

REC'D. *Aug 29/97*  
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*Annex #1*

MISSISSAUGAS OF  
SCUGOG ISLAND  
FIRST NATION

LAND MANAGEMENT CODE

*Ceriseia September 08, 1997*  
*DeJure*

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1. Preamble

Whereas the Mississaugas of Scugog Island First Nation have a profound relationship with the land that is rooted in respect for the Spiritual value of the Earth and the gifts of the Creator and have a deep desire to preserve our relationship with the land;

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

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

**NOW THEREFORE, THIS LAND MANAGEMENT CODE IS HEREBY ENACTED AS THE FUNDAMENTAL LAND LAW OF SCUGOG ISLAND FIRST NATION.**

2. Title

Title

2.1 The title of this enactment is the *Mississaugas of Scugog Island First Nation Land Management Code*.

3. Interpretation

Definitions

3.1 In this Land Code,

"community land" means any Scugog Island First Nation land in which no allotment to a member has been made and in which all members have a common interest.

"community meeting" means a meeting under this Land Code to which the

members are invited to attend.

"Council" means the Chief and Council of Scugog Island First Nation.

"eligible voter" means, for the purpose of voting in respect of land matters under this Land Code, a member of Scugog Island First Nation who has attained the age of 18 years.

"First Nations Land Register" means the register maintained by the Department of Indian Affairs under the *Framework Agreement*.

"*Framework Agreement*" means the *Framework Agreement on First Nation Land Management* entered into between the Minister of Indian Affairs and Northern Development and the Chiefs of fourteen First Nations, including Scugog Island, on February 12, 1996, as amended, and which is to be ratified on behalf of the Government of Canada by an Act of Parliament.

"immediate relatives", in respect of a person, means the person's mother, father, sister, brother, children or spouse.

"land law" means a land law enacted pursuant to this Land Code.

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

"member" means a person whose name appears or is entitled to appear on the Scugog Island First Nation Band Membership List.

"Scugog Island First Nation" means the Mississaugas of Scugog Island First Nation.

"Scugog Island First Nation lands" means any reserve referred to in section 6, including all the rights and resources that belong to that land.

"Transfer Agreement" means the Individual Transfer Agreement made between Scugog Island First Nation and Her Majesty in right of Canada, dated February 1997.

Paramountcy

- 3.2 If there is an inconsistency between this Land Code and any other enactment of Scugog Island First Nation, this Land Code prevails to the extent of the inconsistency.

4. Authority

Authority

- 4.1 The power of Scugog Island First Nation to govern and administer our lands flows from the Creator to the people of Scugog Island First Nation, and from the people to their Council.

Acting through the Council

- 4.2 Scugog Island First Nation shall act through its Council, which shall perform all the duties and functions and exercise all the powers of Scugog Island First Nation in respect of land management that are not specifically assigned to any other person or body by or under this Land Code.

5. Purpose

Purpose

- 5.1 The purpose of this Land Code is to set out the principles, guidelines and processes by which Scugog Island First Nation will exercise control over our lands and resources consistent with the *Framework Agreement*.

Ratification

- 5.2 The *Framework Agreement* is ratified and confirmed.

6. Description of Scugog Island First Nation Lands

Scugog Island First Nation lands

- 6.1 The following Scugog Island First Nation lands are subject to this Land Code:
- (a) the Indian Reserve on Scugog Island known as Reserve # 34; and
  - (b) all lands which may be set apart, after this Land Code comes into

force, as reserve lands for the exclusive use and benefit of Scugog Island First Nation.

## 7. Lands and Interests Affected

Nature of lands and interests

- 7.1 A reference to "land" in this Land Code means all the rights and resources that belong to the land, and includes
- (a) the water, beds underlying water, riparian rights, and renewable and non-renewable natural resources appurtenant to that land, to the extent that these are under the jurisdiction of Canada; and
  - (b) all the interests and licences granted by Her Majesty in right of Canada listed in the Transfer Agreement.

## 8. Law-Making Powers

Council may make laws

- 8.1 The Council may, subject to this Land Code, make laws respecting the development, conservation, protection, management, use and possession of Scugog Island First Nation lands, and interests and licences in relation to those lands. These powers include the power to make laws in relation to all matters necessary or ancillary to the making of laws in relation to Scugog Island First Nation lands.

Community participation in land use plan

- 8.2 Any land use plan will be developed by the community and must receive the consent of the eligible voters at a community meeting.

9. Law-Making Procedure

Introduction of land laws

- 9.1 A proposed land law may be introduced by any eligible voter at a duly convened meeting of the Council.

Explanation

- 9.2 The Council may require the eligible voter introducing a proposed land law to explain how the law would benefit the community.

Tabling and posting of proposed land laws

- 9.3 A proposed land law may be voted on by the Council after if it has been
- (a) tabled at a meeting of the Council held at least 28 days before the land law is to be voted on by the Council;
  - (b) posted in public places on Scugog Island First Nation lands at least 21 days before the land law is to be voted on by the Council; and
  - (c) published in the community newspaper or distributed to eligible voters at least 10 days before the land law is to be voted on by the Council.

Public health or safety

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

Approval of land law by Council

- 9.5 A land law is enacted if it has been approved by a majority of the Council at a meeting of the Council open to the members of Scugog Island First Nation, or as provided in section 12.4.

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## Certification of land laws

- 9.6 The original copy of any land law or land resolution concerning Scugog Island First Nation lands 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 such other person designated by the Council.

## 10. Publication of Land Laws

### Publication

- 10.1 All land laws must be published in the minutes of the Council.

### Posting land laws

- 10.2 Within 7 days after a land law has been enacted, the Council shall post a copy of the law in public places on Scugog Island First Nation lands.

### Registry of land laws and resolutions

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

### Public Access

- 10.4 Any person may have reasonable access to the register of land laws during normal business hours in the administrative offices of Scugog Island First Nation.

### Copies for any person

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

## 11. Coming Into Force of Land Laws

Laws in force

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

## 12. Conflict of Interest

Application to  
Council members,  
employees, etc.

12.1 This section applies to

- (a) each member of the Council who is dealing with any matter before Council related to Scugog Island First Nation lands;
- (b) each person who is an employee of Scugog Island First Nation dealing with any matter related to Scugog Island First Nation lands; and
- (c) each person who is a member of a board, committee or other body of Scugog Island First Nation dealing with any matter related to Scugog Island First Nation lands.

Duty to report and  
abstain

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

- (a) shall disclose the interest to the Council, or the board, committee or other body as the case may be; and
- (b) shall not take part in any deliberations on that matter nor vote on that matter.

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## Common Interests

- 12.3 This section does not apply to any interest that is held by a member in common with every other member of Scugog Island First Nation.

## Meeting of eligible voters

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

## Inability to act

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

## 13. Interests and Licences in Land

### Improper transactions void

- 13.1 A deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which the Council, a member or any other person purports to create, grant, dispose of, assign or transfer an interest or licence in Scugog Island First Nation lands after the date this Land Code comes into force is void if it is not authorized under this Land Code.

### All dispositions in writing

- 13.2 An interest or licence in Scugog Island First Nation lands may only be created, granted, disposed of, assigned or transferred by a written document in accordance with this Land Code.

### Allocation of land

- 13.3 The allocation of Scugog Island First Nation land to a member does not require the consent of the eligible voters at a community meeting.

Authority to make  
dispositions

**13.4 The Council may grant**

- (a) interests and licences in community lands, including leases, permits, easements and rights-of-ways, subject to the consent of the eligible voters if the term of the interest or licence exceeds 25 years; and
- (b) permits to take resources from community lands, including cutting timber or removing minerals, stone, sand, gravel, clay, soil or other substances, subject to the consent of the eligible voters if the term of the permit exceeds 1 year.

Community consent  
for disposition

**13.5 The consent of the eligible voters at a community meeting must be obtained for the following :**

- (a) any grant or disposition of an interest or licence in Scugog Island First Nation lands exceeding a term of 25 years; or
- (b) any grant or disposition of any resources on community lands exceeding a term of 1 year.

Grants to non-  
members

**13.6 The written consent of the Council must be obtained for any grant or disposition of an interest or licence in Scugog Island First Nation lands to a person who is not a member.**

## 14. Lands Advisory Committee

### Committee established

- 14.1 The Council may, by resolution, establish a Lands Advisory Committee to advise the Council on land matters.

### Composition

- 14.2 The Lands Advisory Committee shall be composed of up to 5 members, all of whom must be eligible voters.

### Appointments by Council

- 14.3 The members of the Lands Advisory Committee shall be chosen by the Council. At least one of the members appointed must be a non-resident of Scugog Island First Nation lands.

### Terms and Duties of Appointees

- 14.4 The Council may, by resolution, establish
- (a) the terms, appointment, duties and remuneration of the Lands Advisory Committee members and the filling of vacancies; and
  - (b) the procedures for the Lands Advisory Committee.

### Procedures

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

15. Registration of Interests

Enforceability of  
interests and  
licences

- 15.1 An interest or licence in Scugog Island First Nation lands created or granted after this Land Code comes into effect is not enforceable against a third party or Scugog Island First Nation or a member unless it is registered.

Enforceability of  
charge, mortgage  
and pledge

- 15.2 A charge, pledge or mortgage of a leasehold interest in Scugog Island First Nation lands or in a building on those lands granted after this Land Code comes into effect is not enforceable against that leasehold interest unless it is registered.

Registration of  
consent

- 15.3 No instrument that requires consent of the Council or the eligible voters at a community meeting may be registered unless a certified copy of the resolution or minute of the Council or community meeting that evidences the consent is attached.

Duty to maintain  
duplicate register

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

Duty of member to  
deposit

- 15.5 Every member who receives an interest or licence in Scugog Island 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 Council shall ensure that an original copy of the following instruments is deposited in the First Nations Land Register:

- (a) any grant of an interest or licence in Scugog Island First Nation lands;
- (b) any transfer or assignment of an interest in Scugog Island First Nation lands; and
- (c) any land use plan, subdivision plan or resource use plan.

## 16. Residential Lots and Resources

Allocation of lots

16.1 The allocation of available residential lots to members shall be decided upon by the Council.

No allocation to non-members

16.2 The Council may not allocate a residential lot to a person who is not a member.

Nature of interest in residential lot

16.3 The allocation of a residential lot to a member confers the exclusive use and occupancy of that lot for residential purposes subject to applicable land laws.

Rights attached to residential lots

16.4 The rights of a member to use and occupy a residential lot, and the procedures to protect those rights, shall be provided for by a land law or a land resolution.

Right to resources

- 16.5 The resources on a lot and any revenue arising from the sale of those resources belong to the member with the right to use and occupy the lot.

Transfer of interest

- 16.6 A member may transfer, devise or otherwise dispose of the member's right to use and occupy a residential lot to another member.

Allocation of residential lot on death of member

- 16.7 If a member holding a residential lot dies, and no provision has been made by that member for the disposition of his or her rights to use and occupy that lot to another member, the Council, upon the recommendation of the Lands Advisory Committee, if any, is obliged to determine to whom the lot shall be allocated.

Right of residence

- 16.8 The following persons have a right to reside on Scugog Island First Nation lands:
- (a) members, their spouses and children; and
  - (b) lessees and permittees, in accordance with the provisions of the instrument granting the lease or permit.

Right of access

- 16.9 The following persons have a right of access to Scugog Island First Nation lands:
- (a) members and their spouses and children;
  - (b) a lessee and his or her invitees;
  - (c) permittees and those granted a right of access under the permit;
  - (d) a person who is authorized by a government body or any other public body, established by or under an Act of Parliament, or an Act of the legislature of the province or a law of Scugog Island First Nation to perform a public function, to establish, operate or administer a public service, to construct or operate a public

installation, or to conduct a technical survey; or

- (e) a person authorized by a land law or by a resolution of the Council.

Public Access

16.10 Any member of the public may have access to Scugog Island First Nation land for any social or business purpose if

- (a) the individual does not trespass on allotted or leased lands or interfere with any interest of Scugog Island; and
- (b) the Council has not passed a resolution barring that individual.

Prohibition against residing

16.11 No person may reside on, enter or remain on Scugog Island First Nation land except in accordance with a residence or access right under this Land Code.

Trespass

16.12 Any person who resides on, enters or remains on Scugog Island First Nation land other than in accordance with a residence or access right under this Land Code is guilty of an offence.

Civil remedies

16.13 All remedies that a person in possession of land may obtain for acts of trespass are continued.<sup>1</sup>

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<sup>1</sup> This includes remedies like injunctions and orders for the forcible removal of a trespasser.

## 17. Transfer and Assignment of Interests

### No consent of Council

17.1 No consent of the Council or of the eligible voters at a community meeting is required for the following:

- (a) an assignment or transfer of a member's right to use and occupy a lot to another member; or
- (b) a grant or disposition of an interest or licence in a member's allocation of Scugog Island First Nation land to another member.

### Types of assignment and transfer

17.2 This section applies to assignments and transfers made by instrument, valid will or operation of law.<sup>2</sup>

### Consent to transfer

17.3 Subject to section 17.1, the written consent of the Council must be obtained for any transfer or assignment of an interest or licence in Scugog Island First Nation lands.

### Restrictions on assignment or further grant

17.4 The grant of any interest or licence in Scugog Island First Nation lands, shall be deemed to include a provision that the grant shall not be assigned or any other interest or licence subsequently granted without the written consent of the Council.

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<sup>2</sup> This section applies to assignments or transfers that occur by way of a legal document of assignment, a will, or by the effect of a law that transfers land from one person to another.

Registration

- 17.5 For greater certainty, registration of the transfer or assignment is required under section 15.

18. Mortgages and Seizures of Leasehold Interests

Limit on mortgages

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

Mortgages to non-members

- 18.2 The written consent of the Council must be obtained for any charge or mortgage of a leasehold interest to a person who is not a member.

Exception

- 18.3 The term of any charge or mortgage shall not exceed 25 years, unless consented to by the eligible voters at a community meeting.

Default in mortgage

- 18.4 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 received whatever consent was required from the Council or the eligible voters under this section;
  - (b) an original copy of the charge or mortgage was given to the Council for registration; and
  - (c) a reasonable opportunity to redeem the charge or mortgage is given to the lessor.

Power of redemption

- 18.5 If the lessor exercises the power of redemption, the lessor becomes the lessee of the land and takes the position of the chargor or mortgagor for all purposes after the date of the redemption.

19. Voluntary Land Exchanges and Protections

Conditions for a land exchange

- 19.1 Scugog Island First Nation may make an agreement with another party to voluntarily exchange a parcel of Scugog Island First Nation land for a parcel of land from that other party in accordance with this Land Code and the *Framework Agreement*.

Negotiators

- 19.2 The Council shall designate the person or persons who are to have authority to negotiate a land exchange agreement on behalf of Scugog Island First Nation.

Community consideration

- 19.3 Once negotiations on the land exchange agreement are concluded, the proposed agreement must be submitted to a community meeting for consideration by the eligible voters.

No effect

- 19.4 A land exchange must receive the consent of the eligible voters at a community meeting before it can take effect.

Land to be received

- 19.5 No land exchange may occur unless the land to be received by Scugog Island First Nation in the exchange meets the following conditions:
- (a) it must be either equal to or greater than the area of Scugog Island First Nation land to be exchanged or else it must be comparable to

the appraised value of the Scugog Island First Nation land;

- (b) if it is equal to or greater than the area of Scugog Island First Nation land to be exchanged, but is less than comparable value, then Scugog Island First Nation must receive additional compensation equal to or greater than the difference in value;
- (c) it shall not be smaller than the area of Scugog Island First Nation land to be exchanged, unless the exchange does not result in Scugog Island First Nation having less total land area than when this Land Code took effect; and
- (d) it must become a reserve and be subject to this Land Code.

Federal involvement

19.6 Scugog Island First Nation, before concluding a land exchange agreement, must receive a written statement from Canada clearly stating that Her Majesty in right of Canada

- (a) agrees to set apart as a reserve the land to be received in exchange, as of the date of the land exchange or such later date as the Council may specify by resolution; and
- (b) agrees to the manner and form of the exchange as set out in the exchange agreement.

Additional land

19.7 Scugog Island 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 Scugog Island First Nation in fee simple or some other manner.

Process of land exchange

19.8 The land exchange agreement shall provide that, if the land exchange receives the consent of the eligible voters at a community meeting,

- (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 Scugog Island First Nation land in accordance with the exchange agreement; and
- (c) an original copy of the instruments transferring title to the relevant parcels of land must be registered in the appropriate registers.

## 20. Borrowing

### Development loans

- 20.1 Council may borrow money for purposes related to Scugog Island First Nation lands.

### Borrowing limits

- 20.2 Unless consented to by both the Council and the eligible voters at a community meeting, the total amount borrowed by Scugog Island First Nation shall not at any time exceed
  - (a) \$100,000 dollars for everything other than borrowing for housing purposes; and
  - (b) \$500,000 dollars for housing purposes.

## 21. Financial Controls and Accountability

### Application

- 21.1 This section applies only to financial matters relating to Scugog Island First Nation land.

## Scugog Island First Nation Land Management Code

### Establishment of bank accounts

- 21.2 The Council shall maintain one or more financial accounts in a financial institution and shall deposit in those accounts
- (a) transfer payments received from Canada for the management and administration of Scugog Island First Nation lands;
  - (b) moneys received by Scugog Island First Nation from the grant or disposition of any interests or licences in community lands;
  - (c) all fees, fines, charges and levies imposed by a land law or land resolution;
  - (d) all capital and revenue moneys received from Canada from the grant or disposition of any interests and licences in Scugog Island First Nation lands; and
  - (e) any other land revenue received by Scugog Island First Nation.

### Signing officers

- 21.3 The Council shall authorize at least 4 persons, at least 2 of whom shall be members of the Council, to sign cheques and other bills of exchange or transfer drawn on the account.

### Bonding

- 21.4 Every employee of Scugog Island First Nation who is a signing officer must be bonded.

### Two signatures

- 21.5 To be valid, a cheque or other bill of exchange or transfer drawn on the account must be signed by two signing officers, one of whom must be bonded.

### Fiscal year

- 21.6 The fiscal year of Scugog Island First Nation begins on April 1 of each year and ends on March 31 of the following year.

Adoption of budget

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

Procedure

- 21.8 After adopting the land management budget or supplementary budget, the Council shall, without undue delay
- (a) explain the budget or supplementary budget to the members at an annual community meeting; and
  - (b) make a copy of the budget or supplementary budget available at the administrative offices of Scugog Island First Nation for inspection by members at reasonable hours.

If no budget

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

Budget rules

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

Expenditures

- 21.11 The Council may not expend moneys or commit itself, by contract or otherwise, to expend moneys, unless:
- (a) the expenditure is authorized by or under a law or resolution or approved budget; and
  - (b) for amounts greater than \$5,000, a certificate is issued by the Scugog Island First Nation manager stating that moneys are available for the expenditure.

## Scugog Island First Nation Land Management Code

### Books of account and financial records

21.12 Scugog Island First Nation shall keep books of account and financial records in accordance with generally accepted accounting principles.

### Access to books and records

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

### Offences

21.14 A person is guilty of an offence if the person

- (a) impedes or obstructs anyone from exercising their right to inspect the books or account or financial records of Scugog Island First Nation; or
- (b) has control of the books or account or financial records of Scugog Island First Nation and fails to give all reasonable assistance to anyone exercising their right to inspect those books or records.

### Preparation of financial statement

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

- (a) a balance sheet;
- (b) a statement of revenues and expenditures and a comparison of these with the amounts stated in Scugog Island First Nation's budget and any supplementary budget; and
- (c) any other information necessary for a fair presentation of the financial position of Scugog Island First Nation.

### Consolidated accounts

21.16 The accounting and auditing requirements of this Land Code may be done together with, and consolidated with, the other accounts of Scugog Island First

Nation.

## 22. Appointment of Auditor

### Appointment of auditor

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

### Holding office

22.2 The auditor holds office until re-appointed, or until a new auditor is appointed.

### Vacancy in office

22.3 Where a vacancy occurs during the term of an auditor, the Council shall, without delay, appoint a new auditor for the remainder of the former auditor's term and shall fix the auditor's remuneration.

### Remuneration

22.4 The auditor's remuneration shall be paid by Scugog Island First Nation out of the operational funding received from Canada.

### Duty of auditor

22.5 The auditor shall, within 90 days after the end of Scugog Island First Nation's fiscal year, prepare and submit to the Council, a report on Scugog Island First Nation's financial statement, stating whether, in the opinion of the auditor, the financial statement presents fairly the financial position of Scugog Island First Nation in accordance with generally accepted accounting principles applied on a basis consistent with that applied in the previous fiscal year.

### Access to records

22.6 In order to prepare the report on Scugog Island First Nation's financial statement, the auditor may at all reasonable times inspect the financial records, accounts, books, minutes, vouchers and receipts of Scugog Island First Nation and any

person or body who administers money on behalf of Scugog Island First Nation.

Explanation of  
auditor's report

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

Report available for  
inspection

22.8 The Council shall make a copy of the auditor's report available at the administrative offices of Scugog Island First Nation and any member may inspect the auditor's report during normal business hours at those offices.

## 23. Community Approvals

Decision by eligible  
voters at a  
community meeting

23.1 A community meeting shall be held by Scugog Island First Nation to discuss and make a decision on the following matters:

- (a) a land use plan;
- (b) any land law or land resolution that the Council is unable to enact due to a conflict of interest under section 12.4;
- (c) any grant or disposition of an interest or licence in Scugog Island First Nation lands that is longer than 25 years under in section 13.5(a);
- (d) any grant or disposition of resources on community lands that is longer than 1 year under section 13.5(b);
- (e) any charge or mortgage that is longer than 25 years under section 18.3;
- (f) any borrowing that exceeds the limits under section 20.2;
- (g) any amendment to this Land Code; and

- (h) any voluntary exchange of Scugog Island First Nation land.

Transfer Agreement  
with Canada

- 23.2 An amendment to, or renewal of, the Transfer Agreement with Canada made under clause 6 of the *Framework Agreement* does not require approval by the eligible voters at a community meeting, unless the amendment or renewal reduces the amount of funding provided by Canada.

Increased  
percentage

- 23.3 The Council may by law or resolution increase the number or percentage of eligible voters who are required to make a decision at a community meeting above the minimum majority in section 24.5.

## 24. Procedure for Community Meetings

Notice to members

- 24.1 The Council shall give notice specifying the date, time and place of the community meeting and containing a brief description of the matters to be 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 public places on Scugog Island First Nation lands at least 21 days before the community meeting;
  - (b) publishing the notice in the community newspaper or distributed to eligible voters at least 10 days before the meeting;
  - (c) taking reasonable steps to locate and inform members who reside off-reserve; and
  - (d) taking such other measures as the Council may consider

appropriate in the circumstances.

Rights of eligible voters

- 24.3 Each member who is at least 18 years of age is eligible to attend and vote at a community meeting.

Who may attend

- 24.4 Only eligible voters have a right to attend a community meeting, but other persons may attend with the permission of the Council.

Quorum

- 24.5 At any properly convened community meeting, the quorum for transacting lands business is 26 eligible voters.

Voting

- 24.6 If there is a quorum present at a community meeting, decisions may be made by a majority vote of the eligible voters present at the meeting.

Other meetings

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

Other laws

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

## 25. Annual Community Meeting

Annual community meeting

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

Agenda at community meeting

25.2 The agenda for each annual community meeting shall include the following:

- (a) the approval of the minutes of previous years annual community meeting;
- (b) an annual review of land management;
- (c) a presentation of the auditor's report and approval;
- (d) the appointment of an auditor for the new fiscal year;
- (e) any other matters proposed by the Council; and
- (f) new business.

Appointment of secretary

25.3 The secretary to the Council shall take the minutes of the annual community meeting and file copies of the minutes with the registrar of land laws.

## 26. Local Dispute Resolution Systems

Appointment of dispute resolution body

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

Appealable disputes

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

Right of appeal

26.3 A member, or a non-member with an interest in Scugog Island First Nation land, may appeal a dispute to the dispute resolution body for its decision if

- (a) the dispute that cannot be resolved by the Council, or the Lands Advisory Committee if one is established; and
- (b) the dispute is one that is made appealable to the dispute resolution body by a land law.

Appeal procedures

26.4 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

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

Limitation period

26.6 The limitation period for an appeal to the dispute resolution body is 30 days after the day the decision, act or omission being appealed was made.

Power on appeal

26.7 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

26.8 A decision of the dispute resolution body is final and binding.

Written decisions

26.9 Decisions of the dispute resolution body must be in writing, signed by

- (a) a member of the dispute resolution body; or
- (b) an officer designated by the dispute resolution body to do so.

Reasons

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

## 27. Liability Coverage

Liability Coverage

27.1 The Council shall arrange, maintain and pay, out of the operational funding received from Canada, insurance coverage for its officers and employees engaged in carrying out any matter related to Scugog Island First Nation lands to indemnify them against personal liability arising from the performance of those duties.

Extent of coverage

27.2 The actual extent of coverage shall be determined by the Council.

Bonding

27.3 Every employee of Scugog Island First Nation whose responsibilities include

land administration or collecting or accounting for land revenue must be bonded.

## 28. Offences

### Application of the Criminal Code

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

## 29. No Expropriation of Land

### Prohibition

- 29.1 There shall be no expropriation of Scugog Island First Nation land by the Council.

## 30. Commencement

### Preconditions

- 30.1 This Land Code shall not come into force unless
- (a) the community approves this Land Code and the Transfer Agreement with Canada, and this Land Code has been certified by the verifier pursuant to the *Framework Agreement*;
  - (b) the Federal Legislation ratifying the *Framework Agreement* is in force; and
  - (c) the Council has passed a resolution that adequate funding for land management has been identified and assured by Canada under the Transfer Agreement.

Commencement date

30.2 Subject to section 30.1, this Land Code shall come into force on the first day of the month following the coming into force of the federal legislation