



Constitution

Of

Lheidli T'enneh

**Dated for Reference
January 30, 2007**

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DECLARATION OF LHEIDLI T'ENNEH

We are Lheidli T'enneh – the people from where the two rivers flow together.

Like the rivers, we aspire to move ahead as an organized, highly motivated,
determined, and self-reliant Nation.

We are a proud, united people whose purpose is to ensure a future
that will provide a better quality of life while
flourishing with our environment.

Our traditions and cultural beliefs are the
driving force of our success and destiny.

PREAMBLE

WHEREAS Lheidli T'enneh aspires to implement the vision set out in the Declaration of Lheidli T'enneh;

AND WHEREAS the connection of families to their traditional Keyoh lands has been the basis of traditional Lheidli T'enneh authority;

AND WHEREAS the Final Agreement recognizes collective Lheidli T'enneh authority and responsibility for the stewardship, retention and sustainable use of Lheidli T'enneh Lands;

AND WHEREAS colonialism severed the connection between the people, the land, the culture and the traditional authority and ability to govern;

AND WHEREAS this Constitution is an expression of the contemporary restoration of the personal and community relationship to these lands;

AND WHEREAS research has affirmed the essential requirements of meaningful jurisdiction and governance capacity for creation of sustainable First Nation communities;

AND WHEREAS Lheidli T'enneh has entered into a treaty and land claims agreement with Canada and Government of British Columbia;

AND WHEREAS Lheidli T'enneh aspires to achievements by Lheidli T'enneh Citizens in the pursuit of education, health, housing, employment and socio-economic goals that are comparable to those achievable by other British Columbians;

NOW THEREFORE this Lheidli T'enneh Constitution is hereby enacted as the fundamental Law of Lheidli T'enneh.

DEFINITIONS

1. Unless otherwise defined in this Constitution, words and phrases used in this Constitution have the same meaning as in the Final Agreement.

2. In this Constitution:

“British Columbia” means, unless the context otherwise requires, Her Majesty the Queen in right of British Columbia;

“Canada” means, unless the context otherwise requires, Her Majesty the Queen in right of Canada;

“Constitution” means this Constitution of Lheidli T'enneh provided for and ratified in accordance with the Final Agreement;

“Court” means a court established under the Administration of Justice section of the Governance Chapter of the Final Agreement;

“Elder” means a Lheidli T'enneh Citizen who is acknowledged and respected as an Elder by other Lheidli T'enneh Citizens;

“Final Agreement” means the Lheidli T'enneh Final Agreement signed on behalf of Lheidli T'enneh on [____], Her Majesty in right of British Columbia on [____] and Her Majesty in right of Canada on [____], and includes any amendments made to the Lheidli T'enneh Final Agreement from time to time in accordance with its provisions;

“Fiscal Financing Agreement” means a Fiscal Financing Agreement negotiated by the Parties to the Final Agreement in accordance with the Fiscal Relations Chapter of the Final Agreement;

“Fisheries Fund” means the Lheidli T'enneh Fisheries Fund established in accordance with paragraph 22 of the Fisheries Chapter of the Final Agreement;

“General Election” means a general election held in accordance with Lheidli T'enneh Law;

“Keyoh” means the traditional family territories of Lheidli T'enneh;

“Law” means Federal Law, Provincial Law and Lheidli T'enneh Law, but does not include Lheidli T'enneh customary Law or traditional Law;

“Lheidli T'enneh Citizen” means an individual who is a member of Lheidli T'enneh under Lheidli T'enneh Law;

“Lheidli T'enneh Fee Simple Lands” means land other than Lheidli T'enneh Lands held by the Lheidli T'enneh Government or a Lheidli T'enneh Public Institution in fee simple;

“*Lheidli T'enneh First Nation Land Code*” means the *Lheidli T'enneh First Nation Land Code* enacted in accordance with the Framework Agreement on First Nation Land Management;

“Lheidli T'enneh Government” means the government of Lheidli T'enneh as set out in the Governance Chapter of the Final Agreement and this Constitution;

“Lheidli T'enneh Institution” means the Lheidli T'enneh Government or a Lheidli T'enneh Public Institution;

“Lheidli T'enneh Lands” means those lands identified as Lheidli T'enneh lands under paragraph 1 of the Lands Chapter of the Final Agreement;

“Lheidli T'enneh Public Institution” means a Lheidli T'enneh Government body, board, commission or similar entity established by Lheidli T'enneh under Federal Law, Provincial Law or Lheidli T'enneh Law, including a school board or health board;

“Lheidli T'enneh Settlement Trust” means a trust that has been designated by the Minister of National Revenue in accordance with subsection 9(1) of the initial Lheidli T'enneh Tax Treatment Agreement as a Lheidli T'enneh Settlement Trust;

“Lheidli T'enneh Special Purpose Funds” means those special purpose funds identified in Schedule B of the initial Own Source Revenue Agreement;

“Lheidli T'enneh Territory” means the territory set out in the Lheidli T'enneh Statement of Intent filed December 15, 1993 with the British Columbia Treaty Commission;

“Own Source Revenue Agreement” means an Own Source Revenue Agreement negotiated by the Parties to the Final Agreement in accordance with the Fiscal Relations chapter of the Final Agreement;

“Participant” means an individual who is listed on the Enrolment Register; and

“Taxation Agreement” means an Agreement negotiated by the Parties to the Final Agreement in accordance with the Taxation Chapter of the Final Agreement.

PART I: FOUNDING PROVISIONS

The Lheidli T'enneh Nation

3. Lheidli T'enneh is the collectivity of those aboriginal people and their descendants whose heritage, history and culture, including their language and their religion, are tied to the lands and waters surrounding the confluence of the Fraser and Nechako Rivers, or who are eligible to be a Participant under the Final Agreement.
4. Lheidli T'enneh are aboriginal peoples of Canada within the meaning of section 35(2) of the *Constitution Act, 1982*.
5. The Lheidli T'enneh collectivity has existed in Lheidli T'enneh Territory from time beyond memory and continues to exist within the Canadian constitutional framework.

Lheidli T'enneh Territory

6. The Lheidli T'enneh Territory includes all Lheidli T'enneh Lands and Lheidli T'enneh Fee Simple Lands.

Fundamental Values

7. Lheidli T'enneh hold the following fundamental values:
 - (a) equality of all peoples under the Law;
 - (b) fairness;
 - (c) trust; and
 - (d) respect for individual dignity and independence within the collectivity.

Elders and Youth

8. Lheidli T'enneh Elders:
 - (a) provide guidance and advice to the Lheidli T'enneh Government, the Lheidli T'enneh and their families on matters relating to the values, history, culture and language of Lheidli T'enneh, including the contemporary application of those values, history, culture and language; and
 - (b) contribute to the unity of Lheidli T'enneh, and the harmony of individuals and families within the Lheidli T'enneh collectivity.

9. Lheidli T'enneh youth contribute to the unity of Lheidli T'enneh, and the harmony of individuals and families within the Lheidli T'enneh collectivity.

Constitution

10. This Constitution is the supreme Law of Lheidli T'enneh, subject only to:
- (a) the Constitution of Canada; and
 - (b) the Final Agreement.
11. In the event of an inconsistency or conflict between this Constitution and the provisions of a Lheidli T'enneh Law, the Lheidli T'enneh Law is, to the extent of the inconsistency or conflict, of no force or effect.

Validity of Lheidli T'enneh Laws

12. The validity of a Lheidli T'enneh Law may be challenged in the Supreme Court of British Columbia.

Citizenship

13. Every Participant is entitled to be a Lheidli T'enneh Citizen.
14. A person who is not a Participant may become a Participant in accordance with the Final Agreement and Lheidli T'enneh Law.

PART II: RIGHTS

Canadian Charter of Rights and Freedoms

15. The Canadian Charter of Rights and Freedoms applies to the Lheidli T'enneh Government in respect of all matters within its authority.
16. The Canadian Charter of Rights and Freedoms applies to Lheidli T'enneh Government by reason of:
- (a) the Final Agreement between Canada, British Columbia and Lheidli T'enneh; and
 - (b) the free and democratic nature of the Lheidli T'enneh Government as an order of government in Canada.

Rights of Lheidli T'enneh

17. The rights set out in this Constitution express the fundamental values of Lheidli T'enneh.

Mobility Rights

18. Every Lheidli T'enneh Citizen has the right to enter, remain in and leave Lheidli T'enneh Lands in accordance with Lheidli T'enneh Law.

Political Rights

19. Every Lheidli T'enneh Citizen has the right to make political choices, to participate in political activities, and to express a view on any political issue.
20. Subject to residency and other requirements set out in Lheidli T'enneh Law, every Lheidli T'enneh Citizen who is at least 18 years of age on the date of a vote is eligible to vote in Lheidli T'enneh elections and to hold office in the Lheidli T'enneh Government.
21. The Lheidli T'enneh Government will make Laws in respect of Lheidli T'enneh elections and referendums, including the establishment of:
 - (a) the qualifications of voters;
 - (b) the qualifications of candidates for election to office;
 - (c) an independent office to administer elections and referendums;
 - (d) procedures for the conduct of elections and referendums;
 - (e) scrutineers to monitor the conduct of elections and referendums at the polls; and
 - (f) the areas or locations within which elections or referendums will be held.

Review and Appeal of Administrative Decisions

22. The Lheidli T'enneh Government will provide fair procedures for the appeal or review of administrative decisions of Lheidli T'enneh Institutions, including, for greater certainty, an Enrolment Appeal Board.
23. The Lheidli T'enneh Government will establish the office of independent Ombudsman to hear complaints against the Lheidli T'enneh Government and make recommendations to the Lheidli T'enneh Government regarding resolution of those complaints.

Access to Information

24. The Lheidli T'enneh Government may make Laws in respect of access to information held by Lheidli T'enneh Institutions.

Reasonable Limits

25. The rights set out in this Part are subject to reasonable limits prescribed by Lheidli T'enneh Law that can be demonstrably justified in a free and democratic Lheidli T'enneh society.

PART III: LANDS AND RESOURCES

Ownership of Lheidli T'enneh Lands

26. Lheidli T'enneh Lands are governed by Lheidli T'enneh under the Final Agreement and this Constitution.
27. Ownership of Lheidli T'enneh Lands will be established in accordance with the Final Agreement and this Constitution.

Expropriation

28. The Lheidli T'enneh Government will make Laws in respect of expropriation of interests or estates in Lheidli T'enneh Lands by the Lheidli T'enneh Government for necessary community purposes or works of Lheidli T'enneh.
29. Laws enacted under section 28 will substantially reflect the expropriation principles and provisions of the *Lheidli T'enneh First Nation Land Code*, and for greater certainty, will include procedures for the determination and payment of compensation.

Designation of Lheidli T'enneh Lands

30. The Lheidli T'enneh Government will make Laws in respect of:
 - (a) the zoning and designation of Lheidli T'enneh Lands; and
 - (b) changes to the boundaries of Lheidli T'enneh Lands.

Duty to Consult on Land Use

31. The Lheidli T'enneh Government will establish a process for the involvement of Lheidli T'enneh Citizens and others in land use and development planning.
32. Within the scope of its authority, the Lheidli T'enneh Government will endeavor to protect Lheidli T'enneh Lands, Lheidli T'enneh Fee Simple Lands and other lands within Lheidli T'enneh territory from environmental and ecological degradation, including loss of biodiversity.

PART IV: LHEIDLI T'ENNEH GOVERNMENT

A: LEGISLATIVE AUTHORITY OF THE LHEIDLI T'ENNEH GOVERNMENT

Jurisdiction and Authority

33. Lheidli T'enneh acts through the Lheidli T'enneh Government in exercising its rights, powers and privileges and in carrying out its duties, functions and obligations.
34. The Lheidli T'enneh Government has jurisdiction and authority over:
 - (a) those matters set out in the Final Agreement;
 - (b) those matters formerly governed under the traditional government of Keyoh lands; and
 - (c) any other matters included in its inherent right of self-government.
35. The Lheidli T'enneh Government may exercise any right, power or privilege, and may carry out any duty, function or obligation, of Lheidli T'enneh in accordance with Lheidli T'enneh Law, including:
 - (a) making any Law within the authority of the Lheidli T'enneh Government;
 - (b) adopting any federal or provincial Law or local government bylaw in respect of a matter within the authority of the Lheidli T'enneh Government;
 - (c) passing a resolution proposing a question to be put to Lheidli T'enneh Citizens by referendum; or
 - (d) delegation of authorities, including delegation of Law-making.

Governing Principles

36. The Lheidli T'enneh Government, Lheidli T'enneh Public Institutions and officials of the Lheidli T'enneh Government will:
 - (a) be accountable to Lheidli T'enneh;
 - (b) adhere to this Constitution;
 - (c) promote the unity and well-being of Lheidli T'enneh;
 - (d) provide good, effective and accountable government; and

- (e) cooperate with one another in mutual trust and good faith, consult and inform one another, and coordinate their actions with one another.
37. The Lheidli T'enneh Government Legislature will enact a Code of Ethics applicable to Lheidli T'enneh Government, Lheidli T'enneh Public Institutions and officials of the Lheidli T'enneh Government that implements the requirements set out in section 36 and provides penalties and remedies for conduct or behavior that brings or may bring Lheidli T'enneh or the Lheidli T'enneh Government into disrepute.

Language and Culture

38. The official language of the Lheidli T'enneh Government is English.
39. The Lheidli T'enneh Government will respect and encourage the use of the Carrier Language and the practice of Carrier culture.

Social and Economic Goals

40. The Lheidli T'enneh Government will govern in a manner that, to the extent reasonably possible in the circumstances, advances achievement of the following goals:
- (a) that Lheidli T'enneh Citizens have access to pre-school to grade 12 education, post-secondary education, adult education and continuing education, at standards at least comparable to those prevailing in British Columbia;
 - (b) that Lheidli T'enneh Citizens have access to nutrition and health care at standards at least comparable to those prevailing in Canada;
 - (c) that Lheidli T'enneh Citizens have access to social services at standards at least comparable to those prevailing in British Columbia;
 - (d) that Lheidli T'enneh Citizens have access to housing at standards at least comparable to those prevailing in the Prince George region;
 - (e) that every Lheidli T'enneh child:
 - (i) has a home with family care, parental care, extended family care or, if removed from such family care, appropriate alternative care; and
 - (ii) is protected from maltreatment, neglect, exploitive labour practices or abuse; and

- (f) that every Lheidli T'enneh Citizen is free to pursue employment, investment, and income and business opportunities to the same extent as others in the Prince George region.
41. For greater certainty, the goals set out in section 40 are not to be construed as rights within the meaning of Part II.

Composition of the Lheidli T'enneh Government

42. The Lheidli T'enneh Government is composed of:
- (a) a Legislature;
 - (b) an Executive; and
 - (c) a Judiciary.
43. The Legislature will be selected by General Election in accordance with this Constitution and Lheidli T'enneh Law.
44. The Legislature will be composed of seven members, elected as follows:
- (a) six Lheidli T'enneh Citizens elected at large by Lheidli T'enneh Citizens; and
 - (b) one individual elected at large by persons other than Lheidli T'enneh Citizens, who ordinarily reside on Lheidli T'enneh Lands or who are subject to real property tax imposed by the Lheidli T'enneh Government.
45. No more than ten years after the Effective Date, the Lheidli T'enneh Government will commission a review of the composition of the Legislature, with a view to reducing the number of elected members, provided that any decision based on that review:
- (a) will not include reduction of the number of Lheidli T'enneh Citizens elected under section 44(a) to less than three; and
 - (b) will not include elimination of the individual elected under section 44(b).

Elections

46. General Elections of the Lheidli T'enneh Government Legislature will be held at least every five years commencing in the year of the Effective Date and in accordance with Lheidli T'enneh Law.
47. Elected members of the Lheidli T'enneh Government will ordinarily reside within Lheidli T'enneh Territory during their term of office.

48. No elected member of the Lheidli T'enneh Government may assume office until that member has sworn or affirmed the Oath of Office set out in Schedule 1.
49. An elected member of the Lheidli T'enneh Government will cease to be an elected member of Lheidli T'enneh Government if that individual:
- (a) resigns in writing;
 - (b) ceases to ordinarily reside within the Lheidli T'enneh Territory;
 - (c) becomes mentally or physically unable to perform the functions of that office;
 - (d) is convicted of an indictable offence while in office; or
 - (e) dies.

Advisors to the Lheidli T'enneh Government

50. Lheidli T'enneh Government will be advised by:
- (a) the Community Council; and
 - (b) representatives of any Urban Local established under section 55.

Community Council

51. The Community Treaty Council is continued as a Lheidli T'enneh Public Institution designated as the Community Council under this Constitution.
52. The Community Council will be structured in substantially the same form as the Community Treaty Council was structured prior to the Effective Date.
53. In addition to receiving advice under section 50(a), the Lheidli T'enneh Government will enact no Law, enter into no agreement or complete no other transaction that would have the effect of:
- (a) removing lands from Lheidli T'enneh Lands, including sale of Lheidli T'enneh Lands to Canada;
 - (b) reducing the principle of the Capital Transfer;
 - (c) investing the Capital Transfer other than in a manner prescribed in section 101;
 - (d) amending the criteria for Lheidli T'enneh Citizenship; or

- (e) amending the Final Agreement,
without the approval of the Community Council.
- 54. Notwithstanding section 53, the Lheidli T'enneh Government will enact no Law, enter into no agreement or complete no other transaction that would have the effect of removing former Indian Reserves 1A, 2, 3 or 4 from Lheidli T'enneh Lands without the approval by referendum of eighty percent of the Lheidli T'enneh Citizens who are eligible to vote in the referendum.

Urban Locals

- 55. The Lheidli T'enneh Government Legislature may by Law establish Urban Locals of Lheidli T'enneh Citizens ordinarily residing in areas other than Lheidli T'enneh Territory.
- 56. Urban Locals will provide advice to the Lheidli T'enneh Government and may by agreement with Lheidli T'enneh Government, provide programs and services within an area prescribed in section 57(d).
- 57. A Law enacted under section 55 will establish:
 - (a) the minimum number of Lheidli T'enneh Citizens resident in an area necessary to establish an Urban Local;
 - (b) procedures for establishing, changing or dissolving Urban Locals;
 - (c) procedures for communication between Urban Locals and the Lheidli T'enneh Government;
 - (d) the boundaries of each Urban Local; and
 - (e) the number of representatives to which the Urban Local is entitled.
- 58. If the Lheidli T'enneh Government provides programs or services in an Urban Local, the Lheidli T'enneh Government will endeavour to involve the Urban Local in the planning, management and delivery of those programs or services.
- 59. The Lheidli T'enneh Government may contract with an Urban Local for the delivery of a program or service within an Urban Local area if the capacity, composition and procedures of the Urban Local meet the requirements of Lheidli T'enneh Law.

Governance Procedure

60. An individual elected as a member of the Lheidli T'enneh Government will comply with any rules of conduct and the Code of Ethics adopted by the Lheidli T'enneh Government.
61. The Lheidli T'enneh Government Legislature will enact and enforce conflict of interest rules applicable to the Lheidli T'enneh Government.
62. At its first sitting after each General Election, or when necessary to fill a vacancy, the Lheidli T'enneh Government Legislature will appoint one of its members to preside at its meetings.
63. The Lheidli T'enneh Government Legislature may make rules and orders concerning the carrying out of its business and the business of its committees, including the time and duration of sittings.
64. The Lheidli T'enneh Government Legislature may sit in public or *in camera* but may enact legislation only in public sittings.
65. Sittings of the Lheidli T'enneh Government Legislature will be deemed to be open to the public unless expressly convened *in camera* by majority decision of the Lheidli T'enneh Government Legislature.
66. The Lheidli T'enneh Government Legislature will maintain a record of all sittings and will maintain a public record of all public sittings.

Special Assemblies

67. The Lheidli T'enneh Government Legislature may call special assemblies of the Lheidli T'enneh Nation to consider matters of importance to Lheidli T'enneh.
68. The Lheidli T'enneh Government Executive will convene a special assembly as soon as practicable after the Lheidli T'enneh Government Legislature calls for the special assembly.
69. The Lheidli T'enneh Government Legislature will make Laws establishing:
 - (a) procedures for convening and giving notice of special assemblies; and
 - (b) rules and procedures to be followed at special assemblies.
70. The Lheidli T'enneh Government Legislature will make Laws authorizing members of the Lheidli T'enneh Government Executive to call a special assembly.
71. Subject to the rules of procedure for special assemblies:

- (a) every Lheidli T'enneh Citizen has the right to attend and speak at a special assembly; and
 - (b) every Lheidli T'enneh Citizen who is at least 18 years of age has the right to vote at a special assembly.
72. A special assembly may make recommendation to the Lheidli T'enneh Government regarding a matter in respect of which the special assembly was called.
73. The Lheidli T'enneh Government will give full and fair consideration to a recommendation made by a special assembly.

Public Information and Review of Legislation

74. The Lheidli T'enneh Government Legislature will establish procedures to inform Lheidli T'enneh Citizens of proposed legislation and to receive comments from them regarding the proposed legislation.
75. Procedures established under section 74 may include referral to other persons, agencies or governments.

Proclamation of Legislation and Registration of Laws

76. Legislation is enacted by the Lheidli T'enneh Government Legislature when:
- (a) the legislation has been introduced and considered by the Lheidli T'enneh Government Legislature in accordance with its rules;
 - (b) the legislation has been passed by the Lheidli T'enneh Government Legislature in accordance with its rules; and
 - (c) the legislation has been signed by the quorum of members of the Lheidli T'enneh Government Legislature present for the enactment.
77. The Lheidli T'enneh Government will establish and maintain a public registry of Lheidli T'enneh Laws in the English language and, at the discretion of Lheidli T'enneh Government, in the Carrier language.
78. The Lheidli T'enneh Government Legislature may establish additional provisions for the enactment, coming into force, and publication of Lheidli T'enneh Laws.
79. A copy of a Lheidli T'enneh Law deposited in the public registry of Lheidli T'enneh Laws is conclusive evidence of the provisions of that Law.

B: LHEIDLI T'ENNEH GOVERNMENT EXECUTIVE

Lheidli T'enneh Government Executive

80. The Lheidli T'enneh Government Executive consists of:
- (a) the head of the Lheidli T'enneh Government;
 - (b) the elected member of the Lheidli T'enneh Government responsible for Lands and Natural Resources;
 - (c) the elected member of the Lheidli T'enneh Government responsible for Programs and Services;
 - (d) the elected member of the Lheidli T'enneh Government responsible for Finance and Tax; and
 - (e) the elected member of the Lheidli T'enneh Government responsible for Planning and Priorities.
81. The head of the Lheidli T'enneh Government is:
- (a) an elected member of the Lheidli T'enneh Government; and
 - (b) a member *ex officio* of all committees of the Lheidli T'enneh legislature.
82. An elected member of the Lheidli T'enneh government, including the head of the Lheidli T'enneh Government, may have more than one of the responsibilities listed in section 80.

Authority of Lheidli T'enneh Government Executive

83. The Lheidli T'enneh Government Executive may:
- (a) exercise the authority, responsibility and functions:
 - (i) assigned to it by this Constitution; or
 - (ii) assigned or delegated to it by the Lheidli T'enneh Government legislature;
 - (b) do such other things as may be necessarily incidental to the exercise of those authorities, responsibilities and functions;
 - (c) represent Lheidli T'enneh in intergovernmental relations, subject to and in accordance with any direction from the Lheidli T'enneh Government legislature;

- (d) exercise any power of the Lheidli T'enneh Government to appoint a person to any office or position in a Lheidli T'enneh Institution, in accordance with Lheidli T'enneh Law;
- (e) assign to any member of the Lheidli T'enneh Government Executive responsibility for the administration, application, and enforcement of any Law or administrative function, unless that responsibility is otherwise assigned by Lheidli T'enneh Law; and
- (f) assign one of its members to act temporarily on behalf of another member who is unable to perform a function assigned in accordance with section 83(e).

Public Service

84. Lheidli T'enneh expects the public service of Lheidli T'enneh to be administered in accordance with the following values and principles:
- (a) a high standard of ethics;
 - (b) efficient and effective use of resources;
 - (c) impartial and equitable provision of services;
 - (d) responsiveness to public needs; and
 - (e) provision of timely, accessible and accurate information.

C: LHEIDLI T'ENNEH JUDICIARY AND DISPUTE RESOLUTION

Principles of Dispute Resolution

85. Lheidli T'enneh will seek to resolve disputes based on values expressed in Lheidli T'enneh Law, including;
- (a) preserving the unity of Lheidli T'enneh;
 - (b) maintaining the dignity of, and respect for, each individual; and
 - (c) developing collective understanding of Lheidli T'enneh Law.
86. If the Lheidli T'enneh Government proposes to the Judicial Council of British Columbia individuals to be recommended by the Judicial Council of British Columbia for appointment and designation as judicial justices of the peace, the Lheidli T'enneh Government may, as part of the process for identifying

candidates for appointment and designation, receive advice from the Community Council.

PART V: OTHER INSTITUTIONS

Establishment of Lheidli T'enneh Public Institutions

87. Lheidli T'enneh Government may establish Lheidli T'enneh Public Institutions, in accordance with the Final Agreement, to perform functions of the Lheidli T'enneh Government.
88. As of the Effective Date, the Community Council is established as a Lheidli T'enneh Public Institution.

PART VI: FINANCIAL ADMINISTRATION

Principles of Financial Administration

89. The Lheidli T'enneh Government will manage Lheidli T'enneh finances in accordance with Lheidli T'enneh Law.
90. The financial management and administration of Lheidli T'enneh will:
 - (a) be responsible, open, transparent and accountable; and
 - (b) provide for effective and efficient management of Lheidli T'enneh financial resources.

Lheidli T'enneh Finance Committee

91. The Lheidli T'enneh Government may establish a Lheidli T'enneh Finance Committee, which may make recommendations to the Lheidli T'enneh Government on any matter addressed in this Part, or in Lheidli T'enneh Law, relating to financial matters.
92. The Lheidli T'enneh Finance Committee will include the employee of the Lheidli T'enneh Government responsible for the financial management and administration of Lheidli T'enneh.
93. The Lheidli T'enneh Government may establish rules and terms of reference for the Lheidli T'enneh Finance Committee, including:
 - (a) rules of procedure;

- (b) frequency of meetings;
 - (c) time periods for performing duties; and
 - (d) ability to seek advice from persons with relevant expertise.
94. The Lheidli T'enneh Finance Committee may establish additional rules of procedure that are consistent with rules and terms of reference established under section 93.
95. The Lheidli T'enneh Government will request and consider a report from the Lheidli T'enneh Finance Committee before ratifying or amending:
- (a) a Fiscal Finance Agreement;
 - (b) an Own Source Revenue Agreement;
 - (c) a Tax Agreement; or
 - (d) any other agreement with Canada or British Columbia that will substantially affect the finances of the Lheidli T'enneh Nation.
96. The Lheidli T'enneh Government may request and consider a report from the Lheidli T'enneh Finance Committee before making any Law that will substantially affect the finances of the Lheidli T'enneh Nation.

Control of Financial Administration

97. The Lheidli T'enneh Government will make Laws to establish a system of financial administration, through which Lheidli T'enneh Government will be financially accountable to Lheidli T'enneh Citizens, and which includes standards comparable to those generally accepted for governments in Canada.

Lheidli T'enneh Settlement Trust

98. Lheidli T'enneh will establish a Lheidli T'enneh Settlement Trust to preserve and protect the Lheidli T'enneh Capital Transfer.
99. A document establishing a Lheidli T'enneh Settlement Trust under section 98 will require that managers or trustees be appointed only by elected members of the Lheidli T'enneh Government.

Independence of Trustees

100. Trustees of the Lheidli T'enneh settlement trust, or any other Lheidli T'enneh trust, when acting as trustees, are independent of the Lheidli T'enneh Government.

101. The Lheidli T'enneh Settlement Trust may only be invested or reinvested in a manner consistent with the conditions of a tax free trust in one or more of the following:
- (a) investment instruments that are described as qualified investments for a trust governed by registered retirement savings plan within the meaning of section 146 of the *Income Tax Act* or in any other investment that may be agreed upon from time to time among the Lheidli T'enneh Government, Lheidli T'enneh, Canada and British Columbia; or
 - (b) other investments specifically authorized under section 9.1(c) of the initial Lheidli T'enneh Tax Treatment Agreement.

Lheidli T'enneh Funds

102. The Lheidli T'enneh Government will establish and maintain a management framework for the Lheidli T'enneh Special Purpose Funds, which will be designed to ensure that funds are prudently managed to support the activities consistent with the purposes of those funds.
103. The Lheidli T'enneh Government will establish and maintain a management framework for a Lheidli T'enneh Resource Revenue Fund and transfer to it funds received in accordance with the Resource Revenue Sharing Chapter of the Final Agreement.
104. The Lheidli T'enneh Government will annually transfer to the capital asset fund the amount identified under paragraph A.19 of Schedule A of the initial Lheidli T'enneh Fiscal Financing Agreement or a similar provision made in a subsequent Lheidli T'enneh Fiscal Financing Agreement.
105. The Lheidli T'enneh Government Executive in consultation with and in consideration of the recommendation of the Lheidli T'enneh Finance Committee and the Community Council may exercise any power of Lheidli T'enneh to manage the Lheidli T'enneh Special Purpose Funds and the Lheidli T'enneh Resource Revenue Fund.

Budgets

106. Lheidli T'enneh Government will make Laws that prescribe:
- (a) a common fiscal year;
 - (b) the timing and form of budgets to be introduced;
 - (c) the process to be followed in preparing, coordinating, and approving budgets; and

- (d) audits.

Guarantee of Loans

- 107. Lheidli T'enneh may guarantee a loan only if the guarantee complies with conditions set out in Lheidli T'enneh Law.

Business Enterprises

- 108. Lheidli T'enneh may enter into business enterprises for the betterment of Lheidli T'enneh and Lheidli T'enneh Citizens provided that:
 - (a) any shares that are held by the Lheidli T'enneh Government in such business enterprise are held in the name of a Lheidli T'enneh Institution, and not in the name of any individual member or official of a Lheidli T'enneh Institution; and
 - (b) the affairs of the business enterprise are reported regularly and thoroughly to the Lheidli T'enneh Government and Lheidli T'enneh.

PART VII: GENERAL PROVISIONS

Constitutional Amendment

- 109. Subject to section 111 this Constitution may be amended only in accordance with the following procedure:
 - (a) the Lheidli T'enneh Government Legislature will by resolution propose an amendment;
 - (b) the Lheidli T'enneh Government Executive will direct that the Chief Electoral Officer hold a referendum on a date set by the Lheidli T'enneh Government Executive, which date shall be no less than 90 days after the date on which the Executive gives direction to the Chief Electoral Officer;
 - (c) the Lheidli T'enneh Government will notify Eligible Voters of the proposed amendment; and
 - (d) if 70 per cent of Eligible Voters voting in the referendum vote in favor of the proposed amendment, this Constitution is amended accordingly.
- 110. An amendment to this Constitution will be consistent with the Final Agreement.
- 111. Notwithstanding section 109, the Lheidli T'enneh Government Executive, may by resolution amend this Constitution at any time in respect of:

- (a) correction of matters of a merely clerical or administrative nature;
- (b) changing the name of a Lheidli T'enneh Public Institution to another name adopted by that body;
- (c) replacing any word or expression in the following list with either a different English word or expression, or with an alternative word or expression in Carrier:
 - (i) Chief Electoral Officer;
 - (ii) Lheidli T'enneh Court;
 - (iii) Lheidli T'enneh Government; or
 - (iv) Lheidli T'enneh Government Executive.

Interpretation

112. In this Constitution:

- (a) unless it is otherwise clear from the context, the use of the word “including” means “including but not limited to” and the use of the word “includes” means “includes, but not limited to”;
- (b) unless it is otherwise clear from the context, a reference to a “section”, means a section of this Constitution;
- (c) headings and subheading are for convenience only, do not form a part of this Constitution, and in no way define, limit, alter, or enlarge the scope or meaning of any provision of this Constitution; and
- (d) unless it is otherwise clear from the context, the use of the singular includes the plural, and the use of the plural includes the singular.

Conflict of Laws

113. In this Constitution there is a conflict of Laws if compliance with one Law would be a breach of the other Law.

Status of Schedules

114. Schedules 1 and 2 of this Constitution are part of this Constitution.

Commencement

115. This Constitution is in effect as of the Effective Date of the Final Agreement.

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SCHEDULE 1
OATH OF OFFICE
(Section 48)

Each person who is elected to office and required by this Constitution to swear or affirm loyalty to the Lheidli T'enneh Nation and obedience to this Constitution will swear or affirm in the following form:

I, _____, a duly elected member of the Lheidli T'enneh Government, do solemnly swear that to the best of my judgment and ability, I will faithfully, honestly and impartially fulfill, execute and perform my office and duties according to the intent and meaning of the Lheidli T'enneh Constitution and the Final Agreement.

(Signature)

Sworn or affirmed before me at _____ in the Province of British Columbia this __ day of _____ 2__.

A Commissioner for Oaths in and for the Province of British Columbia

SCHEDULE 2 TRANSITION RULES

Interpretation

1. In this Schedule:
 - (a) “Effective Date” means the Effective Date of the Final Agreement;
 - (b) “First Election” means the election required under clause 5 of this Schedule;
 - (c) “Former Band Council” means the Band Council that was organized under the *Indian Act*, and that had jurisdiction immediately before the Effective Date; and
 - (d) “*Indian Act*”, means the *Indian Act*, R. S. C. 1985, c. 1-5.
2. In this Schedule, reference to a section denotes a section of the Constitution, and reference to a clause denotes a clause of this Schedule.

Land Use Plans

3. A land use plan that is in effect immediately before the Effective Date is a land use plan of the Lheidli T'enneh Government in effect as of the Effective Date and will conclusively be deemed to be repealed and re-enacted without amendment by the Lheidli T'enneh Government.

Side Agreements

4. The Lheidli T'enneh Government will do all things necessary to give effect to agreements negotiated in accordance with the Final Agreement, including for greater certainty, a Comprehensive Master Agreement between Lheidli T'enneh, the City of Prince George and the Regional District of Fraser-Fort George.

Election

5. Notwithstanding section 46 the First Election of the Lheidli T'enneh Government will be held no later than six months after the Effective Date.

Interim Structures of Government

6. As of the Effective Date:
 - (a) the individual who held the office of Chief of the Band Council immediately before the Effective Date is the head of the Lheidli T'enneh Government; and
 - (b) an individual who held the office of Councilor of the Band Council immediately before the effective date is an elected member of the Lheidli T'enneh Government.
7. Section 47 does not apply until after the First Election.
8. The term of each person who assumes office in the Lheidli T'enneh Government in accordance with clause 6 expires upon the swearing in of the individuals elected in the First Election.

Vacancies

9. If, at any time between the Effective Date and the date of the First Election, a vacancy exists in an office of the Lheidli T'enneh Government, the elected members of the Lheidli T'enneh Government will elect one of the members of Lheidli T'enneh Government to fill that vacant office until the First Election.
10. If, immediately before the Effective Date, there is a vacancy in the office of Chief of the Former Band Council, the office of head of the Lheidli T'enneh Government will be filled in accordance with clause 9.

Other Transition Rules

11. The Lheidli T'enneh Government may make additional transition rules consistent with the Final Agreement to deal with any matter that in the opinion of the Lheidli T'enneh Government is not adequately addressed in this Schedule.