

A F F I D A V I T

Province of British Columbia

TO WIT

1, Gerald J. Hutchison, Band Administrator of the Kamloops Indian Band,
315 Yellowhead Highway, Kamloops, B.C. V2H 1H1 make oath and say:

1. That I have personal knowledge of the facts hereinafter
deposed to.
2. That the attached by-law to be known as the Kamloops Indian Band
By-Law No. 1-1979 a by-law to establish procedures of the Council
of the Kamloops Band of Indians marked as Exhibit "A" to this my
Affidavit is a true copy of a document which has been produced and
shown to me purporting to be the original by-law made pursuant to
the Indian Act on November 27, 1979 the said true copy having been
compared by me with the said original By-Law.

SWORN before me at the City of Vancouver
in the Province of British Columbia, this
30th day of November, 1979.

[Handwritten signature]

[Handwritten signature]

Commissioner for Taking Affidavits for
British Columbia

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Chronological No. - Numéro consécutif
79-082
File Reference - N° de réf. du dossier

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds
NOTA: Les mots "des fonds de notre bande" "Capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses même les fonds des bandes

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	KAMLOOPS INDIAN BAND	Current Capital Balance Solde de capital	\$ _____
AGENCY		Committed - Engagé	\$ _____
DISTRICT	THOMPSON RIVER	Current Revenue balance Solde de revenu	\$ _____
PROVINCE	BRITISH COLUMBIA	Committed - Engagé	\$ _____
PLACE NOM DE L'ENDROIT	KAMLOOPS		
DATE	27th November AD 19 79 DAY - JOUR MONTH - MOIS YEAR - ANNEE		

DO HEREBY RESOLVE:
DECIDE, PAR LES PRÉSENTES:

AND AGREE that there is a definite need for a by-law to establish procedures of the Council of the Kamloops Band of Indians.

BE IT KNOWN that the Council of the Kamloops Indian Band does hereby adopt as of this date, the attached By-law, being appendix A, for such purposes and in accordance with Sections 81 (c) and 83 (g) of the Indian Act.

A quorum for this Band
Pour cette bande le quorum est

consists of
(fixé à)
Council Members
Membres du Conseil

..... (Councillor - conseiller)	Mary Leonard (Chief - Chef)
..... (Councillor - conseiller)	Clarence T. Jules (Councillor - conseiller) (Councillor - conseiller)
..... (Councillor - conseiller)	Joseph Camille (Councillor - conseiller) (Councillor - conseiller)
..... (Councillor - conseiller) (Councillor - conseiller) (Councillor - conseiller)
..... (Councillor - conseiller) (Councillor - conseiller) (Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE					
1. Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditure Dépense	4. Authority - Autorité Indian Act Sec Act. de la Loi sur les Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital
	A. Capital \$	D. Revenue - Revenu \$			
6. Recommended - Recommandable			Approved - Approuvable		
Date Recommending Officer - Recommandé par			Date Approving Officer - Approuvé par		

THE KAMLOOPS BAND OF INDIANS

BY-LAW NO. 1979 - 1

Being a by-law to establish procedures of the Council of the Kamloops Band of Indians;

WHEREAS the Regulations Governing Procedures at Indian Band Council Meetings (P.C. 1953-1313) empowers the Council of a Band to make rules of procedures that are consistent with those regulations in respect of matters not specifically provided for thereby; and,

WHEREAS P.C. 1977-3297 empowers the Council of the Kamloops Band of Indians to make by-laws for any or all of the purposes set out in section 83 of the Indian Act; and,

WHEREAS subsections 81(a) and 83(g) of the Indian Act empowers the Council of a Band to make by-laws with respect to any matter arising out of or ancillary to the exercise of powers under sections 81 and 83 respectively; and,

WHEREAS it is deemed necessary to enact as a by-law procedure to facilitate the exercise of powers under sections 81 and 83 of the Indian Act;

NOW THEREFORE the Council of the Kamloops Band of Indians enacts as a by-law thereof the following:

1. This by-law may be cited as the "Council Procedures By-law No. 1979 - 1".
2. In this by-law, unless the context otherwise requires:

ACT

Means the Indian Act being Chapter 1 - 6 R.S.C. and regulations thereof as amended from time to time.

APPROVING OFFICER

Means a person or persons designated as Band Approving Officer appointed by resolution with an affirmative vote of not less than a two-thirds majority of all members of Council.

AUDIT COMMITTEE

Means a Standing Committee appointed at the Statutory meeting of Council, comprising of two elected members of Council.

BAND

Means the Kamloops Band of Indians.

BAND ADMINISTRATOR

Means the Band Administrator under the Band Administrator by-law of the Kamloops Band of Indians.

ENGINEERING TECHNICAL AND MAINTENANCE COMMITTEE

Means a Standing Committee appointed at the Statutory meeting of Council comprising of one Councillor, the Band Administrator, the Director of Capital Works and Public Safety, if appointed, and such other persons as deemed necessary by Council.

CHIEF

Means the duly elected Chief of the Kamloops Band of Indians who shall ex officio be a member of all committees and be entitled to vote.

COMMITTEE MEETING

Means a meeting of a duly appointed committee held to review proposals put to the Committee by Council and to report to Council with respect to the Committee's recommendations. Committee meetings shall be called pursuant to the regulations under the Act.

COUNCIL

Means the duly constituted Chief and Councillors of the Kamloops Band of Indians.

COUNCILLOR

Means a person duly elected or holding office and sworn into office in good standing pursuant to the applicable sections of the Act.

DIRECTOR OF ENGINEERING TECHNICAL AND MAINTENANCE DIVISION

Means the person appointed by Council Resolution who shall, under the direction of the Band Administrator, manage the Department of Capital Works Engineering Technical Services and Maintenance Division.

THE EXECUTIVE

Means the Band Administrator appointed under by-law.

FINANCE COMMITTEE

Means the Council as a Committee of the Whole and the Band Administrator.

IMMEDIATE FAMILY

Means a spouse, mother, father, siblings and children.

2. MEETING

Means a regular meeting or an adjourned regular meeting of Council.

PERSONNEL COMMITTEE

Means a committee appointed by two-thirds majority vote of Council to inquire into, investigate and recommend to Council action with respect to the appointment of Band Employees.

PLANNING AND POLICY COMMITTEE

Means a Standing Committee appointed at the Statutory meeting of Council, comprising of three Councillors and the Band Administrator.

POLICY MANUAL

Means a manual of papers, charts, memoranda, etc., which shall be kept by all departments detailing work, organization and administrative procedures of each department. It shall be the responsibility of the Band Administrator to revise and update these manuals. A consolidated copy of all departmental manuals shall be maintained by the Band Administrator with sufficient copies for Council members and executive members. All resolutions and by-laws including amendments and deletions shall be promptly noted in the consolidated policy manuals that are the responsibility of the Band Administrator.

PROVISIONAL BUDGET

Means the tentative plan of expenditures prepared by the Band Administrator by and with the advice of such duly appointed committees as may be deemed necessary by Council.

SPECIAL COMMITTEES

Means committees appointed by Council and to comprise not less than one Councillor, the Band Administrator and such other Band members or Band staff members as the Council shall determine. These committees will meet as required, investigate into, review and report on matters referred to these committees by Council, and report their recommendations, if any, to Council.

SPECIAL MEETING

Means a meeting called for a specific item or items of business and conducted pursuant to the regulations under the Act.

2. STANDING COMMITTEE

Means committees appointed by Council that shall meet from time to time as required to deal with their respective terms of reference and adjourn from meeting to meeting at the pleasure of the majority of the committee.

STATUTORY MEETING AND STATUTORY MEETING OF COUNCIL

Means the first meeting of Council as prescribed by the Regulations Governing Procedures at Indian Band Council Meeting as amended from time to time.

3. NOTICE OF BAND COUNCIL MEETINGS

3.1 The Band Administrator will provide formal written notice of the time, date and place of each regular Band Council meeting to each member of Council at least three days prior to the date of the meeting and such notice will include an agenda of the business of the meeting.

3.2 The Band Administrator will post a notice of the time, date and place of each regular Band Council meeting on the bulletin board in the Band Administration building at least three days prior to the date of the meeting together with a copy of the agenda.

3.3 In the event that the Chief calls a special meeting of the Band Council, the Band Administrator will advise each member of Council of the date, time and place of the meeting by telephone, telegram or notice by hand and indicate the items of business to be discussed at the meeting.

4. In this by-law, the word "Chief" shall include, mutatis mutandis, Councillor when acting as Chairman.

5. MEETING OF THE COUNCIL

5.1 The Council shall decide from time to time by resolution when regular meetings shall be held. Such meetings shall be held at least once each calendar month.

5. 5.2 A special meeting may be called at any time by the Chief and the notice of such meeting shall be given to each member of the Council in the manner set out in Section 3 of this by-law.

5.3 In the event of the death, illness, resignation or removal from office, or absence from the Reserve of the Chief, a meeting of the Council will be set by the Band Administrator upon instruction by a majority of Council as in 6. Due notice of the said meeting shall be given to each member of the Council in the manner required in Section 3 of this by-law.

6. QUORUM

6.1 All Acts whatsoever authorized or required to be done by the Council, and all question of adjournment and others that may come before the Council, shall, save as otherwise provided by statute, be done and decided by the majority vote of the Councillors present. A majority of the Councillors shall constitute a quorum for the transaction of business.

6.2 The Chief shall not be entitled to vote but whenever the votes are equal the Chief shall cast the deciding vote.

7. OPENING PROCEEDING

7.1 In case the Chief does not attend within thirty minutes after the time appointed for a meeting, the Band Administrator shall call the members then present to order, and if a quorum be present, a Chairman shall be chosen, who shall preside during the meeting or until the arrival of the Chief.

7.2 Should there be no quorum present within one hour after the time appointed for the meeting, the Secretary shall record in the Minutes Book, the names of the members present at the expiration of such hour, and the Council shall stand adjourned.

7.3 Immediately after the Chief has taken his seat, the minutes of the preceding meeting shall be read by the Secretary, if required by any member present; in order that any error therein may be corrected by the Council.

7. 7.4 The minutes of the previous meeting and reports of committees, by resolution of the Council, may be taken as read, provided that the members of the Council shall, at the meeting at which adoption is moved in manner aforesaid, have been supplied by the Band Administrator with a printed or typewritten copy of said minutes or reports as the case may be. Such adoption shall be subject to such additions, erasures or amendments as the Council may decide upon at the meeting at which such adoption is moved.

8. ORDER OR PROCEEDINGS

The order of business for all regular meetings of the Council shall be as follows:

- (a) Call to order by the presiding officer as set out in Section 7 above.
- (b) Presentation of petition and receiving of delegation subject to Section 9 herein.
- (c) Report of Finance Committee.
- (d) Report of Audit Committee.
- (e) Report of other Standing Committees.
- (f) Report of Special Committees.
- (g) Chief's report.
- (h) Report of Band Administrator.
- (i) Councillors' report.
- (j) Summary of Correspondence.
- (k) Introduction, consideration and reconsideration of By-Laws.
- (l) Unfinished business.
- (m) New business.
- (n) Adjournment.

9. RECEIVING DELEGATIONS

A Band member or group of Band members if they wish to make a formal presentation to the Band Council assembled shall:

- 9.1 Seek to have a Councillor place a motion before the Council requesting leave that, "A special delegation appear before Council to hear and receive their submission". Upon such motion being seconded, and carried, the delegation may make its presentation.

- 9.2 The Chief reserves the right to restrict the time allotted to any delegation appearing before Council.
- 9.3 A petition signed by ten electors presented to the Administrator shall, upon verification of the signature, be placed on the Agenda of the next regular meeting of Council and shall be heard subject to Section 9.2 hereof.

10. RULES OF CONDUCT AND DEBATE

- 10.1 Every member, previous to speaking to any question or motion, shall address himself to the Chief.
- 10.2 Members shall address the Chair as "Chief", Mr. Chairman" or "Madam Chairman" and refer to each other as "the Chief" or Councillor _____" as the case may be.
- 10.3 When two or more members rise to speak, the Chief shall name the member who is to have the floor.
- 10.4 A member called to order from the Chair shall immediately sit down, but may afterwards explain, and the Council if appealed to, shall decide the case, but without debate. If there be no appeal, the decision of the Chief shall be final.
- 10.5 No member shall speak more than once to the same question, except in explanation of a material part of his speech which may have been misconceived on a question or privilege and in so doing, he is not to introduce new matter. A reply shall be allowed to a member who has made a substantive motion to the Council, but not to a member who has moved an amendment, the previous question or an instruction to a committee. No member, without leave of the Council, shall speak to any question for a longer time than fifteen minutes on moving an original motion, or five minutes on all other occasions.
- 10.6 After a question is finally put by the Chief, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared, and the decision of the Chief as to whether the question has been finally put, shall be conclusive.
- 10.7 When the Chief is putting the question no member shall walk across the room, or make any noise or disturbances, nor when a member is speaking shall any other member pass between him and the Chair, or interrupt him, except to a "point of Order".

10. 10.8 Should any member refrain from voting when any question is put, unless excused by the Council, he shall be regarded as having voted in the affirmative, and his vote shall be counted accordingly.
- 10.9 The names of those who vote for and those who vote against the question shall be entered upon the minutes whenever any member shall call for the ayes and nays, and the Band Administrator shall read aloud the names before the result of the vote has been declared in order that any mistake may be rectified.
- 10.10 If the Chief desires to leave the Chair for the purpose of taking part in the debate or otherwise, he shall call on one of the Councillors to fill his place until he resumes the Chair.
- 10.11 The members of the Council shall not leave their places on adjournment until the Chief leaves the Chair.
- 10.12 When any order, resolution or question shall be lost by reason of the Council, or any Committee thereof, breaking up for want of a quorum, the order, resolution or question so lost shall be proceeded with and disposed of at the next meeting of such Committee of Council.

11. DISCLOSURE OF CONFLICT OF INTEREST

- 11.1 A member of Council will take no part in the discussion or voting on any matter in which he, a member of his immediate family or relative living with the member will benefit by financial gain.
- 11.2 As soon as a member of Council is aware of having a conflict of interest in any matter brought before Council, he will immediately make full disclosure by signifying his interest, and, if the Council by resolution so directs, leave the meeting until after the matter has been decided.

12. MOTIONS IN GENERAL

12.1 Motions shall be put in writing and seconded before being debated or put from the Chair; provided that a routine motion or a motion to adopt a report, to receive and file, to refer to a Committee, or an official, to introduce or pass a by-law, or to adjourn shall not require to be put in writing. Forthwith after a motion is seconded it shall be read by the Presiding Officer or Band Administrator before debate.

12.2 Amendments shall be in writing and shall be decided upon before the question is put to a vote. Only one amendment shall be allowed to an amendment.

12.3 A motion to commit, until it is decided, shall preclude all amendments to the main question.

12.4 A motion to adjourn the Council or to adjourn the debate shall always be in order, but if such motion is negative no second motion to the same effect shall be made until after some intermediate proceeding shall have been held.

13. THE PREVIOUS QUESTION

At any meeting, a motion for the previous question, until a decision thereon has been made, shall preclude all amendment of the main question and shall be in the following words "that this question be now put". If the previous question be resolved in the affirmative, the original question shall be put forthwith without any amendment or debate, but if the previous question be resolved in the negative, then the main question shall be debateable.

14. PRIVILEGE

Whenever any matter of privilege arises, whether relating to the Council or to any individual member thereof, it shall be taken into consideration immediately.

15. DIVISION OF A QUESTION

When the question under consideration contains distinct propositions upon the request of any member, the vote upon each proposition shall be taken separately.

15. 15.1 After any question, except one of indefinite postponement, has been decided, any member who voted with the prevailing side, at the first meeting held thereafter, may move for a reconsideration thereof, but no discussion of the main question shall be allowed unless the motion to reconsider has been adopted.
- 15.2 No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

16. PROCEEDINGS IN COMMITTEE OF THE WHOLE

- 16.1 A meeting of the Committee of the Whole may be called at any time by the Chief.
- 16.2 A Committee of the Whole held during a Council meeting shall be appointed by a resolution "That this Council do now proceed to resolve itself into a Committee of the Whole".
- 16.3 The Chief shall act as Chairman of the Committee of the Whole unless the Committee or Council decides otherwise.
- 16.4 The rules of the Council shall be observed in Committee of the Whole, so far as may be applicable, except that no motion shall require to be seconded, nor shall a motion for the previous question be allowed; and in taking the ayes and nays, the names of the members shall not be recorded nor shall the number of times of speaking on any question be limited. No member shall speak continuously for a longer time than five minutes on any one question.
- 16.5 In case of a division being called for, the question shall be decided by a show of hands. The Band Administrator shall count and decide the number on each side, and the Chairman shall announce the result of the vote.
- 16.6 A motion in Committee of the Whole to rise without reporting, or that the Chairman leave the Chair, shall always be in order and shall take precedence over any other motion. On such motion debate shall be allowed but no member shall speak more than once

16. 16.6 to such motion. On an affirmative vote, the subject referred to the Committee shall be considered as disposed of in the negative except when a by-law is being considered in which case a recommendation must be reported to Council. The Council shall then proceed with the next order of business.

16.7: When all matters referred to a Committee of the Whole have been considered, a motion to rise and report shall be adopted, provided however, that the Committee, when it has partly considered a matter, may report progress and ask leave to sit again. On resumption of business in Council, the Chairman of the Committee of the Whole shall report to the Council, and the adoption of the report shall be moved.

17. PROCEEDINGS IN REGARD TO THE PASSAGE OF BY-LAWS

17.1 Every draft by-law shall be printed or type-written before it is considered by the Council, and a copy of such draft given to each member present.

17.2 Every by-law shall be introduced upon motion specifying its title or intended object, duly recorded and affirmed by a majority of the Quorum. The introduction motion is neither debatable or amendable.

17.3 The by-law referred to in subsection (17.2) shall then receive a second reading. This shall be accomplished by a motion specifying the by-law title or number, duly seconded and affirmed by a majority of the Quorum of Council.

17.4 By-laws requiring public hearing shall be referred to a public hearing at the earliest convenient date to be determined by Council prior to being submitted to the Committee of the Whole for report.

17.5 Any Councillor may move that referral of a by-law as prescribed under subsection 17.3 be waived and if seconded and affirmed unanimously by all members of Council, referral to the Committee of the Whole shall be waived and the Secretary shall so note upon the by-law and in the minutes of the regular Council meeting.

17. 17.6 Upon receipt by Council of the report of the Committee of the Whole so set out in subsection 17.4 or its absence as prescribed by subsection 17.5 above, Councillor may then move and another Councillor may second Third Reading either incorporating the recommendations of the Committee of the Whole or no. This motion is debatable and amendable pursuant to section 10 of this by-law.
- 17.7 If any member of Council so requests, the whole or any part of the draft by-law shall be read by the Band Administrator before the motion is put.
- 17.8 Upon receipt of an affirmative vote of a majority of the Quorum of Council, the Chief shall state that the by-law shall have passed third reading.
- 17.9 Pursuant to the requirements of the Act, the by-law may be reconsidered, the only motion necessary for the final passing shall be "That _____ By-law, 19____, No.____, (giving short title) be finally adopted, signed by the Chief and Band Administrator."
- 17.10 A copy of every by-law signed by the Chief and Band Administrator shall be deposited with the Minister of Indian Affairs pursuant to the requirement of the Act.
- 17.11 No by-law shall be deemed reconsidered unless it has received the required majority as set out below -
- (a) unless specified in the Act, a majority of the Quorum of Council or -
 - (b) if specified by the Act, the required majority of all the members of Council.

18. GENERAL PROVISION

- 18.1 The operation of any clause of this by-law, except Clauses 7.3, 11.1 and 11.2, may be suspended at any meeting by a vote of two-thirds majority of the members present.
- 18.2 In all unprovided cases in the proceedings of the Council or in Committee, the laws, rules and usages of Roberts' Parliamentary Law and Roberts' Rules of Order shall be followed.

19. AUDIT COMMITTEE

19.1 The Committee shall meet within seven days of the Statutory meeting and at least once each month thereafter.

19.2 The Committee may pre-audit all accounts payable and have authority to recommend payment of such accounts.

19.3 The Committee shall examine the budget estimates received from the Band Administrator (approved by Council), the authorization for expenditures and such other documents as the Committee shall deem necessary and shall report to Council once each month its conclusions or recommendations, if any.

19.4 The Committee shall investigate and report on any matter referred to it by Council.

19.5 The minutes of the Audit Committee shall be received by open Council save and except upon unanimous vote of all members of Council.

20. FINANCE COMMITTEE

20.1 The Finance Committee shall meet within fourteen days of the Statutory meeting and as often as required thereafter.

20.2 During January, February and March of each year, the Finance Committee shall meet with the Band Administrator to review the provisional budget for the ensuing fiscal year, the reports of the Capital Works and Public Safety Committee and such other reports and matters that it deems fit and shall report to the Band Administrator or Council as the Finance Committee shall determine. The recommendations to Council shall be received by Council as part of the minutes of Council.

20.3 All minutes of any meeting of the Finance Committee shall be available to the Band Administrator and every member of Council.

20. 20.4 The Finance Committee shall, in September of each calendar year, make a review of the revised budget of the current fiscal year and forward its recommendations to Council, if any.
- 20.5 The Finance Committee shall investigate and report on any matter referred to it by Council.

21. THE PLANNING COMMITTEE

- 21.1 The Planning Committee shall meet within 21 days of the Statutory meeting and shall meet as required by Council, or the Executive.
- 21.2 It shall consider matter referred to it and report thereon to the appropriate body from which the subject of consideration had been referred.
- 21.3 The Planning Committee shall maintain a continuous programme of review of policy manual, by-laws and other pertinent matters to assist the Council and the Executive in providing for the needs of the community.

22. ENGINEERING TECHNICAL AND MAINTENANCE

- 22.1 The Capital Works and Public Safety Committee shall meet within seven days of the Statutory meeting and as often as required thereafter.
- 22.2 With the assistance of the Executive, the Committee shall prepare a programme of capital works for the current fiscal year to be considered by the Finance Committee and upon receipt of the Finance Committee's report (not later than March 15th) forward a report to council for a programme of work to be undertaken during the ensuing fiscal year.
- 22.3 Each such work shall carry a project number and upon approval by Council of the recommendation of the Capital Works and Public Safety Committee or any amendment thereof a valid authorization shall exist for the carrying out of the work by the Band Administrator.

22. 22.4 The Executive may request a meeting with the Capital Works Engineering Technical and Maintenance on Twenty-Four hours notice, delivery by hand or telegram to each member thereof to consider an emergency issue.

22.5 Minutes of the Engineering Technical and Maintenance Committee shall be available to all members of Council and the Executive. Reports of the Capital Works and Public Safety Committee upon receipt by Council shall form part of Council's minutes.

23. CORRESPONDENCE

23.1 All correspondence addressed to the Council of the Band shall be received by the Band Administrator. The Band Administrator may take the necessary action if he deem the contents to be adequately covered by existing by-laws or policy.

23.2 A copy of all correspondence shall be delivered to the Council at its next regular meeting with the Secretary's report noting thereon:

- (a) the action take or the official to whom it was referred.
- (b) any recommendation received from the Band Administrator.

24. SEVERABILITY

If any provision of this by-law is found invalid such provision is severable.

