

**GENERAL BY-LAWS  
OF  
THE QALIPU MI'KMAQ FIRST NATION BAND**

**1. DEFINITIONS**

1.01 In these By-Laws unless there be something in the subject or context inconsistent therewith:

- (a) "Band" means the Qalipu Mi'kmaq First Nation Band.
- (b) "Band Council" means the aggregate of Councilors elected pursuant to the Custom Rules Governing Band elections.
- (c) "Band Member" means an individual on the Band List maintained by the Registrar pursuant to the *Indian Act*, R.S.C. 1985, c. I-5, as a member of the Band.
- (d) "Councilor" means an individual elected to the Band Council in accordance with the Custom Rules Governing Qalipu Mi'kmaq First Nation Band Elections.
- (e) "Custom Rules Governing Qalipu Mi'kmaq First Nation Band Elections" means those Rules attached as Annex 'C' to the 23 June 2008 Agreement for the creation of the Band and adopted by the Band Council through a Resolution dated the 3rd day of September 3, 2013.
- (f) "Executive Committee" means the Chief and the two Vice-Chiefs of the Band.
- (g) "General Meeting" means a meeting of Band Members called in accordance with these By-Laws.

**2. ROLES AND RESPONSIBILITIES OF THE BAND COUNCIL**

- 2.01 The Chief shall present the agenda at all meetings of the Band Council.
- 2.02 The Chief shall run the Band's offices and oversee all the programs and the activities of the Band.
- 2.03 The Executive Committee shall carry out the affairs of the Band on a day to day basis. Decisions taken by the Executive Committee shall be reviewed at each meeting of the Band Council and, if necessary, ratified.

- 2.04 Should the Chief vacate office for any reason, the Band Council, by a majority vote shall determine which of the two Vice-Chiefs shall assume the responsibilities of the Chief in his or her absence. Should a Vice-Chief's office become vacant, the Band Council, by a majority vote, shall assign the duties of that office to a Councilor from one of the Electoral Wards comprising the region represented by the departed Vice-Chief.
- 2.05 Any person appointed to assume the responsibilities of the Chief or a Vice-Chief pursuant to Clause 2.04 shall do so only until an individual has been elected to the position pursuant to a by-election or election in accordance with the Custom Rules Governing Qalipu Mi'kmaq First Nation Band Elections.
- 2.06 The Chief and each Vice-Chief shall hold their respective positions for three (3) year terms unless a vacancy occurs due to a removal from office in accordance with By-Law 6.02, incapacity, resignation or death.
- 2.07 The Chief shall be responsible to ensure that the objectives and By-Laws of the Band are carried out.
- 2.08 The Chief shall utilize the staff employed by the Band in such a manner as to ensure compliance with these By-Laws.

### **3. FISCAL YEAR**

- 3.01 The fiscal year of the Band shall be the period from the first day of April in any year to the 31<sup>st</sup> day of March in that year.

### **4. MEETINGS**

- 4.01 The Band will hold a General Meeting not less than once a year. Each meeting shall take place in the Province of Newfoundland and Labrador.
- 4.02 Any other General Meeting of the Band may be called by the Band Council at any time, and shall be called by the Band Council if requisitioned in writing by at least twenty-five per cent (25%) of the Band's members 18 years of age or greater.
- 4.03 A minimum of twenty-one (21) days notice of a General Meeting shall be posted on the Band's web-site and advertised in a newspaper circulated within each of the Band's Electoral Wards described in the Custom Rules Governing Qalipu Mi'kmaq First Nation Band Elections. The Notice shall specify the date, time and location of the General Meeting and the business intended to be addressed.
- 4.04 The non-receipt of a Notice by any Band Member shall not invalidate the proceedings at any General Meeting.

- 4.05 At each General Meeting of the Band, the minutes of the preceding General Meeting shall be presented and voted on and the following shall be presented to the Band Members attending but shall not be subject to a vote:
- (a) the annual budget of the Band;
  - (b) an annual report prepared by the Band Council for the General Meeting; and
  - (c) the Band's financial statements, including the balance sheet and operating statement and the auditor's report thereon.
- 4.06 At any General Meeting:
- (a) The Chairperson ("Chair") shall be the Chief and shall preside as Chair at every General Meeting of the Band.
  - (b) If at any meeting the Chief is not present at the time of holding the same, one of the two Vice Chiefs of the Band shall preside as Chair.
  - (c) If neither the Chief nor either Vice-Chief is present, one of the Band Councilors, appointed by the Band Councilors in attendance, shall preside as Chair.
- 4.07 The Chair may, with the consent of the Band Members present, adjourn any General Meeting from time to time and from place to place, but no business shall be dealt with at any adjourned meeting, other than the business left unfinished at the meeting from which the adjournment took place, unless notice of such new business is given to the Band Members.

## 5. PROXY VOTES

- 5.01 There shall be no attendance by proxy at any Band Council meeting or General Meeting.

## 6. BAND COUNCIL

- 6.01 In the event that a Councilor, other than the Chief or a Vice-Chief vacates office, is removed from office pursuant to By-Law 6.02, or ceases to be a member of the Band, that Councilor's office shall *ipso facto* be vacated, the vacancy thereby created will remain so until an individual has been elected to the position in accordance with the Custom Rules Governing Qalipu Mi'kmaq First Nation Band Elections.
- 6.02 The Band Council may, by Resolution supported by three-fourths vote of the Councilors based on the number of positions on the Band Council, remove any

member of the Band Council before the expiration of the period of office. Removal shall only be on the grounds that:

- (i) the Councilor has committed a breach of trust with respect to the Band's affairs,
- (ii) has permanently moved out of the Province,
- (iii) has been imprisoned or placed under house arrest as a result of the commission of an indictable offense for more than three months without the opportunity for release or without the existence of a condition to permit the Councilor to attend Band Council meetings, or
- (iv) Except due to an absence arising from By-Law 6.02 (iii), has otherwise been absent for three consecutive meetings without being authorized to do so by the Chief or the Superintendent (as defined by the *Indian Band Council Procedure Regulations*, C.R.C. c. 950) with the consent of the majority of the Band.

Upon the removal of the Chief or a Vice-Chief pursuant to this By-Law, a person shall be appointed to fill the position vacated in accordance with By-Laws 2.04 and 2.05.

- 6.03 Meetings of the Band Council shall be held at a minimum of once every three (3) months or as often as the business of the Band may require and shall be called by the Chief. A meeting of the Band Council may be held at the close of every General Meeting of the Band without notice. Notice of all other meetings, specifying the time and place thereof, shall be given either orally or in writing to each member of the Band Council within a reasonable time before the meeting is to take place, but non-receipt of such notice by any Councilor shall not invalidate the proceedings at any meeting of the Band Council.
- 6.04 No business shall be transacted at any meeting of the Band Council unless at least seven (5) Band Council members are present.
- 6.05 Subject to the Band Councilors deciding that the Superintendent (as defined by the *Indian Band Council Procedure Regulations*, C.R.C. c. 950) shall be the presiding officer at a Band Council meeting, the Chief or, in his or her absence, a Councilor appointed from among the Councilors present shall preside as Chair at meetings of the Band Council.
- 6.06 The Chair shall not be entitled to vote but whenever the votes are equal, the Chair, except when the Superintendent is appointed to be the presiding officer under the *Indian Band Council Procedure Regulations*, C.R.C. c. 950, shall cast the deciding vote.
- 6.07 Band Councilors shall receive such remuneration as the Band Council may prescribe, including expenses that may be allowed for their attendance at each

meeting of the Band Council except that such expenses shall not include wages or benefits that the Councilor lost or had to forego in order to attend the meeting.

## **7. POWERS OF COUNCILLORS**

- 7.01 Subject to the provisions of the *Indian Act*, R.S.C., c. I-5, the management of the activities of the Band shall be vested in the Councilors who, in addition to the powers and authorities vested upon them by these By-Laws or otherwise expressly conferred upon them, may delegate to the Executive Committee, any function that may be required to ensure the efficient operation of the Band, including without limiting the generality of the foregoing, the hiring and dismissal of any person employed by the Band. The Councilors shall retain sole responsibility for reviewing and approving overall plans of the Band as submitted by the Executive Committee, reviewing and approving expenditures of the Band on a quarterly basis, and reviewing and approving expenditures on Band programs.
- 7.02 There shall be a Chief Executive Officer to the Band Council who shall keep the minutes of the General Meetings and Band Council Meetings and shall perform such other duties as may be assigned to him or her by the Band Council. The terms of employment of the Chief Executive Officer shall be at the discretion of the Band Council.

## **8. REPEAL AND AMENDMENT OF BY-LAWS**

- 8.01 The Band Council has the power to repeal or amend any of these By-Laws by Band Council Resolution so long as the repeal or amendments do not contravene the *Indian Band Council Procedure Regulations*, C.R.C. c. 950.

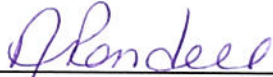
**9. MISCELLANEOUS**

- 9.01 Preparation of minutes, custody of the books and records, and custody of the minutes of all the General Meetings and of the Band Council Meetings shall be the responsibility of the Chief Executive Officer.
- 9.02 The Chief Executive Officer shall maintain and keep custody of all financial records and books of account relating to the Band. The Chief Executive Officer may delegate any task relating to the maintenance and custody of all financial records and books of account to a person who is employed or retained by the Band to assist the Chief Executive Officer in fulfilling this responsibility.
- 9.03 The books and records of the Band may be inspected by any Band Member at any reasonable time and upon reasonable notice made to the Band Council.
- 9.04 Contracts, deeds, bills of exchange and other instruments and documents may be executed on behalf of the Band by the Chief, or by either one Vice-Chiefs, or otherwise as prescribed by resolution of the Band Council.

**10. INTERPRETATION**

- 10.01 In this By-law, wherever the context requires or permits, the singular shall include the plural and the plural shall include the singular; the word "person" shall include firms and corporations, and masculine gender shall include the feminine and neuter genders.

ENACTED by the Band Council on the *3<sup>rd</sup>* day of *September*, 2013.

  
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CHIEF EXECUTIVE OFFICER