



**K'ómoks First Nation**

**K'ómoks Constitution:  
Governing Our Way**



## The K'ómoks First Nation will be a self-governing nation and able to make decisions about:



Who our members are



Managing our money



Law-making



Building our economy



Our lands



Other matters important to our nation

## The K'ómoks Constitution is an important part of self-government and when ratified:



Describes the K'ómoks Government



Provides a way for members to challenge decisions of the K'ómoks Government



Guides our leaders, elected representatives and members in making decisions of our nation



Is a collaborative document of the K'ómoks Members

## Vision

### ḡḡḡwčis; Hayuthela la xens: Moving Forward Together

We, the K'ómoks people envision a prosperous and healthy nation, in which we exercise our rights and title throughout our territory, honouring our people, lands, cultures and languages.



## The K'ómoks Constitution

- Is a declaration of identity and values
- Describes K'ómoks Territory, people, values, and highlights our right to self-government
- It's purpose is to explain the K'ómoks Government's responsibilities to members



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# Membership



An individual is entitled to be a K'ómoks Member if that individual:

- is enrolled or is eligible for enrollment under the K'ómoks Treaty **or**,
- was registered or entitled to be registered on the K'ómoks First Nation Indian Band list on the day immediately prior to the Effective Date of the K'ómoks Treaty

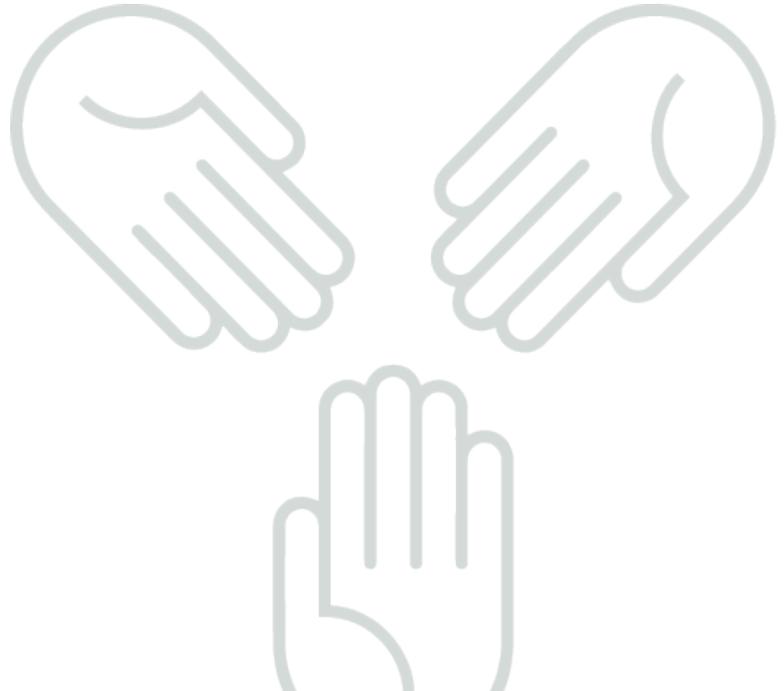
A constitutional amendment is required to change the criteria above.

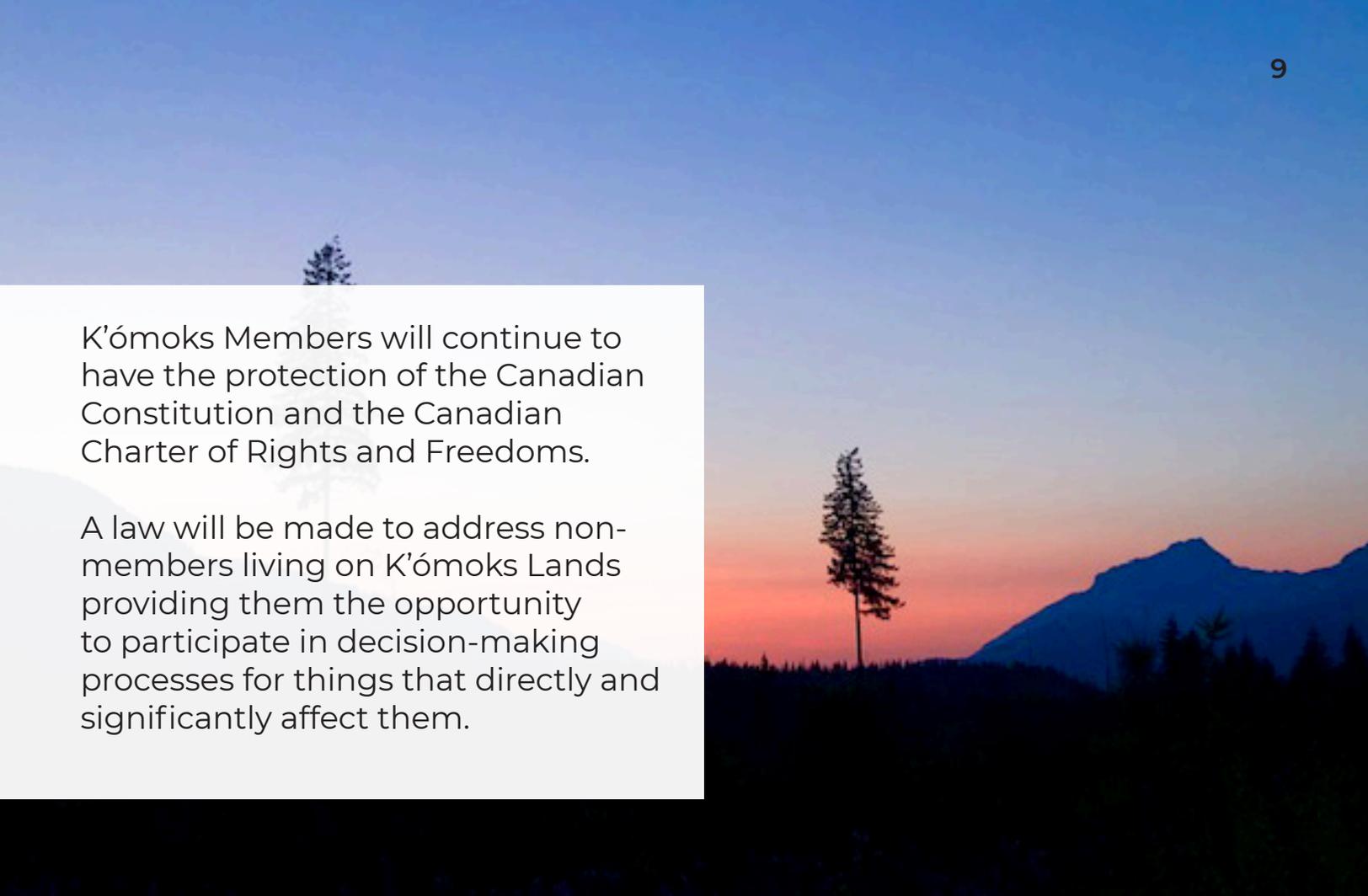


## Rights & Freedoms

Includes the rights of members to:

- equal treatment by the K'ómoks Government
- political involvement
- be informed
- express opinions
- participate in culture





K'ómoks Members will continue to have the protection of the Canadian Constitution and the Canadian Charter of Rights and Freedoms.

A law will be made to address non-members living on K'ómoks Lands providing them the opportunity to participate in decision-making processes for things that directly and significantly affect them.

## Structure of Government



Separates the functions of government to:

- Provide proper checks and balances
- Avoid having all government power in one body
- A K'ómoks First Nation Government would have three parts: Legislature, Executive and Judiciary

### Legislature

is an elected body responsible for making Laws.

- Elected Chief
- 6 Elected Legislators, unless changed by a K'ómoks law
- A Deputy Chief chosen from among the members of the K'ómoks Legislature to act as Chief should the Chief be unavailable or unable to act
- A speaker chosen from among the members of the K'ómoks Legislature, to chair the Legislature



### Executive

is an elected body responsible for running the government and overseeing day-to-day operations of government.

- The executive will be selected from the K'ómoks Legislature

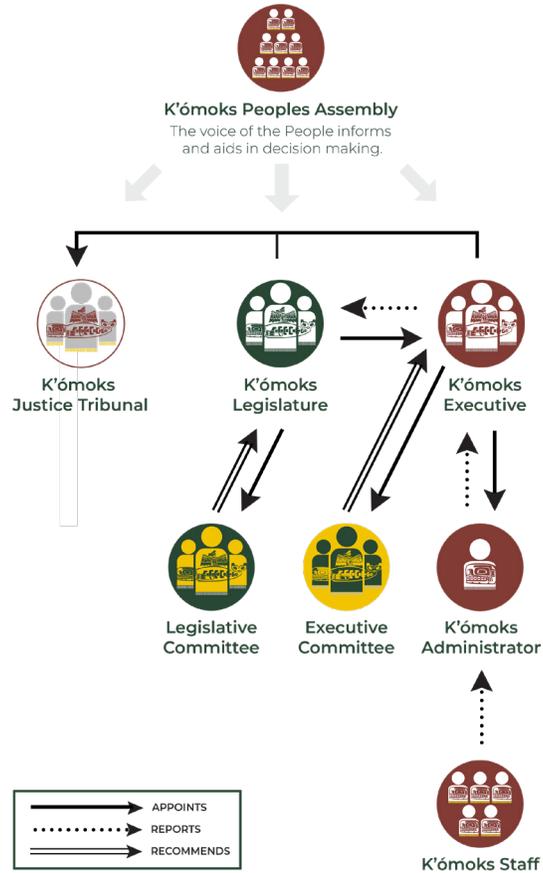


### Justice Tribunal

provides an opportunity to challenge the decisions of government or to challenge K'ómoks laws.

- Made up of at least 3 people and can include K'ómoks members
- Can include non-members
- Will be determined according to a K'ómoks Law

The details for the above bodies of government will be set out in a K'ómoks Law to allow for greater flexibility.





**K'ómoks Peoples Assembly:** The K'ómoks Peoples Assembly is mainly a consultative body for information sharing. It provides members the opportunity to have their opinions voiced in relation to issues and opportunities that affect the community. Though it does not necessarily have a role in lawmaking, members must be consulted when certain laws are proposed to be changed, and may initiate constitutional amendments.



**K'ómoks Legislature:** The K'ómoks Legislature has the vested power to create, review, and pass laws. A law is passed with a majority vote by members of the legislature, certified by the Chief and when it meets all criteria as set out in the K'ómoks Constitution. Additionally, this body ensures that the rules respecting the Justice Tribunal are set out and adhered to.



**K'ómoks Justice Tribunal:** The Justice Tribunal works independent of the government to resolve disputes, including disputes related to K'ómoks laws. The tribunal also has authority to review administrative decisions of the K'ómoks Government.



**K'ómoks Executive:** The K'ómoks Executive is made up of an elected Chief, as well as, some members of the K'ómoks Legislature. The K'ómoks Executive have authority and responsibility for promoting the K'ómoks First Nation's values, culture, and traditions. They perform day to day political functions such as government relations, maintaining effective communications with K'ómoks Members, protecting the K'ómoks First Nation.



**Committees:** The KFN government (both Legislature and Executive) may establish committees to hear from a wider variety of individuals who have knowledge and experience in specific areas of law or policy.

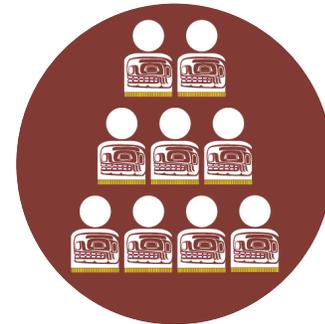
**The Legislature** may establish committees to review, provide input, guidance, and recommendations on specific K'ómoks Laws. For example, we have had a committee of K'ómoks Members that has helped in the development of the KFN Constitution.

**The Executive** can establish committees to provide input, guidance, and recommendations on financial or policy matters. Unless specifically required by the KFN Constitution, these committees can be established or disbanded at the discretion of either the Executive or Legislature, as appropriate.

## People's Assembly



There will be convened at least once annually a general assembly of K'ómoks Members to be known as the **K'ómoks People's Assembly**.





At least once annually, the **K'ómoks Executive** will provide to the **K'ómoks People's Assembly**:

- the previous year's audited financial statements of the K'ómoks Government, Public Institutions and Corporations
- the annual strategic plan of the K'ómoks Government
- the proposed legislative agenda for that year
- other matters of importance to the K'ómoks First Nation

Laws can also be presented for consultation at the **K'ómoks People's Assembly**.

## Elections

- Elections will be held every 3 years to select the Chief and the Legislators
- Legislators can be elected for more than 1 term



## Traditional Territory & K'ómoks Lands

### K'ómoks:

- has ownership of, and jurisdiction over K'ómoks Lands
- can grant an interest in K'ómoks Lands

A K'ómoks Land Law will be required on the Effective Date.



## Financial Administration



- This section ensures the financial interests of the nation are secure and transparent
- A Financial Administration Act to set spending controls and provide financial checks and balances will be enacted on Effective Date
- A Finance Committee will provide advice and recommendations to the K'ómoks First Nation Legislature and Executive

## Treaty Settlement Fund & Conflict of Interest

### Treaty Settlement Fund

The K'ómoks Government will establish one or more settlement trusts to preserve and protect the K'ómoks Treaty capital transfer monies and the income that comes from their investment.

### Conflict of Interest

A law will be established to ensure that K'ómoks Government officials do not put their personal interest ahead of the interests of the K'ómoks Nation.

## Governing Principles

The K'ómoks Government, K'ómoks Public Institutions and their officials will:

- be accountable to the nation
- adhere to this Constitution
- promote the unity and well-being of the nation
- provide good, effective and accountable government
- develop and maintain communications with the community





## Ratification of this Constitution



### Ratification:

- ☑ requires that at least fifty percent (50%) plus one (1) of Eligible Voters on the Official Voters List vote, and fifty percent (50%) plus one (1) of those who vote are in favour of ratification of the Constitution
- ☑ will be held before a Treaty Ratification

The ratified Constitution will come into effect on the Effective Date of treaty.

If the Constitution is ratified and the treaty is not ratified, the Constitution will be revised and go to Ratification again.

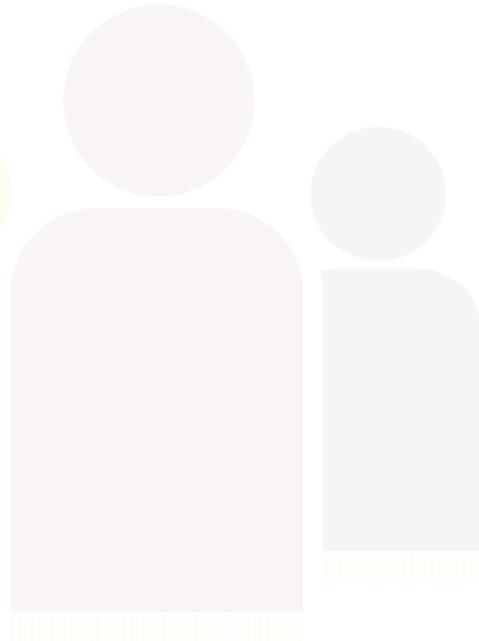
## Constitutional Amendments

Proposed amendments to this Constitution may be initiated by the **K'ómoks Legislature** or by the membership at **K'ómoks Peoples Assembly**

- the Constitution may only be amended by way of a referendum in which at least fifty percent (50%) plus one (1) of Eligible Voters on the Official Voters List vote, and fifty percent (50%) plus one (1) of those who vote are in favour of the proposed amendment
- the Legislature can approve amendments such as spelling and grammar
- changes necessary after implementing the treaty (e.g. remove references that no longer apply after Effective Date)

## K'ómoks First Nation Constitution Committees and Working Groups

- **Fran Prince**  
*Treaty Coordinator*
- **Barb Mitchell**  
*Councilor*
- **Barb Whyte**
- **Bernadette Savoie**
- **Bobi Pebernat**
- **Alice Hardy**
- **Carol Frank**
- **Cindy Frank**
- **Fernanda Pare**
- **Morgan Hardy**
- **Rock Pare**
- **Sandra Billy**
- **Shelley Davis**
- **Susan Savoie**
- **Rhonda Billie**
- **Vivian Fortin**
- **Ronald Frank**  
*Treaty Co-Negotiator*



## Gilakas'la / ʔimot

Thank you to our people for your support and contributions to the creation of the K'ómoks First Nation Constitution. This document was created in collaboration with our people for our people.





K'ómoks First Nation

For more information please visit [www.komoks.ca/treaty](http://www.komoks.ca/treaty)  
and read our **Enrollement & Eligibility and Ratification** booklet.

## Contact us

Administration Office

3330 Comox Road

Courtenay BC

V9N 3P8

**P:** 250.339.4545

**F:** 250.339.7053

**E:** [treaty@komoks.ca](mailto:treaty@komoks.ca)