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A law respecting the management, use, control and development of Yellow Quill First Nation Lands

1. Preamble

Whereas, the Council of Yellow Quill First Nation:

- (a) **is mandated by the people of Yellow Quill First Nation to implement a Law to ensure that the Lands of Yellow Quill First Nation are administered and managed for the benefit of its membership at the highest standards;**
- (b) **pursuant to the inherent right of sovereign self-government and all rights granted by the Creator, may make laws respecting the administration and management of Yellow Quill First Nation Land;**
- (c) **considers the best interests of Yellow Quill First Nation to be served by making a Land Law for such purposes and other purposes which may include Yellow Quill First Nation functioning as a self-governing First Nation;**
- (d) **is making this Law without prejudice to maintaining the power and authority or jurisdiction to make such laws pursuant to the Inherent Right of Self-government of the First Nation;**
- (e) **retains authority to revoke current arrangements and to pursue additional arrangements including alternative legislative arrangements, should Yellow Quill First Nation deem this to be in the best interests collectively of its membership, and so long as any such arrangements are not inconsistent with this Law;**
- (f) **at all times maintains the inherent right to make laws without abrogation or derogation to its Treaty and Aboriginal rights; and**
- (g) **has provided notice of this Law and consulted with its membership and provided the opportunity to make representations for the purpose of enacting this Law.**

2. Short Title

2.1 This Law may be cited as the *Yellow Quill First Nation Land Management Law*.

3. Interpretation

Definitions

3.1 In this Law:

"Community Land" means any Yellow Quill First Nation Land in which all members have a common interest and which Land has not been allocated to any member or members under this Law;

"Council" means the Chief and Council of Yellow Quill First Nation;

"Dispute Resolution Body" means the governing body referred to in section 27.1 of this Law which is defined and appointed pursuant to Yellow Quill First Nation law.

"eligible voter" means, for the purpose of voting in respect of Land matters under this Law, is eighteen (18) years of age or over on the day of the vote;

"First Nation Land Management Act" means the *First Nations Land Management Act, S.C., 1999, c. 24*, as amended from time to time;

"First Nations Land Register" means the register maintained by the Department of Aboriginal Affairs and Northern Development Canada under the *Framework Agreement* and for the purpose of recording documents respecting Yellow Quill First Nation Land or interests or Land rights in Yellow Quill First Nation Land;

"Framework Agreement" means the *Framework Agreement on First Nation Land Management*, between the Her Majesty the Queen in Right of Canada and several First Nations including Yellow Quill First Nation by way of amendment dated March 3, 2014;

"Individual Agreement" means the Individual Agreement made pursuant to subsection 6(3) of the *First Nations Lands Management Law*, entered into between the Yellow Quill First Nation and Her Majesty the Queen in Right of Canada as amended from time to time;

"interest" means any legally recognized estate, right, or interest of any nature in or to Yellow Quill First Nation Land, but does not include title to the Land or fee simple interest in Land;

"Immediate relative" in respect of a person, means the person's mother, father, sister, brother, child(ren) or spouse;

"Land By-law" means a By-law relating to Land enacted by Council pursuant to this Law;

"Law" means this Land Law formally referred to as the *Yellow Quill First Nation Land Management Law*;

"land resolution" means a resolution of Council made pursuant to this Law;

"licence" means any right of use or occupation of the Land other than an interest in that Land;

"market value" means that for an expropriated right or an interest, it is equal to the amount that would have been paid for the right or interest if it had been sold by a willing seller to a willing buyer under no duress;

"member or membership" means a person(s) whose name appears on the Yellow Quill First Nation Band Membership List, or whose name does not appear but whose application to be a member has been approved;

"project" means a physical activity that is carried out on Yellow Quill First Nation Land in relation to a physical work and is not a designated project as defined in subsection 2(1) of the *Canadian Environmental Assessment Act*;

"ratification vote" means a vote of eligible voters to obtain community approval in accordance with section 31 of this Law; and

"Yellow Quill First Nation Land" means those Yellow Quill First Nation Lands described in Schedule A of this Law which includes the water, beds underlying water, riparian rights, renewable and non-renewable natural resources, both surface and sub-surface forming part of that Land, including all Mines and Minerals, sand, gravel, clay and other non-metallic substances, oil and gas, and all such sub-surface materials and interests of whatever nature and kind.

Paramountcy

3.2 If there is an inconsistency between this Law and any other enactment or Land By-law of Yellow Quill First Nation, this Law prevails to the extent of the inconsistency.

Non-Abrogation and Non Derogation of Inherent Treaty and Aboriginal Rights

3.3 Nothing in this Law is to be construed to diminish, derogate from, abrogate, limit, reduce or prejudice any Inherent Treaty or Aboriginal rights of Yellow Quill First Nation granted by the Creator.

3.4 This Law does not deny or create Aboriginal or Treaty rights, and nothing in this Law shall be interpreted so as to create or deny any Aboriginal or Treaty rights of Yellow Quill First Nation including those Aboriginal and Treaty rights within the meaning of s. 25 and s. 35(1) of the *Constitution Act, 1982*.

3.5 Nothing in this Law shall be interpreted to preclude Yellow Quill First Nation from entering into agreements with Canada and the Province of Saskatchewan about administering Yellow Quill First Nation Land and the extent to which Yellow Quill First Nation has jurisdiction in relation to administration and management of its Land in relation to both members and non-members of Yellow Quill First Nation on Yellow Quill First Nation Land and Reserve.

3.6 Notwithstanding anything in this Law, Yellow Quill First Nation shall retain its right to opt out of or be free at any time to rescind its Band Council Resolution requesting that Yellow Quill First Nation be added to the schedule of the *First Nation Land Management Act* of Canada, and to further cause Yellow Quill First Nation to opt out of the provisions of the *First Nation Land Management Act*, the *Framework Agreement*, the *Individual Agreement*, successor legislation, or any delegated authority, should the Council deem this to be in the best interests of Yellow Quill First Nation upon requesting and receiving an Order of the Governor-in-Council.

- 3.7** Nothing in this Law shall be interpreted to limit, restrict, abrogate or derogate from the inherent right of self-government of Yellow Quill First Nation in relation to:
- (a) the By-law making powers of the Council recognized pursuant to the *Indian Act*;
 - (b) the law-making powers of the Council recognized pursuant to the *First Nation Land Management Act* or other legislative provisions by Canada recognizing First Nation laws;
 - (c) the Aboriginal title or the Aboriginal or Treaty rights of Yellow Quill First Nation; or
 - (d) the special and fiduciary relationship between Canada and Yellow Quill First Nation and its members.

4. Jurisdiction

Authority

- 4.1** The jurisdiction of Yellow Quill First Nation to govern and administer its Lands is an inherent right of self-government, historically recognized by Her Majesty the Queen in Right of Canada and recognized by Canada and guaranteed in accordance with the *Constitution Act, 1982*.

5. Purpose

- 5.1** The purpose of this Law is to provide for the most effective administration of Yellow Quill First Nation Lands:
- (a) by setting out the principles, authorities, rules and structures for Land management;
 - (b) requiring that leasing, licensing, and other Land instruments are easily understood and transparent; and
 - (c) through the integration of environmental, economic, and cultural considerations in Land management decisions.

6. Yellow Quill First Nation Land

Application of the Law

- 6.1** This Law shall apply to:
- (a) all Yellow Quill First Nation Land as described in the Individual Agreement and set out in Schedule A of this Law;

- (b) Land which is set apart by Her Majesty the Queen in Right of Canada as Lands being reserved to Yellow Quill First Nation and which, at the written request of Council, are Lands to which this Law applies;
- (c) Lands set apart by Her Majesty the Queen in Right of Canada which, at the written request of Council, are identified in the future as Lands being reserved to Yellow Quill First Nation Quill First Nation to which this Law applies; and
- (d) to any other lands which, at the written request of Council, may from time to time be added to Schedules A.

7. Powers and Responsibilities of the Council

Supervision and Management of Law

- 7.1 The Council has the general supervision and management of this Law and any regulations under this Law.

Powers of the Council

- 7.2 In Relation to the management of Yellow Quill First Nation Lands, the Council may:
- (a) exercise the powers, rights and privileges of an owner;
 - (b) grant and regulate interests ;
 - (c) manage natural resources; and
 - (d) receive and use all revenue moneys acquired by or on behalf of Yellow Quill First Nation under its this Law and administer those moneys in accordance with the *Yellow Quill Financial Administration Law*.

Legal Capacity

- 7.3 For any purpose related to Yellow Quill First Nation Land, Council has the legal capacity of a government necessary to exercise its powers and perform its duties and functions and, in particular, may:
- (a) acquire and hold property;
 - (b) enter into contracts;
 - (c) borrow money;
 - (d) expend and invest money; and
 - (e) be a party to legal proceedings.

Delegation

- 7.4 The power to manage Yellow Quill First Nation Land shall be exercised by the Council or by any person or body to whom a power is delegated by the Council in accordance with this Law, and that power shall be exercised for the use and benefit of Yellow Quill First Nation.

Establishment of Body

- 7.5 The Council may establish a body to manage Yellow Quill First Nation Land as a legal entity having the capacity, rights, powers and privileges of a natural person.

Law Making Powers

- 7.6(1) The Council has, in accordance with this Law, the power to enact Land By-laws respecting:
- (a) the regulation, control or prohibition of Land use and development including zoning and subdivision control;
 - (b) the creation, acquisition and granting of interests in relation to Yellow Quill First Nation Land and prohibitions in relation thereto;
 - (c) environmental assessment and environmental protection;
 - (d) the provision of local services in relation to Yellow Quill First Nation Land and the imposition of equitable user charges for those services;
 - (e) the provision of services for the resolution of disputes in relation to Yellow Quill First Nation Land;
 - (f) measures of enforcement, such as the power to inspect, search, seize, and to order compulsory sampling, testing, and the production of information; and
 - (g) any matter arising out of or ancillary to that power.
- 7.6(2) In addition to any other power and authority, Council has:
- (a) the power and authority to enact Laws about general rights, rules, procedures, and remedies in cases of breakdown of marriage or conjugal relationships or on the death of a spouse or common-law partner respecting the use, occupation, and possession of Yellow Quill First Nation Land and any family home situated thereon; and
 - (b) the power as recognized by the *First Nation Land Management Act*, the *Framework Agreement*, the *Individual Agreement*, which includes all matters ancillary to such power.

- 7.6(3) Notwithstanding the enacting of any other applicable legislation of Canada or a province such as the *Family Homes on Reserves and Matrimonial Interests or Rights Act of Canada* coming into force, such legislation of Canada and the province is displaced by a Law or By-law enacted by Council of Yellow Quill First Nation.

Property Assessment and Taxation

- 7.7 The power of the Council to enact laws respecting real property assessment or taxation and such matters are addressed by the *Yellow Quill Property Assessment Act*, July 3, 2014; and *Yellow Quill Property Taxation Act*, July 3, 2014 and/or applicable provisions of the *Indian Act*, subject to Yellow Quill First Nation law prevailing to the extent of any inconsistency.

8. Dispositions

Authority to Grant by Council

- 8.1 Subject to section 15, the Council, may grant:
- (a) interests in community Lands, including leases, licenses, permits, easements, and rights-of-ways; and
 - (b) permits to take resources from community Lands, including but not limited to cutting timber or removing minerals, oil, gas, stone, sand, gravel, clay, soil or other substances.
- 8.2 A Yellow Quill First Nation Land interest may only be created, granted, disposed of, assigned or transferred by a written document in accordance with this Law.

Community Approval of Disposition

- 8.3 Community approval by a ratification vote must be obtained for the following:
- (a) Any grant or disposition of an interest or license in Yellow Quill First Nation Land exceeding a term of 49 years;
 - (b) Any renewal of a grant or disposition of an interest or license in Yellow Quill First Nation Land that extends the original term beyond 49 years; or
 - (c) Any grant or disposition of any natural resources on community Lands exceeding a term of 49 years.
- 8.4 Despite section 8.3, a ratification vote is not required to grant:
- (a) interests in community Lands to public utility companies within the meaning of the *Yellow Quill First Nation Treaty Land Entitlement Settlement Agreement* as ratified by the members of the Yellow Quill First Nation; or

- (b) the allocation of residential lots to members.

Grants to Non-members

- 8.5 The written consent of the Council must be obtained for any grant or disposition of an interest or license in Yellow Quill First Nation Land to a person who is not a member.

Improper Transactions Void

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

9. By-law Making Procedure

Ability to Introduce Land By-laws

- 9.1 A proposed Land By-law may be introduced by any member of the Council, the Lands Advisory Committee, or by any member at a duly convened meeting of the Council.

Procedure for Introduction

- 9.2 The following procedures must be followed for the introduction of a Land By-law:
 - (a) a proposed Land By-law must be in writing;
 - (b) a written request to be placed on the agenda of a Council meeting, along with a written copy of the proposed Land By-law must be provided to the Council fourteen (14) days prior to the duly convened meeting at which it is proposed to be introduced; and
 - (c) subject to meeting procedural requirements, the proposed Land By-law must be introduced at the requested duly convened meeting or at the next duly convened meeting of the Council.

Explanation

- 9.3 The Council may require the individual introducing a proposed Land By-law to explain how the Land By-law would benefit the community and the members of Yellow Quill First Nation.
- 9.4 The Lands Advisory Committee shall provide any comments and recommendations to the Council on the proposed Land By-law within thirty (30) days of its introduction.

Tabling and Posting of Proposed Land By-laws

- 9.5 A proposed Land By-law may be voted on by the Council only if it:**
- (a) has been tabled at a duly convened meeting of the Council held at least thirty (30) days before the Land By-law is to be considered for the approval of the Council;**
 - (b) has been posted in public places on Yellow Quill First Nation Land one at least thirty (30) days before the Land By-law is to be considered for the approval of the Council;**
 - (c) has been published in the community newspaper or distributed to eligible voters at least twenty (20) days before it is considered by Council;**
 - (d) has been reviewed by the Lands Advisory Committee which has provided to Council any recommendations and explanations for consideration;**
 - (e) has been reviewed by Council in a community forum on three (3) separate occasions; and**
 - (f) is in compliance with this Law.**

Members Comments

- 9.6 Members shall be entitled to provide written comments to the Council on the proposed Land By-law, and the Council shall consider any such comments received ten (10) or more days prior to the Land By-law being considered for approval by Council.**

Public Health or Safety

- 9.7 The requirements of sections 9.2 (b)(c), 9.5 (a) through (d), and section 9.6 do not apply where the Council is of the opinion that the Land By-law is needed urgently in the interests of public health or safety and such a law shall expire one hundred and twenty (120) days after enactment. The process for such amendment shall be consistent with the law making procedure outlined in section 9.**

Approval of Land By-law by Council

- 9.8 Subject to section 9.10, a Land By-law is enacted if, at a duly convened meeting where a quorum of the Council is present, a quorum of the Council vote in favour of the Land By-law, or in the case of a conflict preventing the Council from voting on a proposed Land By-law under the rules set out in section 13.4, the Land By-law is approved by the members in accordance with section 13.4.**

Certification of Land By-laws

9.9 The original copy of any Land By-law or Land resolution concerning Yellow Quill First Nation Land shall be signed by:

- (a) a quorum of the Council present at the meeting at which it was enacted; and**
- (b) the secretary of the Council, or another person designated by the Council.**

Community Approval of Certain Laws

9.10 Notwithstanding the above, the following shall not be enacted by the Council unless Council receives community approval by a ratification vote:

- (a) a Land use plan;**
- (b) the law on community expropriation referred to in section 19; and**
- (c) any other proposed law that specifies a requirement for community approval under this section.**

10. Environment

Development of Environmental Laws

10.1 The Council shall develop and implement an environmental regime including laws respecting environmental protection and assessment.

Projects to be Addressed by Environmental Assessment Regime

10.2 The environmental assessment regime shall apply to all projects carried out on Yellow Quill First Nation Land that are approved, funded, regulated, or undertaken by the Yellow Quill First Nation.

11. Publication of Land Laws

For the purpose of section 11 and section 12, a Land Law includes a Land By-law.

Publication

11.1 All Land Laws shall be published in the minutes of the Council.

Posting Land Laws

11.2 Within seven (7) days after a Land Law has been enacted, the Council shall post a copy of the Land Law in a public place on Yellow Quill First Nation Land for a period of thirty (30) days.

Registry of Land Laws

- 11.3 The Council shall keep a register of the original copy of all Land Laws and Land resolutions at the administrative offices of Yellow Quill First Nation including laws and resolutions that have been repealed or are no longer in force.

Public Access

- 11.4 Any person may have reasonable access to the register of Land Laws during normal business hours at the administrative offices of Yellow Quill First Nation.

Copies for any person

- 11.5 Any person may obtain a copy of a Land Law or Land resolution on payment of an administrative fee set by or under resolution of the Council.

12. Coming into Force of Land Laws

Laws in Force

- 12.1 Subject to section 13.4, a Land Law enacted by the Council is in force on the date of its enactment or such later date as specified by the Land Law.

13. Conflict of Interest

Conflict of Interest by Council

- 13.1 This section applies to:
- (a) each member of the Council who is dealing with any matter before Council that is related to Yellow Quill First Nation Land;
 - (b) each person who is an employee of Yellow Quill First Nation dealing with any matter that is related to Yellow Quill First Nation Land; and
 - (c) each person who is a member of a board, committee, or other body of Yellow Quill First Nation dealing with any matter that is related to Yellow Quill First Nation Land.

Duty to Report and Abstain

- 13.2 If a member of Council, the Lands Advisory Committee, a Dispute Resolution Body, an employee of Yellow Quill First Nation or member of a board, committee, or other body of the First Nation dealing with any matter that relates to Yellow Quill First Nation Land has any interests, financial or otherwise, in the matter being dealt with that might involve the person or his or her immediate relative, the person shall:

- (a) immediately disclose the interest to the Council or the board, committee, or other body, as the case may be, and such disclosure shall be recorded in the minutes of the meeting at which such disclosure is given;
- (b) not take part in any discussion or deliberations on that matter, shall leave the meeting during those discussions or deliberations, and shall not vote on that matter; and
- (c) comply with a Yellow Quill First Nation Conflict of Interest and Dispute Resolution Policy or Law in force.

Common Interests

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

Meeting of Eligible Voters

- 13.4 If the Council is unable to vote on a proposed Land By-law or Land resolution due to a conflict of interest, the Council may refer the matter to a community meeting, and if a quorum of Council is present, a majority of the eligible voters present at the meeting may enact the Land By-law or Land resolution in accordance with section 26 of this Law.

Inability to Act

- 13.5 If the board, committee, or other body exercising authority pursuant to this Law is unable to act due to a conflict of interest, the matter shall be referred to the Council.

Family Representation

- 13.6 Not more than one (1) immediate relative may be a member of a board, committee, or other body exercising authority pursuant to this Law.

14. Lands Advisory Committee

Committee Established

- 14.1 The Council shall, by resolution, establish a Yellow Quill First Nation Lands Advisory Committee to:
- (a) assist with development of the Land administration system;
 - (b) advise the Council and its staff on matters relating to Yellow Quill First Nation Lands;
 - (c) recommend laws, Land Law amendments, resolutions, policies, and practices relating to Yellow Quill First Nation Lands to the Council;

- (d) hold regular and special meetings of members to discuss Land issues and make recommendations to the Council on the resolution of these Lands issues;
- (e) assist in the flow of information on Land-related issues between members and the Council;
- (f) oversee community approvals under this Law; and
- (g) carry out any other duties as may be assigned or delegated by Council.

Composition

- 14.2 The Lands Advisory Committee shall be composed of up to seven (7) members with at least 1 (one) member being a trustee of Yellow Quill Treaty Land Entitlement Trust, at least 1 (one) member being a non-band member of Yellow Quill First Nation, and at least 1 (one) member residing off Yellow Quill First Nation Land.
- 14.3 All members must be at least eighteen (18) years of age and must meet any additional written eligibility criteria established by Council in accordance with Yellow Quill First Nation laws.

Appointments by Council

- 14.4 The Council shall appoint and manage the membership of the Lands Advisory Committee including reappointments and removals pursuant to procedures established by the Council.

Terms and Duties

- 14.5 The Council shall, by resolution, establish the terms and duties of the Lands Advisory Committee members and the procedures to be followed.

Procedures

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

Development of Land Related Laws

- 14.7 The Lands Advisory Committee shall, in consultation with the community, develop By-laws for consideration of Council that include addressing the following matters:
- (a) Environmental protection and assessment in relation to Yellow Quill First Nation Land;
 - (b) Any outstanding issues on the resolution of disputes in relation to Yellow Quill First Nation Land;

- (c) Land use planning; and
- (d) Rights of possession of a matrimonial home on spousal separation, and such other family-related issues as may be of concern to the community.

15. Registration of Interests

Enforcement of Interests and Licenses

- 15.1 An interest or license in Yellow Quill First Nation Land that is created or granted after this Law comes into effect is not enforceable against a third party, Yellow Quill First Nation, or a member unless it is registered in the First Nations Lands Register.

Enforcement of Mortgages and Pledges

- 15.2 A charge, pledge, or mortgage of a leasehold interest in Yellow Quill First Nation Land, or in a building on those Lands granted after this Law comes into effect, is not enforceable against that leasehold interest unless it is registered in the First Nation Lands Register.

Registration of Consent or Approval

- 15.3 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 minutes of the Council or community meeting or result of the ratification vote that evidences the consent or approval is attached.

Maintain Duplicate Register

- 15.4 The Council shall maintain a Land Register in similar form and maintain the same content as the First Nations Land Register.

Duty of Member to Deposit

- 15.5 Every member who receives an interest or license in Yellow Quill First Nation Land from another member shall deposit an original copy of the relevant instrument in the Land Register maintained by the Council.

Duty to Deposit

- 15.6 The Lands Manager shall ensure an original copy of the following instruments shall be deposited in the First Nations Land Register:
- (a) Any grant of an interest or license in Yellow Quill First Nation Land;
 - (b) Any transfer or assignment of an interest in Yellow Quill First Nation Land;

- (c) Any expropriation of an interest in Yellow Quill First Nation Land by Yellow Quill First Nation;
- (d) Every Land use plan, subdivision plan or resource use plan; and
- (e) This Law, and any amendment to this Law.

16. Transfer and Assignment of Interests

Approval of Transfer

- 16.1 There shall be no transfer or assignment of an interest in Yellow Quill First Nation Land without the written consent of the Council.

Restrictions on Assignment or Further Grant

- 16.2 The grant of any interest or license in Yellow Quill First Nation Lands 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

- 16.3 For greater certainty, registration of the written consent referred to in this section is still required under section 15.3.

Transfer on Death

- 16.4 Until Council enacts a Law or By-law and exercises jurisdiction in relation to Wills and Estates and testamentary dispositions including procedures for estate management in accordance with s. 6(1)(c) of the *First Nation Land Management Act*, and s. 5.2(b)(1) of the *Framework Agreement*, the provisions of the *Indian Act* dealing with Wills and Estates and testamentary dispositions will continue to apply with respect to interests in Yellow Quill First Nation Lands until displaced by a Law or By-law enacted by Council.

17. Limits on Mortgages and Seizures

Limit on Mortgages

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

Exception

- 17.2 The term of any charge or mortgage shall not exceed 49 years unless it receives the written consent of the Council and community approval by a ratification vote.

Default in Mortgage

- 17.3 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:
- (a) the charge or mortgage was registered in the First Nations Land Register; and
 - (b) a reasonable opportunity to redeem the charge or mortgage is given to the Council.

Power of Redemption

- 17.4 If the Council exercises its power of redemption, Yellow Quill 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.

18. Member Lots and Resources

Allocation of Lots

- 18.1 The allocation to members of available residential lots and the procedures for the allocation shall be decided upon by the Council and include consultation with the membership.

Right to Resources

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

19. Taking Land for Community Purposes

Rights and Interest that may be Expropriated

- 19.1 Council has the right to expropriate legal interests, licenses, or Land rights in Yellow Quill First Nation Lands without consent if deemed by the Council to be necessary for community works or other community purposes.
- 19.2 Council's power of expropriation will be exercised in accordance with the rules and procedures specified in this Land Law and applicable By-laws.
- 19.3 Yellow Quill First Nation Land that the Council expropriates becomes the property of Yellow Quill First Nation free of any previous claim or encumbrance in respect of the interest.
- 19.4 Council will establish a mechanism to resolve disputes over compensation it pays for expropriation.

Compensation Calculations

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

- (a) The market value of the Land or interest that is acquired;
- (b) The replacement value of any improvement to the Land that is acquired;
- (c) The damages attributable to any disturbance; and
- (d) Damages for any reduction in the value of a remaining interest.

Neutral Evaluation to Resolve Disputes

19.12 The resolution of disputes concerning the right of Yellow Quill 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 sixty (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

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

- (a) disputes concerning the right of the holder of an expropriated interest to compensation; and
- (b) disputes concerning the amount of the compensation.

20. Voluntary Land Exchanges and Protections

Conditions for a Land Exchange

20.1 Yellow Quill First Nation may agree with another party to exchange a parcel of Yellow Quill First Nation Land for a parcel of Land from that other party in accordance with this Law and the *Framework Agreement*.

Negotiators

20.2 The persons who will have authority to negotiate a Land exchange agreement on behalf of Yellow Quill First Nation must be designated by resolution of the Council.

Community Approval

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

No Effect

- 20.4** A Land exchange is of no effect unless it receives community approval by a ratification vote.

Land to be Received

- 20.5** No Land exchange may occur unless the Land to be received in the exchange meets the following conditions:
- (a)** It must be equal to or greater than the area of Yellow Quill First Nation Land to be exchanged, and it must be at least comparable to the appraised value of the Yellow Quill First Nation Land;
 - (b)** The Land must be free and clear of known or suspected contaminants and environmental issues; and
 - (c)** The Land must be free and clear of interests allowing the Yellow Quill First Nation Land to transfer to reserve.

Additional Land

- 20.6** Yellow Quill 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 Yellow Quill First Nation in fee simple or some other manner.

Federal Consent

- 20.7** Before Yellow Quill First Nation concludes a Land exchange agreement, it must receive a written statement from Canada clearly stating that Her Majesty in right of Canada:
- (a)** consents to set apart as a Reserve the Land referred to in section 20.5 as of the date of the Land exchange or such later date as the Council may specify by resolution; and
 - (b)** consents to the manner and form of the exchange as set out in the exchange agreement.

Process of Land exchange

- 20.8** The Land exchange agreement shall provide that
- (a)** the other party to the exchange must transfer to Canada the title to the Land which is to be set apart as a Reserve;

- (b) the Council must pass a resolution authorizing Canada to transfer title to the Yellow Quill First Nation Land being exchanged in accordance with the exchange agreement;
- (c) a copy of the instruments transferring title to the relevant parcels of Land must be registered in the First Nation Lands Registry; and
- (d) as of the date of the Land exchange or such later date as Yellow Quill may specify, the description of Yellow Quill First Nation Land in this Law will be amended to delete the description of the Yellow Quill First Nation Land that was exchanged, and to add the description of the Yellow Quill First Nation Land received in exchange.

21. Immunity from Seizure etc.

21.1 Section 29 and section 89(1) and (2) of the *Indian Act* will continue to apply to any Reserve that is on Yellow Quill First Nation Land.

21.2 Section 89(1.1) of the *Indian Act* will continue to apply to all leasehold interests or leases that existed when this Law took effect if the Yellow Quill First Nation Land was designated land at that time.

21.3 Section 87 of the *Indian Act* will continue to apply to Yellow Quill First Nation Land so that:

- (a) the interest of a member or Yellow Quill First Nation in a Reserve that is Yellow Quill First Nation Land remains exempt from taxation, subject to section 83 of the *Indian Act*; and
- (b) the personal property or the movables of a member of Yellow Quill First Nation situated on a Reserve that is Yellow Quill First Nation Land, remains exempt from taxation.

22. Financial Controls and Accountability

Application

22.1 This section applies to financial matters relating to revenue, royalties, profits, and fees in respect of Yellow Quill First Nation Land that will be managed by Council or its delegate for the use and benefit of its members.

22.2 Council has adopted and implemented a *Yellow Quill Financial Administration Law* prepared in accordance to the *First Nations Fiscal Management Act* and certified by the First Nations Financial Management Board.

22.3 The *Yellow Quill Financial Administration Law* provides the necessary procedures, directives, and guidelines as it relates to the fiscal operations and management of Yellow Quill First Nation Lands and resources by the Yellow Quill First Nation Lands Department and the Lands Advisory Committee.

23. Rights of Eligible Voters

Rights of Eligible Voters

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

24. Procedure for Community Meetings

Notice to Members

24.1 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

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

- (a) posting the notice in a public place on Yellow Quill First Nation Land and in Yellow Quill First Nation urban offices at least twenty one (21) days before the community meeting;
- (b) mailing the notice to members;
- (c) publishing the notice in the community newspaper or distributed to eligible voters at least ten (10) working days before the meeting; and
- (d) such additional method as the Council may consider appropriate in the circumstances.

Who may Attend

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

Minimum for Quorum

24.4 The Council may enact a Law and By-law or resolution to 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

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

Other Meetings

24.6 The Council may schedule more than one community meeting to discuss and decide on a matter that requires a community meeting or a ratification vote.

Other Laws

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

25. Annual Community Meetings

Annual Community Meeting and Agenda

25.1 The agenda for each annual community meeting of Yellow Quill First Nation shall include the following:

- (a) Approval of the minutes of the annual community meeting held the previous year;
- (b) Annual review of Yellow Quill First Nation Land management;
- (c) Any other matters proposed by the Council; and
- (d) New business.

Appointment of Secretary

25.2 The secretary to the Council, or another person appointed by the Council, shall take the minutes of the annual community meeting and file copies of the minutes with the Registrar of Yellow Quill First Nation laws.

Community Approval by Community Meeting

25.3 A community meeting shall be held by Yellow Quill First Nation to decide whether to enact any Land Law or Land resolution that the Council is unable to enact pursuant to this Law.

26. Procedure for Ratification Vote

Community Ratification Process

26.1 Any ratification vote required under this Law shall be conducted in substantially the same manner as the Yellow Quill First Nation Community Ratification Process which was used to ratify this Law.

27. Local Dispute Resolution Systems

Appointment of Dispute Resolution Body

27.1 The Council shall, within sixty (60) days of the coming into force of this Law, appoint a Dispute Resolution Body to deal with disputes and appeals relating to Yellow Quill First Nation Land that arise after this Law comes into force.

Appealable Disputes

27.2 The matters that may be appealed to the Dispute Resolution Body shall be set out in Yellow Quill First Nation law.

Disputes not Resolved by Council

27.3 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 Yellow Quill First Nation Land may, in accordance with this section, appeal the dispute to the Dispute Resolution Body for their decision.

Appeal Procedures

27.4 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

27.5 Any attempt by a person making an appeal to influence the decision of the Dispute Resolution Body will result in the automatic rejection of the appeal.

Limitation Period

27.6 The limitation period for an appeal to the Dispute Resolution Body is thirty (30) days after the day the decision, act, or omission being appealed was made.

Power on Appeal

27.7 The Dispute Resolution Body may, after hearing an appeal:

- (a)** confirm or reverse the decision in whole or in part;
- (b)** substitute its own decision for the decision appealed from;
- (c)** direct that an action be taken or ceased; or
- (d)** refer the matter or dispute back for a new decision.

Decision Final

- 27.8** A decision of the Dispute Resolution Body is final and binding, subject to any exception established by Yellow Quill First Nation law.

Written Decisions

- 27.9** 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 Resolution Body to do so.

Reasons

- 27.10** 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 fourteen (14) days after the date of decision.

28. Liability Coverage

Liability Coverage

- 28.1** The Council shall arrange, maintain, and pay out of the transfer payments received from Canada, insurance coverage for its officers and employees engaged in carrying out any matter related to Yellow Quill First Nation Land to indemnify them against personal liability arising from the performance of those duties.

Extent of Coverage

- 28.2** The extent of the insurance coverage shall be determined by Council.

29. Offences

Application of Criminal Code

- 29.1** Unless some other procedure is provided for in a Yellow Quill First Nation Land Law or a Land By-law, the summary conviction procedures under Part XXVII of the *Criminal Code*, as amended from time to time, shall apply to offences under this Law or under a Land By-law.

30. Amendments to this Law

Community Approval

- 30.1** All amendments to this Law must receive community approval by ratification vote to be effective.
- 30.2** Notwithstanding section 30.1, a ratification vote is not required for amendments made to this Law that do not change the substance of this Law. The Council shall, from time

to time review and amend this Law. Amendments may be made as a result of, but are not limited to:

- (a) an addition of Land under this Law;
- (b) a reference in this Law to a clause in another Law or document that was amended and resulted in clause renumbering;
- (c) a reference in this Law to a Law or parts thereof that have expired, have been repealed, or have been suspended;
- (d) minor improvements in the language as may be required to bring out more clearly the intention without changing the substance of this Law;
- (e) changes to this Law as Council require to reconcile perceived inconsistencies with other Laws of Yellow Quill First Nation; and
- (f) to correct or edit grammatical or typographical errors.

31. Commencement

- 31.1** This Law shall come into force and effect on the day following ratification by the membership of Yellow Quill First Nation in accordance with a Community Approval Process and signing of the Individual Agreement by representatives of Yellow Quill First Nation and Canada.

SCHEDULE A

Yellow Quill First Nation Indian Reserve No. 90