

**THE NEW BRUNSWICK ABORIGINAL PEOPLES COUNCIL**  
**CONSTITUTION AND BY-LAWS**



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### **Mission statement**

To the New Brunswick Aboriginal Peoples Council, self-government begins – but does not end – with control over our land. Government means jurisdiction over our renewable and non-renewable resources, education, health and social services, public order and the shape and composition of our political institutions. While some of our plans may sound far-reaching to some people, they should not be regarded as a threat. We do not want to recreate a world that has vanished. We do not want to turn back the clock. Far from it. We welcome the challenge to see our culture grow and change in directions that we have chosen for ourselves. We do not want to become the objects of sentimentality. Nor do we want our culture to be preserved in amber for the amusement or even the edification of others. What we do want, what we demand, is nothing more than control over our own lives and destiny. That control is called **“SELF-GOVERNMENT”**.

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# CONSTITUTION

## STATEMENT OF GOVERNANCE PRINCIPLES

From time immemorial, Mi'kmaq, Maliseet and Passamaquoddy peoples occupied territory including what is now known as the Province of New Brunswick. Bound together through nation-to-nation relationships, kinship connections and friendships, our Aboriginal nations lived together harmoniously, sharing freely the bounty and lands that the Creator provided for us. We were self-governing and self-sufficient.

In the 17th and 18th centuries, we welcomed to our land newcomers from Europe and entered into Treaties of Peace and Friendship with them, agreeing to live together in harmony, but preserving for ourselves our lands, cultures, traditions and rights. Our Aboriginal nations remained internally self-governing and the European settlers promised to respect us, our rights and our lands. In turn, we allowed them to share some portion of our land and its bounty and respected their right to govern themselves. We agreed to work together in a spirit of peace and friendship to resolve any issues of conflict or shared management.

Over time the European settlers forgot their promises, treating our land as their own and failing to respect the covenant chain of Peace and Friendship between our nations. However, the Mi'kmaq, Maliseet and Passamaquoddy peoples have never surrendered our ancestral lands or our Aboriginal and Treaty rights, all of which are now protected and preserved in the Constitution of Canada.

Some members of our nations live on reserves created and set apart by the Government of Canada. Others of our nations continue to live throughout the Province of New Brunswick, undisplaced to Indian Act reserves. These off-reserve Aboriginal people live in communities throughout the Province of New Brunswick, exercising their rights of self-identification and community acceptance.

Our off-reserve Aboriginal communities are organized by Zones. In recognition of our traditional leadership roles, each Zone has a leader respected as the Sakomahsis or Sagamawjij. The principal leader of the Council is the Sakom or Sagamaw. Please see the glossary of terms attached for a fuller explanation of these and other terms.

Off-reserve Aboriginal people, whether status Indians under the Indian Act or not, are the beneficiaries and holders of the Aboriginal and Treaty rights, and Land Claims, of their nations. The nations of Mi'kmaq, Maliseet and Passamaquoddy peoples remain self-governing within the context of the Constitution of Canada. These off-reserve Aboriginal people are represented by and have combined together within the New Brunswick Aboriginal Peoples Council.

The New Brunswick Aboriginal Peoples Council constitutes a community of off-reserve Aboriginal people in New Brunswick. The Council provides programs and services, including advocacy services, on behalf of off-reserve Aboriginal people in New Brunswick. The federal Indian Act is irrelevant to issues of membership, community participation or beneficiary entitlement.

The Council is duly mandated to represent to all other levels of government, and to protect and preserve forever, the Aboriginal and Treaty rights, including Land Claim rights, of the Off-reserve Mi'kmaq, Maliseet and Passamaquoddy people of New Brunswick. These rights have

existed from time immemorial and must continue to exist for our children and their children's children forever. The Council is also mandated to protect the right of off-reserve Aboriginal people to have direct representation to government through the Council.

Membership is required before an Aboriginal person in New Brunswick can be active politically in the Council and for certain programs, services and benefits. However, membership in the Council is not necessary for an off-reserve Aboriginal person in New Brunswick to be a beneficiary of Aboriginal or Treaty Rights or Land Claims or to be a member of an off-reserve Aboriginal community in the Province.

The Council recognizes that the off-reserve Aboriginal people are a vital constituent part of the Mi'kmaq, Maliseet and Passamaquoddy nations of New Brunswick and pledges to work with other organizations to promote equality and fairness in the treatment of all members of the nations.

Without limiting our Constitution and its governance principles, for the purpose of the legal requirements of the Societies Act of the Province of New Brunswick, we make the following bylaws:

1. The name of the society is: **THE NEW BRUNSWICK ABORIGINAL PEOPLES COUNCIL** (hereinafter called: the Council).
2. The aims, goals and objectives of the society are:
  - A. To provide an organization for off-reserve Aboriginal People in New Brunswick for the purpose of advancing their cultural, traditional, economic and general living conditions.
  - B. To work together toward reaffirmation, protection and implementation of our Aboriginal, Treaty and Land Claim Rights as Aboriginal People of New Brunswick.
  - C. To work with all levels of government, public and private agencies and private industry to improve social, educational and employment opportunities for people of Aboriginal Ancestry of New Brunswick.
  - D. To foster and strengthen cultural identity and pride among people of Aboriginal Ancestry in New Brunswick.
  - E. To inform the general public of the special needs and rights of the people of Aboriginal Ancestry of New Brunswick and of their efforts to achieve full participation in the economic, social and political life of the Province.
  - F. To co-operate with all other Aboriginal Organizations whose aims are similar to those of this society.

## **BY-LAWS**

## 1. **MEMBERSHIP:**

- A. **FULL MEMBERSHIP:** In the Council shall be open to persons of Aboriginal Ancestry 16 years of age and older and who ordinarily reside in New Brunswick and not on a Reserve. Only a Full Member shall be eligible to vote at Assemblies or Special Meetings or to hold elective office at the Executive or Board of Director level of the Council. To be eligible for Full Membership, the Aboriginal person must
- i) Application for Full Membership must be made at the community local level and forwarded to the Membership Clerk at Head Office with recommendation for approval.
  - ii) Be ordinarily resident in New Brunswick, off a Reserve, for six (6) months prior to applying for Membership;
  - iii) Meet the requirements of Membership and must fill out and have approved a Membership form prescribed for such purposes;
  - iv) Be a descendant of a verified and known Aboriginal person since July 1st, 1867.
  - v) Documents to support Aboriginal Ancestry must be certified. Photocopies of the certified documents shall be made by the Membership Committee and certified documents returned thereafter to the applicants.
  - vi) Requests for new membership to be acted within a 90-day period. Withdrawing memberships to be processed within a 90-day period.
- B. **SPOUSAL MEMBERSHIP:** Shall be open to the spouse of a Full Member. No formal Membership Application is required for Spousal Membership but Spouse is name shall be included in the Annual Charter list from Community Locals. Spousal members shall not be eligible to vote at Assemblies or Special Meetings or to hold elective office at the Executive or Board of Director level of the Council.
- C. **MEMBERSHIP IN GOOD STANDING:** A Member in Good Standing is any Aboriginal person eligible for Full Membership in the Council and who subscribes to the aims, goals and objectives of the Council. A Member in Good Standing is also required to pay their annual membership fees as provided for in section 1.K. of Council's Constitution and By-Laws. The annual membership fee for each membership category must be submitted on or before April 1st of each year. Members in Good Standing include Full members, Non-Resident Members and Lifetime Members which all carry the full range of participatory and voting rights allowed under this Constitution and By-Laws for Members in Good Standing.
- D. **MEMBERSHIP LIST:** Each member in good standing shall have their name added to an annual membership list that shall be maintained and prepared by the



Council by the 15th day of April each year. Such lists shall be sent to all Chartered Locals by the 30th day of April of each year.

- E. **ASSOCIATE MEMBERSHIP:** Shall be open to those persons who wish to support the Council but who are not eligible for full membership. Associate Members shall not be entitled to vote and hold elective office at the Executive Committee or Local Level of the Council or on the Board of Directors. Associate Members shall not be entitled to vote at the Annual Assembly.
- F. **YOUTH MEMBERSHIP:** Shall be open to those persons who are the children of the Full Members but cannot apply because of the age limit. Youth members will be entitled to membership cards and shall not be entitled to vote or hold office at the community local level, zone level or at the provincial level of NBAPC.
- G. **NON-RESIDENT MEMBERS:** Shall be open to those who were Full Members of the Council, but have since moved out of the Province of New Brunswick. Non-Resident Members will be required to pay an annual membership fee of \$5.00 directly to their Locals on or before April 1<sup>st</sup> of each year. Non-Resident Members will be considered members in good standing and entitled to the same constitutional rights as regular members, except where specifically provided in this section. Non-Resident Members shall be entitled to vote and run for elected office at the provincial level (President and Chief and Vice-Chief), vote at AGM's, vote in the universal suffrage process and any special meetings or referendums.
- For Clarification, Non-Resident Members may also put forward Notices of Motion and Resolutions for the AGMs as well as attend AGMs as delegates. Each year, the Board of Directors shall determine whether and to what extent any financial assistance can be provided to Non-Resident Members in order to attend the AGM, referendums or special meetings of the Council. Should limited or no funding be available for Non-Resident Members to attend these meetings, they will still hold their constitutional rights to attend, vote, bring forward resolutions, etc., but will be responsible for their own travel and other-related expenses. In the event that a Non-resident member runs for and is elected as President and Chief or Vice Chief, they will be required to relocate to the general locality of the Head Office of the NBAPC (for the position of President and Chief) or to the province of New Brunswick (for the position of Vice-Chief) and will be responsible for their own relocation expenses.
- H. **LIFETIME MEMBERSHIP:** May, at the discretion of an Annual General Meeting by way of a motion, be granted to Full Members whose efforts on behalf of the People of Aboriginal Ancestry warrant such recognition. Lifetime members shall be voting delegates at each special or Annual General Meeting of the Membership or in the Universal Suffrage process or referendums. Lifetime Membership can only be removed by way of a motion at an Annual General Meeting.

- I. **HONORARY MEMBERSHIP:** May, at the discretion of the Council, be granted to any persons whose efforts on behalf of the People of Aboriginal Ancestry warrant such recognition.
- J. **SUPPORTING MEMBERSHIP:** Individual people, churches, businesses and other organizations who wish to support our work may obtain a Supporting Membership upon payment of an Annual Fee of \$25.00, but such members will have no voting rights. It is a direct membership in the Council rather than in our Locals.
- K. **ANNUAL FEES:** Each Community locals must pay an annual charter fee of \$25.00 per local. Each individual member of a community local, as well as youth members must also submit an annual membership fee of \$1.00 to their local executive for submission to the Council. Each Non-Resident member must submit their \$5.00 annual membership fee directly to their Locals. Supporting members must pay an annual membership fee of \$25.00 (Twenty-five dollars) directly to the Head Office of the Council. Lifetime members are not required to pay annual membership fees, nor are Spousal, Associate or Honorary members. All fees must be submitted on or before April 1st of each year.
- L. **Membership Cards:** All Full Members of the Council shall be entitled to a membership card.

**2. COMMUNITY LOCALS:**

- A. Any five or more persons residing in the same locality and who are eligible for Full Membership in the Council may form a Community Local.
- B. Every Community Local shall have the right to levy an Annual Membership Fee.
- C. Every Community Local shall have the right to send up to 10 delegates and where possible include one youth and one elder, to Annual Meetings and Special Meetings of the Council, provided that only Full Members shall have the right to vote at such meetings.
- D. Every Community Local shall maintain accurate lists of its members and shall make such information available to the Head Office.
- E. All Community Locals are required to hold an Annual Local Meeting in the First Quarter (January, February or March) of each calendar year to elect its Officers, including a Community Local Youth Representative (who may or may not have to be a youth). Minutes and attendance of this Annual Meeting shall be sent to the Head Office at least a week before the annual general meeting. Any Community Local that does not comply with this By-Law will have revoked their right to send delegates to the Council's Annual Assembly or Special Meetings.
- F. No Member shall belong to more than one Community Local.
- G. A new Community Local cannot be formed within a ten (10) mile radius of an existing community local and members should, except where otherwise authorized by the Board of Directors, belong to the Community Local in the area of their residence.

**3. OFFICERS OF THE COUNCIL:**

- A. The Executive Officers of the Council shall consist of a President and Chief and Vice-Chief. The Executive Officers shall be elected through a universal suffrage process. The President and Chief and Vice-Chief shall constitute the Executive Committee of the Council.
- B. The Executive Officers and Board of Directors must be Full members of NBAPC and be at least nineteen years of age on or before the date of the election.
- C. The position of President and Chief shall be a full-time paid position. The position of Vice-Chief will be a non-salaried position.
- D. The term of office for the President and Chief shall be for a period of two (2) years. The term of office for the Vice-Chief is two (2) years.
- E. Any person that runs for any executive position, within the Council, cannot have a criminal record involving a conviction for fraud, embezzlement or theft or any indictable offence, unless that person received an absolute discharge or conditional discharge of their sentence or has been pardoned or unless the conviction resulted from conduct in the line or duty for the Council as a result of formally sanctioned activity authorized by Board motion for the protection or assertion of Aboriginal rights, such as a protest activity. Any person running for an Executive position must provide the Chief Electoral Officer with a current (dated within 60 days before nomination deadline) abstract of their criminal record along with their nomination papers.
- F. All nominees must be present at the Annual General Assembly.
- G. In the event of a vacancy in the office of the Vice-Chief caused by the resignation, illness, death or lack of capacity for any reason of the Vice-Chief, including his/her removal from office by reason of disciplinary action pursuant to the Constitution and By-Laws, and/or his/her inability, failure or refusal to perform his/her duties, the Board of Directors shall, by way of motion, decide whether to fill the vacancy immediately or wait until the next regular election. Should the remainder of the Vice-Chief's term be no more than 6 months, then the Board of Directors may, by way of motion, decide to immediately fill the position of Vice-Chief through appointment or vote. Should the remaining term of the Vice-Chief be greater than 6 months, then the Board of Directors shall, by way of motion, direct the immediate commencement of the Electoral Process as set out in section 4 of this Constitution and By-Laws in order to fill the vacancy of the Vice-Chief's position until the next regular election.

#### 4. ELECTORAL PROCESS

- A. An Electoral Commission of three persons shall be chosen by the Assembly prior to each election year to administer the Councils Electoral Process. The Board of Directors shall, at the fall board meeting of that same year, establish a budget for the operation of the Electoral Commission.
- B. The Electoral Commission shall have the responsibility and authority for the administration of the election of the President and Chief and the Vice-Chief of the Council through a process of universal suffrage.
- C. The Electoral Commission shall appoint the Chief Electoral Officer who shall be responsible to the Electoral Commission and shall file a report to the Annual General Assembly and release the results of the election.
- D. The election of the President and Chief shall be carried out during the first quarter of every second fiscal year, sixty (60) days prior to the end date of the AGM for that year. The election of the Vice-Chief shall be carried out during the first quarter of every second fiscal year, sixty (60) days prior to the end date of the AGM beginning in 2010.
- E. In the event of a vacancy in the office of the President and Chief caused by the resignation, illness, death or lack of capacity for any reason of the President and Chief, including his/her removal from office by reason of disciplinary action pursuant to this Constitution and By-Laws, and/or his/her failure, refusal or inability to perform his/her duties for a period of time exceeding 3 months (except in the case of resignation, death, removal from office, etc., where immediate action would be taken) the Board of Directors shall, by way of motion, direct the immediate commencement of the Electoral Process as set out in section 4 of this Constitution and By-Laws. During the time in which there is a vacancy in the position of President and Chief, the Vice-Chief will act only until such time as a proper election has been held. It is expected that any temporary absences (such as illnesses) by the President and Chief, which are less than 3 months in duration, would be filled by the Vice-Chief as per section 6.D. of this Constitution and By-Laws.
- F. Formal intention and nomination papers shall be filed by all those seeking election, no later than to sixty (60) days prior to the end date of AGM. The election process shall end at the Annual General Assembly and the results be announced by the end of the meeting. It would still remain Sixty (60) days in total.
- G. The Electoral Commission shall ensure that each eligible voter has a ballot and return stamped addressed envelope available to them and shall establish rules and regulations for the conduction of the election, shall ensure that the electoral roll is maintained and shall count all votes cast and report the results to the Community Locals.

**Eligible voters:**

- i) All off-reserve Aboriginal people who would meet the Membership criteria and who have applied to be on the voter's list at least thirty days prior to the Annual General Assembly.
  - ii) All Full Members are entitled to vote, whether or not they are in good standing and should receive a ballot automatically for election of President and chief and Vice-Chief. These members of the New Brunswick Aboriginal Peoples Council will have their names placed on the voter's list, and that any other off-reserve Aboriginal people who apply to be on the voter's list must show proof of address to the Chief Electoral Officer.
- H. The Electoral Commission members shall receive no salary but shall have any expenses covered by the Commission.
- I. Any member of the Electoral Commission who decides to run as a candidate shall resign from the Electoral Commission and the Board of Directors shall appoint a replacement.

**5. BOARD OF DIRECTORS:**

- A. The Board of Directors shall consist of:
- i. The Executive Officers of the Council.
  - ii. Seven (7) Zone Directors and 1 Youth Member: The seven (7) Zone Directors shall be elected in their respective zones during the first quarter of the fiscal year (April, May or June) and for this purpose the Province shall be divided into seven (7) Zones with a Director elected from each Zone. (See attached map). The youth Director shall be elected at an Aboriginal Youth Annual General Assembly.
  - iii. In the event that no Director is elected from a Zone or from the NBAPC-YC, the Annual General Assembly shall have the power to elect a Director at Large to fill any vacancy on the Board including youth director at large.
- B. The term of office of Directors is for two years after the conclusion of the Annual General Meeting. Directors shall be elected for rotating terms so that ½ of the Board will be replaced each year.

(In the even years, i.e. 2004, 2006, the even numbered zones, 2, 4 & 6 would elect their representatives and in odd years the odd numbered zones, 1, 3 & 5 would elect their representatives.)

- C. Any person who is elected to a Board of Director's position cannot have a criminal record involving a conviction for fraud, embezzlement or theft or any indictable offence, unless that person received an absolute discharge or conditional discharge or has been pardoned has 30days after the Annual General Meeting to provide an abstract of their current criminal record check this is no older than 30 days in order to accept the position they are elected to as Board of Director.
- D. Directors are to submit written reports to:
1. The Annual General Assembly;
  2. To all Community Locals in their respective Zones following each and every Board Meeting.

Upon the President and Chief of the Council receiving a formal written complaint from the majority of Community Locals in the affected Zone, any Director failing to comply with these requirements shall lose their status as a Board of Director.

- E. In the event that a vacancy occurs on the board, the Executive of the Council shall within 30 days of the vacancy occurring schedule a Zone meeting for the purpose of electing a Director to fill any vacancy. All Community Locals in that Zone

shall be notified by registered mail of any Zone meeting called for the above purpose.

- F. For purposes of transacting business, a quorum of the Board of Directors shall be 50% + 1 of the members of the Board.
- G. Any director missing more than two consecutive Board Meetings, without sufficient reasons, will be asked to resign as Director.
- H. The Executive Committee will notify all Community Local Presidents by Registered Mail of any major decisions that the Board of Directors shall be asked to deal with between Annual General Meetings that will affect the Community Locals, Members or the financial status of the Council.
- I. No Member may be a Board of Director if he/she is not of proven aboriginal ancestry, under the age of nineteen or if he/she is of unsound mind and has been found so by a court in Canada or elsewhere.



6. **DUTIES OF OFFICERS AND BOARD OF DIRECTORS:**

- A. The Board of Directors shall be responsible for determining the overall policy of the Council and for such purpose shall meet at least twice a year at such time and such place as a majority of its members determine. Meetings of the Board of Directors may be held by conference call. The Board shall review all major decisions of the Executive Committee and shall have final authority on all matters affecting the Council between Annual Meetings. The Board shall appoint legal counsel, auditors and make all other arrangements for conducting the financial transactions of the Council. Cheques of the Council shall be signed by any two of the President and Chief, Vice-Chief or, the Financial Officer.
- B. The Zone Directors are to attend meetings, on request, in their respective Zones. Each Zone Director shall reside in the area, which he or she represents throughout his/her term of office or shall be deemed to have resigned. Zone Directors must call a Zone Meeting 30 days prior to a Board of Directors Meeting.
- C. **President and Chief:** The President and Chief of the Council shall be the Chief Executive Officer and is responsible for the day to day management of the affairs and operations of the Council. He or she shall preside as Chairperson at the Board of Directors, Executive Committee and any other meetings of the Council. The President and Chief shall be an ex-officio member of all Committees or Boards of the Council. The President and Chief shall report to the Council through the Annual Assembly and between Assemblies to the Board of Directors. The Chairperson of a meeting shall not have a vote except in the case of a tie.
- D. **Vice-Chief:** The Vice-Chief of the Council shall be authorized to perform all the duties and functions of the President and Chief whenever the President and Chief is out of the Province, is on vacation, or is incapacitated, and shall do so until such time as the President and Chief returns or is capable of assuming his/her duties again. The Vice-Chief shall serve as the main communication link with the Community Locals, Zones and Membership of the NBAPC and will be responsible for attending Community Local and Zone Meetings, for publication of the Mal-I-Mic News, for maintaining and monitoring the membership process, the Planning Committee for the Annual Assembly and for the Annual Children's Summer Camp. The Vice-Chief, along with the President and Chief, shall be one of the signing officers for the Council. The Vice-Chief shall report to the President and Chief and Board of Directors of the Council.
- E. Financial Officer, a full time paid position, hired through policy and procedure, shall give or cause to be given, all notices required to be given to the general membership of the Council, Directors, Auditors and legal counsel.

The Financial Officer shall attend all meetings of the Directors and of the general membership and shall enter, or cause to be entered, in the books kept at the Head Office of the Council for that purpose, minutes of all proceedings at such meetings.

The Financial Officer shall be the custodian of the stamp or mechanical device generally used for affixing the corporate seal of the Council and of all books, papers, records, documents and other instruments belonging to the Council.

The Financial Officer shall further keep, or cause to be kept, at the Head Office of the Council, full and accurate books of account in which shall be records of all receipts and disbursements of the funds of the Council.

The Financial Officer shall render, or cause to be rendered, to the Board at the meetings thereof, or whenever required, an accounting of all financial transactions undertaken by the Council.

The Financial Officer shall be one of the signing officers of the Council.

The Financial Officer shall be responsible for the administration of NBAPC's Education Program

- F. No Director or Officer of the Council shall be liable for the acts, neglects or defaults of any other Directors or Officers, or for the insufficiency or deficiency of any security, in or upon which any of the monies of the Council shall be invested, or for any loss or damage arising from the bankruptcy, insolvency or tortuous act of any person which whom any of the monies, securities or effects of the Council shall be deposited, or for any loss occasioned by error or judgment or oversight on his part, or for any other loss, damage or misfortune what ever which shall happen in the execution of the duties of his/her office or in relation thereto unless the same shall happen through his own dishonesty.

**7. DISCIPLINE OF OFFICERS:**

- A) Executive Officers and the Board of Directors shall, upon assumption of office, sign a declaration of office as set out in Schedule A of the Constitution and By-Laws.
- B) Any Member of the Board of Directors found not to be fulfilling their role as a board member and action outside of the mandate given by the AGM without just cause is held accountable at the Zone, by way of motion and vote of non-confidence. This motion may come from the floor at any zone meeting and where 50% plus one of all zone members are present. 50% plus 1 of the members present must vote in favour of the motion in order for it to pass.

**1. VOTE OF NON-CONFIDENCE:**

- A) Notwithstanding any other provision of the Constitution and By-Laws of the NBAPC, the Membership of the NBAPC has the power to remove the President/ Vice-President and/ or the Vice-President/ Vice-Chief of the NBAPC at an Annual General Meeting (AGM) of the NBAPC by way of a vote of non-confidence, triggered by duly moved and seconded resolution at the AGM. At minimum of two-thirds (2/3) of the delegates registered to vote at the AGM must vote in favor of the resolution in order to effectively remove the named individual from his/ her position as President/ Chief and/ or Vice-President/ Vice-Chief prior to the expiration of their term of office.
- B) In the event of the removal of the President/ Chief and/ or Vice-President/ Vice-Chief from their term of office, the President/ Chief and/or Vice-President/ Vice-Chief shall be entitled to be reimbursed for any legitimate outstanding travel claims submitted within 7 days of their removal and will also be provided with one month's worth of salary. No further claims for salary, benefits, overtime, sick leave or otherwise will be permitted.
- C) Any person removed from the position of President/ Chief and/ or Vice-President/ Vice-Chief prior their term of office pursuant to this section will not have any right whatsoever to bring any legal and/ or other claims as against the NBAPC, its Board of Directors and/ or the Membership of the NBAPC arising from their removal from office pursuant to this section.
- D) Immediately upon the removal of the President/ chief and/ or Vice-President/ Vice-Chief, the position(s) will be considered vacant and the relevant sections of the Constitution and By-Laws of the NBAPC dealing with vacancies and elections will be triggered.
- E) Should a President/ Chief and/ or Vice-President// Vice-Chief be removed from their position prior to the expiration of their term of office pursuant to this section, that individual will not be permitted to offer their candidacy for the positions of President/ Chief and/ or Vice-President/ Vice-Chief for a minimum of four (4) years from the date removal.

**8. DISCIPLINE OR PROHIBITED ACTS:**

Every member of the Council is guilty of an offence against the Constitution and By-Laws of the Council who:

- A. Makes allegations and accusations against the Council that are found not to be true.
- B. Requests or solicits Government agencies to withdraw financial support to the Council.
- C. Fails to account for any funds in his or her care or commits theft or fraud against the Council.
- D. Does anything to harm the Council.
- E. Behaves in a way harmful to the interest of his or her fellow members.
- F. Fails to uphold the Constitution and By-Laws of the Council.

**9. OBLIGATIONS, SUSPENSIONS AND EXPULSION OF MEMBERS:**

- A. Acceptance of membership in the Council shall bind the member to accept and abide by the provisions of the Constitution and By-Laws of the Council.
- B. A member of the Council may be charged with any violation of the Constitution and By-Laws of the Council. Charges shall be made in writing and delivered to the Chairman of the Membership Committee.
- C. The Executive Officers shall investigate each charge and in the cases of minor offenses may take disciplinary action by reprimand or caution. In cases that might warrant suspension or expulsion from the Council, the Executive Officers shall submit their findings and recommendations to the Board of Directors.
- D. The Vice-Chief shall give immediate notice in writing to any member against whom a charge has been preferred, of the particulars of such charge and also shall give reasonable notice to the member concerned, of the date, time and place at which the hearing of the charge shall take place, together with such further notices as may be necessary to dispose of the charge completely.
- E. If a member against whom a charge has been laid does not attend the hearing as required, the hearing may proceed in his absence.
- F. The Board of Directors may, by a majority vote of those present, suspend the member for a stated period or indefinitely. The Board of Directors may, by a two-third (2/3) vote of those present, expel a member.
- G. The member so charged shall forthwith be notified by registered mail of the decision of the Board of Directors.
- H. The member suspended or expelled shall have the right to appeal the decision of the Board of Directors to the membership at an Annual Assembly by giving 30 days notice in writing of such appeal prior to the Annual Meeting of the Membership.
- I. The general membership may, by a two-third (2/3) vote of those members present at the Annual Meeting, reinstate the member.

**10. REINSTATEMENT OF MEMBER:**

The Board of Directors may, by a majority vote of those present, reinstate a member who has been suspended on the following terms and conditions:

- i) The member gives a formal public apology to the membership at an Annual Assembly; and
- ii) If applicable, give a written apology to any affected private and/or government agencies.

**11. ANNUAL ASSEMBLY:**

- A. An Annual General Meeting (AGM) of the Council shall be held every year, at such time and place as determined by the Council's Board of Directors. Written Notice of the time and place for the AGM shall be given to all Members in Good standing no later than 60 calendar days prior to the AGM. For the purposes of transacting business at the AGM, a quorum shall consist of 50% + 1 of the delegates registered for the AGM.
- B. All Community Locals entitled to send delegates to each Annual Assembly or Special Meeting shall submit to the Council a list of its delegates and alternates (including one youth and one elder), 30 days prior to each Annual or Special Meeting of the Membership, on such forms as may be required from time to time. Any Community Local failing to submit its list of delegates and alternates shall not be entitled to send voting delegates to the Council's Annual or Special Meeting of the Membership but may send delegates as non-voting observers. The Board of Directors are voting delegates, over and above the allotted ten per community local delegates.
- C. Any delegate to the Annual Assembly or Special Meeting of the Membership must be a member of the Council 30 days prior to such meetings.
- D. Delegates must bring an AGM docket back to the community local for information purposes. The community local executive shall keep these dockets.

**12. AMENDMENTS:**

Amendments of the Constitution and By-Laws of the Council can only be made at an Annual Assembly with a 2/3 majority vote of the registered delegates and only after a 30-day written notice has been given to all Community Locals.



**13. NON-PROFIT CHARITABLE COUNCIL:**

- A. The Council shall be a non-profit charitable organization.
- B. In the event that the affairs of the Council are terminated, all remaining assets after dissolution and after paying all liabilities shall be distributed to one or more recognized charitable organizations in Canada with objects and purposes similar to the Council.
- C. The affairs of the Council shall only be terminated with the approval of the membership at a meeting called for such purpose.
- D. The fiscal year of the Council shall be April 1st to March 31st of the following year.
- E. The Council may borrow for purposes of carrying out its operations, but only upon a special resolution authorizing same approved by the Board of Directors, having consulted in writing with the Community Locals in their respective Zones, and having received authority to do so from the Community Locals in their Zone.
- F. At no time shall the Board of Directors authorize or approve deficit budget planning for any of the Council's programs.

**14. HEAD OFFICE:**

- A. The Head Office of the Council is at 320 St. Mary's Street in Fredericton, New Brunswick.
- B. The Head Office is the home of the Council and one of the most important assets owned by the Council.
- C. The Executive Officers, Board of Directors, or Community Locals of the Council shall not mortgage, lien, change, encumber, sell, dispose or in any way deal with the Head Office property, located at 320 St. Mary's Street, Fredericton, New Brunswick, unless proper approval for such action has been obtained by passage of a motion by a majority of the eligible voting members present at an Annual Assembly, which notice shall be given at least 30 days prior to the Annual Assembly.

## **APPENDIX**

**Schedule "A"**

**New Brunswick Aboriginal Peoples Council**

THAT I shall strive to advance the interests of all Aboriginal people represented by the New Brunswick Aboriginal Peoples Council;

THAT I shall perform my duties as outlined in the Constitution and By-Laws of the New Brunswick Aboriginal Peoples Council.

THAT I shall strictly observe the provisions in the Constitution and By-Laws of the New Brunswick Aboriginal Peoples Council;

THAT I shall fulfill all duties of the office to which I have been elected to the best of my skills, knowledge and ability;

THAT this declaration has been read to me and explained to me, and I understand the nature of this declaration.

Declared before me at )  
in the County of )  
and Province of ) \_\_\_\_\_  
this \_\_\_ day of )  
A.D. 20\_\_ )

\_\_\_\_\_  
Witness

## **Schedule B**

### **Lifetime Members**

Jack Bernard  
Lois Genova (deceased)  
Stella Kryszko  
Jean LeBouthillier  
Viola VanDijk  
Barbara Cameron  
Frank Palmater  
Mary Louise Palmater  
Brenda Seeley  
Peter Gould (deceased)  
Mildred Nash (deceased)  
Mary Jane Gould (deceased)  
Georgina McKinney (deceased)

Philip Fraser  
Gary Gould  
Carol LaBillois-Slocum (deceased)  
Arnold Nash (deceased)  
Freda Harper  
Louise Illinger (deceased)  
Shawn McKinney  
Betty Ann Lavalley  
Frank Illinger (deceased)  
Barry LaBillois  
Melvin Nash  
Raymond Gould  
Patsy McKinney