

## Constitution Of The White River First Nation

We, the citizens of the White River First Nation, by virtue of our inherent rights as Aboriginal People, and the provisions of the Constitution of Canada, and desiring to exercise our responsibilities for our own well-being and to protect our land and resources for ourselves and for all future generations, do hereby adopt this Constitution.

Our objectives in adopting this Constitution are:

- a) To promote at all times a respect for the land, the natural environment, including the waters, air and all living things on the land, and traditional territory of the White River First Nation;
- b) To create and recreate an environment allowing the White River First Nation a lifestyle embodying spiritual and physical health and manifesting the dignity and pride of our people;
- c) To ensure the protection of the human, civil and legal rights of the White River First Nation citizens;
- d) To attain the entrenchment of our Self-Government Agreement in the Constitution of Canada;
- e) To provide a unified voice for the White River First Nation citizens and unite the Upper Tanana and Northern Tutchone people;
- f) To promote the cultural values, spiritual beliefs, heritage and languages of the White River First Nation citizens of Upper Tanana and Northern Tutchone backgrounds;
- g) To ensure equality of access to, and benefits from programs, services and benefits to all White River First Nation citizens regardless of linguistic background or family affiliations;
- h) To implement the land claim and self-government agreements of the White River First Nation;
- i) To represent and support the interest of every citizen of the White River First Nation in all areas of the White River First Nation concern or responsibility;
- j) To maintain a registry of the names of all citizens of the White River First Nation; and
- k) To provide for all feasible functions, activities and services that are necessary for the well-being and good government of the White River First Nation;
- l) To ensure accountability of all elected and appointed people to the citizens of the White River First Nation.

## ***Article 1 – Definition***

1. In this Constitution:

“Authorized Investments,” means those investments of the Financial Compensation Fund attached to this constitution as Schedule II.

“Chief” means the Citizen who is elected by the General Assembly as Chief in an election called in accordance with this Constitution;

“Citizen” means a citizen of the First Nation as determined in accordance with the Citizenship Code attached to this Constitution as Schedule I;

“Citizenship Code” means the White River First Nation Citizenship Code attached to this Constitution;

“Constitution” means the White River First Nation Constitution;

“Council” means the Council of the First Nation consisting of one (1) Chief, and four (4) Councillor elected or as appointed in accordance with this Constitution;

“Councillor” means the Councillor elected or appointed as the case may be in accordance with this Constitution;

“Electoral Officer” means the electoral officer appointed by Council;

“Eligible Voter” means a Citizen sixteen (16) years of age or older and who is eligible to vote at General Assembly in accordance with this Constitution;

“Executive Director” means the chief administrative officer of the First Nation;

“Financial Compensation Fund” means the financial compensation received by the White River First Nation in accordance with Chapter 19 of the Final Agreement;

“First Nation” means the White River First Nation

“Final Agreement” means the White River First Nation Final Agreement amongst the White River First Nation, Her Majesty the Queen in Right of Canada and the Yukon Government and including amendments to that agreement made in accordance with the provisions of that Agreement;

“Northern Tutchone Members” mean those Citizens who belong to the Northern Tutchone linguistic group;

“Self-Government Agreement” means the White River First Nation Self-Government Agreement amongst White River First Nation, her Majesty the Queen in Right of Canada and the Yukon Government and including amendments to that agreement made in accordance with the provisions of that Agreement;

“Site Specific Settlement Lands” means those Settlement Lands identified as site-specific settlement lands in the Final Agreement;

“Settlement Lands” has the same meaning as in the Final Agreement’

“Traditional Territory” means the White River First Nation traditional territory as identified in the Final Agreement;

“Upper Tanana Members” mean those Citizens who belong to the Upper Tanana linguistic group;

## ***Article 2 – Citizenship***

2.1 Citizenship in the First Nation shall be governed by the Citizenship Code, which forms part of the Constitution and is attached as Schedule I.

## ***Article 3 - Rights of Citizens***

3.1 All Citizens of the First Nation shall enjoy equal right to life, liberty and economic opportunity

3.2 In exercising and of its powers, the First Nation shall not:

- a) Make or enforce any law inhibiting freedom of religion, limit freedom of speech or of the press, or limiting the right of Citizens to assemble peaceably or to petition for redress of grievance;
- b) Violate the right of Citizens to be secure in their persons and in their places of residence against unreasonable search or seizure; or issue warrants except under reasonable cause supported by oath of information particularly describing the place to be searched and the person or things to be seized;
- c) Take any personal, individual or family property or interest for First Nation use without due process and fair compensation;
- d) Deny any Citizen the equal protection of its laws or deny any person liberty or possession of property without due process;
- e) Take for use by the First Nation or others the beneficial use of Site Specific Settlement Lands away from those individuals or families (or their heirs, executors, administrators, or assigns) for whom such Site Specific Settlement Lands were selected by the First Nation as part of the Final Agreement without due process and fair compensation.

## ***Article 4 – Government of the White River First Nation***

- 4.1 The power and jurisdiction of the First Nation shall apply to all Citizens and shall extend on and over all Settlement Lands and on and over such other lands in such manner as may be agreed upon.
- 4.2 The First Nation Government shall consist of two branches: the General Assembly and the Council.
  - a) No branch shall exercise any power or duty of a type allocated by this Constitution to another branch, except as specifically authorized by this Constitution.
  - b) The General Assembly shall be the law-making branch of the White River First Nation Government.

#### ***Article 5 – The White River First Nation General Assembly***

- 5.1 There shall be a General Assembly composed of the Citizens of the White River First Nation.
- 5.2 The General Assembly shall meet at least once annually and at such other times as the General Assembly or Council may direct.
- 5.3 An annual General Assembly shall be held in the Traditional Territory during a long weekend on or between the first day of June and the 30<sup>th</sup> day of September of each year.
- 5.4 A special General Assembly shall be held and organized by the Council if fifty percent of all Eligible Voters including ten (10) Upper Tanana Members and Ten (10) Northern Tutchone Members sign and deliver to Council a petition requesting a special General Assembly.
- 5.5 The Council shall be responsible for arranging meeting of the General Assembly and the Chief of the First Nation shall preside over meeting of the General Assembly.
- 5.6 Only Citizens who are sixteen (16) years of age or older may vote in meetings of the General Assembly.
- 5.7 In meetings of the General Assembly any Citizens may speak in the traditional languages of the First Nation and where feasible translation services shall be provided.
- 5.8 At least two weeks before any meeting of the General Assembly notice of the date and place of the meeting and a copy of a tentative agenda shall be mailed or delivered to all Eligible Voters residing in the Yukon and notice of the date and place of the meeting shall be published in a newspaper having circulation in the Yukon and broadcast upon radio or television in the Yukon.
- 5.9 Notwithstanding 5.8, the Council shall have power to call and conduct meeting of the General Assembly in any manner the Council judges appropriate if Council determines an emergency meeting of the General Assembly is required.
- 5.10 The quorum of the General Assembly shall be twenty Eligible Voters, which shall include a minimum of ten (10) Upper Tanana Members and ten (10) Northern Tutchone Members.
- 5.11 Consensus shall be encouraged in the making of any decision or the expressing any opinion by the General Assembly; when such consensus cannot be attained, a decision or expression of opinion shall require the approval of a majority of Eligible Voters present at a duly convened meeting of the General Assembly. The General Assembly shall decide the manner by which the decision of a majority is determined.
- 5.12 The duties and responsibilities of the General Assembly shall include:
  - a) The election of members of the Council;

- b) The consideration of any reports submitted by Council and any staff members, who must attend the Assembly, if requested, to give such report;
  - c) The consideration of report from each member of the Council;
  - d) The setting of general policy guidelines and the giving of general direction to the Council;
  - e) Approval if the First Nation's annual budget as presented by Council;
  - f) Approval of all First Nation laws within the jurisdiction of the First Nation as brought forward by Council.
- 5.13 The General Assembly shall have power to amend this Constitution as provided in Article 18.
- 5.14 All proceedings of any General Assembly shall be governed by all conflict of interest guidelines and rules of conduct set forth in Article 6 below, amended as the context may require.
- 5.15 The disposition is the First Nation of any interest in Settlement Lands including the issuance of any surface or sub-surface rights must be in accordance with laws passed by the General Assembly.
- 5.16 Notwithstanding any other provision of this Constitution, There shall be no sale, transfer or conveyance of any Settlement Lands.

## *Article 6 – The First Nation's Council*

### **The Council**

- 6.1 The White River First Nation's Council shall be composed of one (1) Chief, Four (4) Councilors and two (2) Alternate Councilors.
- 6.2 Northern Tutchone Members shall elect two (2) of the four (4) Councillors and one (1) alternate Councillor and Upper Tanana Members shall elect two (2) of the four (4) Councillors and one (1) alternate Councillor.
- 6.3 All elected members of the Council shall be elected at a General Assembly and shall serve for a term of three years.
- 6.4 Eligible Voters at a General Assembly shall choose the members of Council as follows:
- a) Nominations for Chief shall be sought at the General Assembly. All nominees shall consent to such nomination either in person at the General Assembly or in writing to the Electoral Officer if such nominee is not present at the General Assembly.
  - b) The Eligible Voters Attending shall elect the Chief at the General Assembly. The candidate receiving a minimum of fifty percent (50%) plus one (1) vote of all votes cast shall be declared by the Electoral Officer the Chief. If more than two candidates are nominated, there shall be a run-off election. The run-off election shall be between the two candidates receiving fifty percent (50%) plus one (1) vote of all votes in the run-off election shall be declared by the Electoral Officer the Chief.
  - c) Unsuccessful candidates for the position of Chief may be nominated for election as a Councillor.
  - d) Eligible Voters who are Upper Tanana Members and Eligible votes who are Northern Tutchone Members shall meet separately at the General Assembly and each elect two (2) Councillors and one (1) alternate Councillor.
  - e) Upper Tanana Members and Northern Tutchone Members shall decide the method of choosing their representatives to the Council and shall ensure due attention is given to the

age and residency if those considered for election to the Councillors' position so as to ensure a balance in representation.

### **Council Operating Procedures**

- 6.5 The quorum for all Council meeting shall be any three members of the Council.
- 6.6 Council shall meet on a quarterly basis and approve the schedule of Council meetings for such period. Forty-eight (48) hours in advance of all regularly schedules meetings of Council, the Executive Director shall prepare and use best efforts to deliver to all members of Council, and shall post at the First Nation's administrative office, a draft agenda of the meeting.
- 6.7 Notwithstanding 6.6, any two (2) members of Council may request that the Executive Director call an emergency meeting of Council and, upon such request, the Executive Director shall use best efforts to give notice of such emergency meeting to all members of Council.
- 6.8 There shall be a minimum of two regularly scheduled Council meetings per month.
- 6.9 The Council shall encourage in the making of any decision and in the approval of any resolutions consensus decision-making. When consensus cannot be attained, a decision or resolution shall require the approval of a majority of the Councillors who are present and voting.
- 6.10 The Council shall make all their meetings open to the Citizens of the First Nation. Council may decide to hold in-camera meetings when dealing with personnel matters.

### **Conflict of Interest & Rules of Conduct**

- 6.11 A Council Member shall disclose to the Council any financial of other personal interest that the Council member or a member of his/her immediate family has in any matter before the Council and shall not take part in the deliberations of the Council on that matter or vote on that matter.
- 6.12 Where a disagreement arises to whether a Council member or a member of his/her immediate family has a financial or other personal interest in a matter before the Council, the Council shall decide, by a vote, whether the Council member has such an interest, and the Council member in questions, may not take part in that vote.
- 6.13 Where the Council decides pursuant to 6.12, that the member has a financial or other personal interest in any matter before the Council, the Council member in question shall not take part in the deliberations of the Council on that matter or vote on that matter.
- 6.14 Council members shall not hold any other political office.
- 6.15 Council members may be employed by the First Nation in other capacities and programs but shall declare a conflict of interest and shall abstain from deliberating on or voting on any matter pertaining to such other capacity or program.

### **Rules of Conduct**

- 6.16 All meetings of the Council shall be governed by the following rules of conduct:
  - a) Conflict of Interest guidelines outlined in this article shall be applied to all Council meetings;
  - b) No casting of aspersions, derogatory personal attacks against persons, including foul language will be accepted at meetings;

- c) In the event of a personal attack, the offender must apologize and withdraw the offensive statement(s) at the meeting when the offence took place;
  - d) If there is no apology, Council shall take a vote to determine whether the offender will be asked to leave the proceedings of the meetings and lose his/her honorarium or wages in respect of such meeting;
  - e) If the offender refuses to leave the meeting, remaining member of the Council may choose to cancel the meeting;
  - f) If majority of Council agrees that an offence occurred, the offence will be documented and recorded in the Council minutes and reported to the next General Assembly;
  - g) Councillors shall not speak of matter discussed at in-camera meetings outside of the Council chambers.
- 6.17 Any person attending a Council meeting shall be governed by the same rules of conduct applying to Council members.
- 6.18 Council may ask any person attending a Council meeting to leave the meeting if that person is intoxicated or whose behavior is disruptive to the proceedings of the Council meeting.
- 6.19 The Council shall notify the Elders' Council of the Council's regularly scheduled meetings and of meetings of the General Assembly and shall facilitate the attendance and consider the input of the members of the Elders' Council at such meetings and assemblies.
- 6.20 Unless otherwise agreed to by Council on a case-by-case basis, a Council member who fails to attend a Council meeting shall not receive any honorarium, salary, wages or other compensation in respect of such Council meeting.
- 6.21 Alternate Councillors shall only serve on Council on place of a regular Councillor chosen by their respective linguistic group if such regular Councillor is absent from Council by reason of illness, holiday or such other reason approved of by Council.
- 6.22 Alternate Councillors shall not be entitled to receive any honorarium, salary, wage or other compensation in respect of their activity and service to the Council, except in respect of those Council meetings for which they serve on Council in place of a regular Council member.

### ***Article 7 – Elections***

- 7.1 Only Citizens who are eighteen years of age or older shall be eligible to serve as Chief or as a Councillor.
- 7.2 A Citizen may serve as a Chief or Councillor if he/she:
- a) Has resided in the Traditional Territory at least six months prior to nomination;
  - b) Has not been convicted of an indictable offence within three years before nomination;
  - c) Has not resigned from an elected First Nation position within three years before nomination and without justifiable cause;
  - d) Is not under court order not to hold an elected office.
- 7.3 All elected members of Council shall make a declaration in writing sworn to or affirmed in front of a declaration in writing sworn to or affirmed in front of a person having the authority to administer such oath confirming their eligibility to hold office in accordance with the requirements of the Constitution and any First Nation election laws or regulations, and shall forfeit his or her seat on Council if any false information was provided in such declaration.

- 7.4 Citizens who are 16 years of age or older shall be eligible to vote in elections of Chief or Councillors and in referendums.
- 7.5 Unless otherwise provided for in the Constitution, elections for Council shall be held every three years.
- 7.6 An Electoral Officer shall be appointed by the Council and shall be responsible, in accordance with First Nation laws, for the registration of voters and for the supervision and conduct of nominations and elections, and shall have sole power to hear and decide all protests or disputes related to any matter within his or her responsibilities or power.
- 7.7 The Electoral Officer shall not be an Eligible Voter.
- 7.8 The Electoral Officer shall be appointed for a fixed term and may be reappointed.
- 7.9 The Electoral Officer shall ensure that a list of all Eligible Voters of the First Nation is prepared at least one (1) week prior to any election for Council and that such list identifies all Eligible Voters as either an Upper Tanana Member or Northern Tutchone Member.
- 7.10 The Electoral Officer shall conduct the First Nation's elections in accordance with this Constitution and the applicable rules and regulations respecting First Nation elections.
- 7.11 Any employee of the First Nation who has declared themselves as candidates for election to the Council shall take a leave of absence from their employment with the First Nation without pay at least two weeks prior to such election.
- 7.12 Elections shall be by secret ballot and in accordance with the Constitution and any First Nation election laws or regulations.
- 7.13 The Electoral Officer shall declare elected those candidates who receive the greatest number of valid votes.

#### ***Article 8 – First Nation's Council Duties and Power***

- 8.1 The duties of the Council shall include:
  - a) Implementing the directions of the General Assembly and adhering to its guidelines;
  - b) Selecting one of the Councillors to the position of Deputy Chief who shall act in the Chief's capacity during the Chief's absence;
  - c) Setting clear policies and guidelines, and ensuring good management and reporting on all aspects of the First Nation government within the jurisdiction of the First Nation's Council;
  - d) Approving all agreements and contracts to be entered into by the First Nation;
  - e) Allocating monies and providing services to the other branches of First Nation's government as provided for in the First Nation's annual budget and as approved annually by the General Assembly;
  - f) Providing quarterly reports to the Citizens of the First Nation on the progress made to date on the implementation of the annual budget with specific emphasis on major capital projects or items raised at past General Assembly;
  - g) Appointing an Executive Director and Finance Officer and prescribing their duties and accountabilities;
  - h) Maintaining up-to-date financial records and guaranteeing strict financial accountability in all aspects of the First Nation's business and administration;
  - i) Appointing a Auditor to carry out an Annual Audit and submitting it to the General Assembly;



- j) Fulfilling any actions required of it by agreements signed with other governments or person;
- k) Recommending laws pertaining to Settlement Lands and other lands under the ownership or jurisdiction of the First Nations for approval by the General Assembly;
- l) Establishing a system of laws according with the traditions, needs and ideals of the First Nation and in accord with the objectives of the First Nation as set out in this Constitution;
- m) Designating the portfolios among the Chief and Councillors as the Council deems advisable;
- n) Recommending the passage of laws by the General Assembly as are within the legal capacity and legislative powers of the First Nation or in accordance with the exercise of the inherent aboriginal rights of the First Nation;
- o) Establishing committees of the Council, the terms of reference of such committees and appointing the members of such committees; provided that all such committees shall be comprised of an equal number of Upper Tanana Members and Northern Tutchone Members;
- p) Establishing boards, commissions or other institutions to advise or assist the Council or to carry out such duties or exercise such powers as may be delegated or assigned by the Council;
- q) Ensuring that resolutions approved and laws enacted by the General Assembly are implemented and enforced;
- r) Directing the First Nations police, if any, in the general conduct of their duties;
- s) Making recommendations to the General Assembly and making periodic reports on the state of the First Nation;
- t) Exercising such additional powers as may be authorized by the First Nation's laws passed by the General Assembly.

8.2 The First Nation's Council shall carry out its duties and such things as are required of it by this Constitution, the Final Agreement, the Self-Government Agreement, or any other applicable law or legal obligation.

### ***Article 9 – Chief***

- 9.1 The Chief's position shall be held on a full-time basis and shall be paid accordingly.
- 9.2 The Chief of the First Nation shall be the general spokesperson for the First Nation and the chief executive officer in its government and shall represent the First Nation in dealing with other governments or persons.
- 9.3 The Chief shall have the authority to execute agreements and contracts on behalf of the First Nation once Council has approved those agreements of contracts.
- 9.4 The Chief shall hold no other office except as provided in this Constitution or as specifically approved by the Council.
- 9.5 The Chief shall be the presiding officer of the Council and of the General Assembly and shall have the tie-breaking vote at all meetings.

### ***Article 10 – Deputy Chief***

- 10.1 The Council shall select one (1) of the Councillors as Deputy Chief who shall act as the Chief in absence or incapacity of the Chief.

## ***Article 11 – Councillors***

### 11.1 Councillors shall:

- a) Prepare for and attend all Council meetings in order to enable the Council to make proper decisions;
- b) Work with portfolio managers to provide direction and get written reports on activities through meetings with portfolio managers at least once a month;
- c) Submit monthly written reports to the Council seeking clarification or mandate when required;
- d) Attend First Nation committee or board meetings, providing direction and reporting responsibilities;
- e) Meet with community members in order to hear concerns and input and follow-up on those concerns with portfolio managers.

## ***Article 12 – Elder’s Council***

- 12.1 There shall be an Elder’s Council composed of all the Citizens of the First Nation who are fifty-five years of age and older. The Elder’s Council as spokesperson will designate one elder.
- 12.2 The duties of the Elder’s Council may include reviewing any activities of the First Nation and providing advises to the other branches of the First Nation’s government.
- 12.3 Decisions, recommendations and resolutions of the Elders’ Council shall require unanimous consent.
- 12.4 All matters of tradition, including ceremonial matters, artwork, songs, languages, history, and genealogy must be resolved by the Elders’ Council in the event of disputes.
- 12.5 Any member of the Elders’ Council may attend the meetings of the General Assembly and the Council and may provide advice and direction to the General Assembly or Council and the General Assembly or Council shall consider the advice and direction of the Elders’ Council before making any final decision.

## ***Article 13- The Judiciary***

- 13.1 There may be established a White River First Nation Court whose membership, organization, and authority may be established by First Nation laws and shall be subject to the relevant provisions of the Final Agreement.

## ***Article 14 – Vacancies and Removal from Office***

- 14.1 Any First Nation official may resign by tendering a written resignation to the Council and such written notice must be preceded by a letter at least two weeks in advance of the effective date of the resignation.
- 14.2 The Chief or any Councillor shall automatically cease to hold office upon the following events:
  - a) If the member fails to attend any two consecutive regular meetings of Council, provided that any such absence may, upon written request by the absent member setting forth the reason

for such absence, be excused by Council if caused by illness or other such reason satisfactory of Council;

b) If the member is convicted of an indictable offence.

- 14.3 Upper Tanana Members or Northern Tutchone Members may remove any their representatives on Council during their term of office at any General Assembly and replace the removed person by an eligible person from the same linguistic group.
- 14.4 Vacancies in the office of Chief or Councillor shall be filled by-election if more than one year remains in the term of office; if less than one year remains, the Council shall have power to fill the vacancy by appointment from the same linguistic group, provided that person appointed to vacancies shall not be subject to recall.
- 14.5 Any member of the White River First Nation Court shall cease to hold office upon concurrent resolution of the First Nation's Council and the Elders' Council that he or she is unsuited for membership on the Court.

### ***Article 15 – Challenge and Quashing of Laws***

- 15.1 Any existing or proposed law, resolution or other action of the First Nation may be challenged by a written petition signed by at least fifty (50%) per cent of Eligible Voters including (10) Upper Tanana Members and ten (10) Northern Tutchone Members delivered to the Council, provided that the petition clearly describes the law, resolution or other action to be challenged.
- 15.2 Within seven working days of receiving a petition, the Council shall determine whether the petition is valid.
- 15.3 No later than seven working days, after determining that a petition is valid, and providing that the actual or proposed law, resolution or other action has not been expressly cancelled or repealed, the Council shall determine if the petition warrants proceeding to hold a referendum among electors on whether the law, resolution or other action shall stand or may be proceeded with.
- 15.4 The referendum shall be held within thirty days of the petition's being found valid.
- 15.5 The actual or proposed law, resolution or other action subject to challenge shall not stand or be proceeded with provided that at least seventy-five percent of the Eligible Voters vote in the referendum and that a majority of the valid votes cast are opposed to the law, resolution or other action.
- 15.6 Where the provisions of section 15.5 are not met, the actual law, resolution or other action in question shall not be open to challenge again, and any proposed law, resolution, or other action may be proceeded with and shall not be open to challenge after being enacted, approved, or undertaken.
- 15.7 The provisions of this section shall not apply to, or affect the validity of; any previously properly approved contract or agreement.
- 15.8 Notwithstanding anything else contained in the article, Citizens have the right to challenge the validity of any law enacted by the First Nation and any court of competent jurisdiction has the jurisdiction to quash any law of the First Nation based on generally recognized legal principles.

### ***Article 16 – Delivery of Programs & Services***

- 16.1 The First Nation Administration shall ensure that all programs and services delivered directly by the First Nation to its Citizens are administered in accordance with approved laws, policies and procedures and without any discrimination or bias.
- 16.2 The Council shall ensure that all monies received by the First Nation for the administration and delivery of programs and services to its Citizens are allocated as follows:
- a) Sufficient funds shall be allocated for the administration of the First Nation government, including payment of staff salaries, associated operation and maintenance costs, and for the delivery of programs and services provided by the First Nation for the benefit of all Citizens in accordance with the funding criteria applicable to the use of such funds;
  - b) Council shall annually determine the amount of money to be dedicated for the delivery of programs and services for the development and enhancement of the linguistic and cultural activities of the Upper Tanana Members and Northern Tutchone Members and the monies so dedicated shall be allocated to the nonprofit societies established by the Upper Tanana Members on a pro rata basis on the ratio of Northern Tutchone Members and Upper Tanana Members to the total number of Citizens as at April 1<sup>st</sup> of each year;
  - c) Each linguistic group shall be informed through their representatives on Council of the amount of available funds to that group and any criteria applicable to the spending of those funds;
  - d) Each linguistic group shall determine, as soon as possible, the priorities for spending available funds targeted to it for that fiscal year and the designated recipient(s) of any program or service;
  - e) The Executive Director shall ensure compliance with the direction received under (d) above and within applicable laws, policies and any guidelines established by the funding agencies;
  - f) The Executive Director shall include a report on the administration of the provisions in this article to each annual General Assembly with recommendations to improve on the efficiency of program and service delivery;
  - g) An annual General Assembly may direct to abolish or amend the provisions contained in Article 16 (b) to 16 (f) if a minimum of sixty-six percent (66%) of Eligible Voters at a General Assembly vote in favor of such abolishment or amendment;
  - h) Article 16 of this Constitution shall be reviewed and voted on by those present at the First Nation's General Assembly five years after the affective date of this Constitution.

### ***Article 17- Financial Accountability***

- 17.1 The books, accounts, and all other relevant financial or monetary records of the First Nation including the Financial Compensation Fund and of any agent or body accountable to any of the branches of the First Nation government shall be audited at least once each year by a chartered accountant and the report thereof shall be submitted to the next annual General Assembly.
- 17.2 The financial records, accounts and report pertaining to the activities of the First Nation's government shall be opened, upon five working days notice being given to the Executive Director, to inspection by any Citizen at the principal administrative office of the First Nation in Beaver Creek, Yukon.

- 17.3 The First Nation shall attempt to ensure that the real value of the Financial Compensation Fund as adjusted for inflation is maintained indefinitely. The principal amount of the Financial Compensation Fund and corresponding adjustments for inflation shall only be invested by the First Nation in Authorized Investments.
- 17.4 Subject to section 17.3, the First Nation may use some of the earnings from the investment of the financial compensation for the delivery of services and programs to elders and for education and training of Citizens.
- 17.5 Each Annual General Assembly shall be provided with a written report, financial status and audited financial statements of the Financial Compensation Fund.
- 17.6 The following transactions shall not be allowed without explicit approval of the General Assembly:
- a) The borrowing of any funds by the First Nation;
  - b) The pledging of any Settlement Land or other real property owned or controlled by the First Nation as security for any funds borrowed by the First Nation; or
  - c) The pledging of any or all of the Financial Compensation Fund as security for any funds borrowed by the First Nation.

### ***Article 18 – The First Nation Seal***

- 18.1 The First Nation shall have a White River First Nation Seal approved by the Council and which the Chief shall affix or other person authorized by the First Nation’s Council to any document required to be under seal.

### ***Article 19- Amendment of this Constitution***

- 19.1 The General Assembly shall have power to amend this Constitution, provided that fifty-one percent of all Eligible Voters including ten (10) Upper Tanana Members and ten (10) Northern Tutchone Members are present at the General Assembly and vote on the amendment(s).
- 19.2 At least two weeks before any General Assembly at which amendments to the Constitution are to be considered, notice of such meeting, containing a statement of the purpose of the proposed amendments and a draft of the proposed amendments, shall be mailed or delivered to Eligible Voters residing in the Yukon and broadcast upon radio or television in the Yukon.
- 19.3 Any Amendment to the Constitution shall require the approval of seventy-five percent of Eligible Voters present at the General Assembly.
- 19.4 Notwithstanding article 19.3, an amendment to the Constitution relating to sale of Settlement lands or the use of the Financial Compensation Fund, other than as expressly authorized in the Constitution, shall require the approval of ninety-five percent of Eligible Voters present at a duly convened meeting of the General Assembly.

### ***Article 20 – Transition***

- 20.1 The Constitution of the White River First Nation shall be its sole constitution.
- 20.2 Any and all resolutions and agreements enacted or entered into by the First Nation shall remain valid to the extent that they are consistent with this Constitution.

- 20.3 The Council shall be constituted and the First Nation’s Chief and Councillors shall take office in accordance with the provisions of the Constitution immediately following ratification of this Constitution.
- 20.4 Until the members of the Council shall take office in accordance with this Constitution the existing White River First Nation’s Council shall have all the powers and duties of the Council.
- 20.5 Notwithstanding anything else in this Constitution, article 19.4 of the Constitution shall have no force and effect until such clause has been reviewed and approved at a General Assembly to be called prior to or in connection with ratification of the Final Agreement and Self Government Agreement.

***Article 21- Ratification of this Constitution***

21.1 The Constitution shall come into force when approved by a majority of the Eligible Voters of the White River First Nation present in a duly constitution General Assembly.

We, the elected Chief and Councillors of the White River First Nation have, this \_\_\_\_\_day of \_\_\_\_\_, 19\_\_\_\_, signed the Constitution of the White River First Nation, pursuant to the ratification of the said Constitution at the General Assembly of the White River First Nation, held in \_\_\_\_\_, Yukon, on \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Chief

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

## SCHEDULE I

### **WHITE RIVER FIRST NATION CITIZENSHIP CODE**

#### Preamble

Whereas the control of citizenship is an inherent right of the White River First Nation; and

Whereas the White River First Nation considers the control of its Citizenship List to be a fundamental responsibility; and

Whereas the Citizenship Code is an essential part of the White River First Nation Constitution.

#### **1. Definitions**

“Appeal Board” means the Citizenship Appeal Board;

“Citizen” means a person whose name is on the Citizenship List;

“Child” means a child born in or out of wedlock, or a legally adopted child;

“Citizenship List” means the list of citizens which is maintained by the White River First Nation;

“Enrollment Committee” means the Enrollment Committee established pursuant to this Citizenship Code;

“Indian” means a person who is 25 per cent or more Indian ancestry;

“Marriage” includes common law marriages or those sanctioned by Laws of General Application of White River First Nation laws;

“Registrar” means the officer of the White River First Nation government who is responsible for maintaining the Citizenship List;

“Traditional Territory” has the same meaning as in the Final Agreement.

#### **2. Citizenship Entitlement**

2.1 A person is entitled to be enrolled on the White River First Nation Citizenship List provided that the person:

- a) Is of 25 per cent or more Indian ancestry; or
- b) Is a native or non-native adopted child of a Citizen or a person eligible to be a Citizen.

#### **3. Citizenship Application**

3.1 Any person may apply to become a Citizen of the White River First Nation provided that:

- a) They are a spouse of a White River First Nation Citizen and they have been married for five years; and

- b) Are 25 percent or more of Indian ancestry; and
- c) Have been ordinarily resident in the White River First Nation traditional territory in the Yukon of at least five years prior to making application; and
- d) Agrees in writing to renounce Citizenship in any other First Nation upon being accepted as a Citizen of White River First Nation.

#### **4. Non-Entitlement**

4.1 The following persons are not entitled to be enrolled as Citizens of White River First Nation:

- a) A person who is registered in another Indian Band or First Nation, unless that person is married to a Citizen of White River First Nation and that person applies and is accepted pursuant to section (3), or
- b) A non-Indian person who is married to a Citizen; or
- c) Any person who is not 25 percent Indian ancestry; or
- d) A non-native adopted child of a non-native child.

4.2 Notwithstanding 4.1, all beneficiaries of the White River First Nation enrolled under the Final Agreement shall be entitled to be enrolled as Citizens.

#### **5. Enrollment Committee**

5.1 The White River First Nation Council shall, by resolution, establish an Enrollment Committee, which shall be composed of two members of the Council or other persons appointed by the Council and two Elders, provided that one such member of the Enrollment Committee shall be a Northern Tutchone Member and one member shall be a Upper Tanana Member, and shall have the following responsibilities:

- a) Publicizing and providing information in respect of the eligibility process and requirements to potential Citizens;
- b) Receiving completed applications for enrollment provided that each application must be supported by the required documents proving eligibility;
- c) Approving and certifying eligible applicants and forwarding information respecting the same to the Registrar;
- d) Forwarding the names of applicants who been refused certification together with all relevant information and documentation to the Registrar.

5.2 The White River First Nation Enrollment Committee established under the *Yukon First Nations Land Claims Settlement Act* shall be the Enrollment Committee until such time as Council establishes the Enrollment Committee pursuant to this Citizenship Code.

#### **6. Registrar**

6.1 The Council shall appoint a person to act as Registrar, who shall have the following responsibilities:

- a) Notifying each applicant of the results of the findings and determination of the Enrollment Committee; and
- b) Maintaining an up-to-date master Citizenship List.



## **7. Citizenship Appeal Board**

- 7.1 The First Nation's Council shall establish a Citizenship Appeal Board comprised of four Citizens, of whom two shall be Elders. Two members of the Citizenship Appeal Board shall be Northern Tutchone Members and two members of the Citizenship Appeal Board shall be Upper Tanana members.
- 7.2 The Appeal Board shall consider any appeal from a decision of the Enrollment Committee made within one year of the date of the decision.
- 7.3 An appeal must be in writing and contain a brief statement of the grounds of the appeal.
- 7.4 An appeal may be made by the First Nation's Council, by any Citizen, by the person in respect of whom the decision was made, or by his or her representative.
- 7.5 The onus of establishing the grounds of an appeal under this section lies on the person making the appeal.
- 7.6 Upon receipt of an appeal, the Appeal Board shall cause an investigation to be made into the matter and shall render a decision within 90 days of receipt of the Appeal.
- 7.7 The Appeal Board shall have the authority to uphold, vary, or rescind any decision of the Enrollment Committee, or to refer the matter back to the Enrollment Committee for reconsideration or further investigation.
- 7.8 A decision of the Appeal Board shall be final.

## **8. Loss of Citizenship**

- 8.1 Any Citizen over the age of eighteen years may renounce their Citizenship upon written notice to the Citizenship Committee. Upon receiving such notification the Citizenship Committee shall notify the registrar to remove such person's name from the Citizenship List.

## **9. Transition**

- 9.1 Notwithstanding the foregoing, nothing contained in this Citizenship Code shall limit or affect the jurisdiction, power and authority of the Enrollment Commission or White River First Nation Enrollment Committee established pursuant to the Yukon First Nations Land Claims Settlement Act (Canada).

## SCHEDULE II

### AUTHORIZED INVESTMENTS

Investment of the Financial Compensation Fund shall be limited to:

- a) Securities of Canada, a province, the United Kingdom, the United States of America or a municipal corporation in a province;
- b) Securities the payment of the principal and interest of which is guaranteed by Canada, a province, the United Kingdom, the United States of America or a municipal corporation in a province;
- c) Securities issued for school, hospital, irrigation, drainage or other like purpose that are secured by or payable out of rates or taxes levied under the law of any province on property in that province;
- d) Bonds, debentures or other evidence of indebtedness of a corporation that are secured by the assignment to a trustee of payments that Canada or any province has agreed to make, if those payments are sufficient to meet the interest on all the bonds, debentures or other evidence of indebtedness outstanding as it falls due and also to meet the principal amount of all the bonds, debentures or other evidence of indebtedness on maturity;
- e) Bonds, debentures or other evidence of indebtedness of a corporation incorporated under the laws of Canada or any province that are fully secured by a mortgage, charge or hypothec to a trustee on any one or combination of the following assets:
  - i. Lands;
  - ii. The plant or equipment of a corporation that is used in the transaction of its business; or
  - iii. Bonds, debentures or other evidence of indebtedness or shares of a class of classes authorized by this section;
- f) Bonds, debentures or other evidence of indebtedness of a corporation incorporated under the laws of Canada or any province if the corporation has earned and paid a dividend
  - i. In each of the 5 years immediately preceding the date of investment at least equal to the specified annual rate on all of its preferred shares; or
  - ii. In each year of a period of 5 years ended less than one year before the date of investment on its common shares of at least 4% of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;
- g) Guaranteed trust or investment certificates of
  - i. A bank; or
  - ii. A corporation that is incorporated under the laws of Canada or of a province and that has a business authorization to carry on trust business or deposit business;
- h) Bonds, debentures or other evidence of indebtedness of a loan corporation or like corporation that at the time of investment has
  - i. Power to lend money on mortgages, charges or hypothecs of real estate;
  - ii. A paid up nonreturnable capital stock of not less than \$500,000;
  - iii. A reserve fund amounting to not less than 25% of its paid up capital;And the stock of which has a market value that is not less than 7% in excess of its par value;
- i) Preferred shares of a corporation incorporation under the laws of Canada or of province if the corporation has paid a dividend
  - i. In each of the 5 years immediately preceding the date of investment at least equal to the specified annual rate on all of its preferred shares; or

- ii. In each year of a period of 5 years ended less than one year before the date of investment on its common shares of at least 4 % of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;
- j) First mortgages, charges or hypothecs on land in Canada, but only if the loan does not exceed 75 % of the value of the property at the time of the loan as established by a qualified appraiser;
- k) Securities issued or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an international Bank of Reconstruction and Development, approved by *The Bretton Woods Agreements Act* (Canada), but only if the bonds, debentures or other securities are payable in the currency of Canada, the United Kingdom, a member of the British Commonwealth or the United States of America;
- l) Fully paid common shares of a corporation incorporated under the laws of Canada or of a province of Canada that, in each year of a period of 7 years ended less than one year before the date of investment, has paid a dividend on its common shares of at least 4% of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid; and
- m) Deposits in, or non-equity or membership shares or other evidence of indebtedness of, a credit union.