

NEW AIYANSH VILLAGE CHARTER

NEW AIYANSH VILLAGE GOVERNMENT

NEW AIYANSH VILLAGE CHARTER

New Aiyansh Village Government enacted this law on October 18, 2000

Herbert Morven, Chief Councillor of the New Aiyansh Village Government, signed this law on

Oct 18 2000

DATE

Herbert Morven

CHIEF COUNCILLOR

NISGA' . NATION - REGISTRY OF NISGA'A LAWS

Certified a true copy

of New Aiyansh Village Charter

enacted

18/10/2000

[Signature]
Law Clerk, Wilp Si'ayuukhi Nisga'a

31/01/01

date

TABLE OF CONTENTS

Part 1 - The New Aiyansh Village Government Page 5

 1 Application of Village Charter Page 5

 2 Village Lands and assets Page 5

 3 New Aiyansh elders, Simgigat and Sigidimhaanak' Page 5

 4 Language Page 5

Part 2 - Authority of the New Aiyansh Village Government Page 6

 5 Composition of New Aiyansh Village Government Page 6

 6 Areas of Authority Page 6

 7 Administrative Authority of New Aiyansh Village Government Page 6

 8 Legislative Authority of New Aiyansh Village Government Page 7

 9 Elections Page 7

 10 Vacancies Page 8

Part 3 - Operation of New Aiyansh Government Page 9

 11 Committees Page 9

 12 Officers Page 9

 13 Meetings Page 10

 14 Assembly of the Village Page 11

 15 Village Lands Page 12

Part 5 - General Provisions Page 13

 16 Amendment of Charter Page 13

NISGA'A VILLAGE GOVERNMENT - REGISTRY OF LAWS
 Certified a true copy
 to
 enclosed
 Law Clerk, Nisga'a Village Government
 eish

NEW AIYANSH VILLAGE CHARTER

Preamble

We are Nisga'a, people of New Aiyansh, of Kalii'aksim Lisims. Since time immemorial, we have lived in the lands that K'amligiihahlhaahl gave to our ancestors.

K'amligiihahlhaahl gave us spiritual beliefs, our language and culture, and a place on earth which provides us with all of our needs.

We respect Ayuukhl Nisga'a, we protect the Nisga'a culture, language and values.

We continue to seek the guidance of the Simgigat and Sigidimhaanak', and respected Elders.

We, the people of New Aiyansh, recognize and affirm the principle of unity and cooperation in the spheres of authority of Nisga'a Governments.

We, the people of New Aiyansh, support the founding provisions as enunciated in the Preamble of the Nisga'a Constitution.

We share our resources and responsibilities equally, according to the principle of Sayt K'i'lim Goot (Common Bowl).

Our destiny is living in harmony with our neighbouring communities.

New Aiyansh is a contemporary Nisga'a community comprising of people whose outstanding contribution to the long struggle of the Nisga'a Nation is well recognized.

The vision of the people is to bring together cultural practices and traditional skills within a contemporary system to enable the New Aiyansh people to build a new economy.

We are seeking a balanced approach to life through the development of diverse opportunities.

The involvement and well-being of all ages is critical to achieving this vision.

We commit ourselves to the values and principles of our Ayuuk which will always sustain us and by which we govern ourselves.

We are Nisga'a, people of New Aiyansh: may K'amligihahlhaahl continue to protect our community and the Nisga'a Nation.

NEW AIYANSH VILLAGE CHARTER

Part 1 - The New Aiyansh Village Government**1 Application of Village Charter**

- (1) New Aiyansh is comprised of those Nisga'a citizens residing within the Nisga'a Village Lands of New Aiyansh.
- (2) This Charter applies to the New Aiyansh Village Government and its citizens, as established by the Nisga'a Constitution and recognized by the Nisga'a Treaty.
- (3) This Charter must be interpreted in a manner consistent with the Nisga'a Constitution and the Nisga'a Treaty.
- (4) New Aiyansh Village legislation must be enacted in accordance with this Charter and any rules passed by the New Aiyansh Village Government under this Charter.

2 Village Lands and assets

Subject to the Nisga'a Constitution, all the assets of the New Aiyansh Village Government, including its Nisga'a Village Lands are held by the New Aiyansh Village Government for the benefit of the Nisga'a citizens of New Aiyansh.

3 New Aiyansh elders, Simgigat and Sigidimhaanak'

The New Aiyansh Simgigat, and Sigidimhaanak', and other respected elders will continue to provide guidance and interpretation of the Ayuuk to the New Aiyansh Village Government and New Aiyansh Citizens.

4 Language

The official languages of the New Aiyansh Village Government are Nisga'a and English.

Part 2 - Authority of the New Aiyansh Village Government

5 Composition of New Aiyansh Village Government

The New Aiyansh Village Government is composed of

- (a) a Chief Councillor, and
- (b) the number of Village Councillors determined by Section 42(1)(b) of the Nisga'a Constitution.

6 Areas of Authority

The New Aiyansh Village Government participates in Nisga'a Government as follows:

- (a) The Village Government has the principal administrative and legislative authority within the Nisga'a Village Lands of New Aiyansh, over those matters assigned by the Nisga'a Treaty to Nisga'a Government or to Village Governments.
- (b) The Chief Councillor and Village Councillors are members of Wilp Si'ayuukhl Nisga'a, which exercises the legislative authority of Nisga'a Lisims Government.
- (c) The Chief Councillor is a member of the Nisga'a Lisims Government Executive, which exercises administrative authority for Nisga'a Lisims Government.

7 Administrative Authority of New Aiyansh Village Government

(1) New Aiyansh Village Government may:

- (a) exercise the authorities, responsibilities and functions:
 - (i) assigned to it by the Nisga'a Constitution or by legislation enacted in accordance with the Nisga'a Constitution; or
 - (ii) assigned or delegated to it by Wilp Si'ayuukhl Nisga'a, or by an agreement with Canada, or British Columbia, other than the Nisga'a Treaty; and
- (b) do such other things as may be necessary to the exercise of those authorities, responsibilities and functions.

(2) The Chief Councillor and Village Councillors acting together are responsible for making administrative policies and decisions required in the exercise of the Village Government's administrative authority.

NEW AIYANSH VILLAGE CHARTER

- (3) Subject to subsections (4) and (5), the Chief Councillor is responsible for the execution and conduct of the administrative policies and decisions of the Village Government.
- (4) Unless that responsibility is otherwise assigned by a provision of Nisga'a law, New Aiyansh Village Government may, at any time, assign to any member of the government responsibility of particular legislation or an administrative function, for administration, application and enforcement in the Village of New Aiyansh.
- (5) Subject to any Nisga'a legislation concerning financial and human resource administration, the New Aiyansh Village Government may employ staff to assist it in the exercise of its administrative authority.

8 Legislative Authority of New Aiyansh Village Government

- (1) In accordance with Nisga'a law, as set out in the Nisga'a Treaty, the New Aiyansh Village Government may exercise any right, power or privilege, and may carry out any function, duty or obligation of a Nisga'a Village or of a Nisga'a Village Government including:
 - (a) making any law within the authority of Nisga'a Government, or the authority of a Nisga'a Village Government, as set out in the Nisga'a Treaty, including any law as may be necessarily incidental to exercising its authority;
 - (b) making laws that may be necessary to enable it to exercise its rights or to carry out its responsibilities under the Nisga'a Treaty;
 - (c) making any regulations that it is authorized to make under Nisga'a law; and
 - (d) adopting any federal or provincial law in respect of a matter within the authority of Nisga'a Government, or a Nisga'a Village Government, as set out in the Nisga'a Treaty.
- (2) The legislative authority of the New Aiyansh Village Government may be exercised only by the Chief Councillor and Village Councillors acting together, and subject to any rules of procedures established by or under this Charter.
- (3) As soon as practicable after the law is enacted, the Chief Councillor is responsible for depositing, at the registry of Nisga'a laws, a signed copy of each law passed by the Village Government

9 Elections

- (1) Elections of the Chief Councillor and Village Councillors must be held:
 - (a) as required under Schedule 2 of the Nisga'a Constitution; and

- (b) every fourth year commencing in the year 2004; on a date, and in accordance with procedures, established by law made by Wilp Si'ayuukhl Nisga'a.
- (2) The Chief Councillor and Village Councillors must be elected by Nisga'a citizens ordinarily resident within the Nisga'a Village Lands of New Aiyansh, to serve until a successor is elected at the next general election.
- (3) A person elected in a by-election to fill a vacancy serves until a successor is elected at the next general election.
- (4) During their terms of office, the Chief Councillor and Village Councillors must ordinarily reside within the Nisga'a Village Lands of New Aiyansh and an individual ceases to be a Chief Councillor or Councillor of New Aiyansh Village Government if they cease to ordinarily reside within the Nisga'a Village Lands of New Aiyansh.

10 Vacancies

A vacancy occurs in the Office of Chief Councillor, Deputy Chief Councillor, or Village Councillor of New Aiyansh Village Government if the person who holds the office:

- (a) dies;
- (b) is removed from their office under section 12(5) of this Charter;
- (c) ceases to be an officer of the New Aiyansh Village Government because they cease to ordinarily reside within the Nisga'a Village Lands of New Aiyansh; or
- (d) resigns.

Part 3 - Operation of New Aiyansh Government

11 Committees

- (1) The Village Government may, at any time during its term of office, establish committees of the government and assign portfolios to them.
- (2) A committee may include Nisga'a citizens who are not Village Councillors, but:
 - (a) the majority of the members of each committee must be Village Councillors;
 - (b) each committee must be chaired by a Village Councillor, or the Chief Councillor; and
 - (c) a person appointed to a committee who is not a Village Councillor serves as a non-voting member of that committee.
- (3) A committee, at any time during the performance of its functions, may consult with and receive advice from New Aiyansh elders, and from any person with relevant experience.

12 Officers

- (1) The Officers of the New Aiyansh Village Government are the Chief Councillor and the Deputy Chief Councillor.
- (2) The Chief Councillor is responsible for the duties and functions assigned by the Nisga'a Constitution or by the Village Government.
- (3) The New Aiyansh Village Government must elect one of the Village Councillors other than the Chief Councillor, to be the Deputy Chief Councillor:
 - (a) at its first sitting after a regular election; and
 - (b) thereafter if the position of Deputy Chief Councillor becomes vacant.
- (4) In accordance with Nisga'a law, when a vacancy occurs in the position of Chief Councillor, the Deputy Chief Councillor must act as Chief Councillor until a person is elected to that position
- (5) New Aiyansh Village Government, by a resolution supported by at least two-thirds of its members, may only remove from office, the Chief Councillor or a Village Councillor on the grounds of:

NEW AIYANSH VILLAGE CHARTER

- (a) breach of code, obligations, or standards as set out in Village Government regulations; or
- (b) mental or physical inability to perform the functions of office.

13 Meetings

- (1) The New Aiyansh Village Government must meet on a regular basis and may meet at least once every month, or at other times when required.
- (2) Meetings may be held within New Aiyansh, or at other places which the New Aiyansh Village Government determines are appropriate and expedient.
- (3) Before the first meeting following its election, the Chief Councillor and Village Councillors must appear before a public meeting in New Aiyansh, at which:
 - (a) each of them, in accordance with Schedule 1 of the Nisga'a Constitution must affirm loyalty to the people of New Aiyansh; and
 - (b) the authority of the New Aiyansh Village Government will be affirmed by the passing of Ganim Siwilye'enskw by the New Aiyansh Elders.
- (4) After the final meeting of the New Aiyansh Village Government before a regular election, the Chief Councillor and Village Councillors must appear before a public meeting in New Aiyansh to return Ganim Siwilye'enskw to the New Aiyansh elders.
- (5) Subject to subsections (3) and (4), the Village Government may:
 - (a) determine the time and duration of its meetings;
 - (b) control its internal arrangements and procedures; and
 - (c) make rules and orders concerning its business and the business of its committees.
- (6) At each meeting of the Village Government, the Chief Councillor, or the Deputy Chief Councillor must appoint one of the members to preside at that meeting.
- (7) Except where rules made under subsection (5)(c) provide otherwise:
 - (a) a majority of the members must be present before a vote may be taken in the New Aiyansh Village Government;
 - (b) every Councillor, including the presiding member, has one vote; and

NEW AIYANSH VILLAGE CHARTER

- (c) every question will be decided by a majority of the votes cast.
- (8) The New Aiyansh Village Government may hold its meetings either in public or in camera.

14 Assembly of the Village

- (1) New Aiyansh Village Government must have at least one general meeting annually with the Nisga'a citizens ordinarily residing within the Nisga'a Village Lands of New Aiyansh to discuss matters of importance and may meet those citizens at other times when required.
- (2) When there is a call for a general meeting, the Village Government must adopt:
 - (a) appropriate procedures for convening and giving notice of the meeting; and
 - (b) rules of procedure to be followed at the meeting.
- (3) Subject to the rules of procedure adopted for a general meeting:
 - (a) every Nisga'a citizen ordinarily residing within the Nisga'a Village Lands of New Aiyansh has the right to attend and speak at the meeting; and
 - (b) every Nisga'a citizen ordinarily residing within the Nisga'a Village Lands of New Aiyansh who is at least 18 years of age and attending the meeting has the right to vote at that meeting."
- (4) A general meeting may adopt any resolution directing the Village Government to consider a matter within its authority.

Part 4 - Decisions Concerning Village Lands

15 Village Lands

The New Aiyansh Village Government must establish a process for public involvement in land-use planning.

NEW AIYANSH VILLAGE CHARTER

Part 5 - General Provisions**16 Amendment of Charter**

- (1) This Charter and any amendments to it, must be consistent with the Nisga'a Constitution.
- (2) The New Aiyansh Village Government must observe the following steps when amending this Charter:
 - (a) Step 1 - The Village Government, by ordinary majority vote, may adopt a resolution proposing an amendment to the Charter.
 - (b) Step 2 - The Village Government, in accordance with section 14 of this Charter, must call a general meeting to discuss the proposed amendment to the Charter.
 - (c) Step 3 - The Village Government, at least 30 days before the date of the general meeting, must take appropriate steps to publish and explain to Nisga'a citizens ordinarily resident within New Aiyansh Village Lands, the proposed amendment.
 - (d) Step 4 - After the general meeting, the Village Government, at a duly constituted meeting [of Village Government], may amend this Charter, if at least 70% of the votes support adoption of the proposed amendment.

