, from time-to-time, by Beardy's and Okemasis' Cree Nation law or special resolution of the Council, depending on the nature of their responsibilities, to carry out activities related to good governance in areas of importance to our Nation.

PART VII – LAW-MAKING PROCESS

Article 11 – Law-Making Process

11.1 Subject to this Constitution the Nation may make Laws for the Nation.

11.2 Passage of Laws requires the participation and ratification of electors through a Members' Assembly or Referendum.

11.3 When a Referendum is called in place of a Members' Assembly to vote on Nation Laws the Referendum must be held in compliance with the Beardy's and Okemasis' Cree Nation Referendum Policy.

11.4 The Council shall appoint a Chief Legislation Officer to support the law-making process for the Nation.

Article 12 – Introducing New Legislation

12.1 The passage of new Laws shall occur on the following basis:

- a) A new Law of the Nation may be proposed
 - i. by the Council;
 - ii. by the Chief or a Councillor; or
 - iii. by any member or members supported by a vote of at least 25% of the Electors at a Members' Assembly or a signed petition of at least 25% of the Voters.
- b) The Council shall appoint a committee to develop the recommended content for the new Law, prior to public presentation:
 - i. The committee will develop the content of the Law in consultation with the Membership, and
 - ii. The committee will present the draft to Council then the draft will be presented to the Members' Assembly to begin the reading process.
- c) Each proposed law must go through a series of three (3) readings with the Members' Assembly that is called together for the purpose of the reading and review of the proposed law. Electors may offer amendments on the proposed content from the floor during the Members' Assembly. The third reading will be the date that the Electors vote on the passage of the Law.
- d) At the second reading notice may be given that at the third reading there will be a vote on passage of the law, or a referendum may be called at the second reading.
- e) There shall be a 30-day notice period given to the Members' Assembly when calling a meeting or referendum for the purposes of reviewing the law. Copies of the proposed Law must be made available to members.
- f) A proposed law that is passed at the third reading or at referendum becomes law of the Nation and comes in to effect the date of passage at third reading or referendum or on a date later set out in the law.
- g) Official passage of a new law is made through a Members' Assembly duly convened for the purpose of ratifying the law or a referendum may be called to ratify and vote on the proposed law.
- h) 50% plus one (1) or more of all electors must vote in favor of the law. In the event that the number of voters that turn out is not sufficient to meet the threshold a second or subsequent ratification meeting or referendum shall be called on a 30-day notification

basis. At the second meeting or referendum, 50% plus one (1) or more of those electors present at the second meeting or referendum may ratify a law.

i) A referendum can be held separately or in conjunction with the electoral process as a plebiscite question accompanying the electoral ballot.

j) Once a law has been passed it is binding upon all members, Council, officials of the Nation and anyone under their jurisdiction.

Article 13 – Amendments and Repeals

13.1 Amendments or Repeals of Laws of the Nation may be proposed:

a) by the Council;

b) by the Chief or Councillor; or

c) by any member or members supported by a vote of at least 25% of the Electors at a Members' Assembly or signed petition of 25% of the Electors.

13.2 The Council will appoint a Committee to review and present the recommendations for amendment or repeal to the Members' Assembly.

13.3 Once the Committee has reviewed and presented the proposed amendment or repeal, a Special Members' Assembly or Referendum will be called to review and ratify the amendments or repeal.

13.4 Thirty (30) day notice will be required and a list of proposed amendments must be included in the notice. Copies of the proposed amendments must be made available to members.

13.5 For amendments or repeals to the Beardy's and Okemasis' Cree Nation Constitution, 50% plus one (1) or more of all electors must vote in favor of the amendment or repeal. In the event that the number of voters that turn out is not sufficient to meet the threshold a second or subsequent ratification meeting or referendum shall be called on a 30-day notification basis. At the second meeting or referendum, 50% plus one (1) or more of those electors present at the second meeting or referendum may ratify the Constitution amendments or repeals.

13.6 For amendments or repeals to any other Laws of the Nation, a Special Members' Assembly may be called to review the amendments or repeals. There must be a minimum of 100 people in attendance of any special meeting in order for the meeting to proceed. Amendments or repeals are approved if a simple majority (50% + 1) of members attending the special meeting vote in favour of the amendments or repeals. The vote will be by a show of hands.

Article 14 – Publication and Access

14.1 Upon Passage of every new Law and amendment public notice must be made to the members in a manner determined by the Council.

14.2 All Laws upon passage must be made available to all members. A copy of the Laws shall be maintained by the Nation.

14.3 All Laws passed by the Nation will be posted online and made available to the Membership. Hard copies will be made available upon written request to the Nation.

Article 15 – Policies and Procedures

15.1 Policies and procedures of the Nation created, changed and repealed by Council must be consistent with *Beardys' and Okemasis' Cree Nation Constitution*.

PART VIII - BEARDY'S AND OKEMASIS' CREE NATION TRIBUNAL

Article 16 – Tribunal

16.1 The Beardy's and Okemasis' Cree Nation shall mandate the development of a Tribunal to deal with internal disputes arising from the application of this Constitution, laws, acts, and policies of the Beardy's and Okemasis' Cree Nation.

16.2 When a dispute arises regarding the Constitution or any other Laws of the Nation, the dispute may be presented in the following manners:

- a) Presented to the annual meeting of the Members' Assembly;
- b) Written letter presented to the Chief Executive Officer;
- c) Presented to Council of the Nation.

16.3 All complaints will be forwarded to the next meeting of the Members' Assembly and if it is deemed by the majority of the members in attendance to be valid then it will go to the tribunal.

16.4 All complaints must be dealt with within one (1) year of the dispute.

16.5 Council will appoint a Tribunal to hear and resolve the dispute.

16.6 The Tribunal will consist of five (5) Members; which may include but are not limited to:

- a) BOCN Members 18 years of age or older,
- b) Members of another First Nation,
- c) Legal Counsel representative.

16.7 The Tribunal will hear the dispute and follow the process set out in the Beardy's and Okemasis' Cree Nation Tribunal Policies and Procedures.

16.8 Once a decision is rendered it will be reported to the next Members' Assembly.

16.9 The decision by the Tribunal is final.

PART IV – MEMBERS' ASSEMBLY

Article 17 – Assembly

17.1 To ensure membership awareness and participation, along with formal accountability of our government to our people, the following membership meetings shall be held at least once a year:

- a) Members' Assembly meeting on the Nation's Constitution and laws; and this Assembly will deal with the design, interpretation, communication, ratification or amendment of either the Constitution or laws of the Nation;
- b) Members' Assembly meeting on Nation financial affairs, budget plans, revenues and the review of the audited statements of the Nation.

17.2 Members' Assembly may be called by:

- a) Band Council Motion, or
- b) Petition of 25% or more of the Electors presented to Chief and Council.

17.3 Members' Assembly requires thirty (30) days notice to the Membership of the Nation.

17.4 Members' Assembly shall be conducted in accordance with proper procedure and be guided by the core value of respect.

17.5 Informational Membership meeting may be held on policies, programs and services involving reports by the Portfolio Councillors, program managers and directors. These are not deemed formal Members' Assemblies and do not require the same notice provisions.

17.6 Other open Membership meetings as provided for in Nation Laws and Policies.

PART X - COMING INTO EFFECT

Article 18 – Coming Into Effect

18.1 This Constitution of the Beardy's and Okemasis' Cree Nation shall come into effect on the day it is ratified in accordance with PART VII.

PART XI – AMENDMENTS TO THIS CONSTITUTION

Article 19 – Amending this Constitution

19.1 This Constitution may be reviewed and amended from time to time by the Members' Assembly of the Beardy's and Okemasis' Cree Nation as set out in PART VII.

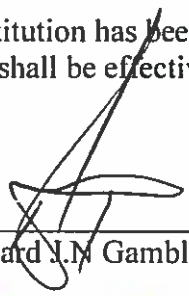
Appendix 1 –

Beardys' and Okemasis' Cree Nation

Pledge of Allegiance

We Pledge Allegiance to the flag of the Cree Nation in the Treaty 6 Territory. By standing together in **Unity** and showing respect for one another, we promise to honor Mother Earth by keeping her clean and embracing our Language and Culture. Under the guidance of our Creator, we will continue to thrive as a strong Nation.

This Constitution has been duly ratified by the Government of the Nation on February 14, 2017, and shall be effective upon ratification vote by the membership.



Chief Richard J.M. Gamble



Councillor Leighanne Gardipy-Bill



Councillor Jeremy Seesequasis



Councillor D. Kevin Seesequasis



Councillor Candace Scott



Councillor Barb Mosquito



Councillor Kurt Seesequasis



Councillor C. Roy Pett

Councillor Ruby Eyahpaise