



**Sheshegwaning First Nation
Kchi-Naaknigewin
(Constitution)**



Draft - February 20, 2016

Preamble

1. We, the people of Sheshegwaning, of the Odawa Nation of Anishinaabek, who have been here since time immemorial, placed upon this continent by the Creator along with the gifts of our language and spirituality, and religion, and the gifts of the Earth, Water, Air, and Fire, and who have a sacred responsibility for the use and maintenance of these gifts and the gifts the land provides, and to live in harmony with the land and with each other, for our children and future generations; do hereby proclaim our sovereign right to govern in our territory, and by that right, do hereby establish and enact our Kchi-Naaknigewin (Constitution).

Title

2. This document shall be cited as The Sheshegwaning First Nation Kchi-Naaknigewin (Constitution).

Definitions

3. In this Constitution:
 - a. **“Edbendaagzijig”** (Edbendaagozid – singular) means “those who belong” and refers to the people of Sheshegwaning.
 - b. **“Egiigdajig”** (Council) means the executive decision making body made up of Chief and Councillors of the Sheshegwaning First Nation in accordance with the Sheshegwaning Kchi-Naaknigewin and its laws.
 - c. **“Elected Officials”** means the Chief and Councillors of the Sheshegwaning First Nation and other officials who are elected to their positions by the Sheshegwaning Edbendaagzijig in accordance with the Sheshegwaning Kchi-Naaknigewin and its laws.
 - d. **“Eligible Voter”** means an Edbendaagozid of the Sheshegwaning First Nation who qualifies as an “Eligible Voter” as defined in Sheshegwaning Election Regulations and Laws.
 - e. **“Endaajig”** (Endaat – singular) means those who live on the Sheshegwaning First Nation but are not Edbendaagzijig.
 - f. **“First Nation”** means the sovereign entity, territory, and Edbendaagzijig of Sheshegwaning collectively.
 - g. **“First Nation Laws”** means any law made by the Sheshegwaning First Nation in accordance with the Kchi-Naaknigewin.
 - h. **“Kchi-Naaknigewin”** means the constitution of Sheshegwaning First Nation.
 - i. **“Gimaa”** means the person elected as the Chief in accordance with the Sheshegwaning Kchi-Naaknigewin and its laws.
 - j. **“Public Institution”** and **“Legal Entity”** means a board, commission, tribunal, or committee established by the Sheshegwaning First Nation Council to exercise certain delegated responsibility of the Sheshegwaning First Nation.
 - k. **“Kina-Debendmaang”** means everything that we own, including but not limited to territory, air, water, culture, language, natural resources and assets.

Language and Culture

4. The official languages of the First Nation are Nishnaabemwin and English.
5. The First Nation Council must respect and encourage the use of the Nishnaabemwin language and the practices of Anishinaabe culture.

Purpose

6. The purpose of the Sheshegwaning First Nation Kchi-Naaknigewin (Constitution) is to set forth:
 - a) The fundamental principles, rules and structures by which Sheshegwaning First Nation will exercise its authority to govern and make laws;
 - b) The relationship between the Sheshegwaning First Nation governing structures and Edbendaagzijig;
 - c) The civil and political rights of Edbendaagzijig;
 - d) The accountability of leadership to its Edbendaagzijig.
 - e) Our responsibility to future generations regarding Kina-Debendmaang.

SHESEGWANING FIRST NATION VALUES AND BELIEFS

7. The Sheshegwaning Edbendaagzijig place high value and belief that:
 - a) each Edbendaagozid is important and has rights of well-being;
 - b) effective and efficient government is based on fair and equitable treatment and justice for all Edbendaagzijig;
 - c) protecting the rights to use and manage Kina-Debendmaang in a sustainable manner is important and is our obligation;
 - d) we have an obligation to ensure the continuity of our culture, traditions and Nishnaabemwin (our language).

Supreme Law

8. The Kchi-Naaknigewin is the Supreme Law of Sheshegwaning First Nation. All Sheshegwaning First Nation Laws and Regulations shall be consistent with Kchi-Naaknigewin.
9. In the event of a conflict or inconsistency between this Kchi-Naaknigewin and any other law or regulation, the Kchi-Naaknigewin will prevail to the extent of the conflict.

EDBENDAAGZIJIG RIGHTS AND FREEDOMS

10. The Kchi-Naaknigewin recognizes that Edbendaagzijig have the Rights and Freedoms:
 - a. To participate in the selection of First Nation leadership;
 - b. To effective and efficient governance based on equal and fair treatment and justice;
 - c. To transparency and accountability from their Government;
 - d. To access documents in relation to Public and Financial accountability;
 - e. To privacy of personal information;
 - f. To regular and open meetings in accordance with Chief and Council policy;
 - g. To practice his or her inherent rights;
 - h. To practice his or her own religion or religious beliefs;
 - i. To fair and equal access to community programs and services without prejudice;
 - j. To a safe and healthy community;

Inherent Rights

11. Sheshegwaning Edbendaagzijig have the inherent right to govern and make laws in relation to Kina-Debendmaang.

Review and Appeal of Administrative Decisions:

12. The Sheshegwaning First Nation Government must provide appropriate procedures for the appeal or the review of administrative decisions of Sheshegwaning First Nation Government and its Public Institutions.

Reasonable Limits

13. The Kchi-Naaknigewin guarantees the rights and freedoms set out in this Constitution subject only to such reasonable limits as can be demonstrably justified to protect the collective interests of Sheshegwaning First Nation and justified in a free and democratic First Nation.

Structure of Government

14. Governing Principles of Sheshegwaning First Nation:

- a. Sheshegwaning Edbendaagzijig hereby establishes a government known as the Sheshegwaning First Nation Government.
- b. Sheshegwaning Edbendaagzijig hereby vest our inherent authority and jurisdiction onto the Sheshegwaning First Nation Government.
- c. The elected council at the time of coming into force of this Kchi-Naaknigewin will be the first provisional government of Sheshegwaning First Nation under Kchi-Naaknigewin.

Composition of Government:

15. The Sheshegwaning First Nation Government will establish a law or code for the election and composition of Egiigdajig (Council).

16. Egiigdajig (Council) will be the elected body of government in accordance with Sheshegwaning First Nation Election Code or Law.

17. The Sheshegwaning First Nation Government will establish rules of procedure for Egiigdajig (Council).

Conduct of Individuals Elected to Office and Others:

18. Each elected candidate will affirm the Oath of Office at the first public meeting of Sheshegwaning First Nation Government (Council);

19. Each elected candidate of the Sheshegwaning First Nation Government (Council) must comply with the laws and policies of Sheshegwaning First Nation;

Conflict of Interest

20. The Sheshegwaning First Nation Government must maintain written conflict of interest rules for elected and appointed officials of its Government.

SHEHEGWANING FIRST NATION LAW-MAKING

Power to Enact Laws:

21. Sheshegwaning First Nation Government has the power and authority to enact laws in accordance with the Kchi-Naakgewin and as it deems in the interests of Edbendaagzijig and Kina-Debendmaang.

Law Making Process

22. A draft law may be introduced at a regular meeting of the First Nation Council:

- a. by the Chief;
- b. by a Councillor;
- c. by a petition signed by 50 or more Edbendaagzijig who support the proposed draft law; or,
- d. by a duly formed and recognized Public Institution.

23. A draft law shall be enacted through the law-making process set out below:

- a. the law is introduced and considered by the Council in accordance with its rules;
- b. the law has been passed by at least a simple majority of the Council who vote on proposed law to vote in favour of the law; and,
- c. the law has been signed by Council, in accordance with its rules.

24. The Council will establish rules to allow Edbendaagzijig participation and consultation in its law-making process.

25. The Council shall establish rules regarding the process and timelines for the enactment, coming into force, and publication of the First Nation laws.

26. The Chief and Council will establish procedures for appealing or challenging the validity or application of a First Nation law.

Registration of Laws:

27. A copy of a Sheshegwaning First Nation Law shall be deposited at the Sheshegwaning Administration Office and the official copy shall be signed by the Chief or Executive Director of the Sheshegwaning First Nation Government and such shall be deemed as conclusive evidence of the provisions of that law.

Delegation of Jurisdiction and Authority to First Nation Institutions

28. The Council may delegate its jurisdiction or authority or any part thereof, in writing, to a legal entity located in a manner consistent with the First Nation laws.

29. Where jurisdiction or authority, or part thereof, is delegated pursuant to the First Nation laws, the First Nation will ensure in writing that the legal entity to which the delegation has been made will be accountable to the First Nation for the jurisdiction or authority which has been delegated to it.
30. The First Nation will remain accountable to its Edbendaagzijig for the exercise of the jurisdiction or authority it delegates to any and all legal entities.
31. Where jurisdiction, or part thereof, is delegated by the First Nation pursuant to First Nation laws, the First Nation will ensure that the jurisdiction it delegates is not sub-delegated.
32. The First Nation will ensure, in writing, that the legal entity to which a delegation of jurisdiction or authority from the First Nation has been made, may not, sub-delegate that jurisdiction or authority without the written consent of the majority of the First Nation Council.

FINANCIAL ADMINISTRATION

Principles of Financial Administration

33. The First Nation expects the financial management and administration of the First Nation to:
 - a) be prudent, open, and accountable; and,
 - b) provide for effective and efficient use of the financial resources of the First Nation.

Control of Financial Administration

34. The First Nation Edbendaagzijig have the right to access information on matters dealing with the financial management and administration of all the First Nation's services and programs, excluding information related to personnel matters and any other confidential personal information.
35. The First Nation Council and the First Nation administration shall abide by the First Nation laws and policies governing financial management, accountability and access to information.

Control of Financial Administration

36. The First Nation shall make laws to establish a system of financial administration, through which the Council will be financially accountable to First Nation Edbendaagzijig, and that includes standards comparable to those generally accepted for governments in Canada.

AMENDMENTS

37. Sheshegwaning First Nation by simple majority vote may adopt a resolution only in accordance with the following steps:
 - a. Sheshegwaning First Nation will refer the proposed constitutional amendment to the band members or petition which will consider proposed amendment.
 - b. If Sheshegwaning First Nation decides to proceed with a proposed amendment the chief will request that the Chief electoral Officer hold a referendum on a date determined by the Sheshegwaning band Council but at least 90 days after the date on which the chief makes the

request the Sheshegwaning First Nation will ensure that appropriate steps are taken to notify Sheshegwaning Edbendaagzijiig of the proposed amendment.

38. This Constitution may be amended by following each of the steps in the process outlined below:

- a) the passing of a First Nation Band Council resolution proposing an amendment or amendments to the Constitution;
- b) presenting the proposed constitutional amendment or amendments to the First Nation Edbendaagzijiig at a duly organized public meeting;
- c) Following the public meeting, The Chief and Council may authorize the Chief Electoral Officer to hold a referendum vote in compliance with the First Nation's referendum regulations. This vote will happen within three (3) months after the public meeting referred to in paragraph b) above;
- d) if at least fifty one (51 %) percent of the Eligible Voters in the referendum approve of the proposed amendment(s), the amendments become effective immediately.

39. There will be no second vote in subsection 38 c) or d) above.

40. Notwithstanding section 38, the First Nation Chief and Council may amend this constitution by unanimous resolution at any time in the following instances:

- a) changing the existing name of the First Nation to a new name as approved by the First Nation Edbendaagzijiig;
- b) changing the name or title of a Public Institution to reflect changes to the First Nation law; or,
- c) deleting a name or title of a dissolved Public Institution.

41. Amendment Procedure

- a. The process for development and passage of amendments to this constitution may be initiated by:
 - i. council;
 - ii. a petition presented to council by at least 50 electors, setting out the specific area in this constitution requested to be amended.
- b. Upon receipt of a petition or upon its own initiative council shall develop proposed amendments to this constitution
- c. Upon completion of the proposed amendments to this constitution council shall schedule a special membership meeting for the purpose of considering the proposed amendments and shall provide notice to members
- d. The notice of the special membership meeting required under section 14.3 shall be provided to the membership at least 30 days before the meeting and shall include:
 - i. the date, time and place of the special meeting;
 - ii. a summary of the proposed amendments to this constitution
 - iii. notification that the full copy of the proposed amendments to this constitution and this constitution can be obtained at the Sheshegwaning First Nation office.

42. Notice shall be provided to the membership by:

- a. publication of the notice to the Sheshegwaning newsletter, delivered or mailed to all electors or by separate notice delivered or mailed to electors; and
- b. posting of the notice in the Sheshegwaning admin building and such other places as council may direct.

- 43. At the special membership meeting copies of the proposed amendments to this constitution and this constitution shall be made available to all members in attendance.
- 44. At the special membership meeting, the purpose and provisions of the proposed amendments shall be explained by council and members shall be entitled to ask questions and provide comments concerning the proposed amendments.
- 45. After the special membership meeting held to consider the proposed amendments to this constitution, council shall, within 60 days of the date of the special membership meeting, prepare a final draft of the proposed amendments, taking into consideration the comments and opinions received from members , the needs of the community and other relevant matters.
- 46. The final draft of the proposed amendments to this constitution shall be presented for consideration in a referendum held under part 37.(b) of this constitution.
 - a. Amendments to this constitution shall only be valid if passed by referendum vote.

Enactment Clause

47. Ratified by the Edbendaagzijig of the Sheshegwaning First Nation this day _____ in the month of _____ in the year _____ .

Signed into Law on behalf of the _____ First Nation. This day of the month of _____ in the year of _____ .

Chief and Council Signatures

Chief	
Deputy Chief	
Councillor	
Councillor	
Councillor	