

LONG LAKE #58 FIRST NATION CONSTITUTION

Drafted August 4, 2016; Amended October 24, 2016



Long Lake 58 Constitution

Preamble

Long Lake #58 First Nation has a profound relationship with the land that is rooted in respect for the spiritual value of the earth, gifts of the Creator, and has a deep desire to preserve their relationship with the land.

Our heritage, culture, and spirit are imprinted here in these natural settings. Since time immemorial, our people have harvested animals in the vast forest, gathered wild berries and natural medicines from the land, fished in the lakes and streams, also travelled seasonally in the fast flowing rivers within our watershed.

Chapter 1 – GENERAL PROVISIONS

1.1 The following definitions apply in this Constitution:

- a) “Chief” means the person selected as Chief in accordance with Long Lake #58 First Nation election process;
- b) “Council” means the executive decision-making body made up of the Chief and Councillors of Long Lake #58 First Nation elected in accordance with the election process;
- c) “Councillor” or “Councillors” means a member or members of Council selected in accordance with Long Lake #58 First Nation election process;
- d) “Elected Officials” means the Chief and Councillors elected in accordance with Long Lake #58 First Nation law;
- e) “Eligible Voter” means a Member of the First Nation who has attained the age of eighteen (18) years by or on the date of the vote;
- f) “Member” means a Member of Long Lake #58 and whose name appears on the Long Lake #58 Membership List.
- g) “Public Institution” means a board, commission, tribunal, or committee established by the Council.

CHAPTER 2 – FOUNDING PROVISIONS

2.1 The Anishinabeg of Long Lake #58 First Nation have existed from the beginning.

- 2.2 By approving this Constitution we, the Anishinbeg of Long Lake #58 are exercising our inherent right of self-government for the Mino-bimaadiziwin (good living) of our First Nation members. Our jurisdiction covers the Anishinabeg of Long Lake # 58 First Nation and our traditional territory.
- 2.3 The Long Lake #58 First Nation shall be guided by the Seven Grandfather teachings of Love, Truth, Respect, Wisdom, Humility, Honesty and Bravery.

CHAPTER 3 – SUPREME LAW

- 3.1 This Constitution is the Supreme Law of Long Lake #58 First Nation.
- 3.3 In the event of a conflict or inconsistency between this Constitution and any law or regulation, by-law, code, or policy or procedure, this Constitution shall prevail to the extent of the conflict.

CHAPTER 4 – JURISDICTION

Law-Making Powers

- 4.1 The Long Lake #58 First Nation has the inherent right of governance and may pass laws with respect to those matters that are integral to the First Nation as a community, including education, health, lands and resources, finances, citizenship, public order, economy, elections, social issues, as well as any other area of importance to Long Lake #58.

Law-Making Process

- 4.2 A draft law may be introduced at a regular meeting of the Long Lake #58 First Nation Chief and Council:
- a) By the Chief;
 - b) By a Councillor;
 - c) The Long Lake # 58 members shall work through Chief or Council to bring forward a draft law; or
 - d) Request submitted by a duly formed and recognized committee of Long Lake #58 First Nation presented to Chief and Council by the chairperson.
- 4.3 A draft law will be approved through the law-making process set out below:
- a) The draft law is reviewed and considered by the Chief and Council;
 - b) The Chief and Council may receive input from Long Lake # 58 members on the draft law;
 - c) The draft law may be brought to the Long Lake #58 members for a vote; and,

If the membership, approves the draft law, it is signed by Chief and Council into force.

- 4.4 The Chief and Council shall establish rules regarding the process and timelines for introducing, considering, providing input, coming into force, and the publication of Long Lake #58 First Nation laws.
- 4.5 The Chief and Council will establish a procedure for appealing or challenging the validity or application of a Long Lake #58 First Nation law.

Review and Appeal of Administrative Decisions

- 4.6 Long Lake #58 First Nation shall provide procedures for the appeal or the review of administrative decisions pursuant to their laws, by the First Nation and its Public Institutions.

Reasonable Limits

- 4.7 This Constitution guarantees the rights and freedoms set out above subject only to such reasonable limits set out in the First Nation law as can be demonstrably justified to protect the collective interest of the First Nation membership in a free and self-governing First Nation.

CHAPTER 5 – LONG LAKE #58 FIRST NATION GOVERNMENT

Governing Principles of Long Lake #58 First Nation

- 5.1 The elected Chief and Council shall:
 - a) Be **loyal** to the Long Lake #58 First Nation, and respect this Constitution;
 - b) Preserve and promote the **peace, unity and well-being** of the Long Lake #58 First Nation;
 - c) Provide good, effective and accountable government; and,
 - d) Cooperate with one another in mutual trust and good faith, consult and inform one another on matters of common interest, and coordinate their actions with one another.

Composition of Council

- 5.2 The Chief and Counsellors shall be selected in accordance with the laws that govern Long Lake #58 First Nation Elections.
- 5.3 Long Lake #58 acts through its Chief and Council in exercising its rights, powers, and privileges and in carrying out its duties, functions, and obligations.

Conduct of Chief and Council

- 5.4 Chief and Council shall conduct all affairs of the First Nation in accordance with Long Lake #58 First Nation laws of good governance and accountability.
- 5.5 Long Lake #58 First Nation shall follow conflict of interest rules that will govern Chief and Council.

CHAPTER 6 – PUBLIC INSTITUTIONS

- 6.1 The Long Lake #58 First Nation may establish a Public Institution, in accordance with its laws, to perform functions of its government, as determined by the Chief and Council

Delegation of Jurisdiction and Authority

- 6.2 Chief and Council may delegate its jurisdiction or authority or any part of it, in writing, to a legal entity under the rules approved by Chief and Council.
- 6.3 Where jurisdiction or authority, or part of it, is delegated, the Long Lake #58 First Nation will ensure in writing that the legal entity to which the delegation has been made will be accountable to the Long Lake #58 First Nation for the jurisdiction or authority which has been delegated to it.
- 6.4 The Long Lake #58 First Nation will remain accountable to its Membership for the exercise of the jurisdiction or authority it delegates.
- 6.5 Where jurisdiction, or part of it, is delegated by the Long Lake #58 First Nation, the First Nation will ensure that the jurisdiction it delegates is not sub-delegated.

CHAPTER 7 – FINANCIAL ADMINISTRATION**.Financial Administration**

- 7.1 Long Lake #58 First Nation shall be accountable for the financial management and administration of the First Nation to the membership.
- 7.2 The First Nation elected leadership is accountable to the First Nation members for the exercise of First Nation jurisdiction and the financial administration of the First Nation.
- 7.3 Provide for effective and efficient use of the Financial Resources of the First Nation.

Control of Financial Administration

- 7.4 Long Lake #58 First Nation members have the right to access information on matters dealing with the financial management and administration of all the First Nation's services and programs, excluding information related to personnel matters and any other confidential personal information.
- 7.5 Long Lake #58 First Nation shall practice prudence and transparency with financial management and administration.

Public Administration

- 7.6 Long Lake #58 First Nation expects the First Nation administrative and band office services to be administered in accordance with the following values and principles:
- a) A high standard of ethics, including avoidance of conflict of interest;
 - b) Efficient, effective and prudent use of resources;
 - c) Impartial and equitable provision of programs and services;
 - d) Responsiveness to First Nation public needs; and,
 - e) Provisions of timely, accessible, and accurate information.

CHAPTER-8 CONSTITUTIONAL AMENDMENTS

- 8.1 This Constitution was ratified by the members of Long Lake #58 First Nation in accordance with the ratification process selected and approved by Chief and Council.
- 8.2 This Constitution may be amended by following each of the steps in the process outlined below:
- a) the passing of a Long Lake #58 First Nation Band Council resolution proposing an amendment or amendments to the Constitution;
 - b) presenting the proposed constitutional amendment or amendments to Long Lake #58 First Nation membership at a duly organized community meeting;
 - c) Following the community meeting, the Chief and Council may authorize the Chief Electoral Officer to hold a referendum vote in compliance with the First Nation's referendum regulations. This vote will happen within sixty (60) days after the community meeting referred to in paragraph b) above
 - d) If at least fifty (50%) percent of the Eligible Voters participate and fifty percent plus one approve of the proposed amendment(s), the amendments become effective immediately.

8.3 If a threshold was not obtained pursuant to section 8.2 (d) a second ratification vote may be called.

8.4 Notwithstanding section 8.2, the Long Lake #58 First Nation Chief and Council may amend this Constitution by unanimous resolution at any time in the following instances:

- a) changing the existing name of the First Nation to a new name as approved by the First Nation Membership;
- b) changing the name or title of a Public Institution to reflect changes to the First Nation law; or,
- c) deleting a name or title of a dissolved Public Institution.

CHAPTER-9 ENACTMENT CLAUSE

9.1 Ratified by the Membership of the Long Lake #58 First Nation this day in the month of _____ in the year _____ .

Signed into Law on behalf of the Long Lake #58 First Nation. This _____ day of the month of _____ in the year of _____ .

Chief and Council Signatures

Chief	
Deputy Chief	
Councillor	
Councillor	
Councillor	
Councillor	
Councillor	
Councillor	
Councillor	
Councillor	
Councillor	
Councillor	
Councillor	

Councillor
