



#99

Land Code

Ratified January 21, 1998

Brought into force January 1, 2000

Amendment No. 1 March 19, 2007

Muskoday First Nation Land Code

Table of Contents

	Page
1. Preamble	3
2. Title	3
3. Interpretation	3
4. Authority	4
5. Purpose	4
6. Description of Muskoday Land	5
7. Lands and Interests Affected	5
8. Law-Making Powers	5
9. Law-Making Procedure	5
10. Publication of Land Laws	7
11. Coming Into Force of Land Laws	7
12. Conflict of Interest	8
13. Interests and Licenses in Land	8
14. Limits on Interests and Licenses	9
15. Lands Advisory Committee	10
16. Land Management Powers	10
17. Registration of Interests	11
18. Transfer and Assignment of Interests	12
19. Limits on Mortgages and Seizures	13
20. Member Lots and Resources	13
21. Taking Land For Community Purposes	14
22. Voluntary Land Exchanges and Protections	16
23. Financial Controls and Accountability	17
24. Appointment of Auditor	20
25. Rights of Eligible Voters	22
26. Procedure for Community Meetings	23
27. Annual Community Meeting	23
28. Community Approvals	24
29. Procedure for Ratification Vote	25
30. Local Dispute Resolution Systems	25
31. Liability Coverage	27
32. Offences	27
33. Amendments to Land Code	27
34. Commencement	28



1. Preamble

Whereas Muskoday First Nation has a profound relationship with the land that is rooted in respect for the Spiritual value of the Earth and the gifts of the Creator and has a deep desire to preserve its relationship with the land;

Whereas Muskoday First Nation has entered into a government-to-government *Framework Agreement on First Nation Land Management* with Canada on February 12, 1996, as amended;

And Whereas Muskoday First Nation has the option of withdrawing its lands from the land provisions of the *Indian Act* in order to exercise control over its lands and resources for the use and benefit of its members, rather than having its lands managed on its behalf by Canada:

Now Therefore, this Land Code is hereby enacted as the fundamental land law of Muskoday First Nation.

2. Title

Title

1.1 The title of this enactment is the *Muskoday First Nation Land Code*.

3. Interpretation

Definitions

1.2 In this Land Code,

“community land” means any Muskoday land in which all members have a common interest.

“community meeting” means a meeting under this Land Code to which the members are invited to attend.

“Council” means the Chief and Council of Muskoday First Nation.

“eligible voter” means, for the purpose of voting in respect of land matters under this Land Code, a member of Muskoday First Nation who has attained the age of eighteen (18) years of age.

“First Nations Land Register” means the register maintained by the Department of Indian Affairs and Northern Development under the *Framework Agreement*.

“*Framework Agreement*” means the *Framework Agreement on First Nation Land Management* entered into between the Minister of Indian Affairs and Northern Development and the Chiefs of fourteen First Nations, including Muskoday, on February 12, 1996, as amended, and which is to be ratified on behalf of the Government of



Canada by an Act of Parliament.

“Muskoday land” means any portion of the reserves referred to in section 6 of this Land Code, including all the rights and resources that belong to that land.

“immediate relatives”, in respect of a person, means the person’s mother, father, sister, brother, children or spouse.

“land law” means a land law enacted pursuant to this Land Code.

“land resolution” means a resolution of Council made pursuant to this Land Code.

“member” means a person whose name appears or is entitled to appear on the Muskoday First Nation Band Membership List.

“ ratification vote” means a vote of eligible members to obtain community approval in accordance with section 29.

“Transfer Agreement” means the Individual Transfer Agreement made between Muskoday First Nation and Her Majesty in right of Canada, dated November 5, 1997.

Paramountcy

1.3 If there is an inconsistency between this Land Code and any other enactment of Muskoday First Nation, this Land Code prevails to the extent of the inconsistency.

4. Authority

Authority

1.1 The power of Muskoday First Nation to govern and administer its lands flows from the Creator to the people of Muskoday First Nation, and from the people to their Chief and Council according to custom and law.

5. Purpose

Purpose

1.2 The purpose of this Land Code is to set out the principles, rules and structures that apply to Muskoday lands and resources and by which Muskoday First Nation will exercise authority in accordance with the *Framework Agreement*.

Ratification

1.3 The *Framework Agreement* is ratified and confirmed when this Land Code comes into force by a community vote.



Description of Muskoday Land

Muskoday Land

1.4 The following Muskoday lands are subject to this Land Code:

- (1) the Indian Reserve known as Reserve # 99, #99A and #99B; and
- (2) all lands that may be set apart, after this Land Code comes into force, as reserve lands for the exclusive use and benefit of Muskoday First Nation.

7. Lands and Interests Affected

Nature of lands and interests

1.5 A reference to “land” in this Land Code means all the rights and resources that belong to the land, and includes

(a) the water, beds underlying water, riparian rights, and renewable and non-renewable natural resources belonging to that land, to the extent that these are under the jurisdiction of Canada; and

(1) all the interests and licenses granted by Her Majesty in right of Canada listed in the Transfer Agreement.

8. Law-Making Powers

Council may make laws

1.6 The Council may, in accordance with this Land Code, make laws respecting the development, conservation, protection, management, use and possession of Muskoday lands, and interests and licenses in relation to those lands. This power includes the power to make laws in relation to any matter necessary or ancillary to the making of laws in relation to Muskoday land.

9. Law-Making Procedure

Introduction of land laws

1.7 A proposed land law may be introduced by any member at a duly convened meeting of the Council.

Explanation

1.8 The Council may require the member introducing a proposed land law to explain how the law would benefit the community.

Tabling and posting of proposed land laws

1.9 A proposed land law may be voted on by the Council only if it has been

(1) tabled at a meeting of the Council held at least one month before the land law is to be considered for the approval of the Council;

(2) posted in public places on Muskoday land; and

(3) published in the community newspaper or distributed to eligible voters at least ten working days before it is considered by Council.

Public health or safety

1.10 The Council may enact a land law without the preliminary steps required under section 9.3 if the Council is of the opinion that the law is needed urgently in the interests of public health or safety.

Approval of land law by Council

1.11 A land law is enacted if it has been approved by a majority of the Council at a meeting of the Council open to the members of Muskoday First Nation, or as provided in section 13.4.

Certification of land laws

1.12 The original copy of any land law or land resolution concerning Muskoday land shall be signed by

(1) a quorum of the Council present at the meeting at which it was enacted; and

(2) the secretary of the Council, or another person designated by the Council.

Limits on Law-Making Power

Community approval of land use plan, etc.

1.13 The following shall not be enacted by the Council unless they receive community



approval by a ratification vote:

- (1) a land use plan;
- (2) the law on community expropriation referred to in section 21.3;
- (3) any other law that specifies that it requires community approval under this section.

10. Publication of Land Laws

Publication

1.14 All land laws shall be published in the minutes of the Council.

Posting land laws

1.1 Within one week after a land law has been enacted, the Council shall post a copy of the law in a public place on Muskoday land.

Registry of land laws

1.2 The Council shall keep, at the administrative offices of Muskoday First Nation, a register of the original copy of all land laws and land resolutions, including laws and resolutions that have been repealed or are no longer in force.

Public Access

1.3 Any person may have reasonable access to the register of land laws during normal business hours in the administrative offices of Muskoday First Nation.

Copies for any person

1.4 Any person may obtain a copy of a land law or land resolution on payment of a reasonable fee set by or under resolution of the Council.

11. Coming Into Force of Land Laws

Laws in force

1.5 A land law enacted by the Council is in force on the date of its enactment or such later date as specified by or under the land law.



12. Conflict of Interest

Conflict of interest by Council

1.6 This section applies to

- (1) each member of the Council who is dealing with any matter before Council that is related to Muskoday land;
- (2) each person who is an employee of Muskoday First Nation dealing with any matter that is related to Muskoday land; and
- (3) each person who is a member of a board, committee or other body of Muskoday First Nation dealing with any matter that is related to Muskoday land.

Duty to report and abstain

1.7 If the person has any interest, financial or otherwise, in the matter being dealt with that might involve the person or his or her immediate relatives, the person

- (1) shall disclose the interest to the Council, or the board, committee or other body as the case may be; and
- (2) shall not take part in any deliberations on that matter or vote on that matter.

13. Common interests

This section does not apply to any interest that is held by a member in common with every other member.

Meeting of eligible voters

If the Council is unable to vote on a proposed land law or land resolution due to a conflict of interest, the Council may refer the matter to a community meeting and, if a quorum is present, a majority of the eligible voters present at the meeting may enact the land law or land resolution.

Inability to act

1.10 If the board, committee or other body is unable to act due to a conflict of interest, the matter shall be referred to the Council.



14. Limits on Interests and Licenses

All dispositions in writing

1.11 An interest in, or license to use, Muskoday land may only be created, granted, disposed of, assigned or transferred by a written document in accordance with this Land Code.

Allocation of lots

1.12 No community approval is required for the allocation of residential lots to members.

Community approval of disposition

1.1 Community approval by a ratification vote must be obtained for the following:

(1) any grant or disposition of an interest or license in Muskoday land exceeding a term of 49 years;

(2) any renewal of a grant or disposition of an interest or license in Muskoday land that extends the original term beyond 49 years; or

(3) any grant or disposition of any natural resources on community lands exceeding a term of 1 year.

1.2 Notwithstanding Section (1), a ratification vote is not required to grant interests, licenses and easements in community lands to public utility companies within the meaning of the Muskoday First Nation Treaty Land Entitlement Settlement Agreement as ratified by the Members of the Muskoday First Nation. ¹

Grants to non-members

1.2 The written consent of the Council must be obtained for any grant or disposition of an interest or license in Muskoday land to a person who is not a member.

Improper transactions void

1.3 A deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which Muskoday First Nation, a member or any other person purports to grant, dispose of, transfer or assign an interest or license in Muskoday land after the date this Land Code comes into force is void if it is not authorized pursuant to this Land Code.

¹ Amendment #1 March 19, 2007 as approved by the members of Muskoday First Nation through a community ratification vote.



15. Lands Advisory Committee

Committee established

1.1 The Council shall, by resolution, establish a Muskoday Lands Advisory Committee to advise the Council on land matters.

Composition

1.2 The Lands Advisory Committee shall be composed of up to 7 members, all of whom must be eligible voters.

Appointments by Council

1.3 The members of the Lands Advisory Committee shall be chosen by the Council. At least one of the members appointed may reside off Muskoday land.

Terms and Duties

1.4 The Council may, by resolution, establish the terms and duties of Lands Advisory Committee members and the procedures to be followed and make provisions for vacancies to be filled.

Procedures

1.5 The Lands Advisory Committee may make its own rules of procedure not inconsistent with those established by the Council.

Development of land related policies

1.6 Within a reasonable time after this Land Code comes into force, the Lands Advisory Committee shall, in consultation with the community, develop policies that address the following matters:

- (1) environmental protection and assessment in relation to Muskoday land;
- (2) any outstanding issues on the resolution of disputes in relation to Muskoday land;
- (3) land use planning; and
- (4) rights of possession of a matrimonial home on spousal separation and such other related issues as may be of concern to the community.

Implementation of policies

1.1 The policies developed by the Lands Advisory Committee shall be presented to the Council for consideration and implementation as land laws or as amendments to this Land Code, whichever is most appropriate.

16. Land Management Powers

Authority to make dispositions

1.2 Muskoday First Nation, acting through the Council, may grant

(1) interests and licenses in community lands, including leases, permits, easements and rights-of-ways, subject to section 14.3; and

(2) permits to take resources from community lands, including cutting timber or removing minerals, stone, sand, gravel, clay, soil or other substances, subject to section 14.3.

17. Registration of Interests

Enforcement of interests and licenses

1.3 An interest or license in Muskoday land created or granted after this Land Code comes into effect is not enforceable against a third party, Muskoday First Nation or a member, unless it is registered.

Enforcement of mortgages and pledges

1.4 A charge, pledge or mortgage of a leasehold interest in Muskoday land or in a building on those lands granted after this Land Code comes into effect is not enforceable against that leasehold interest unless it is registered.

Registration of consent or approval

1.5 No instrument that requires consent of the Council, or community approval at a community meeting or by a ratification vote, may be registered unless a certified copy of the resolution or minute of the Council or community meeting or result of the ratification vote that evidences the consent or approval is attached.

Duty to maintain duplicate register

1.6 The Council shall maintain a land register in form and content the same as the First Nations Land Register.

Duty of member to deposit

1.7 Every member who receives an interest or license in Muskoday land from another member shall deposit an original copy of the relevant instrument in the land register maintained by the Council.

Duty to deposit

1.8 The Council shall ensure that an original copy of the following instruments is deposited in the First Nations Land Register:

- (1) any grant of an interest or license in Muskoday land;
- (2) any transfer or assignment of an interest in Muskoday land;
- (3) any expropriation of an interest in Muskoday land by Muskoday First Nation;
- (4) every land use plan, subdivision plan or resource use plan; and
- (5) this Land Code and any amendment to this Land Code.

18. Transfer and Assignment of Interests

Approval of transfer

0.1 There shall be no transfer or assignment of an interest in Muskoday land without the written consent of the Council.

Restrictions on assignment or further grant

1.1 The grant of any interest or license in Muskoday land, shall be deemed to include a provision that the grant shall not be assigned or any other interest subsequently granted without the written consent of the Council.

Registration

1.2 For greater certainty, registration of the written consent referred to in this section is

still required under section 17.

19. Limits on Mortgages and Seizures

Limit on mortgages

1.3 A leasehold interest may be subject to charge or mortgage for a term not exceeding the term of the lease.

Exception

1.4 The term of any charge or mortgage shall not exceed 35 years, unless it receives the written consent of the Council and community approval by a ratification vote.

Default in mortgage

1.5 In the event of default in the terms of a charge or mortgage, no leasehold interest is subject to possession by the chargee or mortgagee, foreclosure, power of sale or any other form of execution or seizure, unless

- (1) the charge or mortgage was consented to by the Council;
- (2) the charge or mortgage was registered in the First Nations Land Register; and
- (3) a reasonable opportunity to redeem the charge or mortgage is given to the Council.

Power of redemption

1.6 If the Council exercises its power of redemption, Muskoday First Nation becomes the lessee of the land and takes the position of the chargor or mortgagor for all purposes after the date of the redemption.

20. Member Lots and Resources

Allocation of lots

1.7 The allocation to members of available residential lots and the procedures for the allocation shall be decided upon by the Council.



Right to resources

1.8 The allocation of an interest in a residential lot does not entitle the member to benefit from the resources arising from the interest.

21. Taking Land For Community Purposes

Rights and interest that may be expropriated

1.9 An interest or license in Muskoday land, or in any building or other structure on those lands, may only be expropriated by Muskoday First Nation in accordance with the *Framework Agreement* and any land law enacted for the purpose of establishing the rights and procedures for community expropriations.

Community purposes

1.10 A community expropriation may only be made for a necessary community purpose or works of Muskoday First Nation, including but not limited to: a fire hall, sewage or water treatment facility, community centre, public works, roads, schools, day-care facility, hospitals, health-care facility, and retirement home.

Expropriation laws

1.11 Before proceeding to make any community expropriations in accordance with this Land Code, the Council shall make fair and reasonable laws respecting the rights and procedures for community expropriations, including laws respecting:

(1) procedures governing expropriation, including the taking of possession, compulsory taking of possession and transfer of the right or interest, notice of expropriation and service of notice of expropriation; and

(2) entitlement to compensation, determination of the amount of compensation and the method of payment of compensation.

Public report

1.12 Before Muskoday First Nation decides to expropriate a right or interest, it shall make a public report on the reasons justifying the expropriation.

Rights that may not be expropriated

1.1 A right or interest of Her Majesty the Queen in right of Canada or Saskatchewan is not subject to expropriation by Muskoday First Nation.



Acquisition by mutual agreement

1.2 The right of Muskoday First Nation to expropriate can only be exercised after a good faith effort to acquire, by mutual agreement, rights or interests in Muskoday land.

Community approval

1.3 In the case of a member's interest, the expropriation must receive community approval by ratification vote.

Compensation for rights and interests

1.4 Muskoday First Nation shall, in accordance with its laws and the *Framework Agreement*,

(1) serve reasonable notice of the expropriation on each affected holder of rights or interests in the land to be expropriated; and

(2) pay fair and reasonable compensation to the holders of rights or interests in the expropriated land.

Compensation calculations

1.5 The total value of the compensation under this clause will be based on the following:

(1) the market value of the land or interest that is acquired;

(2) the replacement value of any improvement to the land that is acquired;

(3) the damages attributable to any disturbance; and

(4) damages for any reduction in the value of a remaining interest.

Market value

1.6 The "market value" of an expropriated right or an interest is equal to the amount that would have been paid for the right or interest if it had been sold on the reserve by a willing seller to a willing buyer under no duress. The cost of appraising the value of the property will be at the expense of the First Nation.

Neutral evaluation to resolve disputes

1.7 The resolution of disputes concerning the right of Muskoday First Nation to expropriate shall be determined by neutral evaluation, in the same manner as provided in Part IX of the *Framework Agreement*, and the 60 day period referred to in clause



32.6 of the *Framework Agreement* shall be applied, as appropriate in the circumstances, by the neutral evaluator.

Arbitration to resolve disputes

1.8 The resolution of the following disputes shall be determined by arbitration, in the same manner as provided in Part IX of the *Framework Agreement*:

(1) disputes concerning the right of the holder of an expropriated interest to compensation; and

(2) disputes concerning the amount of the compensation.

22. Voluntary Land Exchanges and Protections

Conditions for a land exchange

1.9 Muskoday First Nation may agree with another party to exchange a parcel of Muskoday land for a parcel of land from that other party in accordance with this Land Code and the *Framework Agreement*.

Negotiators

1.10 The persons who will have authority to negotiate a land exchange agreement on behalf of Muskoday First Nation must be designated by resolution of the Council.

Community approval

1.11 Once negotiations on the land exchange agreement are concluded, the proposed agreement must be submitted for community approval by a ratification vote.

No effect

0.2 A land exchange is of no effect unless it receives community approval by a ratification vote.

Land to be received

1.12 No land exchange may occur unless the land to be received in the exchange meets the following conditions:

(1) it must be equal to or greater than the area of Muskoday land to be exchanged and it must be at least comparable to the appraised value of the Muskoday land; and

(b) it must become a reserve and Muskoday land.

Additional land

1.13 Muskoday First Nation may negotiate to receive one or more other parcels of land as compensation, in addition to the parcel referred to above which is intended to become a reserve. These other parcels may be held by Muskoday First Nation in fee simple or some other manner.

Federal consent

1.14 Before Muskoday First Nation concludes a land exchange agreement, it must receive a written statement from Canada clearly stating that Her Majesty in right of Canada

(1) consents to set apart as a reserve the land referred to in section 22.5, as of the date of the land exchange or such later date as the Council may specify by resolution; and

(2) consents to the manner and form of the exchange as set out in the exchange agreement.

Process of land exchange

1.15 The land exchange agreement shall provide that

(1) the other party to the exchange must transfer to Canada the title to the land which is to be set apart as a reserve;

(2) the Council must pass a resolution authorizing Canada to transfer title to the Muskoday land being exchanged, in accordance with the exchange agreement; and

(3) a copy of the instruments transferring title to the relevant parcels of land must be registered in the First Nation Lands Registry.

23. Financial Controls and Accountability

Application

1.16 This section applies only to financial matters relating to Muskoday land.

Establishment of bank accounts

1.17 The Council shall maintain one or more financial accounts in a financial institution and shall deposit in those accounts



- (1) transfer payments received from Canada for the management and administration of Muskoday land;
- (2) moneys received by Muskoday First Nation from the grant or disposition of any interests or licenses in community lands;
- (3) all fees, fines, charges and levies collected under a land law or land resolution;
- (4) all capital and revenue moneys received from Canada from the grant or disposition of any interests and licenses in Muskoday land; and
- (5) any other land revenue received by Muskoday First Nation.

Signing officers

1.18 The Council shall authorize at least three persons, one of whom shall be a member of the Council, to sign cheques and other bills of exchange or transfer drawn on the account.

Two signatures

1.20 To be valid, a cheque or other bill of exchange or transfer drawn on the account must be signed by two signing officers.

Fiscal year

1.21 The fiscal year of Muskoday First Nation begins on April 1 of each year and ends on March 31 of the following year.

Adoption of budget

1.22 The Council shall, prior to the beginning of each fiscal year, adopt a land management budget for that fiscal year and may, if the Council deems it necessary in the course of the fiscal year, adopt supplementary budgets for that fiscal year.

Procedure

1.1 After adopting the land management budget or supplementary budget, the Council shall, without undue delay

- (1) explain the budget or supplementary budget to the members at an annual community meeting; and
- (2) make a copy of the budget or supplementary budget available at the administrative offices of Muskoday First Nation for inspection by members at reasonable hours.



If no budget

1.2 If the Council fails to adopt a land management budget for a fiscal year prior to the beginning of that fiscal year, the budget and any supplementary budgets of the previous fiscal year apply until a new budget is adopted.

Budget rules

1.3 The Council may make rules respecting the preparation and implementation of land management budgets.

Expenditures

1.4 The Council may not expend moneys or commit itself, by contract or otherwise, to expend moneys, unless such expenditure is authorized by or under a law or resolution or an approved budget.

Books of account and financial records

1.5 Muskoday First Nation shall keep books of account and financial records in accordance with generally accepted accounting principles.

Access to books and records

1.6 A member of the Council, an eligible voter or any person authorized by the Council may at any reasonable time, inspect the books of account and financial records of Muskoday First Nation.

Offences

1.7 A person is guilty of an offence if the person

(1) impedes or obstructs anyone from exercising their right to inspect the books or account or financial records of Muskoday First Nation; or

(2) has control of the books or account or financial records of Muskoday First Nation and fails to give all reasonable assistance to anyone exercising their right to inspect those books or records.

Preparation of financial statement

1.8 Within 90 days after the end of each fiscal year, Muskoday First Nation shall prepare a financial statement in comparative form, containing at a minimum

(1) a balance sheet;

(2) a statement of revenues and expenditures and a comparison of these with the amounts stated in Muskoday First Nation's budget and any supplementary budget; and

(3) any other information necessary for a fair presentation of the financial position of Muskoday First Nation.

Consolidated accounts

1.9 The accounting and auditing requirements of this Land Code may be done together with, and consolidated with, the other accounts of Muskoday First Nation.

24. Appointment of Auditor

Appointment of auditor

1.10 For each fiscal year, a duly accredited auditor shall be appointed for the audit of the land related financial records of Muskoday First Nation.

Holding office

1.11 The auditor appointed under this section holds office until re-appointed, or until a new auditor is appointed.

Vacancy in office

1.12 Where a vacancy occurs during the term of an auditor, the Council shall forthwith appoint a new auditor for the remainder of the former auditor's term and shall fix the auditor's remuneration.

Remuneration

1.13 The auditor's remuneration shall be paid by Muskoday First Nation out of the transfer payments received from Canada.

Duty of auditor

1.14 The auditor shall, within four months after the end of Muskoday First Nation's fiscal year, prepare and submit to the Council, a report on Muskoday First Nation's financial

statement, stating whether, in the opinion of the auditor, the financial statement presents fairly the financial position of Muskoday First Nation in accordance with generally accepted accounting principles applied on a basis consistent with that applied in the previous fiscal year.

Access to records

1.15 In order to prepare the report on Muskoday First Nation's financial statement, the auditor may at all reasonable times inspect the financial records, accounts, books, minutes, vouchers and receipts of Muskoday First Nation and any person or body who administers money on behalf of Muskoday First Nation.

Explanation of auditor's report

1.16 The Council shall present the auditor's report to the members at a community meeting.

Making report available

1.17 The Council shall make a copy of the auditor's report available at the administrative offices of Muskoday First Nation.

Access

1.18 Any member may have reasonable access to the auditor's report during normal business hours in the administrative offices of Muskoday First Nation.

Copies for members

1.19 Any member may obtain a copy of the auditor's report on payment of a reasonable fee set by or under resolution of the Council.

Copies for others

1.20 Any person who is not a member may, with the consent of the Council, obtain a copy of the auditor's report on payment of a reasonable fee set by or under resolution of the Council.

25. Rights of Eligible Voters



Rights of eligible voters

1.21 Each member who is at least eighteen (18) years of age is eligible to vote at a community meeting and at a ratification vote.

26. Procedure for Community Meetings

Notice to members

1.1 The Council shall give notice that

- (a) specifies the date, time and place of the community meeting; and
- (b) contains a brief description of the matters to be discussed and decided on at the community meeting.

Manner of notice

1.2 The notice of a community meeting must be given to the members by

- (1) posting the notice in a public place on Muskoday land at least 21 days before the community meeting;
- (2) mailing the notice to members;
- (3) publishing the notice in the community newspaper or distributed to eligible voters at least 10 working days before the meeting; and
- (4) such additional method as the Council may consider appropriate in the circumstances.

Who may attend

1.3 All members have a right to attend a community meeting, but other persons may attend with the permission of the Council.

Minimum for quorum

1.4 The Council may by law or resolution establish a minimum number or percentage of eligible voters who are required to be present as a quorum for the purposes of making a decision at a community meeting.



Voting

1.5 Decisions are to be made by a majority vote of the eligible voters present at the community meeting.

Other meetings

1.6 The Council may schedule more than one community meeting to discuss and decide on a matter that requires a community meeting.

Other laws

1.7 For greater certainty, the Council may make laws respecting community meetings.

27. Annual Community Meeting

Annual community meeting

1.8 The Council, on behalf of Muskoday First Nation, shall call and hold an annual community meeting within 60 days of the receipt of the auditor's report.

Agenda at community meeting

1.9 The agenda for each annual community meeting of Muskoday First Nation shall include the following:

- (1) approval of the minutes of the annual community meeting held the previous year;
- (2) annual review of land management;
- (3) presentation of the auditor's report and approval;
- (4) appointment of an auditor for the new fiscal year;
- (5) any other matters proposed by the Council; and
- (6) new business.

Appointment of secretary

1.10 The secretary to the Council, or another person designated by the Council, shall take the minutes of the annual community meeting and file copies of the minutes with the registrar of laws.



28. Community Approvals

Community approval by ratification vote

1.11 A ratification vote shall be held by Muskoday First Nation to decide whether to

- (1) approve a land use plan;
- (2) approve a grant or disposition of an interest or license in Muskoday land as required in section 14.3;
- (3) approve a grant or disposition of resources on community lands as required in section 14.3;
- (4) approve a charge or mortgage as required in section 19.2;
- (5) approve the law on community expropriation referred to in section 21.3;
- (6) approve the expropriation of a member's interest as required in section 21.7;
- (7) approve a voluntary exchange of Muskoday land; and
- (8) approve an amendment to this Land Code as required in section 33.

Community approval by community meeting

1.1 A community meeting shall be held by Muskoday First Nation to decide whether to enact any land law or land resolution that the Council is unable to enact pursuant to section 13.4.

29. Procedure for Ratification Vote

Community Ratification Process

1.2 Any ratification vote required under this Land Code shall be conducted in substantially the same manner as the *Muskoday First Nation Community Ratification Process*, which was used to ratify this Land Code.

No verifier

1.3 A verifier is not needed in any ratification vote, except a vote on an amendment to this Land Code.



Other laws

1.4 For greater certainty, the Council may make laws respecting ratification votes.

30. Local Dispute Resolution Systems

Appointment of dispute resolution body

1.5 The Council shall, within 60 days of the coming into force of this Land Code, appoint a dispute resolution body to deal with disputes and appeals relating to Muskoday land that arise after this Land Code comes into force.

Appealable disputes

1.6 The matters that may be appealed to the dispute resolution body shall be provided for by a land law.

Disputes not resolved by Council

1.7 If there is an appealable dispute that cannot be resolved by the Council or the Lands Advisory Committee, a member or a non-member with an interest in Muskoday land may, in accordance with this section, appeal the dispute to the dispute resolution body for their decision.

Appeal procedures

1.8 An appeal to the dispute resolution body shall be made and determined in accordance with the appeal procedures established by the dispute resolution body.

Improper influence

1.9 Any attempt by a person making an appeal to improperly influence the decision of the dispute resolution body will result in the automatic rejection of the appeal.

Limitation period

1.10 The limitation period for an appeal to the dispute resolution body is 30 days after



the day the decision, act or omission being appealed was made.

Power on appeal

1.11 The dispute resolution body may, after hearing an appeal

- (1) confirm or reverse the decision, in whole or in part;
- (2) substitute its own decision for the decision appealed from;
- (3) direct that an action be taken or ceased; or
- (4) refer the matter or dispute back for a new decision.

Decision final

1.12 A decision of the dispute resolution body is final and binding, subject to any exception established by a land law.

Written Decisions

1.13 Decisions of the Dispute Resolution Body must be in writing, signed by the person chairing the dispute resolution body or an officer designated by the dispute panel to do so.

Reasons

1.14 The dispute resolution body may give reasons for its decision, and shall do so in writing if the party to the proceedings requests them before, or within 14 days after, the date of decision.

31. Liability Coverage

Liability Coverage

31.1 The Council shall arrange, maintain and pay insurance coverage for its officers and employees engaged in carrying out any matter related to Muskoday land to indemnify them against personal liability arising from the performance of those duties.

Extent of Coverage

31.2 The extent of the coverage shall be determined by Council.



32. Offences

Application of Criminal Code

32.1 Unless some other procedure is provided for by a land law, the summary conviction procedures under Part XXVII of the *Criminal Code*, as amended from time to time, apply to offences under this Land Code or under a land law.

33. Amendments to Land Code

A Ratification Vote is not required for amendments made to this Land Code that do not change the substance of this Land Code. The Council shall, from time to time, review and amend this Land Code. Amendments may be made as a result of, but are not limited to:

- a) an addition of land under section 5.4.1.
- b) a reference in this Land Code to a clause in another act or document that was amended and resulted in clause renumbering;
- c) a reference in this Land Code to an Act or parts thereof that have expired, have been repealed or suspended;
- d) minor improvements in the language as may be required to bring out more clearly the intention of Muskoday without changing the substance of this Land Code;
- e) changes in this Land Code as are required to reconcile seeming inconsistencies with other acts; and
- f) correct editing, grammatical or typographical errors

34. Commencement

This Land Code shall come in force and effect on January 1, 2000.

