



Yellow Quill
Land
Management
Law

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

Assented to _____, 2015

1. Preamble

Whereas, the Council of Yellow Quill First Nation:

- (a) is mandated by the people of Yellow Quill First Nation and its constitution to implement a Land 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 the Council of Yellow Quill First Nation may make laws respecting the administration and management of the 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 Land 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 the 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 Land Law and consulted with its membership which has made representations for the purpose of enacting this Land 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 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;

"eligible voter" means, for the purpose of voting in respect of land matters under this Land Code, is eighteen 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 under the *Framework Agreement* and for the purpose of recording documents respecting First Nation land or interests or land rights in 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 on _____, 2015 as amended from time to time;

"interest" means any legally recognized estate, right or interest of any nature in or to Yellow Quill 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, children or spouse;

"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" means a person 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 lands 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; and

"**Yellow Quill land**" means those lands described in Schedule A of this Law and includes the water, beds underlying water, riparian rights, and renewable and non-renewable natural resources forming part of that land.

Paramountcy

- 3.2 If there is an inconsistency between this Law and any other enactment 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 the 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, and 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, subject to 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 this inherent right to self-government of Yellow Quill First Nation:
- (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 s to provide for the most effective administration of Yellow Quill 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 Land

Application of the Law

- 6.1 This Law shall apply to all Yellow Quill land as set out in Schedule A of this Law, and to any other lands which may from time to time be added to Schedule A by the Council.

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 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 under its this Law and administer those moneys in accordance with the *Yellow Quill Financial Administration Act*.

Legal Capacity

- 7.3 For any purpose related to Yellow Quill 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 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 land as a legal entity having the capacity, rights, powers and privileges of a natural person.

Law Making Powers

- 7.6 The Council has, in accordance with this Law, the power to enact 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 land and prohibitions in relation thereto;
- (c) environmental assessment and environmental protection;
- (d) the provision of local services in relation to Yellow Quill 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 land; (f) enforcement measures such as the power to inspect, search and seize and to order compulsory sampling, testing and the production of information; and
- (f) any matter arising out of or ancillary to that power.

Property assessment and taxation

- 7.7 The power of the Council under this Law does not include the power 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

- 8.1 Subject to section 15, the Council, may grant:
- (a) interests 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 land interest may only be created, granted, disposed of, assigned or transferred by a written document in accordance with this Act.

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 land exceeding a term of 35 years;

- (b) any renewal of a grant or disposition of an interest or license in Yellow Quill land that extends the original term beyond 35 years; or
- (c) any grant or disposition of any natural resources on community lands exceeding a term of 1 year.

8.4 Despite Section 9.3, 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 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 land after the date this Law comes into force is void if it is not authorized pursuant to this Law.

9. Law-Making Procedure

Ability to introduce land laws

9.1 A proposed land 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 law:

- (a) a proposed land 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 law must be provided to the Council 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 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 law to explain how the law would benefit the community and Yellow Quill First Nation members.
- 9.4 The Lands Advisory Committee shall provide any comments to the Council on the proposed land law within 30 days of its introduction.

Tabling and posting of proposed land laws

- 9.5 A proposed land 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 30 days before the land law is to be considered for the approval of the Council;
 - (b) has been posted in public places on Yellow Quill land one at least 30 days before the land 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 days before it is considered by Council;
 - (d) has been reviewed by the Lands Advisory Committee;
 - (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 law and the Council shall consider any such comments received 10 or more days prior to the land law being considered for approval by Council.

Public health or safety

- 9.7 The requirements of: subsections 10.2 (b)(c), 10.5 (a) through (d), and section 10.6 do not apply where the Council is of the opinion that the law is needed urgently in the interests of public health or safety and such a law shall expire 120 days after enactment. The process for such amendment shall be consistent with the law making procedure outlined in s. 10.

Approval of land law by Council

- 9.8 Subject to section 11.1, a land 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 law, or in the case of a conflict, preventing the Council from voting on a proposed land law under the rules set out in section 14, the land law is approved by the members in accordance with section 14.4.

Certification of land laws

- 9.9 The original copy of any land law or land resolution concerning Yellow Quill 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 The following shall not be enacted by the Council unless they receive community approval by a ratification vote:
- (a) a land use plan;
 - (b) the law on community expropriation referred to in section 20; and
 - (c) any other proposed law that specifies that it requires 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 land that are approved, funded, regulated, or undertaken by the Yellow Quill First Nation.

11. Publication of Land Laws

Publication

11.1 All land laws shall be published in the minutes of the Council.

Posting land laws

11.2 Within seven days after a land law has been enacted, the Council shall post a copy of the law in a public place on Yellow Quill land for a period of 30 days.

Registry of land laws

11.3 The Council shall keep, at the administrative offices of Yellow Quill 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

11.4 Any person may have reasonable access to the register of land laws during normal business hours in 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 18.4 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 land;
- (b) each person who is an employee of Yellow Quill First Nation dealing with any matter that is related to Yellow Quill 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 land.

Duty to report and abstain

- 13.2 If a member of the Council, the Lands Advisory Committee, a dispute resolution body or an employee of the 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 Lands 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 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 in accordance with section 31 of this Act.

Inability to act

- 13.5 If the board, committee or other body exercising authority pursuant to this Act 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 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 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 lands;
 - (c) recommend laws, land code amendments, resolutions, policies and practices relating to Yellow Quill lands to the Council;
 - (d) hold regular and special meetings of members to discuss land issues and make recommendations to Council on the resolution of these lands issues;
 - (e) to assist in the flow of information on land 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 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, and at least 1 (one) member residing off Yellow Quill land.
- 14.3 All members must be at least eighteen (18) years of age and 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 procedures established by the Council.

Terms and Duties

- 14.5 The Council shall, by resolution, establish the terms and duties of 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 laws for Council consideration that including addressing the following matters:
- (a) environmental protection and assessment in relation to Yellow Quill land;
 - (b) any outstanding issues on the resolution of disputes in relation to Yellow Quill land;
 - (c) land use planning; and
 - (d) rights of possession of a matrimonial home on spousal separation and such other 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 land 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 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.

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 minute 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 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 license in Yellow Quill 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 land;
 - (b) any transfer or assignment of an interest in Yellow Quill land;
 - (c) any expropriation of an interest in Yellow Quill 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 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 land, 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 18.

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 35 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 consented to by the Council;
 - (b) the charge or mortgage was registered in the First Nations Land Register; and
 - (c) 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 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 interests, licenses or land rights in Yellow Quill lands without consent if deemed by the council to be necessary for community works or other community purposes.

- 19.2 A Council's power of expropriation will be exercised in accordance with the rules and procedures specified in this land code, its laws and the Framework Agreement.
- 19.3 Yellow Quill land that the Council expropriates becomes the property of Yellow Quill 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.
- 19.5 Any interest in Yellow Quill land that was obtained pursuant to section 35 of the Indian Act or any interest or land right that has been acquired by Canada, or that is acquired after this Agreement comes into force by Canada in accordance with this Agreement, is not subject to Yellow Quill expropriation.
- 19.6 Council is not precluded from entering into an agreement with a utility or public body for the purpose of granting it an interest or land right in Yellow Quill land that is exempt from expropriation by the Council.
- 19.7 No expropriation of an interest or land right in Yellow Quill land by Council takes effect earlier than either of the following days:
- (a) the date the notice of expropriation is registered in the Yellow Quill Lands Register; or
 - (b) the 30th day after the day the last copy of the notice is served.

Expropriation laws

- 19.8 Before proceeding to make any community expropriations in accordance with this Law, the Council shall make fair and reasonable laws respecting the rights and procedures for community expropriations, including laws respecting:
- a) procedures governing expropriation, including the taking of possession, compulsory taking of possession and transfer of the right or interest, notice of expropriation and service of notice of expropriation; and
 - b) entitlement to compensation, determination of the amount of compensation and the method of payment of compensation.

Public report

- 19.9 Before Yellow Quill First Nation decides to expropriate a right or interest, it shall make a public report on the reasons justifying the expropriation.

Acquisition by mutual agreement

- 19.10 The right of Yellow Quill First Nation to expropriate can only be exercised after a good faith effort to acquire, by mutual agreement, rights or interests in Yellow Quill land.

Compensation for rights and interests

- 19.11 Yellow Quill First Nation shall, in accordance with its laws and the *Framework Agreement*,
- a) serve reasonable notice of the expropriation on each affected holder of rights or interests in the land to be expropriated; and
 - b) pay fair and reasonable compensation to the holders of rights or interests in the expropriated land.

Compensation calculations

- 19.12 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

- 19.13 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 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

- 19.14 The resolution of the following disputes shall be determined by arbitration, in the same manner as provided in Part IX of the *Framework Agreement*.
- (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 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 land to be exchanged and it must be at least comparable to the appraised value of the Yellow Quill 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 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 21.5, 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 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 land in this land code will be amended to delete the description of the Yellow Quill land that was exchanged and to add the description of the Yellow Quill land received in exchange.

21. Immunity from Seizure etc.

- 21.1 Section 29 and subsections 89(1) and (2) of the Indian Act will continue to apply to any reserve that is Yellow Quill land.
- 21.2 Subsection 89(1.1) of the Indian Act will continue to apply to all leasehold interests or leases that existed when the land code took effect if the Yellow Quill land was designated land at that time.
- 21.3 Section 87 of the Indian Act will continue to apply to Yellow Quill land, so that:
- (a) the interest of a member or Yellow Quill First Nation in a reserve that is Yellow Quill land remains exempt from taxation, subject to section 83 of the Indian Act; and

- (b) the personal property or the movables of a member or Yellow Quill First Nation, situated on a reserve that is Yellow Quill 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 land that will be managed by Council or its delegate for the use and benefit of members.
- 22.2 Council will, in accordance with this Law, adopt and implement a 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 will provide the necessary procedures, directives and guidelines as it relates to the fiscal operations and management of Yellow Quill lands and resources by the Yellow Quill Lands department and 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 land and in Yellow Quill urban offices at least 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 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 by law or resolution 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.

Other laws

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

25. Annual Community Meeting

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 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 designated by the Council, shall take the minutes of the annual community meeting and file copies of the minutes with the registrar of 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 section 14.4.

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 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 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 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 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 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 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 panel 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 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 land to indemnify them against personal liability arising from the performance of those duties.

Extent of Coverage

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

29. Offences

Application of Criminal Code

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

31. Commencement

31.1 This Law shall come in force and effect on _____