TR'ONDËK HWËCH'IN

GOVERNANCE ACT

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TR’ONDËK HWËCH’IN GOVERNANCE ACT

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WE ARE DËNEZHU. WE LIVE TR'ËHUDÈ.

We are Dënezhu, the people of this land
We are Tr'ondëk Hwëch'in, the people of this river
following the ways Tsà' Wëzhè traveled
and remembering his journey and the living inheritance he left us –
Tr'ëhudè, our way of life and our law.

We are Dënezhu, the people of this land
salmon people and caribou people
weather-watchers and story people.
Ours is a constitution of stories and promises –
a promise to listen to the land
a promise to act humbly and show gratitude for the gifts that sustain us
a promise to take care of each other.

The promises Tsà' Wëzhè made in the long-ago times are the core of our identity as Dënezhu
the source of our wealth, the reason we endure
and the root of our kinship with the land and our animal relatives
those with fur or fins or feathers
leaves or needles or berries or flowers
two legs or four legs, more legs or none
who taught us how to survive, but also how to live.
These promises are happy obligations
because when we look after our relatives, they look after us.

Tsà' Wëzhè used his wits to make the world safe for us
so we live Tr'ëhudè to protect the balance he made
still telling the stories that bind us to this land
and keeping our promises so the animals keep theirs –
for all the generations yet to be born.

That is what we mean when we say we are Dënezhu, the people of this land
That is what it means to be Tr'ondëk Hwëch'in, the people of this river.

TR’ONDËK HWËCH’IN VALUES

The *Tr’ondëk Hwëch’in Governance Act* helps us have a functioning government by writing down rules, setting expectations, and explaining how the different parts of our government fulfill their obligations to each other. By following this Act, we encourage transparency, consistency, fairness and confidence in our government and everyone who participates in it.

“Governance” does not only describe the Tr’ondëk Hwëch’in Government and how it operates. Governance also happens throughout the community. It comes from living Tr’ëhudè, a Hän word meaning “our way of life” or “how to go through life in a good way.” We see governance when citizens live their culture or interact with the land and animals that sustain us. We see governance coming from the land, animals, and ancestors. When an Elder tells a story, or interprets signs from the weather, or shares teachings from long ago, they are governing. In governance, we see the continuation of Tr’ëhudè in everyday actions.

Incorporating aspects of Tr’ondëk Hwëch’in governance into the Tr’ondëk Hwëch’in Government is an ongoing challenge. We work to bring Dënezhu ways into the colonial government structures that surround us. Therefore, Tr'ondëk Hwëch'in culture, values and principles are the foundation we rest on when we interpret the *Tr'ondëk Hwëch'in Governance Act*:

Integrity means knowing what is fair and what is right, and upholding the truths that we sense within. Integrity in our government means doing our best for our community, our land, and ourselves. Although we may make mistakes, we still act with integrity. This way, we achieve fairness and consistency in our work.

Respect means recognizing that every individual has an important role to play. Every employee, every committee member, every member of Council, and every citizen of the General Assembly contributes to our government. Respect means knowing your role and fulfilling your obligations with humility and generosity. It also means respecting the roles and obligations of others. Every person and every branch of our government deserves respect.

Interconnection threads through the Governance Act and shows how the different parts of our government operate, communicate, and interact. All aspects of our government are interconnected and they affect each other, just as the land, water, air, and animals do. Recognizing how the parts of our government are interconnected helps us communicate and know what to expect from each other.

Balance is at the heart of the Governance Act, the Tr’ondëk Hwëch’in Constitution, and Tr’ëhudè governance that grounds us. The branches of our government are balanced in their powers and responsibilities; for example, when information, advice, recommendations and directions flow back and forth between Council and the General Assembly. Our government bodies make good decisions by seeking consensus, encouraging discussion and deliberation, and considering the harmony and wellbeing of the community over the individual.

The Tr'ondëk Hwëch'in Governance Act will change and grow along with our government and the community. It is a living document designed to uphold Tr'ondëk Hwëch'in values.

Now therefore, pursuant to section 8 of the *Constitution of the Tr'ondëk Hwëch'in*, the General Assembly enacts as follows:

PART 1 – GENERAL PROVISIONS

Purpose

1. The purpose of this act is to

   1.1. ensure that Tr'ondëk Hwëch'in governance is conducted in accordance with Tr'ondëk Hwëch'in cultural values and the highest standards; and

   1.2. prescribe the codes of conduct and conflict of interest rules, designations of authority and rules of procedure required for effective modern treaty governance that meets Tr'ondëk Hwëch'in constitutional obligations and conforms to Tr'ondëk Hwëch'in culture, values, customs and traditions.

Citation

2. This act will be cited as the *Tr'ondëk Hwëch'in Governance Act*.

Definitions

3. In this act, the definitions of the Constitution will apply and

"Administration Building" means the principal building of the Government Administration holding the normal offices of the Executive Director and other senior officials and designated as such by Council resolution.

"Chairperson" means the presiding officer at any meeting.

"Constitution" means the *Constitution of the Tr'ondëk Hwëch'in* adopted by the Tr'ondëk Hwëch'in General Assembly on August 22, 1998, as amended from time to time.

"Council" has the same meaning as it does in the *Constitution of the Tr'ondëk Hwëch'in*.

"Council Order" means the instrument by which Council is required to exercise a specific power or duty provided to Council by the Constitution, legislation or a Council policy and that must be passed by Council in keeping with the process for a Council Order that is required by this act.

"Director" means the senior official hired by the government to manage a department.

"Executive Director" means the senior administrative official appointed by Council to manage the administration of the government.

"Fee, Benefit, or Gift" means any direct cash or in-kind benefit received by a person from a third party and includes the use of property such as vehicles or recreational property, honoraria, and provision of services.

"Final Agreement" means the land claims agreement entered into by the Tr'ondëk Hwëch'in, Her Majesty the Queen in Right of Canada and Government of Yukon that was brought into legal effect on September 15, 1998.

"General Assembly" has the same meaning as it does in the *Constitution of the Tr'ondëk Hwëch'in*.

"Government Administration" means the collective body of every department of the Tr'ondëk Hwëch'in, that is managed by and includes the Executive Director.

"Including" means "including but not limited to".

"Immediate Family" has the same meaning as it does in the *Constitution of the Tr'ondëk Hwëch'in* but for the purpose of this act additionally includes the immediate family of the spouse or common-law partner of the person and the immediate family of any other person who resides permanently with the person or with whom the person permanently resides.

"Member" means a duly elected member of Tr'ondëk Hwëch'in Council or a member of a board, commission or committee established by Council, as the context warrants.

"Quorum" means the minimum number of persons who must be present at a meeting before business may be transacted or decisions made.

"Self-government Agreement" means the self-government agreement entered into by the Tr'ondëk Hwëch'in, Her Majesty the Queen in Right of Canada and Government of Yukon that was brought into legal effect on September 15, 1998.

"Settlement Land" has the same meaning as it does in the *Tr'ondëk Hwëch'in Final Agreement*.

"Traditional Territory" has the same meaning as it does in the *Tr'ondëk Hwëch'in Final Agreement*.

"Tr'ondëk Hwëch'in Seal" means a brand to authenticate official documents of the Tr'ondëk Hwëch'in.

Interpretation

4. In this Act

4.1. unless it is otherwise clear from the context, the use of the singular includes the plural, and the use of the plural includes the singular;

4.2. headings form no part of the enactment but are inserted for convenience only;

4.3. a reference to another enactment means that enactment as amended or replaced from time to time;

4.4. where the time limit for doing a thing expires or falls on a Saturday, Sunday or a day when Tr'ondëk Hwëch'in offices are closed, the thing may be done on the next following day that is not a Saturday, Sunday or a day when Tr'ondëk Hwëch'in offices are closed;

4.5. where there is a reference to a number of days or a number of days between two events, the days on which the events happen are excluded in calculating the number of days; and

4.6. where time is expressed to begin or end at, on or with a specified day, or to continue to or until a specified day, the time includes that day.

Application

5. This act applies to

5.1. the Tr'ondëk Hwëch'in General Assembly and the Tr'ondëk Hwëch'in Council, as established by the *Constitution of the Tr'ondëk Hwëch'in*;

5.2. Tr'ondëk Hwëch'in boards, commissions and committees, as established by Council; and

5.3. all government employees.

6. If there is a conflict between this act and any other act enacted before or after this act comes into force, this act prevails to the extent of the conflict, unless the other act contains an express provision that it, or a relevant provision of it, applies notwithstanding this act.

7. Any policy, procedure, practice or other requirement in effect immediately before this act comes into force that is not in conformity with this act is, to the extent of the nonconformity, no longer in effect.

PART 2 – CONDUCT

Tr'ondëk Hwëch'in Cultural Values for Governance

8. Every person participating in any aspect of Tr'ondëk Hwëch'in governance (including meetings of the General Assembly, Council, Youth Council and boards, commissions and committees) and every person representing or acting on behalf of the Tr'ondëk Hwëch'in (including as a government employee) will, to the best of their ability, conduct business in a manner that reflects Tr'ondëk Hwëch'in culture and values.

Code of Conduct

9. Every person participating in any aspect of Tr'ondëk Hwëch'in governance (including meetings of the General Assembly, Council, Youth Council and boards, commissions and committees) and every person representing or acting on behalf of the Tr'ondëk Hwëch'in (including as a government employee) will comply with the Code of Conduct attached as Schedule "B" to this act.

Conflict of Interest

10. Every person participating in any aspect of Tr'ondëk Hwëch'in governance (including meetings of the General Assembly, Council, Youth Council and boards, commissions and committees) and every person representing or acting on behalf of the Tr'ondëk Hwëch'in (including as a government employee) will comply with the Conflict of Interest Code attached as Schedule "C" to this act.

11. Council may make conflict of interest regulations it considers advisable, prescribing

11.1. interests of the government, other than those outlined in the code, to which the regulations will apply;

11.2. procedures for disclosing and addressing a conflict of interest; and

11.3. any other matter Council considers necessary to protect the integrity of decisions and the dignity of Council, the government and Tr'ondëk Hwëch'in citizens.

Confidentiality

12. Every person participating in any aspect of Tr'ondëk Hwëch'in governance (including meetings of the General Assembly, Council, Youth Council and boards, commissions and committees) and every person representing or acting on behalf of the Tr'ondëk Hwëch'in (including as a government employee) will comply with any oath of confidentiality they are required to take as a condition of their participation.

Abuse of Power and Undue Influence

13. Abuse of power involves the misuse of power by someone in a position of authority, who can use their leverage to oppress persons in a lower position or to induce them to commit a wrongful act. This includes taking advantage of someone, bullying, personal favouritism, a reasonable apprehension of bias, publicly embarrassing someone, or manipulating someone with the ability to punish them if they do not comply.

14. Abuse of power involving a public officer improperly using their authority may include other types of wrongful conduct, such as gaining access to information that should not be accessible to their position or the public.

15. Undue influence is any act of improper persuasion that deprives a person of freedom of choice, substitutes another's choice or desire for the person's own, or overcomes the free will and judgment of another, including exhortations, insinuations, flattery, trickery, and deception.

16. Abuse of power and undue influence are unacceptable behaviours and subject to disciplinary action. Even the perception of Abuse of Power and Undue Influence must be avoided.

Council and the Code of Conduct

17. Each member of Council will comply with the Code of Conduct attached as Schedule "B" to this act.

18. If Council determines that a member of Council has violated the Code of Conduct, Council may, by Council Order, suspend the member from Council for a specified period of time. Such person will have the right within 30 days to make submissions to the Elders Council regarding their suspension. At its discretion, the Elders Council may accept such a submission from a member of Council for consideration and may reinstate the member completely or reinstate them for a probationary period. If rendered, the decision of the Elders Council will be final.

Council and conflict of interest

19. Each member of Council will comply with the Conflict of Interest Code attached as Schedule "C" to this act and any conflict of interest regulation.

20. If there is a disagreement about whether or not the member of Council is in a conflict of interest, Council will decide by resolution whether or not the member is in a conflict of interest. The member in question will

leave the meeting for the duration of the debate of the motion and any vote and will not participate.

21. If a member of Council is considered to be in a conflict of interest and in the absence of any conflict of interest regulations

21.1. the member will leave the meeting for the duration of consideration of the issue in question and will not vote on any matter related to the issue in question; and

21.2. Council may identify any additional actions required to be undertaken to remedy the conflict and any additional actions required to ensure that the issue in question is resolved in a fair and unbiased manner.

22. If Council determines that a member of Council has violated the conflict of interest code or any conflict of interest regulation, Council may, by Council Order, suspend the member from Council for a specified period of time. Such person will have the right within 30 days to make submissions to the Elders Council regarding their suspension. At its discretion, the Elders Council may accept these submissions for consideration, and may reinstate the member completely or reinstate them for a probationary period. If rendered, the decision of the Elders Council will be final.

Gifts

23. No person will accept a fee, benefit, or gift in connection with the performance of the duties and responsibilities of their position, except for

23.1. amounts paid or benefits supplied to the person pursuant to an act, or a resolution of Council;

23.2. amounts paid or benefits supplied to the person because of their appointment as a representative of the government;

23.3. gifts given to a person that are received as an incident of the protocol, customs or social obligations that normally accompany the responsibilities of their position and that are within the normal bounds of propriety, a normal expression of courtesy or protocol, or within the normal standards of hospitality and have a value of $200 or less;

23.4. gifts accepted by a person on behalf of the Tr'ondëk Hwëch'in and immediately delivered to the government.

24. For the purpose of section 23.3, multiple gifts from a single source in any calendar year are to be treated as though they were a single gift, and the total value of those gifts must not exceed $200.

25. If a person accepts a gift in contravention of section 23, then the gift will be forfeited to the government, or the gift's value if the gift is no longer in the person's possession. If a person accepts multiple gifts from a single source in any period of 12 months, only gifts that cause the total value of gifts to exceed $200 will be forfeited to the government.

26. A person who receives an offer of a fee, benefit or gift that may be seen to hold the potential to influence their participation in Tr'ondëk Hwëch'in governance will decline the offer and disclose the matter to the government.

27. If a gift is offered or made to a person and receipt of that gift would cause the person to contravene the act or any gifts regulation made by Council, but that gift cannot respectfully be declined or returned, the person may accept the gift and deliver it to the government to be kept as a gift to the Tr'ondëk Hwëch'in.

28. Council may make gifts regulations it considers advisable prescribing procedures for disclosing and managing the receipt of gifts.

PART 3 - COUNCIL

Term of office

29. The Council term of office

29.1. is determined by section 9.4 of the *Constitution of the Tr'ondëk Hwëch'in*;

29.2. commences upon the taking of the oath of office by a quorum of the duly elected Council under section 30.1 and section 30.2 of the *Tr'ondëk Hwëch'in Election Act*; and

29.3. expires immediately a quorum of the next duly elected Council has taken the oath of office.

30. Elections for Council are conducted per the dates set out in the *Tr'ondëk Hwëch'in Election Act*.

Orientation

31. After an election for Council, and prior to the next Council taking office, the Executive Director will prepare and deliver a comprehensive orientation for the new Council.

Oath of office

32. Every person duly elected to Council will take and sign the Oath of Office, herein attached to this act as Schedule "A", in front of a person having the authority to administer such an oath, before exercising their duties as a member of Council.

33. If a person elected to Council fails to take the prescribed Oath of Office within 30 days after their term of office is due to commence then their election will be considered null and void and their office vacant.

34. If Council determines that a member of Council has breached their Oath of Office, Council may, by Council Order, suspend the member from Council for a specified period of time. Such person will have the right within 30 days to make submissions to the Elders Council regarding their suspension. At its discretion, the Elders Council may accept such a submission from a member of Council for consideration and may reinstate the member completely or reinstate them for a probationary period. If rendered, the decision of the Elders Council will be final.

Authority, Duties and Responsibilities

35. Council has the powers, duties and responsibilities described in section 10 of *Constitution of the Tr'ondëk Hwëch'in*.

36. Actions and directions of Council will be authorized by resolution at a duly constituted public meeting of Council.

37. Council will ensure that the General Assembly receives a written annual report for each department to inform citizens of the state of the Tr'ondëk Hwëch'in. This report will cover the period of the fiscal year and be presented as complementary to the audited public accounts for the same period.

38. Council has a duty to ensure that the General Assembly is able to exercise its powers and responsibilities described in section 8 of *Constitution of the Tr'ondëk Hwëch'in* by

38.1. ensuring that General Assembly participants are provided adequate opportunities to become informed of matters requiring a General Assembly decision, prior to undertaking the decision; and

38.2. providing advice and recommendations to the General Assembly prior to General Assembly decisions.

39. Within 30 days of a General Assembly meeting, Council will acknowledge receipt of the draft minutes and take steps to address matters arising from resolutions.

Government Administration

40. Council will establish the position of Executive Director and appoint a properly qualified person to the position.

41. The Executive Director

41.1. is the senior official of the Government Administration and reports directly to Council;

41.2. will ensure that the laws, policies and programs of the government are implemented;

41.3. will provide information, advice and recommendations to Council on the operation and affairs of the government, including the annual budget and work plan;

41.4. except as otherwise required by this or any other act, is responsible for directing, managing, and supervising the employees of the government through established lines of authority;

41.5. will carry out the powers, duties, and functions delegated to them by Council, by this or any other act; and

41.6. must notify and advise Council if any action or inaction by the government is contrary to a law, a resolution of Council or any other strategic consideration of the Tr'ondëk Hwëch'in government.

42. The Chief will act as supervisor of the Executive Director on behalf of Council and in this role provide advice as required by the Executive Director to ensure the proper fulfillment of the Executive Director's duties. The Chief may delegate this responsibility to the Deputy Chief, or another member of Council, if the Deputy Chief confirms in writing that they cannot accept the responsibility, by completion of a *Delegation of Management Authority Form.*

43. Subject to any law, policy or contract of employment, the Executive Director is responsible for appointing, suspending, disciplining, or terminating any employee of the government through established lines of authority.

Establishment of departments

44. Council may establish departments to administer and deliver programs and services of the government.

45. Where a department has been established under section 44, the Executive Director will appoint a properly qualified person to the position of Director of the department, who will be the senior official to manage the affairs of the department.

46. One member of Council will be appointed as the portfolio holder for each department.

47. The portfolio holder will

47.1. obtain briefings from the Director of the department and report to Council; and

47.2. review the department's written annual report, required under section 37, before it is provided to the General Assembly.

48. The portfolio holder will not manage or supervise the department nor provide direction to any employee of the department.

General liabilities

49. The government or Council or both will not be held liable for negligence, or any other cause of action, because a law within the jurisdiction of the Tr'ondëk Hwëch'in has not been enacted.

50. The government or Council or both will not be held liable for negligence, or any other cause of action, because of the enactment of a Tr'ondëk Hwëch'in law.

51. Council will not be held liable for not enforcing a law of the Tr'ondëk Hwëch'in whether by prosecution or civil action.

52. Council will not be held liable for negligence, or any other cause of action, because a program or service for Tr'ondëk Hwëch'in citizens has not been developed.

53. A member of Council will not be held liable for any civil action or prosecution as a result of their decision made in good faith.

54. Council, or any other persons authorized to act on behalf of the Tr'ondëk Hwëch'in, will not be held liable for negligence, or any other cause of action, for implementing a policy decision.

55. An employee, official, agent, professional advisor or contractor representing the government will not be held liable for any act or omission made in good faith.

56. If an employee, agent, servant or representative of the government is found guilty of negligence or misconduct, Council will not be held liable for damages, loss or injury arising out of an act or omission by the employee, agent, servant or representative of the government.

57. Council, or any persons authorized to represent the government, will not be held liable for an action based on negligence or nuisance if damages arise, directly or indirectly, from the breakdown or malfunction of any of program or service on Settlement Land.

PART 4 – COUNCIL MEETINGS

Procedure

58. All Council meetings will follow the Council Meeting Code of Procedure attached as Schedule "E" to this act.

Open to public

59. All Council meetings will be open to all citizens, and no citizen will be excluded other than for improper conduct.

60. Despite section 59, or any Meeting Code of Procedure Regulations, Council may close a meeting to the public by passing a resolution to that effect, stating the nature of the matter to be discussed, if the matter to be discussed relates to any of the following:

60.1. commercial information which, if disclosed, would likely be prejudicial to the government or parties involved;

60.2. information received in confidence which, if disclosed, would likely be prejudicial to the government or parties involved;

60.3. personal information, including employee information, per the *Freedom of Information and Protection of Privacy Act*;

60.4. a matter still under consideration and on which Council has not yet publicly announced a decision and about which discussion in public could prejudice the government's ability to carry out its activities or negotiations;

60.5. the conduct of existing or anticipated legal proceedings;

60.6. the conduct of an investigation under, or enforcement of, an act;

60.7. information, the disclosure of which could prejudice security and the maintenance of the law; or

60.8. the security of documents or premises.

61. When a Council meeting is closed to the public, no resolution will be passed.

Location and schedule

62. Council meetings will ordinarily be held at the Administration Building, or from time to time at another location in Yukon, as specified by resolution of Council. A meeting will only be held outside Yukon with the unanimous consent of Council.

63. At the first meeting of a newly elected Council, and at, or prior to, the first meeting of each calendar year thereafter, Council will establish and publish the dates of the regular meetings of Council for that year. Council may schedule additional regular meetings at any time.

64. Notice of all Council meetings must be given not less than 24 hours before a meeting by

64.1. posting a public notice of the time, place, and date of the meeting and in addition a copy of the agenda of the meeting at a publicly accessible location in the Administration Building; and

64.2. delivering a notice of the time, place and date of the meeting and a copy of the agenda to each member of Council at the place to which the member of Council has directed notices to be sent.

65. Regular meetings of Council will ordinarily be called to order as scheduled between 5:30 PM and 7:00 PM and will be adjourned not later than three hours later, unless extended for a period not to exceed one hour. The scheduled time of a regular meeting may be amended with unanimous consent of Council.

66. Council may postpone a scheduled regular meeting of Council by resolution or, if it is evident that a quorum will not be present at the meeting, by unanimous written consent. Notice of the postponement will be posted at a public location in the Administration Building, stating the reason for the postponement and the rescheduled date.

67. Subject to section 64, the Chief or any two members of Council may request a meeting of Council be scheduled at any time provided that the request is made in writing and states the purpose of the meeting.

Quorum

68. A quorum of Council is determined by the Constitution.

69. If no quorum is present within 30 minutes after the scheduled time of a Council meeting

69.1. the meeting will not be held;

69.2. the Executive Director will record the names of the members of Council in attendance; and

69.3. the meeting will be postponed to a time mutually convenient to the majority of the members of Council.

70. If at any time during a Council meeting there ceases to be quorum, business then in progress will be suspended until there is quorum present or until the meeting is adjourned or terminated.

Participation by telephone or other electronic means

71. Any number of members of Council, including the Chairperson, may participate in any meeting by telephone or other electronic means as long as the medium permits all persons participating in the meeting to hear each other clearly.

72. Members of Council participating in a meeting by telephone or other electronic means will be deemed to be present in the meeting as though they were physically present.

73. If there is an interruption in the communications link resulting in the loss of a quorum

73.1. the members of Council present may decide on a short recess until it is determined that the link can be restored; or

73.2. the meeting will be terminated and rescheduled.

Meeting Record

74. Minutes are a record of the decisions of Council passed by resolution.

75. The Executive Director will ensure that minutes for Council meetings are properly recorded, published and preserved.

76. Minutes of Council meetings will include at a minimum

76.1. the type, date, time and location of the meeting;

76.2. a record of the members of Council in attendance and the Chairperson;

76.3. a listing of agenda items considered including a record of delegates;

76.4. motions proposed, agreed by consensus, voted upon or otherwise disposed of; and

76.5. a record of the outcome of all motions, including, if requested by a member of Council, the record of specific votes by the members of Council on any motion.

77. The minutes of Council meetings will be adopted by a resolution that may direct corrections. Minutes may be adopted without being read to the meeting if every member of Council has received a copy of the minutes prior to the meeting. Once adopted the minutes will constitute the definitive record of the meeting.

78. After adoption, the minutes of Council meetings, as corrected if so directed by the adoption resolution, will be signed by the Chairperson and the Executive Director.

79. Minutes of Council meetings will be kept as public records at the Administration Building and be made available to citizens upon reasonable notice during regular business hours.

PART 5 – BOARDS, COMMISSIONS AND COMMITTEES

Authority

80. Pursuant to section 10.1.1.8 of *Constitution of the Tr'ondëk Hwëch'in*, Council may establish boards, commissions and committees to advise Council in its exercise of the powers, duties and responsibilities belonging to Council as described in the Constitution.

81. Boards, commissions and committees established by Council are advisory only, unless specific powers or duties or responsibilities are delegated by the Terms of Reference or Tr'ondëk Hwëch'in law.

82. Council may make regulations prescribing the policies, standards, procedures, and any other requirements for the exercise of the duties or responsibilities of Council that are specifically delegated to a board, commission or committee established by Council.

83. For boards, commissions and committees required to be established by Tr'ondëk Hwëch'in law, the law may vary the applicable requirements set out in this Act.

Membership

84. Appointments and revocation of appointments to boards, commissions and committees are made by Council.

85. Members of boards, commissions and committees serve at the pleasure of Council and appointments may be revoked by Council, at any time, without providing a reason.

86. Except as the ex-officio member, pursuant to section 11.1.2 of *Constitution of the Tr'ondëk Hwëch'in,* a member of Council will not be appointed to a board, commission or committee.

87. Vacancies will be posted to allow citizens adequate time to respond, and appointments will be made in a transparent and fair manner that enables participation by the full diversity of citizens.

Terms of Reference

88. Boards, commissions and committees are established by the approval of the Terms of Reference, by Council Order, that includes:

88.1. the mandate and purpose;

88.2. the specific delegation of any of the powers or duties or responsibilities of Council, in whole or in part or on terms;

88.3. the policies, standards, procedures, and any other requirements for the exercise of any duties or responsibilities of Council that are specifically delegated;

88.4. membership and responsibilities, including any special requirements for confidentiality;

88.5. the term of the mandate;

88.6. meeting procedures, including the recording and publishing of minutes;

88.7. provisions for meetings to be open to public;

88.8. reporting requirements; and

88.9. arrangements for administrative and budgetary support.

89. If the term of the mandate is not fixed, Council will review of the Terms of Reference every three years.

90. Boards, commissions and committees and their members will comply with the requirements of the Terms of Reference and not meet after the expiry of the established term of the mandate.

91. Notwithstanding section 88.7, Council may determine that the mandate and purpose of a board, commission or committee are generally related to those described in section 60 and include a provision in the Terms of Reference that its meetings will be closed to the public.

PART 6 – GENERAL ASSEMBLY MEETINGS

General Assembly

92. General Assembly has all the powers, duties and responsibilities described in section 8 of *Constitution of the Tr'ondëk Hwëch'in*.

93. Actions and directions of the General Assembly will be authorized by resolution.

94. Quorum is determined by the Constitution.

95. A quorum must be present to pass a resolution.

96. The General Assembly may, by consensus, agree to convene without quorum present, for the purpose of information sharing and discussion.

97. General Meetings of the General Assembly will be convened by Council not sooner than four months and not later than eight months after the previous General Meeting.

98. Notice of a General Assembly meeting will be forwarded by mail to the last known address of all Tr'ondëk Hwëch'in citizens and advertised in local media, and will include at a minimum:

98.1. the place and date(s) of the meeting;

98.2. a draft agenda;

98.3. draft motions for debate at the meeting; and

98.4. any other material required by this Act.

99. General and Special Meetings of the General Assembly will follow the General Assembly Code of Procedure attached as Schedule "D" to this Act.

Participation by telephone or other electronic means

100. Council may direct that a meeting of the General Assembly will allow participation by telephone or other electronic means, and if so, such information will be included in the meeting notice under section 98.

101. Subject to section 100, any number of citizens may participate in a General Assembly meeting by telephone or other electronic means, as long as the medium permits a quorum to hear each other clearly.

102. Subject to section 100, citizens participating in a General Assembly meeting by telephone or other electronic means will be deemed to be present in the meeting as though they were physically present.

Closed session

103. General Assembly meetings will be open to all citizens, and no citizen will be excluded other than for improper conduct, in accordance with the General Assembly Code of Procedure.

104. Non-citizens may attend a General Assembly meeting upon invitation by Council, including staff, contractors and delegates.

105. Despite section 104, the General Assembly may pass a resolution at any time to close a meeting to exclude non-citizens.

Direction to Council

106. A citizen may move a motion to provide direction to Council pursuant to section 8 of *Constitution of the Tr'ondëk Hwëch'in* when the Chairperson calls for such motions, in accordance with the adopted agenda. Such motion must be seconded.

107. A motion made under section 106 requires a General Assembly resolution approving the motion for a full debate.

108. The mover of the motion made under section 106 may speak to the objective of the motion, but it will not be debated prior to its acceptance by the General Assembly.

109. A motion made under section 106 will be debated at a subsequent meeting of the General Assembly.

110. Notwithstanding sections 106 to 108, a motion to provide direction to Council pursuant to section 8 of *Constitution of the Tr'ondëk Hwëch'in* that is moved and seconded by any two members of Council may be debated at the same meeting of the General Assembly, if it is supported by a Council resolution which includes a recommendation to the General Assembly to pass or reject the motion.

111. Pursuant to section 38 of this Act, and for greater certainty:

111.1. Council will make best efforts to comply with its obligations to the General Assembly to facilitate informed debate of a motion to provide direction to Council, prior to the motion appearing on the agenda; and

111.2. the recommendation by Council to pass or reject the motion to provide direction to Council will be included in the notice of the meeting of the General Assembly.

Meeting Record

112. Minutes are the record of General Assembly decisions passed by resolution.

113. Council will ensure that minutes for General Assembly meetings are properly recorded, published and preserved.

114. A Secretary, who may be a non-citizen, will be appointed by Council to record the minutes, which will include

114.1. the type, date, time and location of the meeting;

114.2. a record of the citizens in attendance and the Chairperson;

114.3. a listing of agenda items considered including a record of delegates;

114.4. motions proposed, agreed by consensus, voted upon or otherwise disposed of; and

114.5. a record of the outcome of all motions, including, if requested by a citizen, a record of specific citizen votes on any motion.

115. The minutes of General Assembly meetings are adopted by a resolution that may direct corrections.

116. If the minutes have been provided in advance of the meeting, they may be adopted without being read to the meeting. Once adopted the minutes constitute the definitive record of the meeting.

117. The minutes of the General Assembly will be signed by the Chief, or in their absence the Deputy Chief, after they are adopted.

118. Minutes of General Assembly meetings will be kept as public records at the Administration Building and made available to citizens upon reasonable notice during regular business hours.

PART 7 – LEGISLATION

Authority

119. Under the *Constitution of the Tr'ondëk Hwëch'in* the General Assembly has the authority to enact and repeal Tr'ondëk Hwëch'in laws. For greater certainty, the authority to enact and repeal a law includes the authority to enact, amend or repeal an act, and to enact, amend or repeal a regulation.

119.1. Authority to enact, amend or repeal a regulation is assigned to Council.

120. This part will apply to the enactment, amendment or repeal of any law by the General Assembly and the enactment, amendment or repeal of any regulation by Council.

121. In this part, legislation means either an act, a regulation, an amendment to an act or regulation, or the repeal of an act or regulation.

122. A regulation will

122.1. be authorized by a specific act;

122.2. deal with matter(s) authorized by that act; and

122.3. be consistent in all respects with that act.

Approval Process for Legislation

123. Under the *Constitution of the Tr'ondëk Hwëch'in* Council has the duty to prepare laws for presentation to the General Assembly.

124. Legislation will be passed by three General Assembly resolutions corresponding to approval of each of the three consecutive legislative stages: the introduction of legislation to the General Assembly, the consultation draft, and the final passing.

124.1. Each consecutive legislative stage requires the passing of a General Assembly resolution before proceeding to the next legislative stage; and

124.2. resolutions for approval of the first and third stages must be passed at meetings of the General Assembly that are at least six months apart.

Introduction of Legislation to the General Assembly

125. Legislation is introduced to the General Assembly by Council resolution which includes the title and purpose of the act.

126. Debate of the motion to introduce the legislation to the General Assembly will be limited to the object, expediency, principles and merits of the legislation, or to alternative methods of obtaining its purpose.

127. The General Assembly may pass a resolution to

127.1. approve and accept the introduction of the legislation,

127.2. refer the introduction of the legislation back to Council for further consideration, or

127.3. reject the introduction of the legislation.

128. A resolution to either refer the introduction back to Council, or reject the introduction, will state the reasons.

Consultation Draft

129. The completed draft legislation is presented to the General Assembly by Council resolution, for formal consultation.

130. The General Assembly may pass a resolution to

130.1. approve the consultation draft of the legislation,

130.2. refer the legislation back to Council for further consideration, or

130.3. reject the legislation.

131. A resolution to either refer the consultation draft back to Council, or reject the consultation draft, will state the reasons.

Final Passing

132. The final draft legislation is presented to the General Assembly by Council resolution, after legal review of the draft and consultation with Yukon (if necessary).

133. The General Assembly may pass a resolution to

133.1. approve and pass the final draft legislation,

133.2. refer the legislation back to Council for further consideration, or

133.3. reject the legislation.

134. A resolution to either refer the final draft back to Council, or reject the final draft, will state the reasons.

135. If the General Assembly rejects the legislation in the final stage, it will not be reintroduced without substantial alteration within one year of that rejection.

136. An act or a regulation, or any provision of that act or regulation, comes into effect as of

136.1. the date on which it is it is brought into force by Council resolution, or

136.2. a different date specified by that act or regulation.

Expedited Approval Process for Legislation

137. *Supermajority*, for the purposes of this section, is defined as 75 percent of those citizens present and entitled to vote.

138. Under urgent or extraordinary circumstances that justify immediate enactment, amendment or repeal of a law, in order to pass the legislation at one General Assembly meeting, the General Assembly may waive limitations under section 124, if

138.1. A Council Order is presented to the General Assembly that

138.1.1. was passed by unanimous decision,

138.1.2. states the reason for the urgency,

138.1.3. recommends the expedited approval process for a law, and

138.1.4. is accompanied by three Council Resolutions corresponding to the approval of the three sequential stages in section 125, section 129 and section 132; and

138.2. The General Assembly passes a resolution accepting the reasons for the urgency outlined in the Council Order, and waiving the limitations established by section 124.

139. Three General Assembly Resolutions, corresponding to the approval of the three sequential stages in section 127, section 130 and section 133, must be passed by a supermajority in the expedited approval process.

Review committee

140. Council may establish a review committee to advise on the preparation and approval of legislation pursuant to section 80.

141. If the scope of the legislation is restricted to strictly internal administration of government, Council may, at its discretion,

141.1. appoint an internal review committee comprised of employees, and

141.2. internal review committees will be comprised of the Director of the department responsible and other employees as appropriate to provide qualified advice.

Consultation

142. Citizen consultation for all legislation will be conducted in accordance with the Consultation Protocol and include:

142.1. publication of a notice concerning the proposed legislation including the timetable of the period of consultation, the date(s) of any public meetings and instructions for written submissions from citizens; and

142.2. publication of the legislation consultation draft and mailing of copies to citizens not less than 21 days before any General Assembly resolution is passed to approve the consultation draft legislation.

Council Approval Process for Regulations

143. Council may, by Council Order, enact, amend or repeal a regulation.

144. Regulations, and amendments or repeals thereof, will be approved by two resolutions of Council, the second of which will be a Council Order.

145. The two resolutions must be passed at separate meetings a minimum of 24 hours apart.

146. There will be no significant alterations to the regulation between the two meetings, or the first resolution must be repeated.

147. Council may establish a review committee, consistent with the requirements of section 140 and section 141, to advise it in the preparation and approval process of a regulation.

148. A regulation, or any provision of that regulation, comes into effect pursuant to section 136.

Registry of laws

149. Council will appoint a duly qualified Registrar of Laws

150. The Registrar of Laws will establish and maintain a registry of laws at the Administration Building.

151. The registry is every Tr'ondëk Hwëch'in act and regulation, and amendments and repeals thereof.

152. Every act and regulation, or amendment or repeal thereof, will be filed with the registry on the effective day and posted on the government website.

153. Citizens will have access to the registry and may obtain copies of all Tr'ondëk Hwëch'in laws during normal business hours.

154. Non-citizens affected by Tr'ondëk Hwëch'in laws or resolutions may during normal office hours inspect those Tr'ondëk Hwëch'in laws or resolutions directly affecting them.

PART 8 – POLICIES OF COUNCIL

Authority

155. Under the *Constitution of the Tr'ondëk Hwëch'in* Council has the authority to establish policies for the Tr'ondëk Hwëch'in.

Approval Process

156. All policies, and amendments or repeals thereof, will be approved by two resolutions of Council before they come into effect. The two resolutions must be passed at separate meetings a minimum of 24 hours apart.

157. There will be no significant alterations to the policy between the two meetings, or the first resolution must be repeated.

158. Council may establish a review committee, consistent with the requirements of section 140 and section 141, to advise it in the preparation and approval process of any policy.

159. A Council policy will come into effect on the date determined in the policy.

PART 9 - COUNCIL ORDERS

Authority

160. Under this act, other legislation and policies of Council, a Council Order may be required to exercise a specific power or duty provided to Council.

Approval Process

161. A Council Order will be approved by a Council resolution.

162. Notice of the motion to approve a Council Order will be provided to all members of Council and the public in the notice of meeting, required by section 64, at least 24 hours prior to the meeting.

163. The notice of the motion will include its full text and any supporting documentation that is approved by the Council Order.

164. The motion to approve a Council Order will not be amended from the text included in the notice.

165. A Council Order will come into effect on the date determined by the order.

PART 10 – GENERAL

Tr'ondëk Hwëch'in seal

166. The Tr'ondëk Hwëch'in seal will be affixed to:

166.1. certified copies of laws and regulations enacted by the General Assembly and Council;

166.2. certified copies of Council Orders;

166.3. approved minutes of meetings of the General Assembly;

166.4. certified copies of official documents of the Tr'ondëk Hwëch'in that are to be used in any judicial proceedings;

166.5. any other documents of the Tr'ondëk Hwëch'in which, in the opinion of Council, should be authenticated as having the authority of the Tr'ondëk Hwëch'in.

Review

167. Council will ensure a comprehensive review of this act is undertaken within five years of it coming into force and that subsequent reviews are held within a reasonable period of time.

168. Following each review of this act, a report will be provided to the General Assembly including any recommendations from Council for amendment of this act.

Coming into force

169. This act will come into force and effect on the date determined by Council Order.

SCHEDULE A

OATH OF OFFICE

I,_____, having been duly elected by the Tr'ondëk Hwëch'in citizens to the office of Tr'ondëk Hwëch'in Council solemnly swear and affirm that I will respect and support the *Constitution of the Tr'ondëk Hwëch'in* and that I have read and understood and agree to comply with this Oath of Office, the Code of Conduct and the Conflict of Interest Code, and that in carrying out my duties as a Council member, I will

1. accept my elected position, act faithfully and bear true allegiance to the ancestors, people and future generations of the Tr'ondëk Hwëch'in;

2. exercise the powers of my office and fulfill my duties and responsibilities honestly, in good faith and in the best interests of the Tr'ondëk Hwëch'in;

3. exercise these responsibilities, at all times, with due diligence, care and skill in a reasonable and prudent manner;

4. comply with all Tr'ondëk Hwëch'in laws, regulations, rules and policies, the decisions of Council and the decisions of the General Assembly;

5. not disclose sensitive information unless Council determines that such information is public, including not disclosing information about government employees, any personal information, and matters dealt with during in-camera meetings of Council;

6. not improperly disclose any matter that comes to my knowledge as a result of my office nor use any knowledge provided in confidence for my personal advantage or gain;

7. conduct myself in a spirit of collaboration and respect for the collective decisions of Council and subordinate my personal interests to the best interests of Council and the Tr'ondëk Hwëch'in;

8. not allow personal affairs to improperly influence my conduct in public office and immediately declare any personal conflict of interest that may come to my attention; and

9. at all times avoid Abuse of Power and Undue Influence and the perception of Abuse of Power and Undue Influence; and

10. seek to bring honour and respect to the Tr'ondëk Hwëch'in in all circumstances in which I am called upon to represent the Tr'ondëk Hwëch'in.

Signature: _____ Date: _____

Notary: _____ Date: _____

SCHEDULE B

CODE OF CONDUCT

Application

1. Every person participating in any aspect of Tr'ondëk Hwëch'in governance (including meetings of the General Assembly, Council, Youth Council and boards, commissions and committees) and every person representing or acting on behalf of the Tr'ondëk Hwëch'in (including as a government employee) will, to the best of their ability, conduct business in a manner that reflects Tr'ondëk Hwëch'in culture and values.

2. For greater certainty, the obligations set out in this code provide additional detail to the provisions of set out in Part 2, sections 8 to 28 related to confidentiality, conflict of interest, gifts, abuse of power and undue influence.

Principles

3. This code of conduct is guided by the principle that serving the Tr'ondëk Hwëch'in people is an act of stewardship and by the belief that decisions today will affect the interests and rights of future generations.

4. The code is based on the principle that all persons identified in section 1 of this Code have a duty to act in the best interests of the Tr'ondëk Hwëch'in, to protect the human, civil and legal rights and interests of Tr'ondëk Hwëch'in citizens, and to work to sustain Tr'ondëk Hwëch'in families and land for today and for tomorrow.

Conduct

5. Any person identified in section 1 of this Code will conduct themselves in a manner that:

    (a) serves the overall best interests of the Tr'ondëk Hwëch'in;

    (b) subordinates their personal interests or those of an immediate family member to the best interests of the Tr'ondëk Hwëch'in;

    (c) brings credibility and goodwill to the Tr'ondëk Hwëch'in;

    (d) demonstrates respect for all persons;

    (e) respects and gives fair consideration to diverse and opposing viewpoints;

    (f) demonstrates due diligence and dedication in preparation for activities relating to the Tr'ondëk Hwëch'in;

    (g) demonstrates good faith, prudent judgment, honesty, transparency and openness in their activities carried out on behalf of the Tr'ondëk Hwëch'in; and

    (h) respects principles of fairness and due process.

Duties and responsibilities

6. Any person identified in section 1 of this Code is expected to be an active participant in their duties on behalf of the Tr'ondëk Hwëch'in and to

    (a) be informed of the laws, policies and issues of the Tr'ondëk Hwëch'in related to their activities;

    (b) keep informed about the activities and affairs of the Tr'ondëk Hwëch'in;

    (c) attend meetings, activities and events relating to their duties;

    (d) communicate and work effectively and cooperatively with all persons acting on behalf of the Tr'ondëk Hwëch'in;

    (e) carry out their duties in an effective manner and respond promptly to communications from other persons so that business can be dealt with efficiently;

    (f) be prepared to make informed decisions in the best interests of the Tr'ondëk Hwëch'in and its citizens;

    (g) be independent and impartial;

    (h) not be influenced by self-interest, outside pressure, expectation of reward or fear of criticism;

    (i) act with honesty and integrity and conduct themselves in a manner consistent with the nature of their responsibilities and the maintenance of public confidence in the conduct of the business of the Tr'ondëk Hwëch'in;

    (j) be prepared to take further training in order to enhance their abilities and skills to carry out their duties;

    (k) hold, maintain and care for any property of the government in their possession required for carrying out their duties and return such property when it is no longer required;

    (l) voice, clearly and explicitly, at the time a decision is being taken, any opposition to a decision;

    (m) ask for a decision to be reviewed if they have reasonable grounds to believe that the decision has been taken without full information or in a manner inconsistent with the laws, policies or other obligations of the Tr'ondëk Hwëch'in;

    (n) uphold and comply with all Tr'ondëk Hwëch'in laws, policies and other obligation; and

    (o) carry out their duties without impairment or under the influence of drugs or alcohol.

Council

7. The obligations set out in this part of the code apply to the conduct of members of Council and provide additional expectations to the provisions of the code detailed above.

8. Members of Council have a duty to act in the best interests of the Tr'ondëk Hwëch'in and work to

    (a) safeguard, protect, and respect the human, civil and legal rights and interests of the Tr'ondëk Hwëch'in people;

    (b) ensure the prosperity and well-being of Tr'ondëk Hwëch'in citizens;

    (c) ensure the protection and management of the Tr'ondëk Hwëch'in land for today and for tomorrow; and

    (d) honour and respect Tr'ondëk Hwëch'in heritage.

9. Members of Council have an obligation to uphold the tradition of collective decision-making and to:

    a) speak with a unified voice regarding Council decisions, regardless of the individual views and votes of a member of Council on any matter;

    b) maintain solidarity with fellow members of Council in support of a decision that has been made in good faith by Council in reasonably full possession of the facts and in a legally constituted meeting; and

    c) exercise Council authorities and obligations with respect, fairness, and transparency, and with accountability to the General Assembly and future generations.

10. For Council to be able to function and operate effectively and efficiently as a whole, members of Council must:

    a) be in contact with citizens and available to discuss issues and hear citizens' views,

    b) actively participate in council meetings, contribute to the work of Council, and be part of the decision-making process.

    c) attend meetings of the General Assembly and meetings of Council and other meetings, activities and events relating to the government;

    d) serve on boards, commissions, committees and working groups of the government, as appropriate;

    e) work effectively and cooperatively with others, including employees and contractors of the government.

11. Pursuant to Section 43, members of Council will respect the role of the Executive Director in the management of employees and contractors of the government.

SCHEDULE C

CONFLICT OF INTEREST CODE

Purpose

1. The purpose of this code is to enhance citizens' confidence in the accountability of Tr'ondëk Hwëch'in governance and the integrity of Tr'ondëk Hwëch'in government bodies. This code establishes the highest standards for persons participating in any aspects of Tr'ondëk Hwëch'in governance. Such persons will act at all times in the best interests of the Tr'ondëk Hwëch'in government and people, putting the interests of the Tr'ondëk Hwëch'in government and people as a whole ahead of any personal interest or the interest of any other person or entity. This code defines conflict of interest circumstances and identifies situations where a person's personal affairs may conflict with or influence their duties and responsibilities, while respecting cultural and traditional values and adhering to customary law.

Application

2. This code applies to Council, boards, commissions, committees and other bodies and entities established by Council, and government employees.

Conflict of Interest

3. A conflict of interest is a situation in which the personal or financial interests or considerations of a person, or those of an immediate family member, may affect, or appear to affect, their objectivity, judgment or ability to act in the best interests of the Tr'ondëk Hwëch'in people. For greater certainty

   (a) a conflict of interest may be real, potential or perceived in nature;

   (b) a real conflict of interest arises where a person, or an immediate family member, has a personal or financial interest;

   (c) a potential conflict of interest may arise when a person, or an immediate family member, has a private or personal interest, such as an identified future commitment;

   (d) a perceived conflict of interest may exist when a reasonable, well-informed person has a reasonable belief that a person is in a conflict of interest, even if there is no real conflict; and

   (e) full disclosure, in itself, does not remove a conflict of interest.

4. A person is in a conflict of interest if that person, in the execution of the duties and responsibilities of their position, knows or ought to know that by participating in a decision there is the opportunity, or the reasonable appearance of an opportunity, for the person to further their own personal or financial interest, or that of an immediate family member and the person

   (a) makes a decision;

   (b) participates in the making of a decision or recommendations; or

(c) discharges any other function related to the interest.

5. A person is in a conflict of interest if that person

   (a) uses information that they acquire because of their position but which is not available to the general public to further their own personal or financial interest, or that of an immediate family member; or

   (b) uses their position to further their personal or financial interest, or that of an immediate family member, by influencing a decision to be made by another person, regardless of whether or not this code applies to that person.

6. Except in the case of a member of Council, if there is disagreement as to whether or not a person is in a conflict of interest, the Executive Director will, at their sole discretion, determine the matter. If the person is the Executive Director, Council will determine the matter.

Representations on behalf of citizens

7. Nothing in this code prohibits a person from

   (a) representing the opinions or requests of citizens who are not immediate family members of the person; or

   (b) acting in good faith on behalf of a citizen or a group of Tr'ondëk Hwëch'in citizens.

Not Conflicts of Interest

8. A person's interests do not give rise to a conflict if

   (a) the interests are the same as those of a broad class of citizens, of which the person is a member; or

   (b) the interests relate to remuneration, leave and benefits owed to all persons in the person's category of position.

Duty to disclose

9. Every person who in any way, directly or indirectly, may be in a conflict of interest, whether real, potential or perceived, will disclose the nature and extent of the interest, at the first opportunity that the person becomes aware of the potential to be in a conflict of interest.

No participation

10. If a person is considered to be in a conflict of interest, in the absence of conflict of interest regulations

    (a) the person will not participate in any way in the consideration of the issue in question; or

    (b) the person may be required to undertake actions necessary to remedy the conflict to ensure that consideration of the issue in question is achieved in a fair and unbiased manner.

SCHEDULE D

GENERAL ASSEMBLY CODE OF PROCEDURE

Chairperson

1. The Chief, or in their absence the Deputy Chief, or in their absence a member of Council, will call the meeting to order at the time specified in the notice of meeting.

2. A Chairperson, who may be a non-citizen, will be recommended by Council and appointed by the General Assembly to preside over the conduct of the meeting and will

   (a) maintain order and preserve the decorum of the meeting;

   (b) decide points of order without debate or comment other than to state the rule governing;

   (c) determine which citizen has the right to speak;

   (d) rule when a motion is out of order;

   (e) not participate in the debate of any matter;

   (f) if they are an eligible voter, be eligible to vote on every matter unless they are excused or disqualified from voting pursuant to the provisions of the Constitution, this Act or any other enactment; and

   (g) call for a recess, as required or at their discretion.

Agenda

3. Council will prepare an agenda for each General Meeting of the General Assembly, in the order set out under section 4 of this Code, that states the general nature of each item of business.

4. Subsequent to the call to order, unless otherwise directed by resolution, the business at a General Meeting will be conducted in the following order

   1) Appointment of Chairperson
   2) Adoption of the Agenda
   3) Adoption of the Minutes
   4) Delegations
   5) Council Reports and Questions
   6) Financial Reports
   7) Legislation
   8) Duty Motions
   9) Advice to Council
   10) Direction to Council
   11) Call for Motions - Direction to Council
   12) Open Discussion
   13) Adjournment

5. A delegation wishing to make a presentation to a meeting will give written notice that states the subject to be considered for inclusion on the agenda to the Executive Director not less than six weeks prior to a meeting. This notice requirement may be waived by consensus.

6. Emergency or time sensitive items may be added to the agenda of a meeting without three weeks advance notice if agreed to by consensus.

7. For each Special Meeting of the General Assembly, Council will prepare an agenda and order of business that states the general nature of each item of business to be dealt with at the meeting. The order of business at a Special Meeting may differ from the order set out under section 4 of this Code and will be adopted, subject to amendment, by resolution.

Quorum

8. If a quorum is not present, the Chair may call for a recess for 15 minutes or until quorum is present.

9. Subject to section 100 of this Act, if there is an interruption in the meeting's communications link resulting in loss of a quorum,

    (a) the Chair will call for a recess to re-establish the communications link, lasting no longer than one hour, and

    (b) if the communications link cannot be substantially re-established after one hour and quorum is not present, the meeting will be adjourned and

        i. reconvened the following day at the scheduled time, in the case of multi-day meetings, or

        ii. rescheduled by Council for a later date.

Rules of speaking

10. All speaking will proceed through the Chairperson and citizens may speak at a meeting only after being recognized by the Chairperson and identifying themselves to the Secretary.

11. All speaking will be directed to the General Assembly as a whole and not to individual citizens, or to groups of citizens.

12. Except as otherwise approved by resolution, citizens may

    (a) speak only to a matter under consideration,

    (b) speak for no more than five minutes at a time, and

    (c) not speak to a matter already dealt with at the same meeting.

13. The Chairperson, at their discretion, may allow citizens a further opportunity to speak to the same matter after all who wish to speak to the matter for the first time have had an opportunity to do so. Second and subsequent opportunities to speak must further settlement of the matter under consideration and not be repetitive or serve to delay a decision upon the matter.

14. Citizens will not interrupt another citizen who is speaking except to raise a point of order with the Chairperson and will not make a disturbance during the meeting.

15. Where rules for procedure are not provided in this Act, the rules established in the Constitution will apply, and where the Constitution is further silent then Robert's Rules of Order, as amended from time to time, will apply.

Respectful conduct

16. Any person who, during a General Assembly meeting,

    (a) refuses to comply with direction from the Chairperson;

    (b) persistently and willfully obstructs the business of the General Assembly;

    (c) is under the influence of drugs or alcohol;

    (d) subjects others to harassment or abusive language; or

    (e) otherwise breaches this Code of Procedure or the Code of Conduct,

    may be suspended from the meeting by the Chairperson.

17. A person suspended under section 16 of this Code must leave immediately.

18. A person suspended under section 16 of this Code may not re-enter for the duration of the General Assembly meeting, including subsequent days in the case of multi-day meetings.

19. Notwithstanding section 18 of this Code, the General Assembly may decide by resolution to lift a person's suspension.

Decisions

20. A motion for a decision of the General Assembly must be moved by one citizen and seconded by another prior to being debated and voted upon.

21. All motions must be submitted in writing before being moved except for routine procedural motions, which include motions to adopt, to receive as information, to file, to refer or defer, to table, to introduce or adopt, to allow suspended persons back into a meeting, to recess, or to adjourn.

22. All motions are read by the Chairperson before being debated, and read again, including any amendments, before being voted on.

23. A citizen may make only the following motions when another motion is already being considered

    (a) to refer the motion to a committee,

    (b) to amend the motion,

(c) to lay the motion on the table,

(d) to postpone the motion indefinitely,

(e) to postpone the motion to a certain time, or

(f) to recess for a defined period of time.

24. A motion made pursuant to section 23(c), section 23(d), section 23(e), or section 23(f) of this Code is not debatable.

25. A citizen may, without notice, move to amend a motion that is being considered at a meeting. This motion to amend must be seconded.

26. An amendment may propose removing, substituting for, or adding to the words of an original motion.

27. An amendment must be germane to, and not substantially change, the original motion.

28. The proposed motion to amend must be submitted in writing if requested by the Chairperson.

29. A proposed amendment to a motion must be decided or withdrawn before the original motion is put to a vote.

30. An amendment defeated by a vote will not be reintroduced at the same meeting.

31. A motion may, at any time during the debate stage, be withdrawn provided both the mover and seconder agree.

32. Debate of a motion may be terminated at the discretion of the Chair when they are satisfied that every citizen who wishes to speak has had an opportunity to speak at least one time.

33. Consensus is encouraged for any decision to be passed by a motion. Where consensus cannot be reached a vote occurs as set out in section 8 of the *Constitution of the Tr'ondëk Hwëch'in.*

34. Unless a secret ballot is directed by resolution, voting will occur by

(a) show of hands, for citizens physically present at the meeting, and

(b) verbal poll, for citizens participating in the meeting by telephone or other electronic means.

35. For greater certainty, as set out in section 8 of the *Constitution of the Tr'ondëk Hwëch'in,* only votes in favour of the motion need be counted in order to establish if the required threshold of those present and entitled to vote has been met in order to pass the resolution.

SCHEDULE E

COUNCIL MEETING CODE OF PROCEDURE

Chairperson

1. The Chief, or in their absence the Deputy Chief, or in their absence a member of Council, will preside over the conduct of meetings and will

   (a) call the meeting to order,

   (b) maintain order and preserve the decorum of the meeting,

   (c) decide points of order without debate or comment other than to state the rule governing,

   (d) determine which member of Council has the right to speak,

   (e) rule when a motion is out of order,

   (f) be permitted to participate in the debate of any matter without the need to relinquish the Chair,

   (g) be eligible to vote on every matter unless they are excused or disqualified from voting pursuant to the provisions of the Constitution, this Act or any other enactment, and

   (h) call for a recess.

2. When a quorum is present but neither the Chief nor the Deputy Chief are present within 15 minutes after the time at which the meeting is scheduled to begin, the members of Council present will appoint a member of Council to act as Chairperson for that meeting or until the Chief or Deputy Chief arrives.

Agenda

3. The Executive Director will prepare an agenda for each regular meeting in the order set out in section 4 below that states the general nature of each item of business.

4. Subsequent to the call to order, unless Council otherwise directs, the business at a regular meeting of Council will be conducted in the following order

   1) Adoption of the Agenda
   2) Delegations and Petitions
   3) Adoption of the Minutes
   4) Financial Reports
   5) Special Meeting, Committee, and Departmental Reports
   6) Legislation and Policies
   7) Council Orders
   8) Motions for Decisions
   9) Correspondence

10) Citizen Questions
11) In-Camera Session
12) Adjournment

5. A delegation wishing to make a presentation to a meeting will give notice, which states the subject of the presentation to be considered for inclusion on the agenda, to the Executive Director not later than 4:00 PM on the fifth business day prior to a meeting. This notice requirement may be waived by consensus of Council for a time sensitive matter.

6. A member of Council may place an item of business on the agenda for a meeting by giving written notice of the item, in reasonable detail, to the Executive Director not later than 4:00 PM on the fifth business day prior to the meeting.

7. Emergency or time sensitive items may be added to the agenda of a meeting without advance notice if agreed to by consensus.

8. The Executive Director will prepare an agenda and order of business for each special meeting that states the general nature of each item of business to be dealt with at the meeting. The order of business at a special meeting will be accepted, subject to amendment, by resolution.

Rules of debate

9. Members of Council will speak at a meeting only after being recognized by the Chairperson.

10. Members of Council will address each other as “Chief”, “Deputy Chief” or “Councillor” as the context warrants.

11. Except as otherwise approved by resolution, members of Council may

    (a) speak only to a matter under consideration,

    (b) speak for no more than five minutes at a time, and

    (c) not speak to a matter already dealt with at the same meeting.

12. Members of Council will not interrupt another member of Council who is speaking except to raise a point of order with the Chairperson and will not make a disturbance during the meeting.

13. Where rules for procedure are not provided in this Act, the rules established in the Constitution will apply, and where the Constitution is further silent then Robert’s Rules of Order, as amended from time to time, will apply.

Respectful conduct

14. The Chairperson may remove from the meeting any person

    (a) acting disrespectfully,

(b) causing a disturbance,

(c) under the influence of drugs or alcohol,

(d) abusing their power or exerting undue influence over another person, or

(e) persistently and willfully breaching this Code of Procedure.

15. If the person is a member of Council, they may appeal the ruling and the appeal will be determined by resolution.

Decisions

16. Motions must be submitted in writing before being moved except for routine procedural motions, which include motions to adopt, to receive as information, to file, to refer or defer, to table, to introduce or adopt, to recess, or to adjourn.

17. A motion will only be debated and voted on if it is first moved by one member of Council and then seconded by another.

18. All motions will be read by the Chairperson before being debated and read again, including any amendments, before being voted on.

19. A member of Council may make only the following motions when another motion is already being considered

(a) to refer the motion to a committee;

(b) to amend the motion;

(c) to lay the motion on the table;

(d) to postpone the motion indefinitely;

(e) to postpone the motion to a certain time; or

(f) to recess for a defined period of time

20. A motion made pursuant to section 19(c), section 19(d), section 19(e), or section 19(f) of this Code is not debatable.

21. A member of Council may, without notice, move to amend a motion that is being considered at a meeting. This motion to amend must be seconded.

22. An amendment may propose removing, substituting for, or adding to the words of an original motion.

23. An amendment must be germane to, and not substantially change, the original motion.

24. A proposed amendment must be submitted in writing if requested by the Chairperson.

25. A proposed amendment to a motion must be decided or withdrawn before the motion being considered is put to a vote.

26. An amendment defeated by a vote will not be reintroduced at the same meeting.

27. A motion may, at any time during the debate stage, be withdrawn provided both the mover and seconder agree.

28. Consensus is encouraged for any decision on a motion. Where consensus cannot be reached a vote occurs and a majority of votes carries the decision. All votes are by show of hands.