

## SECTION I: DECLARATION OF THE ONIHEKISKWAPOWIN KIHCI WIYASOWEWIN

PREAMBLE: ISKO KASAIHKASTEK MASKOSIYA KOHPIKIHKI, EKWA SIPIYA KAPIMICIIHWAKI

We, the Cree Nation of Onihcikiskwapowin Ministik, believe in the supremacy and power of the Creator. The Creator has provided the Saddle Lake Cree Nation its' spiritual beliefs, language, culture, laws, natural rights, lands, responsibilities, freedom, the right to self-determination, the right to govern its' relationships and to live in harmony with nature and mankind.

THEREFORE, in accordance to the principles of the Cree Nation's traditions and customs, and in recognition to the "spirit and intent" of Treaty Six and in accordance with the Royal Proclamation of 1763:

BE IT RESOLVED, that the members of the Saddle Lake Cree Nation duly assembled and are desirous of joining together for their generous benefit and mutual advantage, they, by motion and resolution, solemnly declare that this document serve as their Onihcikiskwapowin kihci wiyasowewin and will be governed accordingly by its' fundamental laws and principles:

### STATEMENT:

- It is the inherent right of Onihcikiskwapowin Nation to govern itself according to customary laws and traditional laws, the Inalienable right granted by the relationship with our territory;
- That all political legal legislative authority is vested in and derived from the people;
- That the governing authority flows from and is dependent upon the will of the people;
- That Onihcikiskwapowinowak places their confidence and beliefs in a judicial mechanism of an impartial nature, developed within the structure of the Onihcikiskwapowin government to deal with conflicts between members; their government and other governments;
- Therefore no act of another sovereign entity or nation, its agents, institutions, may directly or indirectly alter any meaning, intent or actions expressed herelo

THEREFORE BE IT RESOLVED, that the Onihcikiskwapowin has resolved to be governed accordingly to the herein provisions.

Ratified at a duly convened general assembly of Onihcikiskwapowin on June 23, 2003. Moved by: Darrell Brertron. Seconded by: John Shirt.

## SECTION II: POWERS & RESPONSIBILITIES: DEFINITIONS

A. **INHERENT POWERS:** All inherent powers of Onihcikiskwapowin shall upon declaration of this Customary Law of Onihcikiskwapowinak Nation be classified and defined as follows:

- Exclusive Powers** shall be those powers belonging to and reserved by the people of which they shall exercise themselves.
- Delegated Powers** shall be those powers, which are specifically identified and delegated to the respective institution of Onihcikiskwapowinak by the people through the ratification of this Customary Law.
- Financial Accountability Act**

## SECTION III: EXCLUSIVE POWERS

A. Exclusive Powers of the Onihcikiskwapowin shall include:

- All powers to ratify any new Treaties or major agreements entered into with any governments;
- All powers altering, terminating or in any manner changing the exterior boundaries of Onihcikiskwapowin territories and lands including any addition by entitlement, inherent right or by purchase;
- All powers to Onihcikiskwapowin to allow or disallow taxes upon the territory, lands, businesses, property (personal, corporate or real), direct or indirect upon the people of their agents of the Onihcikiskwapowin including the right to information.
- All powers to determine, establish or in any manner define citizenship and tenure, removal or withdrawal of same and the right of residency upon the territories or land of Onihcikiskwapowin.
- All powers of the people shall be exercised by the assemblies as provided herein.

B. Onihcikiskwapowin Assembly: referendum structure as developed by Onihcikiskwapowinowak

- Onihcikiskwapowin Assembly shall be those who are members of Onihcikiskwapowin, 21 years of age or older, eligible to vote in the Onihcikiskwapowin Band Election.
- The Assembly shall draw up or cause to be drawn up acts and regulations not contrary or inconsistent with this customary law;
- Said acts, laws and regulations shall provide for a chairperson or in the alternative, Okimaw of Onihcikiskwapowin shall be designated chairperson of the Assembly;
- Said acts and laws shall provide for a recording secretary;
- Said acts and regulations shall provide for a voting officer who shall certify all votes taken and shall further certify all petitions, referendums so taken by;
- Said bylaws be made provided Chief and Council prepare an agenda for each Assembly meeting and that the agenda provide for an agenda item to be known as "other item" to become bylaw
- Said bylaws may provide for the establishment of adhoc or standing committees or commissions deemed necessary and proper to the carrying out of the duties and responsibilities of the Assembly;
- All actions, resolutions and recommendations to be acted upon shall be subject to the fiscal resources of Onihcikiskwapowin.

C. Acts and Regulations

D. Quorum of Assembly

E. Meetings:

- Information Band Meeting
- Special Band Meeting
- General Band Meeting
- Band Membership Meeting

9. Resolutions and/or recommendations made by the Assembly shall where appropriate be tabled with Chief and Council after which, Chief and Council shall report back to the Assembly concerning disposition of same;

10. A quorum of the Assembly shall consist of five (5) percent of the total eligible resident voters with a minimum of no less than fifty (50) persons present;

11. The taking of ballots unless provided by the bylaws of the Assembly shall be by a simple majority of the required quorum.

## SECTION IV: DELEGATED LEGISLATIVE POWERS

A. All delegated legislative powers shall be exercised by an elected Chief and Council acting together which include the following:

- Fiscal and financial affairs including the establishment of fiscal institutions deemed proper and necessary;
- Health and safety;
- Education
- Housing
- Roads, bridges and maintenance of same;
- Capital improvements and public works; user fees
- Citizenship and residency where not inconsistent with or contrary to those exclusive powers of the Peoples' Assembly.
- Marriage and divorce;
- Wills, trust and property distribution;
- Social services for family, children, elderly and needy;
- Entering into agreements with other governments;
- Regulations of land use in consultation with the citizens of Onihcikiskwapowin Nation;
- Establishment of justice systems not inconsistent with or contrary to this customary law;
- Social, cultural enhancement, including museums, cultural centres and activities;
- Declaration of holidays, festivals and special occasions;
- Establishment of law enforcement agencies;
- Defining acts which are contrary to the harmony and welfare of the Nation;
- Creation and recognition of corporations, partnerships, joint ventures and other business arrangements both on and off the territories and lands of the Nation;
- Business establishment, licenses, permits and codes of standard;

20. Establishment of committees, boards, commissions and departments either permanent or temporary;

21. Providing for justifiable compensation for Chief and Council, members of the administration and justice system and other employees permanent or temporary subject to the fiscal resources of the Nation;

22. Providing for the general organization and operations of Chief and Council including rules of procedures and process;

23. Establish election laws and regulations for the election of Chief and Council and other elected offices were deemed appropriate and necessary.

24. Establishing Acts such as:

- Child Welfare

25. Education

- K-12

26. Tribal Justice/Tribal Customary Laws

- Policing

27. Traffic Laws

28. Environmental Laws

29. Levies & Taxes

## SECTION V: DELEGATED EXECUTIVE ADMINISTRATIVE POWERS

A. All delegated executive-administrative powers shall be those powers exercised in the administration of the Onihcikiskwapowin as prescribed by Chief and Council and which shall include the following:

- The Chief shall be the ex-officio of the tribe;
- There shall be a director of administration who shall function in a manner prescribed by an Administrative code;
- No administrative officer or personnel, permanent or temporary, shall, unless, authorized by Chief and Council, encumber, sign or make changes against the Nation including any fiscal, physical or other assets;
- All administrative personnel, permanent and/or temporary, shall perform their duties in a non-political manner without partiality.

## SECTION VI: DELEGATED POWERS OF JUSTICE

A. All delegated powers of justice shall be those powers as prescribed by the Peoples' Assembly and which shall include the following:

- All powers of justice shall be administered with the regard for fairness, impartiality and natural justice;
- There shall be a Justice Committee who shall:
  - Be composed of five (5) Commissioners to be selected by consensus by the Peoples' Assembly as determined by a justice code;
  - Supervise the justice system and its operations;
  - Recommend changes, reforms and amendments to codes and regulations including the justice code and regulations pertaining thereto;
  - Nominate persons to Chief and Council for appointment as peacemakers;

e. Nominate persons to Chief and Council as appointments as Chief Juror and associate jurors of the Justice Tribunal;

3. There shall be peacemakers whose powers shall be to investigate, mediate and where consented to by the parties involved, arbitrate and shall, where appropriate and/or as determined by the Justice Code make referrals to the Justice Tribunal;

4. There shall be a Justice Tribunal consisting of a Chief Juror and two (2) Associate Jurors whose powers shall be to mediate and where necessary, arbitrate and, decisions of the Justice Tribunal shall be final and binding for all parties concerned.

## SECTION VII: CONCURRENT POWERS

A. Concurrent Powers shall be those powers, which the Onihcikiskwapowinak Nation Government exercise conjunction and cooperation with other governments to be known as Inter-governmental relations.

## SECTION VIII: TRUST POWERS

A. Trust Powers are and shall be those powers of a beneficiary with the Federal Crown in trust entered into Treaty Six, 1876 - related to 1763 Royal Proclamation and other Statutes.

## SECTION IX: POWERS - ANY OTHER POWERS

A. Powers: ANY OTHER Powers as granted by Onihcikiskwapowinak

## SECTION X: AMENDMENTS & RATIFICATION

A. Amendments to this Constitution shall be made in accordance with the following provisions:

- No amendments shall be made to this Constitution at any time during the first year after ratification;
- Amendments may be initiated by Chief and Council, by the people upon the presentation with no less than fifty (50) names on the petition of the eligible resident voters or by the Peoples' Assembly by a simple majority of the required quorum;
- All amendments shall be approved by not less than a simple majority of the total eligible resident voters;
- Amendments upon approval by the required number of votes shall take effect immediately.

B. Ratification of this Constitution shall require not less than a simple majority of the total resident eligible voters of Onihcikiskwapowin.

C. This Constitution of Onihcikiskwapowin shall upon ratification by the required number of votes take effect immediately and become the CONSTITUTION OF THE SADDLE LAKE CREE NATION.



*Chief Eddy Nakokis*  
Chief Eddy Nakokis  
*Councillor Calvin Cardinal*  
Councillor Calvin Cardinal  
*Councillor Jim Cardinal*  
Councillor Jim Cardinal  
*Councillor Charlene Hout White*  
Councillor Charlene Hout White  
*Adrian Redcrow*  
Councillor Adrian Redcrow

*Councillor Raymond G. Cardinal*  
Councillor Raymond G. Cardinal  
*Councillor Jerry Cardinal*  
Councillor Jerry Cardinal  
*Councillor Leonard Jackson*  
Councillor Leonard Jackson  
*Councillor Jason Whiskeyjack*  
Councillor Jason Whiskeyjack