



# TESLIN TLINGIT COUNCIL

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## CONSTITUTION

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**GENERAL**

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## PREAMBLE

We, the Teslin Tlingit people, by virtue of our inherent right as aboriginal people of the Teslin region, and desiring to assume and exercise full responsibility for our well-being and to protect the land and resources of our lands for ourselves and our children and future generations, do hereby amend this Constitution on this 18th day of July, 1996.

### 1. INTERPRETATION

1.1 The following definitions are given to provide for better understanding of this Constitution:

**“Board”** means the Management Board established by the General Council under section 23.

**“Citizen”** means any person who is enrolled as a Beneficiary under the Teslin Tlingit Final Agreement, who is not enrolled under any other land claims agreement in Canada, who is recognized by one of the Teslin Tlingit Clans, and is not a citizen of any other First Nation.

**“Consensus”** means the unanimous decision of the Clans, not individual Clan General Council members and evidence of Clan decision is to be articulated by the Clan Leader or Acting Clan Leader.

**“Consolidated Revenue Fund”** means the Teslin Tlingit Council consolidated revenue fund established under section 28.

**“Chief Executive Officer”** means the person selected as provided in this Constitution.

**“Chairperson”** means the leader or presiding person at any meeting or gathering.

**“Contract”** means any agreement or undertaking providing for the expenditure of public money or the giving of any consideration in exchange for goods or services, and includes purchase orders, service contracts, construction contracts, employment and any other contracts.

**“Council”** means the General Council of the Teslin Tlingit Council established under section 9.

**“Department”** means a department or agency of the Teslin Tlingit Government.

**“Deputy Chief Executive Officer”** means the person selected as provided in this Constitution.

**“Executive”** means the Executive Council established under section 11.

**“First Nation”** means the Teslin Tlingit First Nation as provided for in section 4.

**“Fiscal Year”** means April 1 of one year to March 31 of the following year as provided for in section 23.

**“Fund”** means a fund established within the consolidated revenue fund, and includes a trust fund, special fund, revolving fund or any other approved fund.

**“Government”** means the government of the Teslin Tlingit Council or other government referred to from time to time.

**“Governing Body”** means any governing body of the Teslin Tlingit Council, established under the Constitution, and includes the General Council, Executive Council, Justice Council, Elders Council, Management Board and may include corporations, institutions and other boards, commissions or organizations to be established.

**“Legislative Powers”** means powers to enact and pass laws, by-laws, regulations and resolutions.

**“Peacemaker Court”** means the body established by the *Teslin Tlingit Peacemaker Court & Justice Council Act*: ax’kha xh’adu wus’yé.

**“Presiding Officer”** means the leader or chairperson of the meeting or gathering.

**“Public Accounts”** means the annual accounts of the Teslin Tlingit government, required to be prepared and presented to the General Council as prescribed by section 24.

**“Public Money”** means all money received, held or collected, for or on behalf of the Teslin Tlingit Council.

**“Public Officer”** means a person who is an employee of the Teslin Tlingit government and includes permanent, casual, part-time or employees on contract.

**“Public Property”** means all property, other than money, belonging to the Teslin Tlingit government.

**“Public Use”** means to be used by the government for the general good of the Teslin Tlingit people.

**“Remission”** means to forgive a debt owing as provided for under section 34.

**“Redress”** means a process to correct a wrong as provided for under section 8.

**“Speaker”** means the qualified Citizen selected by the General Council.

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- 1.2 The Teslin Tlingit Council is composed of five Clans of Tlingit ancestry who have traditionally resided in the Teslin Tlingit region.
  - 1.3 Clans are a specific grouping of people who have their own language, culture, values and other traditions, which have evolved over time.

## **2. OBJECTS**

- 2.1 The objects of the Teslin Tlingit Council are as follows:
  - (a) to have the General Council act as the legislative authority in respect of the Teslin Tlingit people;
  - (b) to promote and enhance the general welfare of the Teslin Tlingit people;
  - (c) to use, manage, administer and regulate the lands of the Teslin Tlingit Council including the natural resources thereof;
  - (d) to use, manage and administer the money and other assets of the Teslin Tlingit Council, including any and all benefits to be realized from the settlement of the land claims;
  - (e) to promote and carry out community development and charitable works for the benefits of the Teslin Tlingit Council;
  - (f) to promote, at all times, a respect for our land, our language, our culture and our Teslin Tlingit people;
  - (g) to work towards the creation of an environment that will allow Teslin Tlingit people to enjoy spiritual and physical health and to live with dignity and pride in our heritage;
  - (h) to ensure the protection of the human, civil, legal and aboriginal rights of the Teslin Tlingit people;
  - (i) to work towards the entrenchment in the Constitution of Canada, of the aboriginal rights of the Teslin Tlingit people;
  - (j) to provide a unified voice for the Teslin Tlingit people;
  - (k) to negotiate with Governments, as required, and to plan negotiations and implementation of any Land Claims Agreement or settlement, whether in Yukon, British Columbia, or elsewhere in Canada, which involves Teslin Tlingit people;
  - (l) to support and represent the interests of the Teslin Tlingit Council members in all areas of the First Nations responsibility on local, regional, territorial and national levels;

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- (m) to accept a trust responsibility for those First Nation members who have such a need;
  - (n) to maintain an up-to-date register of the citizens of the Teslin Tlingit Council;
  - (o) to promote and strengthen the educational, social, economic and political growth of the Teslin Tlingit Council;
  - (p) to safeguard the territories of the Teslin Tlingit Council, as their heritage in perpetuity; and
  - (q) to ensure that any sale or exchange of the Teslin Tlingit Council land shall be subject to the terms of this Constitution.
- 2.2 To carry out such other functions, activities, and responsibilities as may be necessary, to fulfill the objectives of this, and other sections of this Constitution.
- 2.3 The seat of government of the Teslin Tlingit Council shall be located within the traditional territory of the Teslin Tlingit people, as the General Council in its sole discretion deems advisable.

### **3. GENERAL**

- 3.1 The Teslin Tlingit Council is hereby recognized as successor to the *Indian Act* Teslin Indian Band.
- 3.2 For greater certainty, nothing in this Constitution shall be construed so as to abrogate or derogate from existing aboriginal or treaty rights of citizens of the First Nations, or any other aboriginal peoples of Canada, under Section 35 of the *Constitution Act, 1982*.



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**GOVERNMENT, CITIZENSHIP AND ORGANIZATION**

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#### 4. APPLICATION

- 4.1 The exclusive authority of the Teslin Tlingit Council shall extend over all Tlingit lands selected by the Teslin Tlingit Council in any Land Claims Agreement or acquired by the First Nation in any way, and the First Nation shall have authority to share in jurisdiction over other lands with Canada, Yukon, municipal or other aboriginal governments.
- 4.2 Citizenship in the Teslin Tlingit Council shall be open to persons of Teslin Tlingit ancestry who belong to one of the five Teslin Tlingit Clans and shall be extended as provided for in the Citizenship Code which is attached as Schedule A, and forms part of this Constitution.

#### 5. GOVERNMENT

- 5.1 The government of the Teslin Tlingit Council shall be based upon the traditional Clan system of government.
- 5.2 The citizenship and organization of each Clan shall be determined by the customs inherited and observed by the Clan and acknowledged by the other Clans.
- 5.3 Each Clan has a Leader and other Elders recognized as such by the Clan membership.
- 5.4 Each Clan shall maintain an up-to-date list of its members and shall keep a copy of this list posted in the Longhouse or other recognized public place.
- 5.5 The Teslin Tlingit Clans have emblems, which are a part of their tradition, these are as follows:

<u>CLAN</u>	<u>EMBLEM</u>	<u>LEADERS</u>
Daxaweidi	Eagle	Doug Smarch Sr.
Daishetaan	Beaver	Watson Smarch
Ishketaan	Frog	Sam Johnston
Xooxetaan	Raven Children	Frank Jackson
Yanyeidi	Wolf	Mathew Thom

#### 6. ORGANIZATION

- 6.1 The powers, authority, jurisdiction, responsibility and duties of the Teslin Tlingit Council shall be exercised by one or more of the four branches of the government: the General Council; Executive Council; Elders Council and the Justice Council.

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- 6.2 The four branches of government shall not exercise any of the powers and/or responsibilities belonging to any of the others, except as provided for in this Constitution.
  - 6.3 The General Council may, by order, prescribe the procedures to be followed such as General Assembly or referendum for the purpose of ratifying agreements or to consider other important matters.
  - 6.4 In matters requiring government decisions, it is the tradition of the Teslin Tlingit Council to use the consensus method. The term "consensus" as used in relation to any division of government means unanimous decision by the members of that division.

## **7. RIGHTS OF CITIZENS**

- 7.1 All citizens of the Teslin Tlingit Council shall have the rights and freedoms bestowed on all citizens of Canada, by the Constitution and the Charter of Rights and Freedoms of Canada.
- 7.2 All citizens of the Teslin Tlingit Council shall enjoy equal rights to life and liberty, and the pursuit of a way of life that promotes their language, culture, heritage and material well-being.
- 7.3 In exercising its' powers the Teslin Tlingit Council shall not:
  - (a) make or enforce laws which are unlawful or contrary to the Laws of General Application of Canada;
  - (b) make or enforce laws which unnecessarily restrict the freedom of religion, speech, the press, or the right of citizens to assemble peaceably, and to petition for redress of grievances;
  - (c) violate the right of First Nation citizens to be secure in their persons, homes, papers, and effects against unreasonable search and seizure, nor issue warrants except under probable cause supported by oath or information specifically describing the place or person or thing to be searched or seized;
  - (d) subject any person to be twice put in jeopardy for the same offenses;
  - (e) compel any person in any criminal case to be witness against himself or herself;
  - (f) deny to any person in any proceeding against that person the right to know the nature and causes of any accusation, the right to confront any witness against him or her, the right to have compulsory process for obtaining witnesses in his or her favour, the right to have defence counsel, and the right to a speedy trial and decision;

- (g) inflict cruel or unusual punishment;
- (h) deny any person or Clan within its jurisdiction the equal application of its laws, or deprive any person or Clan of protection of liberty or property without due process; and
- (i) take without just compensation any property, or interest, for public use.

## **8. REDRESS**

- 8.1 In seeking redress for any alleged violation of rights, as described in section 7, by any person or Clan, except the Justice Council, a person or Clan can bring the matter to the Peacemaker Court.
- 8.2 The Peacemaker Court may hear and resolve the matter in accordance with the Constitution and the Peacemaker Court process.
- 8.3 Redress against the Justice Council, which is administrative in nature, may be brought before the General Council for resolution.

## **9. GENERAL COUNCIL**

- 9.1 There shall be a General Council, consisting of 25 members, composed of five representatives from each of the Teslin Tlingit Clans. Each Clan shall according to their traditional custom, select five representatives from their Clan and appoint them to be members of the General Council for a term of four years.
- 9.2 The General Council shall be presided over by the Speaker of the General Council.
- 9.3 The quorum of the General Council shall be 20 Clan representatives, provided that at least three representatives from each Clan are in attendance.
- 9.4 In the absence of a quorum, the General Council may, subject the unanimous agreement of the members present have a meeting to deal with urgent matters.
- 9.5 There shall be an annual meeting of the General Council between June 1 and September 30. The Executive Council shall prepare a notice of the time, place and the agenda of the meeting, and deliver a copy of the notice to each Clan Leader at least 21 days before the time of the meeting.
- 9.6 Other meetings of the General Council may be held at such times as the General Council considers necessary or at the request of the Executive Council, the Elders Council, or the Management Board. Notice of such meetings shall be delivered to the Clan Leaders at least seven days prior to the meeting. Such meetings may deal only with agenda items stated in the notice.

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- 9.7 Agreement by consensus shall be encouraged at all meetings of the General Council. When consensus has not been reached, the presiding officer may rule that a motion may be considered.
- 9.8 A person addressing a meeting of the General Council may speak in Tlingit and the Speaker of the General Council shall make every effort to ensure that translation is made available.
- 9.9 All meetings of the General Council shall be open to every citizen of the Teslin Tlingit Council and all citizens shall be encouraged to attend and to speak on issues before the meeting. However, only General Council members may introduce motions or vote in the meeting.

## **10. POWERS OF GENERAL COUNCIL**

- 10.1 The General Council shall have exclusive legislative powers to enact Teslin Tlingit Council laws, and shall include those powers recognized by the Royal Proclamation of 1763, and those powers recognized or extended to the First Nation by any Land Claims Agreement or any other law of Yukon, British Columbia or Canada. Such powers shall be exercised subject to any limitations imposed by this Constitution.
- 10.2 The General Council shall be the government authority to act on behalf of and for the Teslin Tlingit citizens and, to whom all governing bodies of the Teslin Tlingit Council shall report and get direction from.
- 10.3 The General Council shall establish an Executive Council and shall at its annual meeting, every fourth year, appoint one representative from each of the five Clans, to be members of the Executive Council for a term of four years.
- 10.4 The General Council shall establish land use policy and regulations to govern land use on Teslin Tlingit Council lands.
- 10.5 The General Council may enact laws to govern development of First Nation lands and of natural resources associated with First Nation lands and of natural resources associated with First Nation lands for industrial or other uses provided that such development is designed for the general good of the First Nation as a whole.
- 10.6 The General Council may, subject to any agreement with the governments of Canada, Yukon, or to recognition of First Nation powers in any Land Claims Agreement, enact laws in respect of the following:
- (a) administration of the affairs, operations and internal management of the Teslin Tlingit Council;
  - (b) adoption of citizens and adoption by citizens of the Teslin Tlingit Council;

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- (c) guardianship, custody, care and placement of Teslin Tlingit Council citizens;
  - (d) education, schooling and training of First Nation citizens;
  - (e) health care and health services for citizens;
  - (f) recognition, protection and enhancement of spiritual and cultural beliefs and practises of citizens;
  - (g) recognition, protection and enhancement of the traditional languages of the Teslin Tlingit people;
  - (h) procedures for determining the competency or ability of citizens and provisions for safeguarding the interest of those found incapable of responsibility for their own affairs providing that such procedures and provisions shall be in accord with the principles of natural justice;
  - (i) resolution of disputes and prevention of mistreatment involving citizens within families;
  - (j) inheritance, wills, intestacy and administration of estates of citizens, including rights and interest in settlement lands;
  - (k) management and administration of rights or benefits that are realized by the beneficiaries according to the Final Agreements and which are to be controlled by the Teslin Tlingit Council; and
  - (l) such other powers as may be ancillary to the foregoing.
- 10.7 The General Council may enact laws to protect First Nation lands, surface and sub-surface, and the environment, including water air and space, for First Nation citizens.
- 10.8 The General Council may enact laws for renewable and non-renewable resources in respect of Teslin Tlingit Council lands.
- 10.9 The General Council shall have the power to:
- (a) request, receive and approve reports from all the governing bodies;
  - (b) receive and approve the Annual Budget;
  - (c) provide for management systems, including financial management, audits and publication of reports by all governing bodies to show their accountability to the Teslin Tlingit citizens;

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- (d) establish rules and procedures to be followed and conditions to be met to effect any disposition, or eliminate of rights or interest, by the First Nation in Settlement Lands;
  - (e) provide for a register of Teslin Tlingit Council laws;
  - (f) appoint a Speaker of the General Council for an interim term of two years or shorter and thereafter for 4 year terms and the appointed Speaker will conduct the selection process for the positions of Chief Executive Officer and Deputy Chief Executive Officer and preside as Speaker of the General Council meetings, and the Speaker will be also be responsible for the other responsibilities set out in the Constitution; and
  - (g) make, receive and approve rules and regulations, in respect of any matter affecting the good government, and well-being, of the Teslin Tlingit Council.
- 10.10 The General Council may delegate any of its powers to the Executive Council, or other governing body, of the Teslin Tlingit Council.
- 10.11 The General Council shall select a qualified Teslin Tlingit Citizen as Speaker of the General Council who shall preside as Speaker and Chair of General Council meetings.
- 10.12 The Speaker of the General Council must be at least 18 years of age and be a Teslin Tlingit Citizen.
- 10.13 The duties and responsibilities of the Speaker could be delegated to the Executive Council except for overseeing the selection process includes:
- (a) chairing General Council meetings;
  - (b) maintaining the Teslin Tlingit Citizenship List;
  - (c) maintaining the Teslin Tlingit Registry of Laws;
  - (d) maintaining the Registry of Teslin Tlingit Policies;
  - (e) maintaining the integrity and impartiality of the selection process for the offices of the Chief Executive Officer and the Deputy Chief Executive Officer;
  - (f) ensuring the proper ratification and approval of TTC legislation and policies;
  - (g) maintaining current lists for the General Council, Youth and Elder members;
  - (h) maintaining the accuracy and recording of proper minutes of General Council meetings;

- (i) preparing and distributing materials and packages for all General Council meetings;
- (j) ensuring timely follow up on tabled items from the General Council and Elders Council meetings; and
- (k) carrying out such other responsibilities as determined by the General Council.

## **11. THE EXECUTIVE COUNCIL**

11.1 Pursuant to section 10.3 the Teslin Tlingit Council shall have an Executive Council, which shall be the executive of Teslin Tlingit government.

11.2 The Executive Council hereafter referred to as the Executive, shall be composed of nine members:

- (a) one member appointed from each of the five Clans;
- (b) one representative appointed by the Elders Council;
- (c) the Chief Executive Officer;
- (d) the Deputy Chief Executive Officer; and
- (e) an ex-officio youth representative selected by the Youth Council and approved by the General Council or until selected by the Youth Council by interim selection by the General Council.

All nine Executive Council members must be:

- (f) at least 18 years of age;
- (g) a Citizen;
- (h) committed to serve for the four-year term; and
- (i) knowledgeable and respectful of Teslin Tlingit heritage and culture or be committed to learning from Teslin Tlingit Elders or other Tlingit Citizens.

11.3 The General Council shall at its annual meeting, every fourth year select two qualified Citizens, in the selection manner set out in the selection rules which are attached but does not form part of the Constitution, as Schedule B to this Constitution, to be the Chief Executive Officer and the Deputy Chief Executive Officer, save and except the selection of the Chief Executive Officer and the Deputy Chief Executive Officer, which was to have occurred in 2008, shall occur on or before February 28th, 2009. The Chief Executive Officer and the Deputy Chief Executive Officer shall serve for the same four



year terms but may be removed from office at any time by the General Council for any circumstances it deems appropriate, save and except 2009 in which case the respective terms for the positions of Chief Executive Officer and Deputy Chief Executive Officer shall terminate at the Annual Meeting of the General Council in 2012. In case of such removal, or due to incapacity or death, the General Council shall appoint another member of the Executive Council, within 60 days, to fill any vacant position for the remainder of the four year term or such other term as set out in this section.

11.4 The Executive Council shall conduct its business by consensus.

11.5 The quorum of the Executive Council shall be five members.

11.6 For purposes of the *Indian Act*, the Executive Council shall be the Band Council.

## **12. POWERS OF THE EXECUTIVE COUNCIL**

12.1 Subject to the approval of, the General Council and/or the Elder's Council, the Executive Council shall have authority to:

- (a) lease Teslin Tlingit Council lands;
- (b) sell or exchange only such pieces of lands that may be designated in any Land Claims Agreement as subject to sale or exchange or that are acquired for the purpose of possible sale or exchange;
- (c) borrow money;
- (d) assess property and to establish and collect taxes, user fees and other charges from Teslin Tlingit Council citizens and from non-citizens using, residing on, or doing business on, First Nation lands;
- (e) establish boards, commissions, and committees or other institutions, as may be required;
- (f) recommend for approval, to the General Council, budgets, reports and other policies for the Teslin Tlingit Council;
- (g) approve salaries, and other benefits and compensation, and honoraria, to Teslin Tlingit employees, Boards, Council members and other governing bodies;
- (h) approve personnel, administrative and financial policies, and procedures;
- (i) approve reports from governing bodies, or consultants, consistent with good management practices; and

- (j) exercise such other powers as may be delegated or assigned by the General Council.

12.2 Subject to section 19, the Executive Council may, delegate any of its authority, and responsibility to any governing body of the Teslin Tlingit Council.

### **13. THE CHIEF EXECUTIVE OFFICER/DEPUTY CHIEF EXECUTIVE OFFICER**

13.1 The Chief Executive, of the Executive Council, or in his or her absence or incapacity, the Deputy Chief Executive Officer shall:

- (a) except as otherwise provided in Section 10.13 regarding the role of Speaker, serve as presiding officer in meetings of the Executive Council and the Management Board];
- (b) represent the Teslin Tlingit Council at meetings with officials of the government of Canada, Yukon, or other governments;
- (c) act as spokesperson for the First Nation in its relations with other organizations and represent the First Nation on boards, commissions, or committees, which may be established in respect to Land Claims and/or Self-Government;
- (d) have authority to call special meetings of the Executive and/or the General Council according to procedures established by the Executive; and
- (e) exercise such other authority, duties and responsibilities as may be authorized by the General Council, the Executive Council or provided for elsewhere, by the laws of the Teslin Tlingit Council.

13.2 The Chief Executive shall hold no other office besides that of a member of Executive Council the Management Board and a member of the General Council.

### **14. VACANCIES ON THE EXECUTIVE COUNCIL AND REMOVAL OF MEMBERS**

14.1 Any member who fails to attend three consecutive regular meetings of the Executive, other than absence on Executive business, shall cease to be a member of the Executive Council, except if such failure to attend is excused by the Executive for reasons of health or other good reason.

14.2 A member may resign by tendering a written statement of resignation to the Executive Council.

14.3 An appointment to the office of member of the Executive Council is a privilege and not a right, and therefore, sections 7 and 8 of this Constitution shall not apply in relation to

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any proceedings or decisions relating to removal from office of any member of the Executive Council.

- 14.4 The General Council may upon consultation with the respective Clan, remove from office any member of the Executive Council whose conduct or behaviour the General Council judges to have called into question, the dignity or integrity of the member in question, of the Executive Council, or of the Teslin Tlingit Council.
- 14.5 A member shall cease to hold office upon receipt by the Executive Council of a statement of dismissal, signed by the Leader of the Clan, which appointed him, and at least three other members of that Clan.
- 14.6 The General Council may return to office a member who was previously removed from the Executive Council.
- 14.7 The unexpired term of office of any member who was appointed by the General Council and who has, for whatever reason, ceased to hold office shall be filled by appointment made by the Clan, which that member represented. The appointment shall be made in a written statement presented to the Executive Council Executive and signed by the Clan Leader and at least three other members of that Clan.

## **15. THE ELDERS COUNCIL**

- 15.1 The Teslin Tlingit Council shall have an Elders' Council composed of all Elders 65 years of age and older and headed by the Leaders of the respective Clans.
- 15.2 The Elder's Council can be likened to the Senate of Canada, whose purpose is to take a second look at things, and provide timely and wise advice and direction. Elders have a lifetime appointment to the Elder's Council.
- 15.3 The Elders' Council have a responsibility to provide advice and direction on any matter to the General Council, Executive Council, and the Justice Council, to Clan Leaders and to Clan members.
- 15.4 The Elders' Council has a responsibility to safeguard, encourage and instil the heritage, culture, language, and other traditions of the Teslin Tlingit Council.
- 15.5 As soon as possible after the General Council has appointed members to the Executive Council, the Elders Council shall appoint a representative to the Executive Council for the same four-year term as the other members.
- 15.6 The Elders' Council shall appoint three members from among its own members to the National Justice Council of the Daak Ka Tlingit.
- 15.7 The Elders' Council shall make its decisions by consensus.

15.8 The Elders' Council may assume other traditional responsibilities according to the traditions and needs of the Teslin Tlingit Council.

## **16. TESLIN TLINGIT JUSTICE COUNCIL**

16.1 The judicial powers of the Teslin Tlingit Council shall be entrusted in the Justice Council as provided by Teslin Tlingit legislation.

16.2 The Justice Council shall be composed of the five Clan members, nominated by their Clan and their appointments confirmed by the General Council.

16.3 Subject to removal for misconduct or other circumstances, the Justice Council will have term appointments.

16.4 The specific authorities and responsibilities of the Teslin Tlingit Justice Council shall be established by the General Council, in accordance with traditional principles of Tlingit customary law and upon the advice of the Elder's Council.

16.5 The Teslin Tlingit Justice Council shall establish their own procedures and exercise their authority and responsibilities in accordance with the traditional principles of Tlingit customary law.

## **17. REVIEW PROCESS**

17.1 Any Clan Leader in consultation with his or her Clan may bring an application to the Peacemaker Court for a judicial review of any proposed law, resolution or any other action under consideration by any one of the governing bodies.

17.2 The Clan member will provide a notice to the affected governing body of the application before the Peacemaker Court, at which time the governing body shall take no further action in the matter in question until the Peacemaker Court has rendered a decision, except to withdraw the matter from consideration or to declare that it will not be considered.

17.3 Failing such withdrawal or declaration within ten days of the application the Peacemaker Court will conduct its judicial review in accordance with the Peacemaker Court process.

17.4 The judicial review of such matters can be brought before the Peacemaker Court in a Stage Two process. Until such time as the Peacemaker Court can hear such matters, a Clan members' application can be filed with the Yukon Supreme Court and be heard in accordance with the Yukon Supreme Court rules and procedures.

17.5 No review conducted pursuant to this section shall serve to abrogate, modify or amend any properly approved law, resolution, contract or agreement of the Teslin Tlingit Council.

## **18. LEGAL CAPACITY OF THE TESLIN TLINGIT COUNCIL**

18.1 The Teslin Tlingit Council is a legal entity and has the capacity, rights, powers and privileges of a natural person and, without restricting the generality of the foregoing may:

- (a) enter into contracts or agreements;
- (b) acquire and hold property or any interest therein, sell or otherwise dispose of property or any interest therein;
- (c) raise, invest, expend and/or borrow money;
- (d) sue or be sued;
- (e) form corporations, boards, commissions or other governing bodies;
- (f) do such other things that are conducive to the exercise of its rights, powers and privileges.

18.2 Subject to any delegation as provided for in this Constitution, the capacity of rights, powers and privileges referred to in section 18.1 shall be exercised by the General Council.

## **19. DELEGATION AND JOINT AGREEMENTS**

19.1 The General Council may delegate any of its authority and responsibility contained in this Constitution, to the Executive Council or other governing body, or person of the Teslin Tlingit Council. Delegation shall be by resolution, or other formal written process, and shall be specific and shall be acceptable to both parties.

19.2 Any governing body or person authorized pursuant to sub-section (1) to exercise any of the authority and perform any of the functions of the General Council or other governing body may, subject to and in accordance with the authorization given, authorize other governing bodies or persons under their jurisdiction to exercise such powers and perform such functions.

19.3 Pursuant to sub-section (1), the Management Board shall establish policies and procedures, in respect of delegations.

- 19.4 By joint agreement, the General Council may delegate any of its legislative and/or other authority to any public body performing a function of government in Canada, including other Yukon First Nations, if the public body consents to the delegation.
- 19.5 The General Council may enter into agreements to provide for joint planning and zoning or other land use control by the Teslin Tlingit Council and other municipalities of Teslin or other governing bodies of any area adjacent to or extending across any boundary.

## **20. LAWS OF YUKON**

- 20.1 For greater certainty, the Teslin Tlingit Council shall have the authority to adopt any law of the Yukon as its own law.
- 20.2 The *Statutory Instruments Act* does not apply to a law enacted by the Teslin Tlingit Council.

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**FINANCIAL ADMINISTRATION**

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**21. MANAGEMENT BOARD**

- 21.1 The General Council shall establish a Management Board, hereafter referred to as the Board, which shall consist of the Chief Executive, the Executive Director, the Director of Community and Program Services, the Director of Land Claims, the Head of Finance, the Director of Capital and Infrastructure and the Director of Tle' Nax T'awei. The Management Board shall be chaired by the Chief Executive or in his or her absence, the Executive Director.
- 21.2 The Management Board shall act as an executive management committee and shall exercise authority in respect of:
- (a) accounting policies and practices, including the form and content of the annual public accounts;
  - (b) budget policies and practices, including preparation, review and recommendation for approval of annual or other budgets;
  - (c) management practices and systems;
  - (d) financial management and control of revenue, disbursements and assets of the Teslin Tlingit Council;
  - (e) evaluation of government programs and activities as to economy, efficiency and effectiveness;
  - (f) the management, control and direction of the Teslin Tlingit public service, including the organization, staff establishments, salaries and other benefits;
  - (g) internal and external audit; and
  - (h) such other matters as may be referred to it by the General Council, or other governing body of the Teslin Tlingit Council.
- 21.3 The Management Board may, for the performance of its duties and responsibilities establish regulations and issue such directives and/or instructions, as it deems appropriate.
- 21.4 Subject to approval of the General Council, the Management Board may delegate any of its authority and responsibilities to any governing body of the Teslin Tlingit Council.

**22. FINANCIAL ORGANIZATION**

- 22.1 There shall be established a Finance Unit, within the Teslin Tlingit Council government, which will have authority and responsibility for carrying out the financial function of the Teslin Tlingit Council.



22.2 Subject to direction of the Management Board, the head of the Finance Unit shall:

- (a) ensure the proper collection, receipt, recording and disposition of public money and ensure that proper authority exists for the disbursements of public money;
- (b) establish the method by which the accounts of the government are to be kept and the method by which any public officer or other person shall account for public money which comes into his/her hands;
- (c) maintain the accounts and other appropriate financial records of the Teslin Tlingit Council government;
- (d) prepare any financial statements and reports required by the General Council, the Executive Council or other governing bodies; and
- (e) perform such other duties consistent with the requirements of this Constitution, and/or directed by the Management Board.

### **23. FINANCIAL PLANNING AND BUDGETING**

23.1 The Management Board may establish a five-year financial planning system as part of the annual budgetary process of the Teslin Tlingit Council.

23.2 The Management Board shall have an annual budget prepared for the Teslin Tlingit Council, showing an estimate of revenues and expenditures by division and/or department, by program and activity, for goods and services coming up in the next fiscal year.

23.3 The Executive Council shall present the Annual Budget (estimates), to the General Council, for acceptance and approval, prior to the beginning of the next fiscal year.

23.4 In the event that the General Council is not meeting or otherwise available to approve the annual budget, prior to the new fiscal year, the Executive Council Executive may, approve up to one quarter of the proposed budget, as an emergency measure, to ensure continuity of on-going programs and activities for the general good of the First Nation citizens. Such approval by the Executive shall be confirmed by the General Council, in their subsequent deliberation of the said annual budget. This action by the General Council shall be completed prior to the expiration of the first quarter of the new fiscal year.

23.5 Copies of proposed budgets and of approved budgets prepared at the request of, or prepared by the Board, in respect of any and all programs and activities of the Teslin Tlingit Council shall as soon as practicable be made available to Clan Leaders and shall be posted in the First Nation main administrative office for inspection during normal office hours by any member of the Teslin Tlingit Council.

23.6 The fiscal year of the Teslin Tlingit Council shall begin on April 1 of one year and end on 31 March of the following year.

## **24. PUBLIC ACCOUNTS**

24.1 A report called the Teslin Tlingit Council Public Accounts shall be prepared, by the head of the Finance Unit, for each fiscal year, and presented to the Board, who shall present it to the Executive Council for acceptance and presentation to the General Council at their annual meeting following the end of the fiscal year.

24.2 The public accounts shall be in such form and in accordance with the accounting policies as established by the Management Board, and shall contain:

- (a) statements of assets and liabilities showing the government's financial position as at the end of the fiscal year;
- (b) statements of the revenues and expenditures of the government showing the results of operations for the fiscal year;
- (c) statements of changes in the financial position of the government for the fiscal year;
- (d) the Auditors Report on the examination of the accounts and financial transactions, for the fiscal year; and
- (e) such other information as may be necessary to show the financial position of the Teslin Tlingit Council government in respect of the fiscal year.

## **25. MANAGEMENT REPORTING**

25.1 The Management Board shall establish a Financial Management Reporting system appropriate to the needs of the Teslin Tlingit Council government, and in keeping with current public sector practices. Such system shall be designed to compare budgetary estimates to periodic actual revenues and expenditures, and shall be made available to the Executive Council and other management.

25.2 The Management Board may, establish other periodic financial reporting, as it deems appropriate.

## **26. AUDIT (EXTERNAL)**

26.1 The books, accounts and other financial records of the Teslin Tlingit Council government shall be audited and reported upon, at least once each fiscal year, by a Certified Public Auditor (Accountant), consistent with accepted public sector practice.

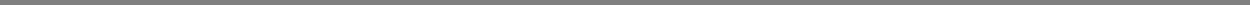
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- 26.2 The Auditors report shall be made to the Board who shall present it to the Executive Council, for presentation to the General Council at the annual meeting, and shall be made available for inspection by any citizen of the First Nation, in attendance.
- 26.3 Immediately upon receipt, copies of the audited financial statements and the report thereon, shall be made available to the Executive Council, the Clan Leaders, and shall be available in the First Nation main administrative office for inspection during regular office hours, by any citizen of the Teslin Tlingit Council.

## **27. AUDIT (INTERNAL)**

- 27.1 The Management Board may appoint a person to be the Internal Auditor for the Teslin Tlingit Council.
- 27.2 The Internal Auditor has the mandate to audit and report on the following:
- (a) public money, trust money and public property that are the responsibility of any division, department or public officer;
  - (b) the accounts and financial transactions of any division, department, or public office;
  - (c) securities belonging to the Teslin Tlingit government;
  - (d) systems of financial management, control and reporting in the government;
  - (e) the organization, management and operations of any division, department or public office; and
  - (f) the compliance of any division, department or public office with regulations, and/or directives the governing bodies.
- 27.3 The Internal Auditor shall report to the Management Board in such manner and at such times as the Board may direct.



**REVENUE**



**28. CONSOLIDATED REVENUE FUND**

- 28.1 All public moneys and revenue, over which the Teslin Tlingit Council has power of collection and expenditure, shall form a fund to be known as the Consolidated Revenue Fund.
- 28.2 All public moneys and revenue belonging to the Teslin Tlingit Council shall be deemed to be paid into and paid out of the Consolidated Revenue Fund.
- 28.3 The Board may establish, in the name of the Teslin Tlingit Council, accounts for the deposit of public money with:
- (a) any bank or trust company who are members of the Canadian Payments Association; and/or
  - (b) any local cooperative credit society that is a member of a central cooperative society having membership in the Canadian Payment Association.
- 28.4 Any money held with Her Majesty in right of Canada for the use and benefit of the *Indian Act* Teslin Indian Band shall be transferred to the Teslin Tlingit Council Consolidated Revenue Fund.
- 28.5 Any money transferred to the Teslin Tlingit Council either under this section or under Settlement Agreements shall form part of the Consolidated Revenue Fund and shall be administered in accordance with the Constitution.

**29. PUBLIC MONEY**

- 29.1 All public moneys and revenue received, held or collected by, for or on behalf of the Teslin Tlingit Council shall be deposited to the credit of the Teslin Tlingit Consolidated Revenue Fund.
- 29.2 Every person who collects or receives public money shall pay or give all public money coming into his/her hands to the head of the Finance Unit, or such other person designated to receive such money, or deposit to a bank account authorized by the Board.
- 29.3 The head of the Finance Unit or his or her designate, shall deposit all public money received to the credit of the Teslin Tlingit Consolidated Revenue Fund.
- 29.4 Every person who collects or receives public money shall keep a record of receipts and deposits thereof in such form and manner as prescribed by the Board.
- 29.5 The Management Board may establish regulations and give direction in respect of:

- (a) the form and manner by which public money shall be collected, received and deposited;
- (b) rates for the payment of fees or commissions to persons collecting, managing, or accounting for public money as remuneration for all services performed; and
- (c) the Methods by which fees or commissions may be paid.

29.6 The remuneration referred to in sub-section (b), does not apply to employees of the Teslin Tlingit Council, whose duties may include collection and receipt of public money.

### **30. TRUST MONEY**

- 30.1 Trust money shall be paid into and shall be maintained in trust accounts established by the Board within the Consolidated Revenue Fund.
- 30.2 All trust money shall be receipted in a manner, which will set out the amount received, and cause, reason, or matter in respect of which the trust money is received.

### **31. COLLECTION AND DEPOSIT OF PUBLIC MONEY**

- 31.1 No person shall open or close a bank account for the receipt, deposit or transfer of public money or trust money except as authorized by the Management Board.
- 31.2 The Management Board may make regulations and give direction respecting the collection, receipt or deposit or transfer of public money or trust money.

### **32. REFUNDS**

- 32.1 Money that is received by the Teslin Tlingit government by mistake, and/or money received for any purpose that is not fulfilled shall be refunded from the consolidated revenue fund in part or in full as circumstances require.

### **33. WRITE - OFF OF UNCOLLECTIBLE DEBTS**

- 33.1 The Management Board may by directive:
  - (a) write off all or part of a debt or obligation that it considers to be unrealizable or uncollectible; and
  - (b) authorize specified persons to write-off all or part of a debt or obligation that is due and owing to the government and that the authorized person considers to be uncollectible.

- 33.2 The write-off of all or part of a debt or obligation under this section does not extinguish the right of the government to collect the debt or obligation written off.
- 33.3 This section does not apply to a forfeiture, fine, pecuniary penalty, tax, royalty, fee or other sum imposed or authorized to be imposed by any law.
- 33.4 Every account written off shall be reported in the public accounts for the fiscal year in which the account is written off.

#### **34. REMISSIONS**

- 34.1 Where the Executive Council consider it in the public interest to do so, in a case or class of cases, where great public inconvenience, great injustice or hardship to a person has occurred or is likely to occur, the General Council may authorize the remission of:
- (a) any tax, royalty, fee or other sum that is paid or payable to the Teslin Tlingit government and that is imposed or authorized to be imposed by any law; and
  - (b) any forfeiture, fine, or pecuniary penalty imposed or authorized to be imposed by any law.
- 34.2 A remission authorized under sub-section (1) may be total or partial, conditional or unconditional.
- 34.3 Money required to be paid by the government under this section may be paid from the consolidated revenue fund.
- 34.4 Every remission under section 34.1, shall be reported in the public accounts for the fiscal year in which the remission is made.

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**EXPENDITURES**

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**35. PAYMENTS**

- 35.1 All payments for goods and services received by the Teslin Tlingit Council shall be made in accordance and for purposes specified in the annual budget, which was duly approved by the General Council. Such payments shall be made from the consolidated revenue fund.
- 35.2 The Management Board may issue directives respecting payments made from the consolidated revenue fund, providing for the form in which payments shall be made, the way in which payments shall be authenticated and the places from which payments shall be made.
- 35.3 The Management Board may make regulations respecting the verification of debt obligations of the government prior to their payment.

**36. CONTRACTS**

- 36.1 The Management Board may, by directive, authorize public officers to enter into contracts subject to such terms and conditions as the Board considers necessary.
- 36.2 Where the Management Board has authorized a public officer to enter into contracts, it may by directive authorized him/her to delegate all or part of that authority to another public officer, subject to such terms and conditions as the board considers necessary.
- 36.3 The Management Board may make regulations establishing terms and conditions that shall apply to contracts, or any class or contracts specified in the regulations.

**37. RECORDS OF COMMITMENTS**

- 37.1 Every public officer who has spending authority shall keep a record of commitments for expenditures that are chargeable to programs and activities for which he/she has assigned responsibility.
- 37.2 The Management Board may direct the form and manner in which records of commitments under sub-section (1) shall be kept.

**38. CERTIFICATES OF PERFORMANCE**

- 38.1 No payments shall be made from the consolidated revenue fund unless a certificate is signed by a public officer authorized to do so under this section.
- 38.2 A certificate shall contain such of the following information as may be applicable:

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- (a) in the case of payment for goods that have been supplied, or services performed, under a contract, a statement to that effect, and a statement that the proposed payment is in accordance with the contract;
  - (b) in the case of a payment for goods that have yet to be supplied or services that have yet to be performed, a statement to that effect and a statement that the proposed payment is in accordance with the contract;
  - (c) in the case of a payment not provided for in paragraph (a) or (b), a statement that all conditions for making the payment have been met; and
  - (d) in any other case, such further statements as the Management Board may direct.
- 38.3 The Management Board may by directive authorize public officers to sign certificates, subject to such terms and conditions as it considers necessary.
- 38.4 Where the Management Board has authorized a public officer to sign certificates, it may by directive authorize him/her to delegate all or part of the authority to another public officer, subject to such terms and conditions it considers necessary.

### **39. REQUISITION FOR PAYMENT**

- 39.1 No payment shall be made from the consolidated revenue fund unless a requisition for payment containing the required statement is processed.
- 39.2 A requisition for payment shall contain the following statements respecting the proposed payment:
- (a) a statement that the payment is lawful and is made to correct account, or program and activity;
  - (b) a statement that there is sufficient money in the account or fund to make the payment;
  - (c) a statement that the making of the payment does not contravene any regulation or directive of the government; and
  - (d) a statement that the making of the payment will not reduce the balance in the account or fund so that it would not be sufficient to meet commitments recorded under section 37 for other payments to be made.
- 39.3 The Management Board may by directive authorize public officers to sign payment requisitions, subject to such terms and conditions as it considers necessary.

39.4 Where the Management Board has authorized a public officer to sign requisitions for payment, it may by directive authorize him/her to delegate all or part of such terms and conditions as it considers necessary.

39.5 The authority of a public officer to sign requisitions for payment extends only to payments to be made from those accounts or funds for which the said public officer has been assigned responsibility.

#### **40. ACCOUNTING FOR PUBLIC MONEY**

40.1 Every person authorized to spend public money shall account for it in the manner provided under this Constitution or prescribed regulations, authorizing the expenditures.

40.2 The Management Board may prescribe by regulation, and/or directive, the manner in which public money shall be accounted for.

#### **41. MONEY NOT APPLIED**

41.1 Where a person has received money from the Teslin Tlingit government to be applied to any purpose and has not applied it to that purpose within the time or manner required, the Board may:

- (a) demand repayment of the money not so applied;
- (b) recover the money not applied, from the person or governing body or agency, as a debt due to the government; and
- (c) in the meantime, authorize an equal sum be applied to the purpose for which the money ought to have been applied.

#### **42. SET-OFF OF AMOUNTS OWED**

42.1 The Management Board may by directive authorize the head of the Finance Unit, to retain money in specified circumstances, by way of set-off from any money due or payable to a person where:

- (a) the person owes money to the Teslin Tlingit government;
- (b) an overpayment has been made by the government to the person; or
- (c) an advance made to a person for travel or other purposes, has not been repaid or accounted for.

42.2 Notwithstanding sub-section (1), the Director of any Department may direct the head of Finance Unit to recover any overpayment made from the consolidated revenue fund on

account of salary, wages, pay or allowances out of any sum of money that may be due and payable by the government to the person to whom the overpayment was made.

**43. PAYMENT AFTER A FISCAL YEAR END**

- 43.1 Where a debt obligation has been incurred by the government for goods supplied, or services performed, prior to the end of the fiscal year under a contract, payment of the obligation shall be made from the account for that fiscal year.
- 43.2 Every division and/or department head shall at the end of each fiscal year, prepare and send to the head of the Finance Unit, a list of the payments to be made after the end of the fiscal year under this section, from accounts for which he/she is responsible, together with certificates of performance required by section 38.

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**ASSETS**

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**44. POWER TO INVEST**

- 44.1 Where money in the consolidated revenue fund, other than money in a trust fund, is not immediately required for payments, it may be invested in any of the following:
- (a) securities that are obligations of or guaranteed by Canada or a province;
  - (b) fixed deposits, notes, certificates and other short term paper of or guaranteed by a bank; and/or
  - (c) commercial paper issued by a company incorporated under the laws of Canada or a province.
- 44.2 Subject to any other law, where money in a trust fund is not immediately required for payments, it may be invested in accordance with the trust laws of Canada or province.
- 44.3 An investment held under this section may be disposed of, or exchanged or traded for another investment authorized under this section.
- 44.4 Subject to any other law, where money from a trust fund or money from a fund designated as a special fund by the Board is invested, interest earnings or proceeds from an exchange, trade or disposition in respect of the trust fund or the special fund may, be paid into the appropriate trust fund or special fund.
- 44.5 Any net income resulting in any fiscal year from the purchase, holding or sale of securities pursuant to this section shall be credited to revenues of that fiscal year any net loss shall be charged to an account established for that purpose.
- 44.6 The Board may, appoint a committee or person to provide advice on the exercise of handling, and other matters relating to investments.

**45. LOANS ADVANCES AND EQUITY INVESTMENTS**

- 45.1 No loan of the Teslin Tlingit public money shall be made without the authority of the General Council.
- 45.2 Notwithstanding any other law, the power to make loans, advances, or direct equity investments from the consolidated revenue fund, shall be by resolution of the General Council, and exercised in accordance with regulations.
- 45.3 The General Council may make regulations in respect of loans and investments as necessary.

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**46. PUBLIC PROPERTY**

- 46.1 No disposition or loan of public property shall be made to any person except as provided for by this Constitution or other appropriate law.
- 46.2 Subject to regulations, the Management Board may issue directives in respect of public property as follows:
- (a) the acquisition of property by the Teslin Tlingit government;
  - (b) the Custody and control of public property, including the maintenance of inventories;
  - (c) the sale of public property; and
  - (d) the deletion of public property from inventory.
- 46.3 The General Council may make regulations in respect of public property, as necessary, including providing for the recovery of loss or damage to public property caused by negligence or wilful misconduct of a public officer who is responsible for the operation, care or custody of the public property.

**47. PROVISION OF SERVICES OR USE OF PUBLIC PROPERTY**

- 47.1 Subject to any other law or regulations, the Management Board may issue directives to:
- (a) establish fees for the provision of a service by the Teslin Tlingit government to any person or for the use of public property by any person;
  - (b) establish conditions subject to which a service may be provided by the government to any person or to which public property may be used by any person; and;
  - (c) authorize public officers to provide to any person a service or the use of public property and to make agreements for the provision of the service or use of public property.

**48. REVOLVING FUNDS**

- 48.1 The General Council may authorize the Management Board, by resolution, to establish revolving funds.
- 48.2 Revolving funds shall only be established for specific purposes such as:
- (a) central stores fund, to be used for the maintenance of the central stores inventories;

- (b) garage parts and fuel inventory fund, to be used for the maintenance of garage parts and fuel inventories for government owned vehicles;
  - (c) highway materials fund, to be used for the maintenance of highway materials inventories; and
  - (d) such other similar, revolving funds as the General Council deems necessary.
- 48.3 All revolving funds established under this section shall remain part of the consolidated revenue fund.
- 48.4 Any revolving fund established under this section shall be specific as to its purpose and shall include a dollar limit, which shall not be exceeded without prior approval of the General Council.
- 48.5 Where a revolving fund has been authorized, the Management Board may issue directives in respect of the following:
- (a) the accounts and records to be kept;
  - (b) the method of charging and crediting the fund;
  - (c) the method of valuing the inventory of the fund; and
  - (d) any other matter it considers necessary governing the operation of the fund.
- 48.6 For each revolving fund there shall be included in the public accounts a statement for the year showing:
- (a) the assets and liabilities of the fund; and
  - (b) a summary of the transactions of the fund.

#### **49. THE SEAL**

- 49.1 The Teslin Tlingit Council shall have a Corporate Seal. The features of the Seal shall be determined by the Elder's Council. The Chief Executive or in his or her absence or incapacity, the Executive Director or other public officer designated by the Board shall have custody of the Seal.
- 49.2 The Seal shall be affixed to all documents required to be under Seal.

#### **50. AMENDMENT OF THIS CONSTITUTION**

- 50.1 This Constitution of the Teslin Tlingit Council may be amended at the annual meeting of the General Council, providing that a notice of motion, which shall state the nature of



the proposed amendment, is delivered to each Clan Leader and posted in the First Nation main administrative office at least twenty one (21) days before the meeting.

- 50.2 An amendment of this Constitution shall require a consensus/approval of General Council.
- 50.3 Notwithstanding the preceding sections, this Constitution may be amended at any meeting of the General Council provided there is unanimous consent by all members recorded as being in attendance to both the introduction of the amendment and the amendment itself.

## **51. REPEAL OF PREVIOUS CONSTITUTIONS AND TRANSITION**

- 51.1 Any Constitutions previously adopted by the Teslin Tlingit Council are hereby repealed and are superseded by this Constitution.
- 51.2 All By-laws, Ordinances, Agreements and resolutions enacted by the Teslin Tlingit Band shall remain in full force and effect to the extent that they are consistent with this Constitution.
- 51.3 The Teslin Tlingit Council shall be the Executive Council until an Executive Council is selected and appointed, according to this Constitution, and the Chief of the Teslin Tlingit Council shall be the Chief Executive of the Executive Council, until a Chief Executive of the Executive Council is appointed according to this Constitution.

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## Schedule “A”

### Teslin Tlingit Citizenship Code

#### 1.0 Definitions

“*Adopted Child*” means a person who, while a minor, is adopted in accordance with the laws on adoption, which include Teslin Tlingit Council Law or Teslin Tlingit customary laws.

“*Arbitrator*” is either an individual appointed by the Chair of the Dispute Resolution in accordance with section 3.11.2.2 of the Teslin Tlingit Council Final Agreement to hear and determine an appeal from any decision of Teslin Tlingit with respect to an enrollment application or a Teslin Tlingit or Yukon First Nation individual chosen by both the Clan and the applicant, or the Citizenship Committee on behalf of the applicant, to hear and determine an appeal from any decision of a Clan’s refusal to uphold a citizenship application.

“*Beneficiary*” includes a person, who qualifies to be enrolled under the Teslin Tlingit Council Final Agreement in accordance with section 3.2.2.1 and 3.2.3 of the Teslin Tlingit Council Final Agreement, specifically,

A person is eligible for enrollment as a Yukon Indian Person under one of the Yukon First Nation Final Agreements if that Person is a Canadian Citizen and:

3.2.2.1 establishes that he is of 25 percent or more Indian ancestry and was Ordinarily Resident in the Yukon between January 1, 1800 and January 1, 1940;

3.2.2.2 establishes that he is a Descendant of a Person living or deceased eligible under 3.2.2.1; or

3.2.2.3 establishes that he is an Adopted Child of a Person living or deceased eligible under 3.2.2.1 or 3.2.2.2.

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3.2.3 Notwithstanding the requirement for Canadian citizenship in 3.2.2, a Person who is not a Canadian citizen is eligible for enrollment as a Yukon Indian Person under one of the Yukon First Nation Final Agreements if that Person meets one of the criteria set out in 3.2.2.

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“*Citizen*” means any person who is enrolled as a Beneficiary under the Teslin Tlingit Final Agreement, who is not enrolled under any other land claims agreement in Canada, who is recognized by one of the Teslin Tlingit Clans, and is not a citizen of any other First Nation.

“*Citizenship Committee*” means the committee established under this Citizenship Code.

“*Immediate Family Member*” with respect to any person, means:

- (i) the person’s Spouse, parent, child, or grandchild;
- (ii) the Spouse of the person’s child; or
- (iii) the child of the person’s Spouse, if that child is treated as a child of the person.

“*Minor*” means a person who has not yet reached the age of majority as determined from time to time by the Laws of Yukon.

“*Peacemaker Court*” means the body established by the *Teslin Tlingit Peacemaker Court & Justice Council Act: ax’kha xh’adu wus’yé* (November 2011).

“*Registrar*” means the person appointed by the Executive Council to be responsible to maintain the Teslin Tlingit Citizenship List.

“*Spouse*” means a husband or a wife and includes a common-law spouse in accordance with the Laws of General Application or Teslin Tlingit custom.

“*Teslin Tlingit Council Final Agreement*” means the Teslin Tlingit Council Final Land Claims Agreement, dated May 29, 1993 and which came into effect on February 14, 1995.

“*Teslin Tlingit ancestry*” means a direct descendant of a Teslin Tlingit by either maternal or paternal lineage, notwithstanding any intervening adoption and independent of whether any child of the line was born within or outside a marriage.

“*Teslin Tlingit Citizenship List*” means the list of persons who are confirmed as Citizens of the Teslin Tlingit Council.

## **2.0 Official Teslin Tlingit Citizenship List**

2.1 The Citizenship Committee will have the authority to confirm the official Teslin Tlingit Citizenship List, based upon the March 2012 list filed with the Government of Canada as required under section 21(5) of the Teslin Tlingit Self-Government Agreement.

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### **3.0 Teslin Tlingit Citizenship Requirements**

- 3.1 An individual is entitled to become a Citizen of the Teslin Tlingit Council and be enrolled on the Teslin Tlingit Citizenship List if he or she satisfies the following criteria:
- 3.1.1 qualifies to be enrolled or is enrolled as a Beneficiary under section 3.2.2 of the Teslin Tlingit Council Final Agreement;
  - 3.1.2 confirms that she or he is not enrolled under any other Settlement Agreement (Land Claims Agreement);
  - 3.1.3 is recognized by a Teslin Tlingit Clan; and
  - 3.1.4 elects to be listed as a TTC Citizen and to be removed from any other self-governing First Nation Citizenship list.

### **3.0 Applications:**

- 3.1 Any adult person may apply to the Citizenship Committee to be enrolled as a Citizen.
- 3.2 A Minor may apply on his or her own behalf to the Citizenship Committee to be enrolled as a Citizen.
- 3.3. Any adult person may apply to the Citizenship Committee to enroll a Minor as a Citizen.
- 3.4. Any person who, by order of a court in Canada or pursuant to Legislation, has been vested with the authority to manage the affairs of an adult incapable of managing his or her own affairs may apply to the Citizenship Committee on behalf of the adult.

### **4.0 Procedures to Apply for Citizenship**

- 4.1 The Registrar will provide any individual seeking to become a Teslin Tlingit Citizen with an application form that identifies the citizenship requirements and outlines the application process.
- 4.2 If an individual seeks to enroll under the Teslin Tlingit Council Final Agreement, the applicant will file an application with the Registrar, supported with by the following documentation:
- 4.2.1 birth certificate;
  - 4.2.2 confirmation of beneficiary status in accordance with section 3.2.2 of the Teslin Tlingit Council Final Agreement;
  - 4.2.3 confirmation that the applicant is not enrolled under another aboriginal land claims settlement agreement in Canada in accordance with section 3.4.0 of the Teslin Tlingit Council Final Agreement; and
  - 4.2.4 any other information that the Citizenship Committee considers necessary.

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- 4.3 If an applicant is enrolled under the Teslin Tlingit Council Final Agreement as a Beneficiary and requires Clan recognition, the applicant will provide the Registrar with the following documentation:
    - 4.3.1 birth certificate;
    - 4.3.2 confirmation of maternal or paternal Teslin Tlingit ancestry; and
    - 4.3.3 any other information that the Citizenship Committee deems necessary.
  - 4.4 If an applicant's Teslin Tlingit ancestry comes from their mother, the applicant does not need to provide any additional information.
  - 4.5 If an applicant's Teslin Tlingit ancestry come from their father, additional information regarding the applicants mother's heritage is required to assist the Citizenship Committee to determine the most suitable Teslin Tlingit Clan to recognize the applicant. Such information may include confirmation of whether the mother is:
    - 4.5.1 Tlingit inclusive of particular clan;
    - 4.5.2 Aboriginal and comes from a clan based system;
    - 4.5.3 Aboriginal; or
    - 4.5.4 Non-Aboriginal.
  - 4.6 The Registrar will forward all documentation to the Citizenship Committee immediately upon receipt.
  - 4.7 Upon receipt the Citizenship Committee will review the application. The Citizenship Committee will notify the applicant of the date, time and location of a hearing in writing at least 10 working days prior to the hearing date.
  - 4.8 The application will be heard within 90 days from the date the Citizenship Committee received the application.
  - 4.9 All information received for the purpose of a Citizenship application will be treated as confidential and may not be released without the written consent of the applicant.
  - 5.0 Citizenship Committee**
  - 5.1 The Citizenship Committee will be comprised of seven Teslin Tlingit Citizens, as represented by one Clan member nominated from each of the five Teslin Tlingit Clans, one Elder nominated by the Elders Council and one Youth nominated by Executive Council.
  - 5.2 The Citizenship Committee nominations will be confirmed by a General Council resolution.

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- 5.3 The Citizenship Committee members' terms will be for a period of 5 years.
  - 5.4 The Citizenship Committee will have the authority to:
    - 5.4.1 decide and confirm an individual's enrollment application pursuant to section 3.10.1 of the Teslin Tlingit Final Agreement and in accordance with section 4.1 of this Code;
    - 5.4.2 provide recommendations to Clans to provide Clan recognition of a Teslin Tlingit Beneficiary;
    - 5.4.3 reconsider applications where Clans have refused the Committee's recommendations; and
    - 5.4.4 review, decided and confirm renewal applications.
  - 5.5 The Citizenship Committee will have the following responsibilities:
    - 5.5.1 provide fair and confidential hearings;
    - 5.5.2 review and decide on applications in a timely manner, no longer than 90 days from the date the Citizenship Committee received the application;
    - 5.5.3 determine whether a child has been adopted in accordance with Teslin Tlingit custom or by Legislation;
    - 5.5.4 notify the Registrar in a timely manner of the Citizenship Committee's decision; and
    - 5.5.5 provide written reasons to any applicant whose application has been denied.
  - 5.6 The Citizenship Committee will have the authority to establish its own forms and rules for the conduct of their own proceedings.
  - 5.7 The Citizenship Committee may seek the advice of the Elders Council on any issue. The Citizenship Committee may also request the Elders Council's support of a Citizenship Committee's recommendation for Clan recognition by filing a joint recommendation by the Elders Council and Citizenship Committee to the respective Clan.
  - 5.8 For the purpose of a section 4.2 applications the Citizenship Committee will notify the Government in writing of the Citizenship Committee's decision to enroll an individual under the Teslin Tlingit Council Final Agreement. An individual's enrollment shall come into effect 30 days from the Government's receipt of the Citizenship Committee's notice.
  - 5.9 For the purposes of a section 4.3 application, the Citizenship Committee may make a recommendation for a Teslin Tlingit Clan to recognize and confirm an applicant as a Clan member in accordance with the following guidelines:

- 5.9.1 If the mother is non Aboriginal the applicant be considered to be recognized by the father's paternal grandfather's clan or father's maternal great grandfather's clan;
  - 5.9.2 If the mother is Aboriginal, a recommendation needs to be considered in the context of the mother's tradition, namely does the mother come from a clan-based society;
  - 5.9.3 If the mother is Tlingit whose clan is recognized within Teslin Tlingit, the applicant could be considered by the corresponding Teslin Tlingit Clan; or
  - 5.9.4 If the mother is Tlingit whose clan is not recognized as one of the five Teslin Tlingit Clans, the applicant's Clan placement should be considered in accordance with the applicant's moiety.
- 5.10 No member of the Citizenship Committee will participate in a citizenship hearing when the matter involves the Committee member's immediate family.

## **6.0 Citizenship Registrar**

- 6.1 The Executive Council will appoint a person to be responsible to manage all applications for Citizenship and to maintain the Teslin Tlingit Citizenship List.
- 6.2 The Registrar will maintain a current list of the names and addresses of all persons who are registered as Teslin Tlingit Citizens.
- 6.3 The Registrar will:
- 6.3.1 receive and acknowledge receipt of applications from persons applying under this Citizenship Code;
  - 6.3.2 ensure that each applicant at the time of filing the application provides an address for delivery of communication from the Registrar or the Citizenship Committee;
  - 6.3.3 supply application forms to any individual seeking to either be enrolled under the Teslin Tlingit Final Agreement or apply to become a Citizen;
  - 6.3.4 ensure that the applicant provides all the necessary documentation before forwarding the application to the Citizenship Committee;
  - 6.3.5 immediately notify each applicant in writing of the Citizenship Committee's decision;
  - 6.3.6 advise the applicant, in writing, of appeal procedures should their application be denied; and
  - 6.3.7 place the name of the applicant on the Teslin Tlingit Citizenship List if their application has been approved.
- 6.4 The Registrar will keep up to date files of all records of applicants and minutes of Citizenship Committee meetings.

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## **7.0 Appeal**

- 7.1 If the Citizenship Committee rejects an enrollment application, pursuant to section 4.2 or refuses to make a decision within 120 days upon receipt of the application, then an appeal will lie to a single arbitrator appointed by the Chairperson of the Dispute Resolution, in accordance with section 3.10.2.2 of the Teslin Tlingit Council Final Agreement.
- 7.2 In the case where a Clan refuses to endorse and apply the Citizenship Committee's recommendation to provide Clan recognition of an applicant, the Clan Leader will advise the Citizenship Committee in writing along with supporting reasons for the Clan's decision.
- 7.3 In the case where a Clan has refused to uphold a citizenship application and will not recognize the applicant as a clan member, the applicant may apply to the Peacemaker Court, within three months from the date of the Clan's written notice to the Citizenship Committee, to have the matter resolved through mediation.
- 7.4 Failure to achieve a resolution through mediation an applicant may appeal the matter to the Teslin Tlingit Peacemaker Court (Stage 2) on the grounds that the Clan failed to observe the principles of natural justice. The Peacemaker Court will have two months from the receipt of the application to review the application, hold a hearing and reach a final decision.

### *Transitional Measure*

- 7.5 Until such time as the Peacemaker Court assumes its adjudicative authority in Stage 2 an applicant can appeal a Clan's decision to an arbitrator, chosen by both the Clan and the applicant, or the Citizenship Committee on behalf of the applicant, who will have the authority to determine and hear the appeal and make a final decision on the grounds that the Clan failed to observe the principles of natural justice. The arbitrator will have two months from the receipt of the application to review the application, hold a hearing and reach a final decision.
- 7.6 In either case the Peacemaker Court (Stage 2) or the arbitrator will have the authority to overturn the Clan's decision and direct the Clan to reconsider the Citizenship application under appeal, based on the findings of the appeal body.

## **8.0 Loss or termination of Citizenship**

- 8.1 Any individual who is in violation of the Citizenship Code requirements and fails to resolve the violation in a reasonable period of time upon notice will have their Citizenship terminated.



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## Schedule “B”

### Rules of Selection for the Positions of Chief Executive Officer and Deputy Chief Executive Officer

1. These selection rules are to guide the conduct of the selection of the Chief Executive Officer and the Deputy Chief Officer of the Teslin Tlingit Council and as provided by the Constitution. Both positions are open to male and female nominees. These selection rules will be used by the Speaker to maintain the integrity, impartiality and fairness of the selection process.
2. The General Council will advise the Speaker when the selection process will occur during the period from June 1<sup>st</sup> to November 30<sup>th</sup> in the selection year starting in 2008 and thereafter occurring every fourth year.
3. The Speaker of the General Council in consultation with the Executive will determine the date, time and place of the annual General Council in the selection year.
4. The Speaker will provide notice of the General Council date, which must be provided at least 40 days in advance of the General Council, to allow for a 14 day nomination period from the date of the provision of the notice of the General Council.
5. The nomination deadline will be 8 p.m. on the 14<sup>th</sup> day from the provision of notice of the General Council by the Speaker or if the nomination deadline falls on a weekend or a holiday, the time will automatically be extended to the next day which is not a weekend or holiday.
6. The nomination forms must be filed in accordance with the prescribed nomination form, herein attached to this Schedule, for each of the positions of Chief Executive Officer and Deputy Chief Executive Office, as provided by the Speaker which must at least include:
  - (i) verification of nominee’s age;
  - (ii) proof of identification of nominee as TTC Citizen;
  - (iii) endorsement by at least Clan Leaders;
  - (iv) confirmation of commitment for the four year term for either the office of Chief Executive Office or Deputy Chief Executive Officer;
  - (v) knowledge of TTC heritage and culture or commitment to learn the TTC heritage and culture;
  - (vi) acknowledgement of acceptance of the selection process and the finality of the outcome of the outcome of the section process; and
  - (vii) other such matters as required by the Speaker.

7. Following the close of nominations there will be a period of 14 days, during which time the candidates for the position of Chief Executive Officer and Deputy Chief Executive Officer will have an opportunity to address a public forum, the Clan Leaders, Elders Council and the Clans and this period of time will be known as the “Public Consultation Period”.
8. Following close of the Public Consultation Period, the Clan Leaders and the Elders Council will meet and at this meeting the respective candidates for both positions will have an opportunity to address this meeting and thereafter the Clan Leaders and the Elders Council will create a short list of candidates for both positions, and if requested by the Clan Leaders and the Elders Council the Speaker will facilitate this meeting to the extent required.
9. Following a minimum of seven days after the conclusion of the meeting of the Clan Leaders and Elders Council, the General Council will consider the candidate(s) on the short list for each position and attempt to reach a consensus on the selection of the Chief Executive Officer and the Deputy Chief Executive Officer.
10. If consensus is reached on the selection of the Chief Executive Officer and/or the Deputy Chief Executive Officer then both or either selection will be referred back to the Elders Council and the Clan Leaders for ratification of the selection(s).
11. After thorough discussion if General Council cannot reach consensus, the General Council will convene the positions of both or either the Chief Executive Officer or the Deputy Chief Executive Officer to be determined by secret ballot by the members of the General Council.

To be declared to be the successful candidate for both or either the position of the Chief Executive Officer or the Deputy Chief Executive Officer the candidate must have received 60% (sixty percent) of the ballots cast in his/her favour for both or either position.

The candidate for either position receiving the least numbers of votes will be dropped from any subsequent ballot.

Balloting will continue until the 60% (sixty percent) majority is reached for both or either position.

For the Leadership selection year of 2012 all Clans will be guaranteed five votes per Clan including by proxy if required.

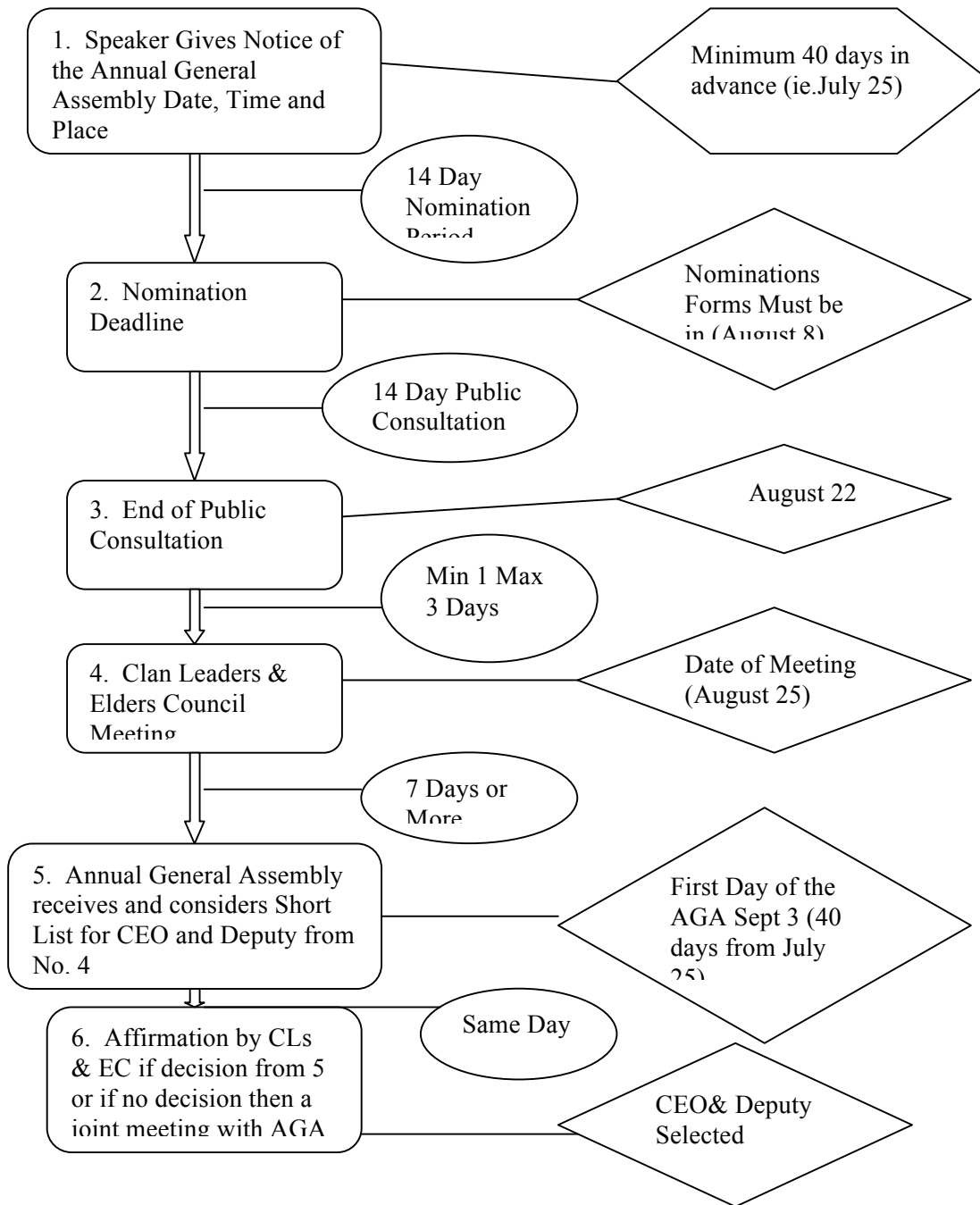
12. The Speaker will have conduct over the selection and/or the election process and declare the names of the successful candidate(s) as the case may be.
13. If either the Chief Executive Officer or the Deputy Chief Executive Officer is a member of the Executive Council then the respective clan will replace that officer as its representative on the Executive Council.

14. The Speaker will have general conduct over the selection process ensuring:

- (i) sufficient time for nominations;
- (ii) compliance with filing deadlines;
- (iii) sufficient time for public consultations;
- (iv) coordination of meetings of the Clan Leaders and the Elders Council in advance of the General Council meeting;
- (v) provision to the General Council of a short list of candidates for the positions of Chief Executive Officer and Deputy Chief Executive Officer at least 7 days prior to the first day of the General Council meeting; and
- (vi) undertaking of such matters for the good conduct of the selection process.

15. The attached diagram can be used for ease of reference and to clarify the selection process.

**TESLIN TLINGIT COUNCIL  
LEADERSHIP SELECTION CHART  
(2008 Proposed Process)**



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**NOMINATION FORM FOR THE POSITION OF THE  
DEPUTY CHIEF EXECUTIVE OFFICER OF THE TESLIN TLINGIT COUNCIL**

We, the undersigned and two duly appointed and/or acting Clan Leaders of the Teslin Tlingit Council, confirm our belief and support for the nomination of \_\_\_\_\_, for the position of the Deputy Chief Executive Officer of the Teslin Tlingit Council.

We verily believe and are advised by the nominee that he/she is:

- (i) at least 18 years of age;
- (ii) a TTC Citizen;
- (iii) committed to serve as the Deputy Chief Executive Officer for the required four year term;
- (iv) knowledgeable of our heritage and culture or is committed to continue to learn and respect our heritage and culture;
- (vi) accepts the selection process and the finality of the outcome of the selection process and
- (vii) respects and will abide by the rules of the selection process as informed by the Teslin Tlingit Constitution.

I, the honoured nominee, for the position of the Deputy Chief Executive Officer, confirm the truth and accuracy of the foregoing, and I further confirm my willingness to stand for the office of the Deputy Chief Executive Officer of the Teslin Tlingit Council. I also confirm that I am/am not prepared to allow my nomination to stand for position of Chief Executive Officer.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, at the \_\_\_\_\_ of \_\_\_\_\_, in the Yukon Territory.

\_\_\_\_\_  
(name of nominee)

Dakhláwèdi (Eagle)  
Dèshitan (Beaver)  
Ishkitan (Frog)  
Kùkhittan (Raven Children)  
Yanyèdi (Wolf)

Doug Smarch Sr. \_\_\_\_\_  
Cheryl Jackson \_\_\_\_\_  
Sam Johnston \_\_\_\_\_  
Jimmy Johnston \_\_\_\_\_  
Mathew Thom \_\_\_\_\_