

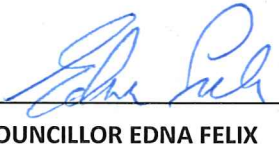


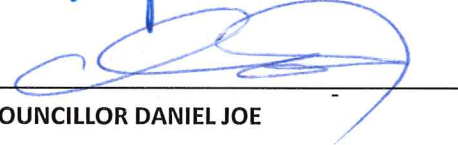
Splatsin Custom Election Code

Approved on the 16th day of February 2016.


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Section 1 - PREAMBLE & TITLE

This Splatsin Custom Election Code shall be called the Splatsin Custom Election Code



of the Splatsin.

Section 2 - COMING INTO FORCE

This Splatsin Custom Election Code comes into force upon the passing of a Ministerial Order proclaiming the removal of the Splatsin from the election provisions of the *Indian Act*.

Section 3 - INTERPRETATION

In this Splatsin Custom Election Code,

- “appellant” means an individual who submits an appeal in accordance with this Splatsin Custom Election Code with respect to an election.
- “appeal” means appeal of Election by an Elector.
- “by-election” means a special will be held only in the event that quorum is lost. See also sub-section 66
- “candidate” means a Band Member who:
- is at least 18 years of age on the day on which the Nomination Meeting is held;
 - is a Member of the Band; and
 - has had his nomination accepted by the Electoral Officer pursuant to the provisions of this Splatsin Custom Election Code .
- “clear days” means that it does not include weekends or statutory holidays when counting days. “Splatsin Custom Election Code” means the leadership/governance system set out herein.
- “code of Ethics” means guidelines, general rules of behaviour and standards established in accordance with Section 5 of this Splatsin Custom Election Code , which govern the conduct of candidates running for office and their supporters relating to their participation in the electoral process.
- “complaints and Appeal Board” means the body appointed by a Band Council Resolution in accordance with this Splatsin Custom Election Code to review and make decisions concerning petitions for removal from office and election appeals.
- “consent resolution” means a resolution by Council where a face to face meeting has not been convened to deal with urgent matters, or when a formal meeting is not possible where a quorum of Council has consented and signed the resolution.



- “corrupt practices” means any attempt, either direct or indirect, to influence an elector’s participation at any state in the electoral process through bribery, force or intimidation. “Council” means the body composed of those persons selected pursuant to this Splatsin Custom Election Code.
- “custom election” means a this Splatsin Custom Election Code has been customized to fit the needs of the Splatsin and does not reference Splatsin customs and traditions.
- “Deputy Electoral Officer” means any person appointed by the Electoral Officer for the purposes of an election to assist him in the conduct of the election process.
- “elder” means a Band Member who is at least 55 years of age or as determined by the Splatsin Elders Council.
- “election” means a general election or by-election of the Band held pursuant to the provisions of this Splatsin Custom Election Code .
- “Electoral Officer” means a person, appointed by a Band Council Resolution before each election, who has the responsibility for conducting the Nomination Meeting, the Election and Post-Election Procedures.
- “elector” means a person who:
- a. is a member of the Band;
 - b. is at least 18 years of age on the day on which the Election is held.
- “Ethics Advisory Committee” means a committee appointed by Council that provides advice to the Complaints and Appeal Board and to Council and to the Splatsin Community on ethical issues involving Council.
- “gender neutral” means when he/his is used as a masculine pronoun, it also means she/hers as to be gender-neutral words.
- “interpreter” means a person who is fluent in Secwepemctsin.
- “” means a ballot mailed or delivered in accordance with this Splatsin Custom Election Code. “Nomination Meeting” means the meeting at which persons come forward to nominate and second candidates at the Election.
- “oath” means a solemn affirmation.
- “petition” means a complaint brought by an Elector or a quorum of



Splitsin Custom Election Code

Council, to the Complaints and Appeal Board for removal of a Council member from office.

- “petition for amendments” means a request by an Elector or by Council to amend the Splitsin Custom Election Code ; and in the case of the Elector, the petition be signed by at least 10% of the Electors.
- “polling station” means a building, hall or room which is selected as the site at which voting takes place.
- “quorum” means the majority of Council including the Chief.
- “registrar” means the Band Employee responsible for maintaining the Band’s Membership List. (If the Band list is maintained by Aboriginal and Northern Development Canada, Registrar should be defined as “the officer of the Department of Indian and Northern Affairs who is in charge of the Indian Register and the Band Lists maintained by the Department).
- “rejected Ballots” means those ballots that have been improperly marked and/or defaced by elector(s) which are not included in the tally of valid Ballots cast during the counting of the votes and is considered Spoiled.
- “Special Community Meetings” means meetings called for the purpose of conducting Band business approved by Council as a Special Splitsin Meeting.
- “spoiled ballot” means a ballot that has been spoiled and can not be used and which will not be included in the tally of valid ballots cast during the counting of the votes.
- “Voter Declaration form” means a document that sets out, or provides for:
- a. the name of the elector;
 - b. the Band Membership or registry number of the elector or, if the elector does not have a Band Membership or registry number, the date of birth of the elector;
 - c. the name, address and telephone number of a witness to the signature of the elector. “Voters List” means the list of Band Members eligible to vote in an Election;
 - d. words importing the singular include plural and vice versa; and words importing a male person includes a female person. “Currently” means as at the time in question and not necessarily at the time this Splitsin Custom Election Code comes into force.



Section 4 - THE COUNCIL

1. Composition and Size

1. Size of the Council shall be determined by the size of the Splatsin Membership based on the following formula:
 - a. 300 - 750 members – the Council shall consist of 1 Chief and 4 Councilors
 - b. 751 - 1000 members – the Council shall consist of 1 Chief and 5 Councilors
 - c. 1001- 1500 members – the Council shall consist of 1 Chief and 6 Councilors
 - d. More than 1501 – Council shall consists of 1 Chief and 7 Councilors
2. Under no conditions will the Council be greater than 1 Chief and 7 Councilors.
3. Membership numbers will be counted 6 months prior to the election.

2. Meetings

4. The first meeting of the Council shall be held not later than 30 days after its election, on a day, hour and place to be stated in a notice given to each member of the Council, and meetings shall thereafter be held on such days and at such times as may be necessary for the business of the council or the affairs of the Band.
5. No member of the Council may be absent from three regular Council meetings or regular scheduled Community Assembly Meetings or Special Splatsin Meetings, within a twelve month period without Council approval, or medical recommendation in writing, as recorded in Council minutes and in that Council Members' annual attendance record:
 - a. The Chief or a quorum of the Council shall summon a special meeting of the council;
 - b. The secretary to the Council shall notify each member of the Council of the day, hour and place of each meeting of the Council.

3. Mode of Election for Chief and Councilors

6. Chief and Councilors shall be elected by a vote held in accordance with this Splatsin Custom Election Code.

4. Term of Office

7. The term of office for Chief and Council members shall be four years.



5. Criteria for Running for Chief or Councilor

8. To hold the position of Chief or Council Member of Splitsin, a person must:
 - a. be a descendent of the Splitsin;
 - b. be at least 18 years of age as of the date of the Nomination Meeting (a person may turn 18 years of age the day before the Election, thus not being eligible to be a candidate);
 - c. not have been convicted of an offence against people, property or convictions involving substance abuse within the past 5 years unless the indictment involved is under s 35 of the *Constitution Act* of Canada and waived by a majority of Council Members;
 - d. not have been convicted of sexual abuse or manslaughter and if such conviction exists, then the person may bring an appeal to the Complaints and Appeal Board;
 - e. not be in arrears on payment of a debt to the Splitsin or to a company that Splitsin has a financial interest in or automatic deductions to have arrears at a \$0.00 balance within 3 months;
 - f. not be in a state of bankruptcy under the *Bankruptcy Act* at the time of nomination or during an elected term;
 - g. not apply for a loan which requires the Council to co-sign which creates a liability for the Splitsin. The exception is when a financial institution approves their credit worthiness and the applicant has equitable collateral and provides all details at a Splitsin Community Meeting before the loan is approved;
 - h. sign the Chief/Councillor Qualification Certificate in the form and make public disclosure of debts owed to Splitsin;
 - i. sign the Acceptance of Nomination;
 - j. sign the Authorization for Criminal Record Check in the form;
 - k. submit a Nomination Fee of \$100.00 to the Splitsin for Council and a Nomination Fee of \$200.00 for Chief to be used to offset Election expenses, such amount, to be periodically adjusted by the Electoral Officer to be consistent with the national standard for cost of living increases.
9. Splitsin membership shall, by Band Member Resolution, establish the date on which the election is to be held, which must be no sooner than 100 days prior following the end of the term of office of the Council.
10. The successful candidates shall be "Council Elect" and their term of office commences when elected Council Members swear the Oath of Office and Splitsin Code of Ethics and, subject to any vacancy arising under this Splitsin Custom Election Code, expires 4 years later.



11. The successful candidate in a by-election shall hold office for the remainder of the original term of office of the Chief or Councillor whom he is elected to replace.
12. In the event that a successful appeal results in a new general election, the outgoing Council shall remain in office, the term of the newly elected Council shall commence on the date all elected Council members swear the Oath of Office, and the Splatsin Code of Ethics and expire 4 years later.
13. Elected candidates must swear an oath at the Swearing in Ceremony in the form of the Oath for Chief and Councillors, and the Splatsin Code of Ethics. The swearing in of Councillors shall take place not later than ten (10) days after the Election at a Splatsin Special Meeting called for that purpose.

6. Vacancy

14. A Chief or Councillor position on the Council shall become vacant if, while in office:
 - a. the Chief or Councillor resigns in writing from office of his own accord;
 - b. the Chief or Councillor has been unable to perform the functions of his office for more than six weeks due to illness or other incapacity;
 - c. the Chief or Councillor dies;
 - d. the Chief or Councillor is removed from office;
 - e. the Chief or Councillor is otherwise unable to fulfill the terms of office;
 - f. the Chief or Councillor loses eligibility status as set out in this Splatsin Custom Election Code;
 - g. the Chief or Councillor is convicted of an offence against people, property or convictions involving substance abuse unless the indictment involved is under s 35 of the *Constitution Act* of Canada and waived by a majority of Council Members;
 - h. the Chief or Councillor becomes incapacitated to the point where he cannot perform the required duties and such incapacity is confirmed by a declaration signed by a medical doctor;
 - i. fails to swear the oath;
 - j. the Chief or Council initiates a lawsuit against Splatsin will be suspended with honorarium pay without benefits for the duration of the lawsuit considering potential conflicts of interest;
 - k. the Appeal Board, upholds an appeal and sets aside the election for that position.



Section 5 - CODE OF ETHICS

7. Candidates must campaign:

- a. according to the rules and regulations established in this Splatsin Custom Election Code and pursuant to the Code of Ethics;
 - b. without coercion or vote-buying;
 - c. respecting the right and freedom of other parties to organize and campaign;
 - d. respecting the rights of voters to obtain information from a variety of sources and to attend political rallies;
 - e. ethically, focusing on political issues and candidate platforms, instead of conducting smear campaigns or campaigns of rumour and innuendo;
 - f. non-violently, without intimidating opposing party candidates, opposition supporters or the media, and without the use of language inciting their own supporters to violence;
 - g. and cease campaigning 24 hours before the opening of the polls at which time Candidates must not campaign verbally or by using literature in any form including social media;
 - h. respecting the freedom of the press to cover the campaign and to express opinions on the campaign;
 - i. respecting the electoral officials and not interfering with the performance of their duties;
 - j. accepting and complying with the official election results and the final decision of the Complaints and Appeal Board.
15. Every person is in breach of the Code of Ethics herein who, during an election period, directly or indirectly offers a bribe to influence an elector to vote or refrain from voting or to vote or refrain from voting for a particular candidate, or during an election period, accepts or agrees to accept a bribe that is offered.
16. Every person is in breach of the Code of Ethics herein who, by intimidation or duress, compels a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate in an election, or by any pretence or contrivance, induces a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate in an election.
17. Incumbent Candidates are in breach of the Code of Ethics who use their current political position and its resources including public office facilities to influence electors or promote their campaign for re-election and who use public office facilities for personal or partisan benefit.
18. Breaches to the Code of Ethics shall be reported to the Complaints and Appeal Board.



Section 6 - Removal Of Council Members

19. The Chief or a Councillor shall be removed from office and be prevented from running for office for 8 years if s/he:
- a. violates this Splatsin Custom Election Code, his Oath of Office or the Splatsin Code of Ethics;
 - b. fails to attend three regular Council meetings or regular scheduled Community Assembly Meetings or Special Splatsin Meetings, within a twelve month period without Council approval, or medical recommendation in writing as recorded in Council minutes and in that Council Member's annual attendance record;
 - c. fails to maintain a standard of conduct expected of a member of Council;
 - d. has been convicted of an offence in contrary to this Splatsin Custom Election Code since his election;
 - e. accepts or offers a bribe, forges a Council document or otherwise acts dishonestly in his role;
 - f. is negligent in failing to ensure the safety and protection of the community members and property;
 - g. uses his office for personal financial gain or for the financial benefit of members of his family to the detriment of the Council or the Band as a whole;
 - h. abuses his office such that the conduct negatively affects the dignity and integrity of the Community or of Council;
 - i. encourages others to commit any of the above acts or omissions;
 - j. engages in such other conduct as may be determined by Complaints and Appeal Board and the advice of the Ethics Advisory Committee to be of such a serious nature that the removal is necessary and appropriate;
 - k. makes an untrue declaration in the information declared in the Chief/Councillor Qualification Certificate;
 - l. resigns from office prior to the expiration of his term unless there are extenuating circumstances.
20. The Chief or any Councillor shall be removed from office if a quorum of all the elected Councillors vote in favor of placing the petition for removal from office before the Complaints and Appeal Board for a decision and if the decision requires, make a resolution declaring that Chief or Councillor be removed from office on grounds that, that Chief or Councillor:
- a. is guilty of gross misconduct or corrupt practice in connection with Splatsin Council business;



- b. has been convicted of illegal or improper appropriation of Splatsin funds;
- c. has been found guilty of breaches of the Oath of Office and the Splatsin Code of Ethics;
- d. does not actively ,and clearly, participate in fulfilling Council's mandated activities;
- e. does not actively participate in any committee established by Council that is directly connected to the Councillor's area of responsibility;
- f. fails to attend three regular Council meetings or regular scheduled Community Assembly meetings or Special Splatsin Meetings, within a twelve month period without Council approval, or medical recommendation in writing as recorded in Council minutes and in that Council Member's annual attendance record.

8. Suspension if Under Investigation

- 21. At any time that a member of Council is the subject of a petition for removal from office for serious breaches of the Oath of Office and the Splatsin Code of Ethics, that member shall be immediately placed on paid suspension until the matter is resolved by a decision of the Complaints and Appeal Board until proven guilty then full unpaid vacancy.
- 22. Any Council Member subject to paid or unpaid suspension may appeal that suspension to the Complaints and Appeal Board, in writing within 7 days and any decision of the Complaints and Appeal Board is final.

9. Procedure for removal from office

- 23. Proceedings to declare a person ineligible to continue to hold the office of Chief or Councillor shall be initiated by:
 - a. any elector submitting, to the Complaints and Appeal Board, a petition on which shall appear:
 - i. the grounds on which removal of a Chief or Councillor is sought;
 - ii. the evidence in support of the petition;
 - iii. the signature of the petitioner;
 - iv. a non-refundable filing fee of \$100.00 payable to Splatsin, periodically adjusted to the Electoral Officer to be consistent with the national standard for cost of living increase.
 - b. a majority of Council Members submitting a petition to the Complaints and Appeal Board on which shall appear:
 - i. the grounds on which removal of a Chief or Councillor is sought;



- ii. the evidence in support of the resolution; and
 - iii. the signatures of all Council Members who voted for the removal.
24. Within seven (7) clear days of receipt, the Complaints and Appeal Board shall verify that the petition complies with this Code; and if the petition does not comply, the Complaints and Appeal Board, in writing, shall notify the petitioner(s).
25. In a case where the petition complies with the Complaints and Appeal Board, after considering the advice of the Ethics Advisory Committee shall:
 - a. determine that the grounds put forth in the petition are either frivolous in nature or unsubstantiated, and dismiss the petition;
 - b. schedule a hearing, which shall take place within 20 days from the date on which the petition was submitted to the board.
26. Where the petition has been dismissed the Complaints and Appeal Board shall so inform the petitioner(s) in writing and provide a rationale.
27. Where the Complaints and Appeal Board schedules a hearing, the board shall send a written notice of the hearing by registered mail to Council, the petitioner(s) and the Council member who is the subject of the petition for removal.
28. The written notice shall set out:
 - a. the nature of the hearing and all related particulars;
 - b. the date, time and location of the hearing;
 - c. a statement that the petitioner(s), any member of Council or the Council Member who is the subject of the petition for removal may, at the hearing, make a presentation to the board, which may include the presentation of documents and testimony by witness(es).
29. The Complaints and Appeal Board shall conduct a hearing at the time and place set out in the notice. Throughout the entire hearing process the ethics advisory committee shall function in an advisory capacity to the Complaints and Appeal Board.
30. Within five (5) working days of the day on which the hearing is held, the Complaints and Appeal Board shall rule:
 - a. that the petition shall be allowed to stand, and declare the Council position of the member of Council who is the subject of the petition to be vacant; or
 - b. that the petition is dismissed.



31. The Complaints and Appeal Board shall, within two (2) working days of the ruling, send by registered mail, a written notice to Council, the petitioner(s) and the Council Member who is the subject of the petition for removal.
32. The decision of the Complaints and Appeal Board is final and binding upon all parties. The decision will be made public to both on and off-reserve Members by way of posting on the secure Splatsin Website, Splatsin Newsletter, and the Splatsin Facebook site and upon request it may be mailed out to Band Members.
33. If the Council position is declared vacant, the Complaints and Appeal Board may further declare the Chief or Councillor removed from office and disqualified from being a candidate for a period of eight (8) years commencing on the date of the board's ruling.

10. By-election

34. A by-election will be held only in the event that quorum is lost.
35. Unless otherwise provided in this Splatsin Custom Election Code, in the event that the office of Chief or Councillor becomes vacant, a by-election shall be held within 100 days after the date on which the position is declared vacant.
36. No by-election shall be held if there are less than 6 months remaining in the term of the Council member whose office has become vacant, except where a by-election is necessary to have sufficient Council Members to maintain a quorum.
37. If the vacancy results in a loss of quorum, a full Election will be held if there are less than 6 months remaining until the end of the term.
38. In the event none of the Candidates referred to as above will accept the appointment, then Council shall call a By-election to fill the Vacancy(s).
39. Except as expressly provided otherwise in this Splatsin Custom Election Code, the rules and procedures in this Splatsin Custom Election Code shall apply to By-Elections.

Section 7 - PRE-NOMINATION PROCEDURE

11. Appointment of an Electoral Officer

40. The Electoral Officer shall be appointed by a Band Council Resolution not less than 100 days before the expiration of the Council's term of office.
41. The Band Council Resolution for the appointment of the Electoral Officer shall contain his full name and address, the date of the election, the type of election which is to be conducted (General Election or By-Election), as well as any special instructions.
42. If an Electoral Officer has not been appointed within the time, the Electoral Officer shall be appointed by the Splatsin Administrator as soon as possible.



43. The Electoral Officer must be a person who:
- a. is not a member of the Splatsin Band;
 - b. is not an employee of the Splatsin or any of its holdings;
 - c. has no vested interest in the outcome of the election;
 - d. is at least 18 years of age at the nomination date, not the election date;
 - e. has experience in the conduct of First Nations elections and has received appropriate training.
44. In the event that the Electoral Officer cannot fulfill his duties, a Band Council Resolution, to undertake the duties of the Electoral Officer, shall appoint an existing Deputy Electoral Officer. In the absence of an existing Deputy Electoral Officer, the Council shall appoint a new Electoral Officer.
45. A Deputy Electoral Officer or officers shall be appointed by the Chief and Council or the Splatsin Administrator and is/are authorized to carry out the duties of the Electoral Officer and generally assist the Electoral Officer, when directed to do so by the Electoral Officer. The Deputy Electoral Officer(s) must not be a Splatsin Member or an employee of Splatsin.
46. The Electoral Officer shall:
- a. submit written acceptance to the Council and swear an Oath of Office for Electoral Officers;
 - b. be remunerated as decided by resolution of the Council.
47. The duties of the Electoral officer shall consist of:
- a. preparing the voters list;
 - b. establishing a file for the Election or By-Election which contains all of the information relevant to the conduct of the Election for that particular position;
 - c. undertaking the conduct of nominations pursuant to sections Nomination of Candidates, notice of Nomination Meeting and Nomination Meeting;
 - d. supervising all Elections to be sure they are carried out in accordance with this Splatsin Custom Election Code;
 - e. appointing Polling Clerks, if required, at least 30 days prior to day of the Election;
 - f. arranging for the procurement of appropriate polling screens to ensure secrecy of voting;



- g. the duties of the Electoral Officer are not limited to the aforementioned list.

12. Oath of Office

- 48. The Electoral Officer must swear an oath to uphold the office in accordance with this Splatsin Custom Election Code.

13. Responsibilities and Ethics

- 49. The Electoral Officer is responsible for managing and executing all Pre-Electoral, Electoral and Post-Electoral processes and procedures included in this Splatsin Custom Election Code. The Electoral Officer must:
 - a. uphold and abide by the rules and regulations established in this Splatsin Custom Election Code;
 - b. remain neutral and professional in the conduct of the duties of his office, and refrain from providing any preferential treatment or expressing support for or opposition to any candidate;
 - c. not accept anything of value (including but not limited to money, offers of employment, gifts, travel) in exchange for preferential treatment or access to a public official or non-public information;
 - d. not discriminate against anyone because of race, religion, sex, age or handicap;
 - e. use public office facilities to fulfill the terms of his office, and not for personal or partisan benefit;
 - f. not pressure or intimidate other officials or personnel to favour a certain candidate;
 - g. avoid conflicts of interest, or the appearance of conflicts of interest, by abstaining from decision making where the Electoral Officer has a personal or private interest in the matter at issue.

14. Voters List

- 50. At least 79 days before the day on which an Election is to be held, the Electoral Officer shall obtain the names, Band Membership numbers and dates of birth of all Band Members who will have attained the age of 18 years on the date on which the Election is to be held. The Voter's List will be obtained by AANDC until Splatsin has its own Membership bylaw.
- 51. The Registrar shall, no later than 79 days before the date on which the Election is to be held, provide the Electoral Officer with the last known addresses, if any, of all Electors who do not reside on the reserve.
- 52. The Registrar in cooperation with the Splatsin shall actively maintain an up to date registry of Electors who do not reside the reserve.



53. Electors are responsible for providing the Splatsin's Membership Clerk with their current addresses.
54. An Elector's address shall be used by the Electoral Officer only for the purpose of providing notices, Mail-In Ballots or other election documents to electors who are entitled to receive them under this Splatsin Custom Election Code.
55. Except for the enumerated purposes, the Electoral Officer shall not disclose an Elector's address without the consent of the Elector.
56. A candidate for Election as Chief or Councillor may obtain from the Electoral Officer a list of the names and addresses of Electors who have consented to have their addresses disclosed to candidates.
57. At least 79 days before the day on which an Election is to be held, the Electoral Officer shall prepare a Voters List containing only the names of all of the electors in alphabetical order without disclosing contact information.
58. The Electoral Officer shall post the Voters List in a public area of the Band Administration Building and Esso Bulletin Board and Salmon River Bulletin Boards in such other conspicuous places on the reserve as may be determined by the Electoral Officer, no later than 72 days prior to the date on which the Election is to be held.
59. On request, the Electoral Officer or Deputy Electoral Officer shall confirm whether the name of a person is on the Voters List.
60. The Electoral Officer shall revise the Voters List upon presentation of documentary evidence which demonstrates that:
 - a. the name of an Elector has been omitted from the Voters List;
 - b. the name of an Elector is incorrectly set out in the Voters List;
 - c. the name of a person not qualified to vote is included in the Voters List.
61. A person, or an elector acting on his behalf, may, no later than 2 days prior to the date on which an Election is to be held, demonstrate that the name of an Elector has been omitted from or incorrectly set out in the Voters List by presenting in writing to the Electoral Officer evidence from the Splatsin Membership Clerk that the Elector:
 - a. is entitled to have his name entered on the Band List;
 - b. will be at least 18 years of age on the date on which the Election is to be held;
 - c. is qualified to vote in Band Elections.
62. A person may demonstrate that the name of a person not qualified to vote has been included in the Voters List by presenting in writing to the Electoral Officer,



no later than 15 days prior to the date on which an Election is to be held, evidence that the person:

- a. is neither on the band list nor entitled to have his name entered on the Band List;
- b. will not be at least 18 years of age on the date on which the Election is to be held;
- c. is not qualified to vote in Band Elections.

63. Where the Electoral Officer believes or has information that a person whose name is on the Voters List is not an Elector, or where, in accordance with number 93, an Elector demonstrates to the Electoral Officer that the name of a person not qualified to vote appears on the Voters List, the Electoral Officer shall give written notice to the person whose eligibility is challenged at least 10 days prior to the date on which the Election is to be held.

64. The notice given under number 94 shall include the reasons for seeking the removal of the name from the Voters List and any supporting documents, and shall provide notice that a written reply may be sent to the Electoral Officer, which must be received as soon as it is practical prior to the date on which the Election is to be held.

65. After consideration of all information and representations relating to amendments of the Voters List, the Electoral Officer shall add or delete names from the Voters List based on whether persons qualify as Electors.

66. The decision of the Electoral Officer is final and is not subject to appeal.

67. A person whose name does not appear on the Voters List shall be entitled to vote on Election day, provided he presents documentary proof to the Electoral Officer demonstrating his qualifications as an Elector to the Electoral Officer's satisfaction and signs a Declaration of Elector's Right to Vote.

68. Any Voters List posted in a public place or provided to anyone other than the Electoral Officer or the Splatsin Administrator or their staff shall consist of names only in alphabetical order.

15. Appointment of Deputies and Interpreters

69. The Chief and Council or the Splatsin Administrator shall appoint Deputy Electoral Officers and interpreters as they deem necessary, who shall work under the Electoral Officers direction.

70. The Deputy Electoral Officer shall have such powers as described in this Splatsin Custom Election Code as well as those powers of the Electoral Officer as delegated to the Deputy by the Electoral Officer.

71. A Deputy Electoral Officer shall not be a member of Council or a candidate in the Election, or staff member of the Splatsin or a member of the Splatsin,



72. Every Deputy Electoral Officer and interpreter shall swear an Oath of Office to:
- a. uphold and comply with this Splatsin Custom Election Code, the Code of Ethics and all the laws of the Community;
 - b. fulfill the duties and responsibilities of his office under this Splatsin Custom Election Code;
 - c. carry out his duties faithfully, honestly, impartially and to the best of his abilities;
 - d. keep confidential, both during and after his term of office, any matter or information which is considered confidential;
 - e. always act in the best interests of the Community in carrying out his duties.
73. The Electoral Officer may make such orders and issue such instructions consistent with the provisions of this Splatsin Custom Election Code as he may deem necessary for the effective administration of the Election.

Section 8 – THE NOMINATION PROCESS

16. Notice of Nomination Meeting and Mail-In Procedures

74. The Electoral Officer shall, at least 45 days before the date on which the Nomination Meeting is to be held, post a notice of Nomination Meeting in at least one conspicuous place on the reserve and in the Community Newsletter and the Splatsin Website.
75. The Electoral Officer shall, at least 45 days before the date on which the Nomination Meeting is to be held, mail a Notice of the Nomination Meeting and a Voter Declaration Form to every Elector who does not reside on the reserve in respect of whom the Electoral Officer has been provided with, or has been able to obtain, an address.
76. A notice of a Nomination Meeting shall include:
- a. the date, time, duration and location of the Nomination Meeting;
 - b. the date on which the Election will be held and the location of each polling place;
 - c. the name and phone number of the Electoral Officer;
 - d. the statement that any voter may vote by Mail-In Ballot;
 - e. a description of the manner in which an Elector can nominate a candidate, or second the nomination of a candidate;
 - f. the statement that, if the Elector wants to receive information from candidates, the Elector can agree to have his or her address released to



the candidates;

- g. the eligibility requirements for candidates. The Notice of Nomination Meeting sent by mail to off-reserve members must be accompanied by a Mail-In Nomination Form in the form, a self-addressed return envelope and a Mail-In Voter Declaration to Nominate Form;
- h. how many positions would be available for Council.

77. The Electoral Officer shall record the names of the Electors to whom a Notice of the Nomination Meeting was mailed, the addresses of those Electors, and the date on which the notices were mailed.

17. Eligibility to Nominate

78. In order to be entitled to nominate a candidate at an Election, an Elector must, on the day of the Nomination Meeting:

- a. be at least 18 years of age;
- b. be included on the Voters List.

18. Nomination Of Candidates For Chief and/or Council

79. any Elector may propose or second the Nomination of any qualified person to serve as the Chief or Councillor:

- a. by delivering or by mailing a Mail-In Nomination Form and a Written Nomination and a completed signed and witnessed Mail-In Voter Declaration to Nominate Form to the Electoral Officer before the opening of the Nomination Meeting;
- b. orally, at the Nomination Meeting.

19. Nomination Meeting

80. The Nomination Meeting shall be held at least 45 days prior to the date on which the Election is to be held.

81. At the time and place set for the Nomination Meeting, the Electoral Officer shall declare the Nomination Meeting open for the purpose of receiving the nomination of candidates for the available Council positions.

82. The Electoral Officer is responsible for managing and conducting the Nomination Meeting

83. Immediately following the opening of the Nomination Meeting, the Electoral Officer shall read aloud all written nominations and secondments that have been received by mail or delivered in accordance with this Code.

20. Duration



84. After declaring the Nomination Meeting open, the Electoral Officer will only accept nominations for not less than three (3) hours. The meeting shall end when a motion declaring the "meeting closed" is passed.

21. Duties Of The Electoral Officer At Nomination Meeting

85. During the Nomination Meeting, the Electoral Officer shall:

- a. verify the Voters List, as previously confirmed by the Council;
- b. advise the voters that a qualified voter may only nominate 1 person for Chief and the number of vacancies for Council. In other words if there are 4 candidates to be elected a nominator can only nominate 4 persons;
- c. read over the rules outlined in this Code in the event of a tie;
- d. announce the members of the Complaints and Appeal Board when appointed;
- e. announce any other relevant administrative issues;
- f. prior to declaring the Nominations open, open the Mail-In Nomination Forms, and where a candidate is nominated by more than one Mail-In Nomination Form, declare that the second nomination shall serve as a seconding;
- g. ensure that Candidates are nominated and seconded in accordance with this Code;

86. Within two (2) days, the Electoral Officer shall send or deliver to each nominated Candidate a Notice to Candidates of Nomination.

22. Duties of Candidates

87. Nominated candidates must send a sworn Acceptance of Nomination, accepting the nomination;

88. They must send a completed Authorization for Criminal Record checks;

89. They must send a sworn Chief/Councillor Qualification Certification form;

90. Submit payment of the nomination fee in the amount of \$100.00 payable and delivered to the Splatsin Administrator of Splatsin no later than thirty-seven days (37) clear days prior to the Election Date.

91. Candidates must, no later than thirty-seven (37) clear days prior to the Election Date, file with the Electoral Officer a sworn Chief/Councillor Qualification Certification Form in the form of Appendix 4, an Acceptance of Nomination and



an Authorization for Criminal Record Checks and a \$100.00 nomination fee.

23. Procedure When Nomination Declined Or Deemed To Decline

92. Should the candidates prefer not to allow their nomination to stand, they may allow the time period to filing the required forms to lapse and will be deemed to have declined the nomination and their name will not be included in the Nomination List.
93. Should the candidate fail to complete the required forms in the time stipulated by this Code, the Candidate they shall be deemed to have declined the nomination and the Electoral Officer shall remove those persons as candidates.
94. The Electoral Officer shall complete the Electoral Officer's Nomination Meeting Report.

24. Candidates Travel Costs

95. All persons, including incumbent candidates, are expected to personally cover all travel expenses in attending all or any Election Procedures Meetings when such meetings are conducted at the Splatsin facilities.

25. Maintaining Order and Security

96. The Electoral Officer shall maintain order at all times during the Nomination Meeting and may cause to be removed any person who, in his opinion, is disrupting or otherwise interfering with the proceedings with the assistance of the RCMP when and if required.
97. The Electoral Officer may appoint person(s) to assist him in the duties.

26. Nomination Procedure

98. Mailed nominations that are not received by the Electoral Officer before the opening of Nomination Meeting are considered spoiled.
99. The Electoral Officer shall record the name of the candidate, the nominator and the seconder and confirm to those present at the meeting that the proposed candidate is eligible to be elected to the position of Chief or Councillor of the Band.
100. A person present at a Nomination Meeting who is eligible to do so may second the nomination of any person nominated in writing.
101. Where the same person receives two written nominations for the same office, the second nomination shall constitute a secondment of the first nomination.
102. Any elector may nominate or second no more than:
 - a. one eligible person for the office of Chief;



- b. the number of eligible persons equivalent to the vacancies for the office of Councillor.
103. At the end of the Nomination Meeting, the Electoral Officer shall:
- a. if only one person has been nominated for election as Chief, declare that person to be elected;
 - b. if the number of persons nominated to serve as Councilors does not exceed the number to be elected, declare those persons to be elected;
 - c. where more than the required number of persons are nominated for election as Chief or Councilors, announce that an Election will be held.
104. On the day following the Nomination Meeting, the Electoral Officer shall post a list of nominees, their nominators and seconders and the offices for which they are nominate, in at least one conspicuous place in the Community, have the Nomination List placed in a the Community Newsletter and on the Splatsin Website.

SECTION 9 – CANDIDACY

105. Only electors may be nominated as a candidate.
106. A person may only be a candidate for one of the offices of Chief or Councillor in any election.
107. If the nominee is present at the Nomination Meeting, he shall sign the following documents:
- a. a Notice of Acceptance of Nomination; and
 - b. a sworn declaration confirming their eligibility as a candidate.
108. A nominee not present at the Nomination Meeting shall file documents with the Electoral Officer by mail, facsimile transmission or in person with the Splatsin Administrator.
109. A person nominated as a candidate for both the office of Chief and the office of Councillor must declare which office he intends to seek.
110. No person shall accept candidacy in an election if that person is not eligible to be a candidate in accordance with this Splatsin Custom Election Code.
111. A person nominated as a candidate for either the office of Chief and the office of Councillor must successfully complete a 2 (two) day Introduction to Council Roles and Responsibilities within 30 days prior to the Election.

27. Deposit

112. A deposit of \$200.00 must be posted by all candidates for the position of



Chief.

113. A deposit of \$100.00 must be posted by all candidates for the position of Councillor.
114. The deposit shall be in the form of cash, money order, or certified cheque.
115. If the deposit takes the form of a certified cheque or money order, the instrument shall be made payable to the Splatsin.
116. All funds received as deposits during the election process, including those funds received pursuant to this Code, shall be placed in a special bank account which contains only those funds. The funds shall be held in trust by the Splatsin in this account and used to offset the administrative costs of future elections, appeals and petitions.
117. After the appeal period has expired, in the case where no Election Appeal has been filed in accordance with this Splatsin Custom Election Code, or after all appeals have been decided, the Electoral Officer shall request the issue of a cheque in the amount of the deposit, less 20% administration fee to each candidate who has received a minimum of 15% of the total votes cast at the election.
118. A nominee who fails to submit the required documents and the deposit to the Electoral Officer within 8 days of the Nomination Meeting shall be removed as a nominee and his name shall not be included on the Ballot and the fee shall be forfeited.

28. Withdrawal

119. A candidate may withdraw his candidacy within 8 days of the date on which the Nomination Meeting was held by submitting a written withdrawal of nomination to the Electoral Officer.
120. A candidate who withdraws shall forfeit his deposit.
121. A candidate who dies before the close of the polls shall be considered to have withdrawn his candidacy.

29. All-Candidates Meeting

122. Provision shall be made by the Splatsin Administrator for an All-Candidates Meeting, to be held at least fourteen (14) days prior to the date of the Election. Attendance of candidates at the All-Candidates Meeting is strongly recommended.
123. The meeting shall be chaired by a third-party facilitator, who shall not be the Electoral Officer.



SECTION 10 - PRE-ELECTION PROCEDURE

30. Acclamation

124. Where the office of Chief and all offices of Councillor are filled by acclamation.
125. The Electoral Officer shall post in at least one conspicuous place on the reserve, in the Community Newsletter, on the Splatsin Website and mail to every elector who does not reside on the reserve and for whom a mailing addresses is known, a notice that sets out the names of the persons who have been acclaimed and states that an Election will not be held.
126. After the Nomination Meeting is closed, if the number of persons nominated for the position of Chief and other Councilors is less than or equal to the number of seats for Chief and other Councilors, the Electoral Officer shall declare those persons elected.
127. In the event that vacancies remain on Council after the Nomination Meeting, the Electoral Officer shall start the process for setting up another Nomination Meeting with the proper notification given to all Band Members not withstanding residency.

31. Ballots

128. The Electoral Officer shall prepare Ballots, setting out:
 - a. the names of the candidates nominated for election as Chief, in alphabetical order by surname;
 - b. the names of the candidates nominated for election as Councilors, in alphabetical order by surname.
129. There will be separate Ballots and different color paper for the position of Chief and the positions of Councillor.
130. The Electoral Officer shall ensure that there are sufficient ballots available in case of spoilage.
131. Where two or more candidates have the same name, the Electoral Officer shall add to the Ballots such additional information as is necessary to distinguish between those candidates. The Ballot may, at the request of the candidate, include a candidate's commonly used nickname.

32. Notice of the Election

132. The Election shall be held at least 45 days after the day on which the Nomination Meeting was held.
133. The Electoral Officer shall, within three (3) days after the day on which the



Nomination Meeting was held, post a Notice of Election in at least one conspicuous place on the reserve, in the Community Newsletter and on the Splatsin Website.

134. The notice shall include:

- a. the date of the Election;
- b. the times at which the polling station(s) will open and close;
- c. the location of the polling station(s);
- d. the time and location of the counting of the votes;
- e. a statement that the Voters List is posted for public viewing and its location.
- f. number of positions to be elected;
- g. names of persons elected by acclamation, if any;

33. Mail-In Ballots

135. The Electoral Officer shall, at least 35 days prior to the date on which the Election is to be held, mail to every elector for whom a mailing addresses is known and to every elector whose request to vote by Mail-In Ballot has been received, a Mail-In Ballot Package consisting of:

- a. ballots initialed on the back by the Electoral Officer;
- b. an inner postage-paid return envelope, pre-addressed to the Electoral Officer;
- c. a second inner envelope marked "Ballots" for insertion of the completed Ballots;
- d. an Voter Declaration accompanying the Mail-In Ballot form which shall set out:
 - i. the name of the elector;
 - ii. the membership number and/or date of birth of the elector;
 - iii. the name, address and telephone number of the attestor/witness to the signature of the elector;
 - iv. the Notice of Election;
- e. a letter of instruction regarding voting by Mail-In Ballot, which shall also include:
 - i. a statement advising electors that they may vote in person at any polling station on the day of the Election if they return their Mail-In



Ballots to the Electoral Officer at the polling station or swear a written declaration before the Electoral Officer, a Justice of the Peace, Notary Public or duly appointed Commissioner for Taking Affidavits that they have lost the Mail-In Ballot;

- ii. a list of the names of any candidates who were acclaimed;
- iii. attestation form for person assisting the voter.

136. An elector who is ordinarily resident on the reserve and who is unable to vote in person on election day may, at least ten (10) days prior to the date on which the election is to be held, request a Mail-In Ballot Package from the Electoral Officer.

137. An elector not residing on the reserve who has not received a Mail-In Ballot Package may, at least ten (10) days prior to the date on which the election is to be held, request a Mail-In Ballot Package from the Electoral Officer.

138. Upon receipt of a request for a Mail-In Ballot Package, the Electoral Officer shall mail or deliver a Mail-In Ballot Package to the elector who so requests.

139. The Electoral Officer shall indicate on the Voters List that a Ballot has been provided to each elector to whom a Mail-In Ballot was mailed or otherwise provided and keep a record of the date on which, and the address to which, each Mail-In Ballot was mailed or otherwise provided.

140. An elector shall vote by Mail-In Ballot by:

- a. placing an "X" or other mark that clearly indicates the elector's choice but does not identify the elector opposite the name of the candidate or candidates for whom he desires to vote; or can request the assistance of a person to place their "X" to clearly indicate the elector's choice, in which case the person attesting shall complete the Attestation Form;
- b. folding the Ballots in a manner that conceals the names of the candidates or any marks, but exposes the Electoral Officer's initials on the back;
- c. placing the Ballots in the inner envelope and sealing the envelope;
- d. completing and signing the Voter Declaration form in the presence of a witness who is at least 18 years of age;
- e. placing the inner envelope and the completed, signed and witnessed Voter Declaration form in the postage-paid envelope; and the Attestation Form if used;
- f. delivering, mailing or otherwise ensuring receipt by the Electoral Officer of the envelope before the close of polls on the day of the election.

141. Where an elector is unable to vote, the elector may enlist the assistance of another person to mark the Ballot and complete and sign the Voter Attestation form.



142. A person assisting the voter shall attest to:
- a. the fact that the person completing and signing the Voter Declaration Form is the person whose name is set out in the form;
 - b. the fact that the elector is the person whose name is set out in the Voter Declaration Form and that the Ballot was marked according to the directions of the elector.
143. Mail-In Ballots that are not received by the Electoral Officer before the close of polls on the day of the election shall not be counted.
144. In the event that the Eligible Voter loses his Mail-In Ballot, he may, at the polling station, complete an Elector's Lost Ballot Declaration, which will allow the Electoral Officer to issue a replacement Ballot.

34. Equipment for the Election

145. The Electoral Officer shall, before the polling station is open, supply the polling station with:
- a. sufficient ballot boxes;
 - b. a sufficient number of ballots;
 - c. a sufficient number of voting compartments enabling electors to mark their ballots free from observation;
 - d. instruments for marking the ballots;
 - e. a sufficient number of voting instructions as may be required;
 - f. all other equipment necessary to establish and equip the polling stations;
and
 - g. the final Voters List.

35. Polling Stations

146. The Electoral Officer will establish at least one polling station on the reserve and consideration given to an off-reserve poll in the future.
147. The Electoral Officer shall provide a voting compartment in the polling station where electors can mark their Ballots free from observation and the Electoral Officer may appoint security to maintain order in the polling station.

36. Advance Election Day Polls

148. The Electoral Officer shall hold an advance poll at least seven (7) days prior to Election Day and shall post a notice in a similar manner as the Election Notice



and conduct the election poll in a similar manner as required by this Splatsin Custom Election Code to facilitate Electors who cannot vote on Election Day.

SECTION 11 - ELECTION DAY

37. Candidate's Scrutineer

149. A candidate shall be entitled to no more than two scrutineers in the polling station at any one time.
150. A scrutineer must present a letter of authorization to the Electoral Officer or the Deputy Electoral Officer, signed by the candidate, in order to be permitted to remain in the polling station.

38. Polling Hours

151. The polling station shall be open from 8 a.m. until 8 p.m. local time on the day of the Election.

39. Verification of the Ballot Box

152. The Electoral Officer or Deputy Electoral Officer shall, immediately before the commencement of the poll:
 - a. open the ballot box and call such persons as may be present to witness that it is empty and complete a written statement to that effect, verified by a witness;
 - b. lock and properly seal the ballot box in a manner preventing it from being opened without breaking the seal;
 - c. place the ballot box in public view for the reception of the ballots.

40. Secrecy and Security

153. Voting shall be by secret ballot.
154. No elector may vote by proxy or authorize another person to vote on his or her behalf.
155. The Electoral Officer or Deputy Electoral Officer shall maintain order at all times in the polling station and may cause to be removed any person who in any way interferes, disrupts or attempts to influence the orderly conduct of the poll with assistance of the RCMP when and if required.
156. No person, between 8 a.m. and 8 p.m. on Election Day, within 100 meters radius of the polling station (here after called the Campaign Free Safe Zone), shall:



- a. distribute any election-related printed materials except such materials as may be distributed by the Electoral Officer or Deputy Electoral Officer for the purpose of conducting the Election;
- b. attempt to interfere with or influence any elector in marking his ballot;
- c. attempt to obtain information as to how an elector is about to vote or has voted;
- d. loiter within the Campaign Free Safe Zone.

157. The Electoral Officer may remove any campaign material and direct people to comply with this Code.

41. Special Voting Provisions

158. Eligible voters with disabilities or who are not able to be attendance of the day of the Election may request a Ballot Package. The Ballot Package may be hand-delivered and retrieved by the Electoral Officer or his Deputy Electoral Officer and placed in the appropriate ballot box.

159. The Electoral Officer or a Deputy Electoral Officer may assist an Eligible Voter who is unable to mark his Ballot as a result of a disability in the presence of a witness.

160. The Electoral Officer must indicate on the Voters List if an Eligible Voter was assisted, the name of the witness and the reasons for doing so.

42. Voting Procedure

161. Each person, on arriving at the polling station, shall give his name to the Electoral Officer or Deputy Electoral Officer.

162. The Electoral Officer or Deputy Electoral Officer shall, if the person's name is set out in the Voters List, place his initials on the ballot(s) and provide them to the elector.

163. The Electoral Officer or Deputy Electoral Officer shall cause to be placed in the proper column of the Voters List a mark opposite the name of every person receiving a ballot.

164. An elector to whom a Mail-In Ballot was mailed may obtain a ballot and vote in person at a polling place if:

- a. the elector returns the Mail-In Ballot to the Electoral Officer or Deputy Electoral Officer;
- b. where the elector has lost the Mail-In Ballot, the elector provides the Electoral Officer or Deputy Electoral Officer with a written affirmation that the elector has lost the Mail-in Ballot, signed by the elector in the presence of the Electoral Officer, Deputy Electoral Officer, a Justice of the Peace, a



Notary Public or a Commissioner for Affidavits.

165. The Electoral Officer or Deputy Electoral Officer shall, when requested to do so, explain the method of voting to the elector.

166. After receiving a Ballot, an elector shall:

- a. immediately proceed to the compartment provided for marking ballots;
- b. mark the ballot by placing an "X" or other mark that clearly indicates the elector's choice but does not identify the elector opposite the name of the candidate or candidates for whom he desires to vote;
- c. fold the ballot in a manner that conceals the names of the candidates and any marks, but exposes the initials on the back;
- d. deliver the ballot to the Electoral Officer or Deputy Electoral Officer.

167. On receipt of a completed ballot, the Electoral Officer or Deputy Electoral Officer shall, without unfolding the ballot, verify the initials placed on it and deposit it in the ballot box in the presence of the elector and any other persons entitled to be present at the polling station.

168. While an elector is in the compartment for the purpose of marking his Ballot, no other person shall, except as provided by this Code, be allowed in the same compartment or be in any position from which he can see the manner in which the elector marks his ballot.

43. Names not on Voters List

169. Persons whose names do not appear on the Voters List will not be entitled to vote unless they can satisfy the Electoral Officer that their name has erroneously been omitted from the Voters List by providing confirmation in writing from the Splatsin Membership Clerk and they sign a Declaration of Elector's Right to Vote.

44. Voting Irregularities

170. At the request of any elector who is unable to vote in the manner set out in this Code, the Electoral Officer or Deputy Electoral Officer shall assist that elector by marking his ballot in the manner directed by the elector in the presence of a witness and shall place the ballot in the ballot box, the Electoral Officer or Deputy Electoral Officer shall note on the Voters List opposite the name of an elector requiring assistance, the fact that the ballot was marked by him at the request of the elector and the reasons therefore and the name of the witness.

171. An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used shall, on one occasion only, upon returning it to the Electoral Officer or Deputy Electoral Officer, be entitled to obtain another Ballot paper. The Electoral Officer or Deputy Electoral Officer shall write the word "rejected" and his initials upon the rejected Ballot paper and place the ballot in the ballot box.



172. Any person who has received a ballot and who leaves the polling place without delivering the same to the Electoral Officer or a Deputy Electoral Officer in the manner provided, or after receiving a ballot, refuses to vote, shall forfeit his right to vote at the Election, and the Electoral Officer or Deputy Electoral Officer shall make an entry in the Voters List in the column for remarks opposite the name of such person to show that such person received a ballot and declined to vote, and if the ballot is returned the Electoral Officer or Deputy Electoral Officer shall mark upon the face of the ballot the word "SPOILED" and his initials added. Scrutineers, who are present during the Election, may see the spoiled ballot and see the spoiled ballot being placed in the spoiled ballot pile.

45. Closing of the Polling Station

173. Every elector who is inside the polling station at the time fixed for closing the poll shall be entitled to vote before the poll is closed.

174. At precisely 8:00 p.m. the poll shall be closed.

SECTION 12 - COUNTING OF THE VOTES

46. Opening Mail-In Ballots

175. At the time published in the notice for the counting of the votes, the Electoral Officer or Deputy Electoral Officer shall, in the presence of any candidates or their agents who are present, open each envelope containing a Mail-In Ballot that was received before the close of the polls and, without unfolding the ballot:

- a. reject the ballot if:
 - i. it was not accompanied by a Voter Declaration Form, or the Voter Declaration Form is not signed or witnessed;
 - ii. the Voter Declaration Form does not contain a date of birth or a Band Number that matches the information contained for that elector on the Voters List;
 - iii. the name of the elector set out in the Voter Declaration Form is not on the Voters List;
 - iv. the Voters List shows that the elector has already voted;
- b. in any other case, place a mark on the Voters List opposite the name of the elector set out in the Voter Declaration Form, and deposit the Ballot in a ballot box.



47. Counting the Ballots

176. The Electoral Officer or Deputy Electoral Officer shall supply other Deputy Electoral Officers and all persons present and who so request with a tally sheet to keep their own tally of the votes.
177. Immediately after the Mail-In Ballots have been deposited in the ballot box, the Electoral Officer or Deputy Electoral Officer shall, in the presence of any candidates or their agents who are present, open all ballot boxes, including the advance poll ballot box and examine each Ballot, and complete the necessary forms outlined by this Code.
178. The Electoral Officer or Deputy Electoral Officer shall call out the names of the candidates for whom the votes were cast on all valid ballots.
179. A Deputy Electoral Officer shall mark a tally sheet in accordance with the names being called out, for the purpose of arriving at the total number of votes cast for each candidate.

48. Ballots not Counted

180. In examining the ballots, the Electoral Officer or Deputy Electoral Officer must reject any ballots that:
- do not contain the initials of the Electoral Officer or Deputy Electoral Officer;
 - do not give a clear indication of the elector's intention;
 - contain more votes than there are candidates to be elected;
 - contain a mark by which the voter can be identified.
181. The Electoral Officer or Deputy Electoral Officer shall mark REJECTED on each ballot rejected which outlines the reason for rejection and put in an envelope marked REJECTED BALLOTS.
182. Subject to review on recount or on an Election Appeal, the Electoral Officer or Deputy Electoral Officer shall take a note of any objections made by any candidate or his agent to any of the ballots found in the ballot box and decide any questions arising out of the objection.
183. The Electoral Officer or Deputy Electoral Officer shall number objections to ballots raised and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed", as the case may be, with his initials.

49. Other Polling Stations

184. To protect the secrecy of the vote, all ballot boxes from all polling stations should be brought together on counting day and merged into one (1) poll to avoid voting trends from off-reserve voters. Immediately upon completion of the counting of the ballots at a polling station other than that considered the principal



polling station managed by the Electoral Officer, the Deputy Electoral Officer shall transmit the results to the Electoral Officer.

50. Tie

185. If it is not possible to determine the successful candidate(s) for either a Chief or Councillor position due to an equal number of votes being cast (i.e., tie vote), the Electoral Officer shall establish a time for the conduct of a recount after recount is completed then the Electoral Officer may publicly declare the outcome.
186. A recount conducted must take place within 24 hours of the announcement by the Electoral Officer, in the presence the candidates and their agents who wish to attend.
187. At the time established, the Electoral Officer shall conduct a recount of the valid ballots.
188. If there are two positions to fill, both candidates will be declared elected.
189. If a recount fails to break the tie and if only one seat remains, that vacancy shall be decided the Electoral Officer is to use a random method to break the tie vote, such as a coin toss or selection out of hat, to determine the outcome of the vote.

SECTION 13 - POST-ELECTION PROCEDURES

51. Announcement

190. After completing the counting of the votes and establishing the successful candidates, the Electoral Officer shall declare to be elected the candidates or candidates having the highest number of votes.
191. Following the declaration of elected candidates, the Electoral Officer shall complete and sign an Electoral Officer's Report, which shall contain:
 - a. the names of all candidates;
 - b. the number of ballots cast for each;
 - c. the number of spoiled, declined, void, allowed or disallowed ballots.
192. Within four (4) days after completion of the counting of the votes, the Electoral Officer shall:
 - a. sign and post, in at least one conspicuous place on the reserve, in the Community Newsletter and the Splatsin Website, and the Electoral Officer's Report;
 - b. mail a copy of the Election Report to every elector of the Band who does not reside on the reserve;



- c. forward a copy of the Election Report to the Splatsin Administrator.

193. The Electoral Officer will be required to provide a list of addresses for off-reserve electors to the Splatsin Membership Clerk as AANDC does not maintain such information.

52. Retention of Ballots and Other Election Material

194. The Electoral Officer shall deposit all ballot papers in sealed envelopes, including those rejected, spoiled and unused, and shall retain these ballots and all materials in connection with the election.

195. All ballots and materials shall be retained for 45 days from the date on which the election was held or until a decision on an appeal is rendered, whichever date is later. After which time the Electoral Officer may, unless directed otherwise by the Council, destroy them in the presence of two witnesses who shall make a declaration the Declaration of Destruction of Ballots that they witnessed the destruction of those papers. The declaration shall be given to the Splatsin Administrator.

53. Chief and Councillor Oath of Office

196. A candidate who has been elected Chief or Councillor shall, within 10 days of the Electoral Officer's declaration, swear an Oath of Office and the Splatsin Code of Ethics, at a Special Meeting of the Splatsin Community swearing to:

- a. uphold and comply with this Splatsin Custom Election Code, the Splatsin Code of Ethics and all laws of the Community;
- b. fulfill the duties and responsibilities of his office under this Splatsin Custom Election Code, the Splatsin Code of Ethics and all laws of the Community;
- c. carry out his duties faithfully, honestly, impartially and to the best of his abilities;
- d. keep confidential, both during and after his term of office, any matter or information which, under this Splatsin Custom Election Code, the laws of the Community or policy, is considered confidential;
- e. always act in the best interests of the Community in carrying out his duties.

197. Candidates who have been elected Chief or Council shall comply with the following:

Splatsin's Code Of Ethics

As a Chief, Councillor, or employee of Splatsin, I hereby agree to the following Code of Ethics:

- a. I will abide by the Band's Oath of Confidentiality;
- b. I will fulfill my job responsibilities to the best of my abilities I will carry out



Splatsin Custom Election Code

the duties of my position conscientiously, loyally and honestly, remembering that my primary objective is to serve the Band Membership;

- c. in my actions and words, I will promote and uphold the integrity and dignity of the Band, the Band Council and my fellow employees. Both on and off duty, I will conduct myself in a manner that will reflect credit to myself and the Band;
- d. I will develop a positive attitude in dealing with fellow employees, Band Members and the Chief and Council;
- e. I will be prompt, courteous and temperate in the performance of my duties;
- f. I will not publicly criticize other employees, past employees, or the policies of the Band;
- g. if I feel changes are advisable, I will provide constructive criticism and suggestions through proper channels. I will seek to make the workplace as harmonious as possible;
- h. I will attempt to communicate openly with other staff and to resolve differences in a constructive manner;
- i. I will use initiative to find ways of doing my work efficiently, effectively and economically;
- j. I will follow instructions attentively, be cooperative with my supervisors and co-workers and work as a team member with other Band employees;
- k. during my hours of employment, I will work solely on my job responsibilities and fulfill all my duties as laid out in my job description;
- l. within my sphere of responsibility, I will recommend changes of policy, priorities, or procedures, when I believe that such changes would benefit the Band and would help to meet its objectives;
- m. I will strive toward self-improvement and professional development through self - evaluation and availing myself of available literature, upgrading and training when the opportunities arise;
- n. I will attend work punctually each day unless there is a valid reason for absence or lateness, in which case I will contact my immediate supervisor, or if that person is unavailable the Splatsin Administrator, at the start of the working day and provide in indication of when I expect to return to work;
- o. I will dress appropriately for my position and I acknowledge that the appearance of Band employees reflects on the Band administration as a whole;
- p. I will use equipment, property or supplies that are owned or rented by the Band for the authorized purposes only and I will use such equipment with



- care. I will report any maintenance required to an appropriate senior staff person;
- q. I will refuse any fees, gifts, or other tangibles offered to me in reward for duties performed by virtue of my position;
 - r. I understand my relationship with as Council Member as a Splatsin employee to be as follows:
 - s. Council will request my attendance at Council Meetings if my presence is required;
 - t. if I wish to attend a Council Meeting, I must submit a written request to be on the agenda;
 - u. in the event the matter is not related to my position as a staff member I must request time off work to attend the Council Meeting if the matter is related to a personal matter and not related to Band business;
 - v. if I have any personal business or business activities that could conflict with Band business, I will disclose such to Council as soon as practicable;
 - w. if such business or activity actually does conflict with Band business, I must terminate my association with the business or resign my position with the Band.

DATED this ____ day of _____, 20__ . WITNESS EMPLOYEE

- 198. Where a candidate elected as Chief or Councillor cannot, due to illness or other valid reason, swear the Oath of Office and the Splatsin Code of Ethics within the time prescribed by this Code, he or an elector acting on his behalf may file a petition with the Electoral Officer for an extension of the time to swear the Oath of Office.
- 199. The Electoral Officer receiving a petition shall determine whether the circumstances justify an extension and shall provide the candidate making the request written notice of the decision, and where applicable, the extension period.
- 200. No person elected as Chief or Councillor shall be permitted to assume office until they have sworn and filed with the Electoral Officer the Oath of Office and Splatsin Code of Ethics.
- 201. If a person elected as Chief or Councillor fails to file the sworn Oath of Office and the Splatsin Code of Ethics with the Electoral Officer on or before the specified time period, the Electoral Officer shall declare the office vacant.
- 202. The Electoral Officer shall give written notice of the vacancy in writing to the elected Candidate notice whose office is declared vacant and to the elected Chief and Council.
- 203. Unless the vacancy occurring results in a situation where the Council can no



longer form a quorum, the position shall remain vacant until such time as a By-Election is called by Council. The position shall be filled pursuant to this Code.

SECTION 14 - COMPLAINTS and APPEAL BOARD

204. The Complaints and Appeal Board shall supervise and administer, in accordance with the provisions of this Splatsin Custom Election Code:

- a. all election appeals; and
- b. all petitions for the removal of a Council Member from office.

54. Composition

205. The Council shall appoint, at least 100 Clear Days prior to the day of the Election, not less than three (3) persons to the Appeal Board for a four (4) year term commencing on the day of the Election. The names of the Appeal Board shall be posted publicly within the Splatsin Community, in the Splatsin Community Newsletter and the Splatsin Website.

206. The Appeal Board shall: consist of three (3) people: one (1) of which must be a practicing solicitor and two with a professional designation, and all of who must not be associated with Splatsin. Each appointee:

- a. shall not be a Splatsin Band Member;
- b. shall not reside on the Reserve;
- c. shall not have a vested interest in the outcome of an Election;
- d. shall not be an employee of the Splatsin or of the Aboriginal and Northern Affairs Canada;
- e. shall submit written acceptance of their appointment to the Council;
- f. shall be at least 18 years of age.

207. All members of the Complaints and Appeal Board shall possess:

- a. an understanding of the principles of natural justice;
- b. resolving disputes (settle disagreements or conflicts), mediation or arbitration experience;
- c. specific training in professional standards of behavior;
- d. understanding of First Nations issues;
- e. professional accreditation or certification in their profession.



208. At least 100 days before the date on which the election is to be held, the Band Council shall:
- a. appoint the members of the Complaints and Appeal Board;
 - b. draw a list of five (5) and up to ten (10) additional potential members.
209. If there is a vacancy, Council can select another Board Member from the list of potential board members and that appointment shall run concurrent with the existing Board.
210. Upon receipt of an Election Appeal, any Complaints and Appeal Board member who is immediate family of any appellant or candidate, or who may be reasonably apprehended to have a bias or conflict in connection with the appeal, shall excuse themselves from the board.
211. The remaining members of the Complaints and Appeal Board will select additional members as required to attain three from the list of potential members drawn by the Band Council.
212. Each member of the Complaints and Appeal Board shall execute an Oath of Office and accept his appointment by forwarding a letter of acceptance to the Council.

55. Ethics Advisory Committee

INSERT TERMS OF REFERENCE

56. Functions

213. To provide advice to the Complaints and Appeal Board and to Council and the Community relating to allegations of professional or ethical misconduct.

57. Composition

214. The Ethics Advisory Committee shall be composed of three members as follows:
- a. an Elder appointed by the Elders Executive Committee;
 - b. a Band Member, at least 18 years of age, who is familiar with the traditions, values and language of the Band;
 - c. a Band Member who is an active member of an accredited profession;
 - d. the three members most complete the Ethics training as arranged by the Splatsin.

58. Duties Of Ethics Advisory Committee

215. Upon the request of the Complaints and Appeal Board provide advice on:
- a. elections appeals;



- b. all petitions for the removal of a Council Member from office;
- c. all petitions relating to ethical or professional misconduct as outlined in Section 6.

SECTION 15 – ELECTION APPEALS PROCEDURE

59. Timing

- 216. A candidate or an elector may, within 30 days from the date on which the Election was held, submit an appeal to the Complaints and Appeal Board.

60. Election Appeals

INSERT TERMS OF APPEAL

61. Grounds for Appeals

- 217. An appeal submitted must sufficiently outline one or more of the following:
 - a. that the person declared elected was not qualified to be a candidate;
 - b. that there was a violation of this Splatsin Custom Election Code in the conduct of the election that might have affected the result of the Election;
 - c. that there was corrupt or fraudulent practice in relation to the Election.

62. Submission

- 218. An appeal submitted to the Complaints and Appeal Board must:
 - a. be in writing and set out in an affidavit sworn before a Notary Public or duly appointed Commissioner of Affidavits the facts substantiating the grounds for the appeal accompanied by any supporting documentation;
 - b. the appeal document must contain all particulars and information supporting the appeal. It is the exclusive responsibility of the Eligible Voter filing an appeal to provide the relevant evidence. Appeal grounds should be stated clearly and precisely and include references to any relevant section of this Splatsin Custom Election Code;
 - c. be accompanied by a deposit in the amount of \$100.00, in the form of cash, certified check or money order and where applicable made payable to the Splatsin ;
 - d. forwarded by registered mail or delivered in a sealed envelope to the Splatsin Administration Office for the Complaints and Appeal Board;



- e. for reference see checklist.

63. Procedure

219. Upon receipt of an Election Appeal, the Complaints and Appeal Board shall within seven (7) clear days, forward a copy, together with all supporting documents to:
- a. the Electoral Officer;
 - b. each candidate in the election;
 - c. the Council;
 - d. the Splatsin Administrator.
220. In the case where the appeal is submitted, forward a copy together with supporting documents by registered mail to the Electoral Officer and to each candidate at the Election; or
221. In the case where the appeal is not submitted, inform the appellant(s) in writing that the appeal will not receive further consideration.

64. Response to the Allegations

222. Any candidate or the Electoral Officer may, within 14 days of the receipt of the appeal(s), forward to the Complaints and Appeal Board by registered mail a written response to the appeal allegations, together with any supporting documentation.

65. Investigation

223. The Complaints and Appeal Board may, if the material that has been filed is not adequate for deciding the validity of the Election complained of, conduct such further investigation into the matter as the board deems necessary including obtaining affidavits setting out relevant facts.

66. Decision

224. After a review of all of the evidence that it has received, the Complaints and Appeal Board shall render a decision within sixty clear days of receipt of an Appeal:
- a. that the evidence presented and information gathered was not, on a balance of probabilities, sufficiently substantive to determine that:
 - i. a violation of this Splatsin Custom Election Code has taken place that might have affected the result of the Election;
 - ii. the person declared elected was not qualified to be a candidate;
 - iii. there was a corrupt or fraudulent practice in relation to the Election that might have affected its results, and dismiss the Appeal;



- iv. that all evidence and information gathered shows on a balance of probabilities that:
 - v. a violation of this Splatsin Custom Election Code has taken place that might have affected the result of the Election;
 - vi. the person declared elected was not qualified to be a candidate;
 - vii. there was a corrupt or fraudulent practice in relation to the Election that might have affected its results;
 - viii. and uphold the Appeal by setting aside the Election of one or more Council Members and may call a further Election for those positions;
 - ix. within two (2) clear days of the decision the Complaints and Appeal Board shall report the decision to the Electoral Officer, candidates, the Council and Splatsin Administrator
 - b. The decision of the Complaints and Appeal Board shall be:
 - i. published in the Community's Newsletter, which is mailed to Band Members, or in a separate written notice delivered or mailed to all Band Members; and posted on the Splatsin Website;
 - ii. posted in at least one (1) conspicuous place on the reserve.
225. The decision of the Complaints and Appeal Board with regard to Election Appeals is final and not subject to Appeal.
226. Should the Complaints and Appeal Board find that the appeal was filed without just cause, or rule that the Appeal was denied; the \$100.00 deposit shall be forfeited and shall be used to offset the costs of the investigation.

SECTION 16 - PETITION FOR REMOVAL FROM OFFICE PROCEDURE

227. This section addresses petitions for removal of Council from office, beyond the Election Results and that are related to violations.

67. Submission

228. A petition may be submitted to the Complaints and Appeal Board by an elector or by a majority of Council. A petition submitted by an Elector to the Complaints and Appeal Board:
- a. must be in writing and set out in an affidavit sworn before a Notary Public or duly appointed Commissioner for taking Affidavits the facts substantiating the grounds for the petition accompanied by any supporting documentation;



- b. be the exclusive responsibility of the petitioner filing a petition to provide the relevant evidence. Grounds should be stated clearly and precisely and include references to any relevant section of this Splatsin Custom Election Code;
- c. must be accompanied by a deposit in the amount of \$200.00 in the form of cash, certified check or money order and where applicable made payable to the Splatsin;
- d. must forwarded by registered mail or delivered in a sealed envelope to the Splatsin Administration Office for the Complaints and Appeal Board;
- e. and the Splatsin Administrator shall issue a receipt for the appeal, as proof of filing date stamped by Splatsin employee receiving the petition. The Splatsin Administrator shall forward the sealed envelope to the Complaints & Appeal Board;
- f. for reference see checklist.

68. Procedure

- 229. Upon receipt of a Petition, the Complaints and Appeal Board shall within Clear Days.
- 230. In the case where the petition is submitted, a copy, together with supporting documents, must be forwarded by registered mail to the Council and Splatsin Administrator and the Ethics Advisory Committee.
- 231. In the case where the petition is not submitted, inform the petitioners, Council, Splatsin Administrator and Ethics Advisory Committee, in writing that the petition will not receive further consideration.

69. Response to the Allegations

- 232. The Respondent may, within 14 days of receipt of the petition forward to the Complaints and Appeal Board by registered mail a written response to the petition allegations, together with any supporting documentation.

70. Decision

- 233. After a review of all of the evidence that it has received, the Complaints and Appeal Board shall render a decision within 60 clear days of receipt of a petition that:
 - a. the evidence and information gathered was not, on the balance of probabilities, sufficiently substantive to determine that:
 - i. a violation this Splatsin Custom Election Code has taken place;



- ii. and dismiss the petition;
 - iii. all evidence and information gathered shows on a balance of probabilities that:
 - iv. a violation of this Splatsin Custom Election Code has taken place and uphold the petition by making a decision to remove the respondent from his position on Council and report the decision to Council, Respondent, Splatsin Administrator and Ethics Advisory Committee.
234. Upon receipt of the Complaints and Appeal Board decision to remove the respondent from his position on Council, the Council shall take the necessary steps to protect and safeguard the Community's interest and remove the respondent from Council.
235. The decision of the Complaints and Appeal Board shall be made available to Band Members according to Council policy and posted in the confidential section in the Splatsin Website.
236. Should the Complaints and Appeal Board find that the petition was filed without just cause, or rule that the petition was denied; the \$200.00 deposit shall be forfeited and shall be used to offset the costs of the investigation.
237. If the appeal be upheld by the Appeal Board, the deposit, less 20% administration fee shall be immediately returned to the appellant.

SECTION 17 – AMENDMENTS

238. The process for development and passage of amendments to this Splatsin Custom Election Code may be initiated by:
- a. a petition presented to Council, signed by at least 10% of all eligible electors and setting out the specific area in this Splatsin Custom Election Code proposed for amendment; OR
 - b. a Band Council Resolution.
239. Upon receipt of an amendment proposal, Council shall prepare a notice that sets out:
- a. a summary of the proposed amendments to this Splatsin Custom Election Code;
 - b. a statement that the full copy of the proposed amendments can be obtained at the Band Administration Office;
 - c. a description of the amendment proposal.
240. The notice shall be:
- a. published in the Community's Newsletter, delivered or mailed to Band



electors, posted on the Splatsin Website or by separate notice delivered or mailed to all Band electors;

b. posted in at least one (1) conspicuous place on the reserve,

241. Electors may, within 14 days of publication of the notice, provide comments or objections concerning the proposed amendments in writing to Council.

242. If there are no objections the Council concerning the proposed amendments, the Council shall review the comments and make such changes to the proposed amendments, as they deem necessary in order to arrive at a final amendment proposal. And the amendment shall be adopted.

243. If there are objections concerning the proposed amendments, the Council shall proceed through first, second, and third readings for the Splatsin Membership. If after the third reading of the proposed amendments, a simple majority of the Band Members in attendance approve the amendments, the amendments become effective immediately.

244. If after the third reading, there is no approval of the proposed amendments by the Splatsin Membership, the existing Splatsin Custom Election Code continues to apply.

245. If an amendment is approved at least six (6) months prior to the next Election, the amendments will be effective as of the date of the third reading. Amendments approved less than six (6) months from the next Election shall not come into force until the conclusion of that Election process.

71. Extraordinary Meeting

246. In the event that an issue arises in connection with an Election that is not addressed by this Splatsin Custom Election Code, the Council shall, with at least ten (10) days notice, call an Extraordinary Meeting of the Members who have reached the age of 18 years to seek recommendations to address the issue. A minimum 75% of Band Members in attendance at the Extraordinary Meeting may make recommendations by way of a resolution that will be binding on the Council who must then pass a resolution to amend this Splatsin Custom Election Code.

247. In the year following a General Election, the Council shall call a Special Splatsin Meeting of the electors, with at least 30 days notice, to review and seek input regarding processes and substantive issues in this Splatsin Custom Election Code. A minimum of 75% of the electors validly constituting a quorum, as provided by the Splatsin policy, may make recommendations by way of a resolution which will be binding on the Council, who must then pass a resolution



to amend this Splitsin Custom Election Code in accordance with the recommendations.

72. Liability

248. The Splitsin, its Members and its employees and officers (including the Splitsin Administrator, the Electoral Officer and Deputy Electoral Officers) shall not be liable for any claims, losses or damages resulting from the inadvertent deletion or addition of an individual's name to the Voters List or any inadvertent breach of this Splitsin Custom Election Code.



APPENDIX 1

ACCEPTANCE OF NOMINATION

To the Splatsin Electoral Officer:

I, _____ a Member of the Splatsin, and being nominated as a
candidate for

Chief or Councillor of the Splatsin First Nation at a Nomination Meeting held at

_____ on the _____ day of _____, 20

_____ and being qualified to hold such office under the Splatsin Custom Election Code do hereby
formally accept such nomination and agree to abide by the Code of Ethics, attached hereto.

SWORN TO BEFORE ME at the City of _____ in the province of

This _____ day of _____ 20_____.

Signature of Nominee

Address of Nominee

Phone Number of Nominee

Commissioner for Taking Affidavits for the Province of British Columbia or the Electoral
Officer or a Justice of the Peace or a Notary Public.



APPENDIX 2 AUTHORIZATION FOR CRIMINAL RECORDS CHECK

I, _____, Splatsin membership Number _____
 and resident of _____, having been duly nominated
 for the position of Chief / Councillor for the Splatsin, in the General Election to be held on
 _____, 20____, hereby authorize the Electoral Officer or a Deputy
 Electoral Officer to request and obtain a Criminal Record search from and through any Law
 Enforcement Agency, in any jurisdiction in Canada or the United States of America.

 Candidates Signature

 Witness Signature

 Print Name

 Print Name

Date: _____

Candidates Mailing address or contact information:



APPENDIX 3 CANDIDATES BALLOT INFORMATION

I _____ having been nominated as Chief / Councillor for the
Splatsin General _____ (*print name*) _____ (*circle applicable position*)

Election at a Nomination Meeting held at _____, on
_____, 20_____, hereby request that my
name be shown on the ballot as:

Print Surname _____ *Print First Name and/or Nickname*

Signature of Candidate

Date

Address of Candidate: _____

Telephone Number of Candidate: _____

FAX TO: _____
Splatsin Electoral Officer

BY NO LATER THAN: _____



APPENDIX 4 CHIEF/COUNCILLOR QUALIFICATION/CERTIFICATION

I, being nominated as Chief/Councillor for the Splitsin do hereby declare that I meet all of the eligibility requirements as stated in the Splitsin Custom Election Code.

In particular I:

- a. am descendent of the Splitsin;
- b. am at least 18 years of age as of the date of the Election;
- c. have not have been convicted of an offence against people, property or convictions involving substance abuse within the past five (5) years unless the indictment involved is under s 35 of the Constitution Act of Canada and waived by a majority of Council Members;
- d. have not have been convicted of sexual abuse or manslaughter and if such conviction exists, then the person may bring an appeal to the Complaints and Appeal Board;
- e. am not be in Arrears on payment of a debt to the Splitsin or to a company that Splitsin has a financial interest in;
- f. am not be in a state of bankruptcy under the *Bankruptcy Act* at the time of nomination or during an elected term;
- g. have not applied for a loan which requires the Council to co-signs which creates a liability for the Splitsin. The exception being when a financial institution approves their credit worthiness and the applicant has equitable collateral and provides all details at a Splitsin Community Meeting before the loan is approved;
- h. have signed the Chief/Councillor Qualification Certificate and make public disclosure of debts owed to Splitsin;
- i. have signed the Acceptance of Nomination;
- j. have signed the Authorization for Criminal Record Check;
- k. have submitted a Nomination fee of \$100.00 to the Splitsin to be used to offset Election expenses, such amount, to be periodically adjusted by the Electoral Officer to be consistent with the national standard for cost of living increases.

Dated at _____ this _____ day of _____, 20____.

Candidates Name (Print)

Witness Name (Print)

SWORN TO BEFORE ME at the City of _____ in the province of

This _____ day of _____ 20____.

Signature of Nominee

Commissioner for Taking Affidavits for the Province of British Columbia or the Electoral Officer or a Justice of the Peace or a Notary Public.



APPENDIX 6 OATH OF OFFICE FOR ELECTORAL OFFICERS

I, _____, accept the office of Electoral Officer and agree to maintain confidentiality during my term.

In the capacity of Electoral Officer, I will do my utmost to serve the eligible electors of Splatsin with impartiality, integrity, and honesty.

In the performance of my duties, I will adhere to the provisions as outlined in the Splatsin Custom Election Code. Any violation of this Oath shall render me liable to dismissal from service as Electoral Officer.

I solemnly swear that I will carry out my responsibilities honestly, conscientiously, and to the best of my abilities.

SWORN TO BEFORE ME at the City of _____ in the province of

This _____ day of _____ 20____.

Signature of Electoral Officer
Commissioner for Taking Affidavits for the Province of British Columbia or a Justice of the Peace or a Notary Public



APPENDIX 7

DECLARATION OF ELECTOR'S RIGHT TO VOTE

In the matter number 199 of the Splatsin Custom Election Code, I, _____
Print name

solemnly declare that:

1. I am a member of the Splatsin
2. I am the full age of eighteen years;
3. I have not previously voted at this election;
4. I am not disqualified from voting at Splatsin Elections.

I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is an offence to make a false statement in this declaration.

Date

Signature of Elector

Declared before me at the Splatsin Reserve in the Province of _____ this ___ day

I am satisfied that the above named person has the right to vote based on the above declaration and the representations by the aforesaid person.

Date

(Deputy) Electoral Office



APPENDIX 8

NOTICE OF NOMINATION MEETING

Notice is hereby given that a meeting of the electors of the Splatsin will be held at _____ on the _____ day of _____, 20 __, beginning at _____ o'clock and lasting for at least three hours, for the purpose of nominating candidates for the positions of Chief and Councilors of the Splatsin for the next ensuing term.

There are Councillor positions and one position for Chief available.

The election will be held at _____ on the _____ day of _____, 20 ____.

Please note that any qualified voter may nominate candidates by using a Mail-In Nomination Form. You can either deliver or mail-in a written nomination and a completed signed and witnessed Voter Declaration Form to the Electoral Officer before the time set for the Nomination Meeting OR you may nominate candidates orally at the Nomination Meeting. Mailed nominations not received by the Electoral Officer before the time set for Nomination Meeting are void. Please note that any voter may vote by Mail-In Ballot.

Given under my hand at _____, this _____ day of _____, 20 ____.

Signature of Electoral Officer
Name and address of Electoral Officer:

Telephone Number of Electoral Officer: _____

If you wish to have your name and address released to any candidate at this Election for the purpose of sending you campaign literature, please check the statement below, print and sign your name, detach this form at the perforated line and return the bottom portion to the Electoral Officer.

I authorize my name and the below address be released to any candidate at this election.

Print Name _____ Signature _____

Date of Birth: _____



APPENDIX 9 MAIL IN NOMINATION FORM

I, _____, Splatsin Membership No. _____ of
the Splatsin, hereby nominate, _____ for the position of
_____ (Chief or Councillor).

Date: _____

Signature of Nominator

Nominator's Current address:

Nominator's Telephone No.:

Nominee's Current address:

Nominee's Telephone No.:

*Nominee current address must comply with the Splatsin Custom Election Code.

It is important that your telephone number be included above in case the Electoral Officer needs to contact you for clarification regarding the name of the individual that you are nominating. The address of Nominee is important so the Electoral Officer can contact the person nominated



APPENDIX 11 NOTICE OF CANDIDATES NOMINATION

Dear Candidate:

According to the Splatsin Custom Election Code, I must inform you that on _____, 20 ____, at the Nomination Meeting held at _____, located at _____ you were nominated as a candidate for the position of [Chief / Councillor] for the Band Election to be held on _____, 20____.

If you choose to accept this nomination you must complete the following documents:

1. the Acceptance of Nomination
2. Chief /Councillor Qualification Certificate (both documents must be sworn before a Commissioner for taking Affidavits, Notary Public, a Justice of the Peace or the Electoral Officer
3. an Authorization for a criminal record check
4. candidates ballot information
5. a **\$100.00** nomination fee

Copies of all required documents are attached.

All documents must be received by the Electoral Officer by no later than

_____.

If you choose **not** to accept this nomination, according to the Splatsin Custom Election Code, you must submit to the Electoral Officer a written withdrawal of nomination by _____, 20 ____, signed by yourself, either in my presence or the presence of a Justice of the Peace, a Notary Public or a Commissioner for taking Affidavits.

If you fail to inform me of your withdrawal by _____, 20____, and the time lapses for forwarding the first 3 documents together with the **\$100.00** nomination fee indicated by

_____, 20____, I will consider that you have withdrawn and your name will not be included on the ballot. If you forward the first 3 documents and the **\$100.00** nomination fee but not the fourth (Candidates Ballot Information) your name will be shown on the ballot as it appears on the Voters List.

If you accept the nomination and meet the requirements outlined in the Splatsin Custom Election Code and decide prior to the close of polls that you wish to withdraw, you may do so however Ballots cast in your favour will not be counted. Each candidate is allowed to have no more than two (2) scrutineers at any one time inside the polling station to observe the proceedings on Election Day. You may appoint more than two scrutineers provided only two are present at the polling station at any one time, and delivering the forms to the Electoral Officer prior to the opening of polls.

In the event of a tie vote, the Splatsin Custom Election Code rules shall be triggered, and the Electoral Officer shall immediately call for a public recount of the Ballots for the tied candidates. If after the completion of the public recount, a tie vote still exists the Electoral Officer shall follow the process of the Splatsin Custom Election Code.

If you have any questions concerning the election process, please do not hesitate to contact me at the address and/or telephone number appearing at the bottom of this letter.

Yours truly,
Electoral Officer
Telephone and Address



APPENDIX 12

ELECTORAL OFFICERS NOMINATION MEETING REPORT

1. Name of: Splatsin Band number:
2. District/Region: 9.
3. Total number of band members: _____.
4. The band council is composed of one Chief and ___ Councilors.
5. The notice of Nomination Meeting was:

Posted on the _____ day of _____, 20_____, at the following locations:

6. On-reserve:

7. Off-reserve:

The Nomination Meeting was held on the _____ day of _____, 20____, at _____, from _____. (Location)

Nominations for Chief

Candidates Name and Band Number	Candidates Address	Nominators Name and Band Number	Seconders Name and Band Number

Nominations for Councillor

Candidates Name and Band Number	Candidates Address	Nominators Name and Band Number	Seconders Name and Band Number

The following candidates have been declared elected by acclamation pursuant to the



Splatsin Custom Election Code

Splatsin Custom Election Code:

For the office of Chief:

Name: _____

Address: _____

To the office of Councillor:

Name: _____

Address: _____

I declare that a poll will be held for the office(s) of:

One Chief and _____ Councillors

on _____ the _____ day of _____, 20 _____.

As Electoral Officer, I declare that all information contained in this report of the Nomination Meeting are true to the best of my knowledge and that I have carefully and diligently performed all the duties required of me by the Splatsin Custom Election Code in respect to this Nomination Meeting.

Signature of the Electoral Officer

Date: _____



APPENDIX 13

SAMPLE BALLOTS

BALLOT FOR COUNCILORS TO BE ELECTED

MARK YOUR BALLOT WITH AN X IN THE CIRCLE TO THE RIGHT OF THE CANDIDATES OF YOUR CHOICE

NO MORE THAN _____ TO BE ELECTED

Name of Candidate		Name of Candidate	
Name of Candidate		Name of Candidate	
Name of Candidate		Name of Candidate	
Name of Candidate		Name of Candidate	
Name of Candidate		Name of Candidate	



APPENDIX 14

ATTESTION FORM

I, _____, upon the request of
the elector Print name

_____ assisted the Elector by placing an "X" or "X's"
Print name of elector

on the Ballot Form which is a true and clear indication of the Electors choice of candidates for Chief and/or Council.

Signature of Attestor Date

Address of Attestor:

Street/Box City

Postal Code Telephone Number () _



APPENDIX 15 ELECTOR'S LOST BALLOT DECLARATION

In the matter of the Splatsin Custom Election Code, I, _____ solemnly

1. I am a member of the Splatsin
2. My band number is _____ and my date of birth is _____

Check where applicable

3. _____ I have lost the Mail-In Ballot that was mailed, delivered or provided to me.
4. _____ I have not received the Mail-In Ballot that was mailed to me.
5. _____ I have not used the Mail-In Ballot that was mailed to me.

I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is an offence to make a false statement in this declaration.

Signature of Elector

DECLARED BEFORE ME at the Splatsin in
the Province of British Columbia, this

day
of _____, 20____.

(Deputy) Electoral Officer



APPENDIX 16

CERTIFICATE OF DESTRUCTION OF BALLOTS

RESULTING FROM THE ELECTION HELD ON _____, 20__

This is to confirm that we, the undersigned, were present and hereby certify that we witnessed the Electoral Officer destroy all ballots on _____, 20__
_____ being 45
days after the Splatsin Election which was held on _____, 20__
_____, such
destruction being in accordance with the Splatsin Custom Election Code.

Signed this _____ day of _____, 20__, _____ in
_____, B.C.

Print name of Witness 1

Print name of Witness 2

Signature of Witness 1

Signature of Witness 2

Address of Witness 1

Address of Witness 2



APPENDIX 17

WRITTEN WITHDRAWAL OF NOMINATION

FAX TO: The Splatsin Electoral Officer

FAX NUMBER: _____

I, _____, a Member of the Splatsin having been

nominated as a candidate for Chief/Councillor for the said Band, at a

Nomination Meeting

held at _____ on the _____ day of _____, 20____, DO

HEREBY WITHDRAW my name as candidate for the said Office of

Chief/Councillor.

) _____ Signature of Nominee

) _____)

Commissioner for Taking
Affidavits for the Province of
British Columbia
or the Electoral Officer or a
Justice of the Peace or a
Notary Public

NOTE: BE ADVISED THAT ONCE THE ELECTORAL OFFICER RECEIVES THIS FORM, SIGNED AND WITNESSED, YOUR WITHDRAWAL IS FINAL AND THEREFORE IRREVOCABLE.



APPENDIX 18

NOTICE OF ELECTION

Notice is hereby given to the Eligible Voters of the Splatsin that an Election will be held to elect the Chief and Council of the Splatsin Band and that such Election will be open on the ___ day of ___, 20___, from the hour of eight o'clock A.M. (Local Time) until 8:00 o'clock P.M. (Local Time) at _____ (describe the polling places if more than one). That I will count the votes at _____ (describe the place) on the _____ day of _____, 20___, immedia

Given under my hand at _____ this _____ day of _____, 20___.

Splatsin Electoral Officer



APPENDIX 19

INSTRUCTIONS FOR MAIL-IN VOTING

Dear Elector:

As per the attached Notice of Election, an election for one Chief and _____ Councilors of the Splatsin is currently underway.

As a member of Splatsin, you are entitled to vote, provided you will be at least 18 years of age on the date of the Election. To assist you in casting a vote, please find enclosed a Mail-In Voting Package consisting of:

- a ballot for the position of Chief with the Electoral Officer's initials on the back
- a ballot for the positions of Councillor with the Electoral Officer's initials on the back
- an outer, postage-paid pre-addressed return envelope
- a second inner envelope marked with the word "ballot"
- a Voter Declaration Accompanying the Mail-In Ballot
- an Attestation Form

Carefully follow the steps below to ensure that your ballot is valid and will not be rejected.

1. **On the ballot for Chief:**
Mark an "**X**" in the box immediately to the right of the name of the candidate of your choice. You must choose only one candidate.
2. **On the ballot for Councillor:**
Mark an "**X**" in the box immediately to the right of the names of the candidates of your choice. You may vote for up to () Councilors.
3. **Fold** the Ballots in the same way as you received it, so that the Electoral Officer's initials on the back are visible.
4. **Place** the Ballots back into the envelope marked "Ballot", and seal the envelope.
5. Complete the Voter Declaration Accompanying the Mail-In Ballot Form. Both you and a witness, who is at least 18 years of age, must sign it.
6. If you need assistance placing your X on the Ballot and ask someone to assist you, that person must complete and sign the Attestation Form.



Splatsin Custom Election Code

7. In the larger postage paid pre-addressed outer envelope, place the completed and signed Voter Declaration Accompanying the Mail-In Ballot and the sealed envelope marked "Ballot" and the Attestation Form, if necessary.
8. Seal and drop the return envelope in the mail as soon as possible. It must be received by the Electoral Officer no later than 8 p.m. on Election Day. Note that Ballots received after the close of the poll on____, 20____, will not be counted. You may also hand deliver it to the Electoral Officer.

In order for your Ballots to be counted, they must be accompanied by a completed Voter Declaration Form, signed by you and a witness, and if you had someone assist you, an Attestation Form.

Although you have received this Mail-In Voting Package, you may choose to vote on Election Day in person at the polling station whose location(s) are/is indicated on the Notice of Election. Only one ballot will be counted.

If you have any questions, please do not hesitate to contact me at ____

Yours truly,

Splatsin Electoral Officer



APPENDIX 20

NOTICE APPOINTING SCRUTINEERS

I, _____, being nominated for the position of Chief/Councillor for the Splatsin I do hereby appoint the following persons in accordance with the Splatsin Custom Election Code to act as Scrutineers to oversee the election poll on the _____ day of _____, 20____.

Scrutineer

Scrutineer

Date

Nominee



APPENDIX 21

VOTER DECLARATION ACCOMPANYING THE MAIL-IN BALLOT

This declaration must be signed by you and a witness and be returned to the Electoral Officer with your completed ballot, or your vote will not be counted.

In the matter of the election of the Splitsin, held according to the Splitsin Custom Election Code, I, _____, solemnly declare that:
(Please print your name)

1. I am a Member of Splitsin.
2. My Band number is _____ and my date of birth is _____
3. My current mailing address is: _____
4. I am at least 18 years of age.
5. I do not know of any reason why I would be disqualified from voting at this election.

I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is an offence to make a false statement in this declaration.

Signature of Elector

Date

Witness Declaration- (to be completed by any person who is at least 18 years of age)

Declared before me _____ at _____
(print name)
(date) (municipality) this _____ day of _____ 20_____.
(month) (year)

Signature of Witness

City Province

Postal Code Phone: () _____



APPENDIX 22

CERTIFICATE RE: BALLOT BOX(S)

This is to certify that we examined the ballot boxes to be used at the Election held to elect the Chief and Council of Splatsin on _____, 20____, and found the ballot boxes to be empty. The ballot boxes were locked and sealed in our presence by the Electoral Officer.

Signed by:

Signature of Witness

Signature of Witness

Signature of Electoral Officer



APPENDIX 23 CERTIFICATE – OPENING OF BALLOT BOXES

This is to certify that we were present at 8:00 P.M. on _____, 20__ at the closing of the polls. We certify that no one was permitted to vote after the closure except those persons who were in the polling station at closure. We further certify that we examined the ballot box(s) prior to opening of same. The ballot box(s) were sealed and there was no evidence of tampering of any kind. The ballot box(s) were opened in our presence and all Ballots within the box(s) were removed and counted.

Signed by witnesses:

X _____

Date: Signature of Witness

Time: _____

(Print Name)

(Mailing Address and other contact information)

X _____

(Signature of Witness)

Date:

(Print Name)

Time: _____

(Mailing Address and other contact information)

(Signature of Electoral Officer)



APPENDIX 24

ELECTORAL OFFICERS REPORT

1. Name of First Nation: Splatsin First Nation
2. Band Number: 600
3. Date of Election:
4. District/Region: 9
5. Type of election (General or By-election):
6. Date of last general election (month/year):
7. Total number of band members:
 - a. Total number of elector's on-reserve:
 - b. Total number of Elector's off-reserve:
8. The band council is composed of one Chief and _____ Councilors.
9. The notice of Nomination Meeting was: Posted on the _____ day of _____, 20____, at the following locations:
10. Mailed to _____ (#) off-reserve electors on _____, 20____.
11. The Nomination Meeting was held on the _____ day of _____, 20____, at _____, from _____ to _____. (Location)
12. The Notice of Election was posted on the _____ day of _____ 20____, at the following locations:
13. Total number of Mail-In Ballot Packages sent to off-reserve electors:
14. Total number of Mail-In Ballot Packages sent to electors residing on the reserve:
15. The election was held on the day of _____, 20____, at the following locations:
16. Mail-In Ballots

		For Chief	For Councillor
A	Total number of Mail-In Ballot Packages sent (includes second or third packages sent to the same elector as well as those sent by D.E.O.'s).		
B	Total number of Mail-In Packages returned as undeliverable.		
C	Total number of Mail-In Ballots returned by the elector who voted in person at the polling station.		
D	Total number of Mail-In Ballots rejected and not placed in the ballot box (during the opening of the envelopes).		
E	Total number of Mail-In Ballots deposited in the ballot box.		
F	Mail-In Ballot discrepancy (A - B + C + D + E)		

17. Ballot Reconciliation



		For Chief	For Councillor
A	Number of valid ballots cast.		
B	Number of ballots cast and rejected and/or declined.		
C	Number of ballots spoiled (never placed in the ballot box).		
D	Number of unused ballots.		
E	Total number of Mail-In Packages returned as undeliverable (same as 15 B)		
F	Total number of Mail-In Ballots returned by the elector who voted in person at the polling station		
G	Number of Mail-In Ballots rejected before being placed in the ballot box (same as 15 D)		
H	Total provided at 15 F (Mail-In Ballot discrepancy)		
I	Total number of Ballots (A + B + C + D + E + F + G + H)		
J	Total number of Ballots printed (Should equal total at I above)		

18. Please complete all three columns below:

Name of Candidate for Chief	Votes	Comments

19. Number of Ballots cast for Chief :

20. Number of rejected Ballots for Chief:

21. Please complete all three columns below:



Splatsin Custom Election Code

Name of Candidate for Councillor	Votes	Comments

22. Number of Ballots cast for Councillor:

23. Number of rejected Ballots for Councillor:

24. The following candidates have been publicly declared elected:

a. To the Office of Chief:

Name: _____

b. To the Office of Councillor:

Name: _____

Name: _____

Name: _____

25. The term of office commences on the ___ day of _____, 20__.

26. Additional Comments:

27. Declaration

I, _____, appointed to the position of Splatsin Electoral Officer on the _____ day of _____, 20_, for the Splatsin, declare that the polling place(s) was kept open between the hours of 8:00 a.m. and 8:00 p.m. (local time), and that I have correctly counted the votes cast for each candidate and have performed all other duties required of me by the Splatsin Custom Election Code. I further declare that a copy of the *Official Statement of Results of Election* will be posted at each place where the Notice of Election was posted and will be mailed to the last known address of off-reserve electors.

Splatsin Electoral Officer Signature

Address

Date



APPENDIX 25

CHECKLIST FOR FILING AN APPEAL/PETITION

Please use this checklist to help you to organize your information to file an Election Appeal/Petition.

To file an Election appeal or Petition for the removal of a Council Member from office, it is the exclusive responsibility of the Eligible Voter (a registered Splatsin Member) filing an Appeal/Petition to provide the relevant evidence to the Complaints and Appeal Board.

CHECKLIST:

Does your APPEAL or PETITION meet the following requirements:

- must be done within 30 days of Election
- must be in writing and outline the grounds for Appeal/Petition
 1. that the person declared elected was not qualified to be a candidate; or
 2. that there was a violation of this Splatsin Custom Election Code in the conduct of the Election that might have affected the result of the Election; or
 3. that there was corrupt or fraudulent practice in relation to the Election; or
 4. that there was a violation of the Splatsin Custom Election Code
- must contain all details and information supporting the Appeal
- must clearly state and precisely include references to any relevant section of this Splatsin Custom Election Code
- must be sworn by a Notary Public or duly appointed Commissioner for taking Affidavits
- must be accompanied by a deposit in the amount of two hundred dollars (\$100.00) - cash, certified cheque or money order and made payable to the Splatsin
- must be forwarded by registered mail or delivered to the Splatsin Administration Office for the Complaints and Appeal Board.
- must receive a receipt for the Appeal, as proof of filing from the Splatsin Administrator



APPENDIX 26

QUORUM AND PROCEEDINGS OF CHIEF AND COUNCIL DULY CONVENED MEETINGS

1. A majority of the whole Council shall constitute a quorum.
2. If no quorum is present within 30 minutes after the time appointed for the meeting, the secretary shall call the roll and record the names of the members of Council then present and Council shall stand adjourned until the next meeting.
3. The Chief of the Band shall be the Chairperson at meetings of Council.
4. Upon a quorum being present, the presiding officer shall take the chair and call the meeting to order.
5. In the absence of the Chief, a chairman shall be chosen from among the Councilors present until his arrival.
6. The presiding officer shall maintain order and decide all questions of procedure.
7. The order of business at each regular meeting of the Council shall be as follows:
 - a. reading, correction (if any) and adoption of the minutes of the previous meeting;
 - b. unfinished business;
 - c. presentation and reading of correspondence and petitions;
 - d. presentation and consideration of reports of committees;
 - e. new business;
 - f. hearing presentations from Electors or other parties;
 - g. adjournment.
8. Each resolution shall be presented or read by the mover, and when duly moved and seconded and placed before the meeting by the presiding officer, shall be open for consideration.
9. After a resolution has been placed before the meeting by the presiding officer, it shall be deemed to be in the possession of the Council, but it may be withdrawn by consent of the majority of the Council members present.
10. When any Council member desires to speak, he shall address his remarks to the presiding officer and confine himself to the question then before the meeting.
11. In the event of more than one Council Member desiring to speak at one time, the presiding officer shall determine who is entitled to speak.
12. The presiding officer or any Council Member may call a Council Member to order while speaking, and the debate shall then be suspended and the Council Member shall not speak until the point of order is determined.
13. A Council Member may speak only once on a point of order.



14. Any member of the Council may appeal the decision of the presiding officer to the Council and all appeals shall be decided by a majority vote and without debate.
15. All questions before the Council shall be decided by majority vote of the Councilors present.
16. The presiding officer shall not be entitled to vote unless the votes in favour and against the measure are equal, in which case the presiding officer shall cast the deciding vote.
17. Every Member present when a question is called shall vote unless the Council excuses him or unless he is personally interested in the question, in which case he shall declare his interest, and may excuse himself or be required to excuse himself by a majority vote of the other Council Members. His abstention shall be recorded in the minutes.
18. A member of the Council who refuses to vote shall be deemed to vote in the affirmative.
19. Whenever a division of the Council is taken for any purpose, each Council Member present and voting shall announce his vote upon the question openly and individually to the Council and, when so requested by any member, the secretary shall record it.
20. Any member may require the question or resolution under discussion to be read for his information at any period of the debate, but not so as to interrupt a member who is speaking.
21. The regular meetings of the Council shall be open to members of the Band, and no member shall be excluded from a regular meeting except for improper conduct and in-camera sessions.
22. The presiding officer may expel or exclude from any meeting any person who causes a disturbance at the meeting.
23. The Council may, at its first meeting, appoint in lieu of the committee of the whole Council the following committees, as particularized in the Splatstsin Strategic Framework;
 - a. youth;
 - b. Elders Advisory.
24. The Council may appoint special committees on any matters as the interests of the Band may require.
25. A majority of the members of a committee shall be a quorum.
26. The Chief of the Band shall be an ex officio member of all committees and be entitled to vote at all committee meetings, and other members of the Council may attend meetings of a committee and may with the consent of the committee take part in the discussion but shall not be entitled to vote.
27. The general duties of standing and special committees are:
 - a. to report to the Council from time to time as often as the interests of the Band may



Splatsin Custom Election Code

- require, all matters connected with the duties imposed on them and recommend such action by the Council in relation to those duties as they may deem necessary and expedient;
- b. to consider and report upon all matters referred to them by the Council or by the Chief of the Band;
 - c. to report any questions of the Council or Splatsin employees to the Ethics Advisory Committee and the Splatsin Administrator and the Council.
28. Special meeting of committees shall be called at the request of the chairman or a majority of the committee or, in the absence of the chairman, on request of the Chief of the band.
29. The Chief does not have a vote except in the event of a tie vote when the Chief will have a casting vote.
30. In the event that the Chief resigns from office, is removed from office, or dies while in office, Council may elect from amongst themselves an interim Chief until a by-election is held.
31. For urgent matters, or when a formal meeting is not possible, decisions on a matter may be made by a consent resolution as long as all Council Members sign the consent resolution unless otherwise required by the Indian Act or other law.



SPLATSHIN FIRST NATION
GOVERNANCE POLICY

11/7/2013



GOVERNANCE POLICY

PREAMBLE

The Splatsin First Nation is committed to improving the overall health and wellness of its community. The issue of whether to include aspects of the Splatsin Wellness and Development Strategy within the Splatsin governance policy was discussed at length. It was decided that the principle of personal responsibility is strongly held within positions of leadership and therefore wellness belongs amongst a governance framework.

The first objective of the Splatsin Wellness and Development Strategy is to improve the mental, physical, emotional and spiritual wellness of the membership. It is acknowledged that personal development is life long and that opportunities for development are encompassing regardless of one's circumstances within a community. Moreover, it is the intended function of the governance policy to provide a framework that not only fosters the very best decision making environment but also holds our leaders up in order to give them the best opportunity for personal growth and development.

It is the aim of the governance policy that leaders - Chief and Council as equal - will benefit from kindness and understanding during times of development in the expectation that it will be reflected back.

In this manner, Splatsin is committing itself to a new way of thinking with the expectation that by adjusting our perspective to that of a model of forgiveness that our language, culture and traditions will flourish once again.





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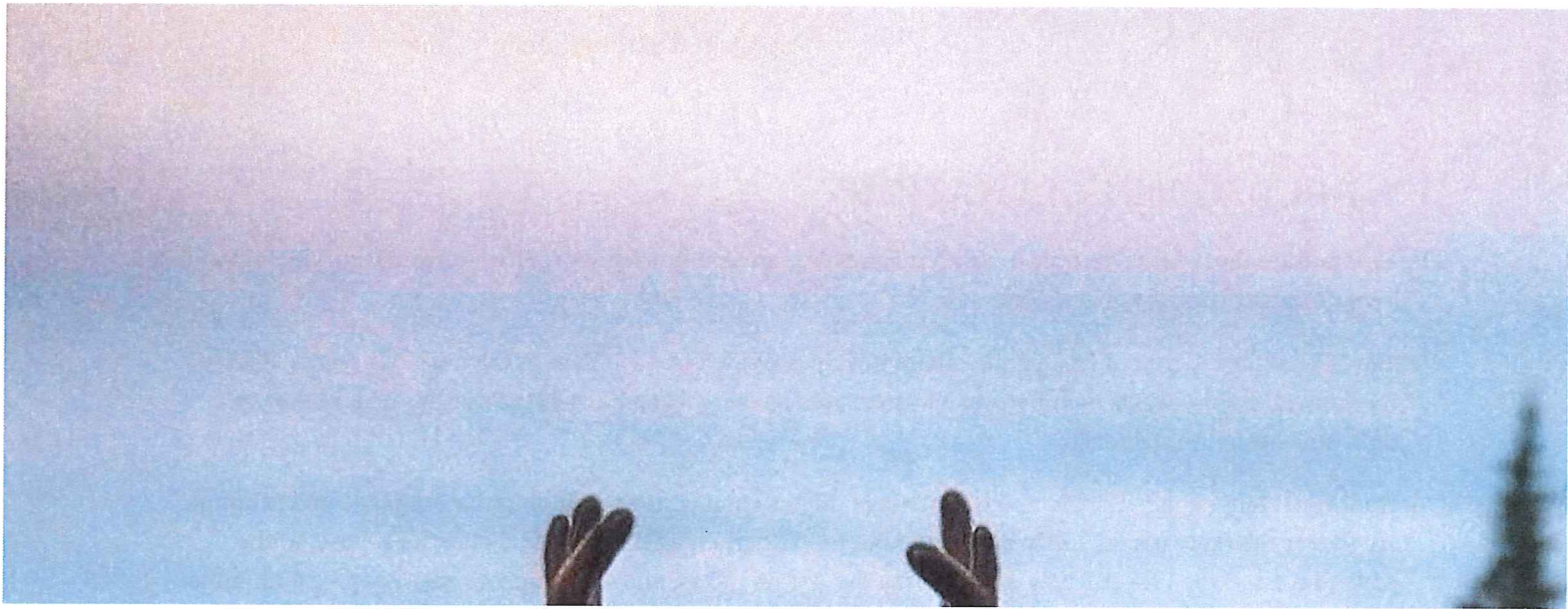
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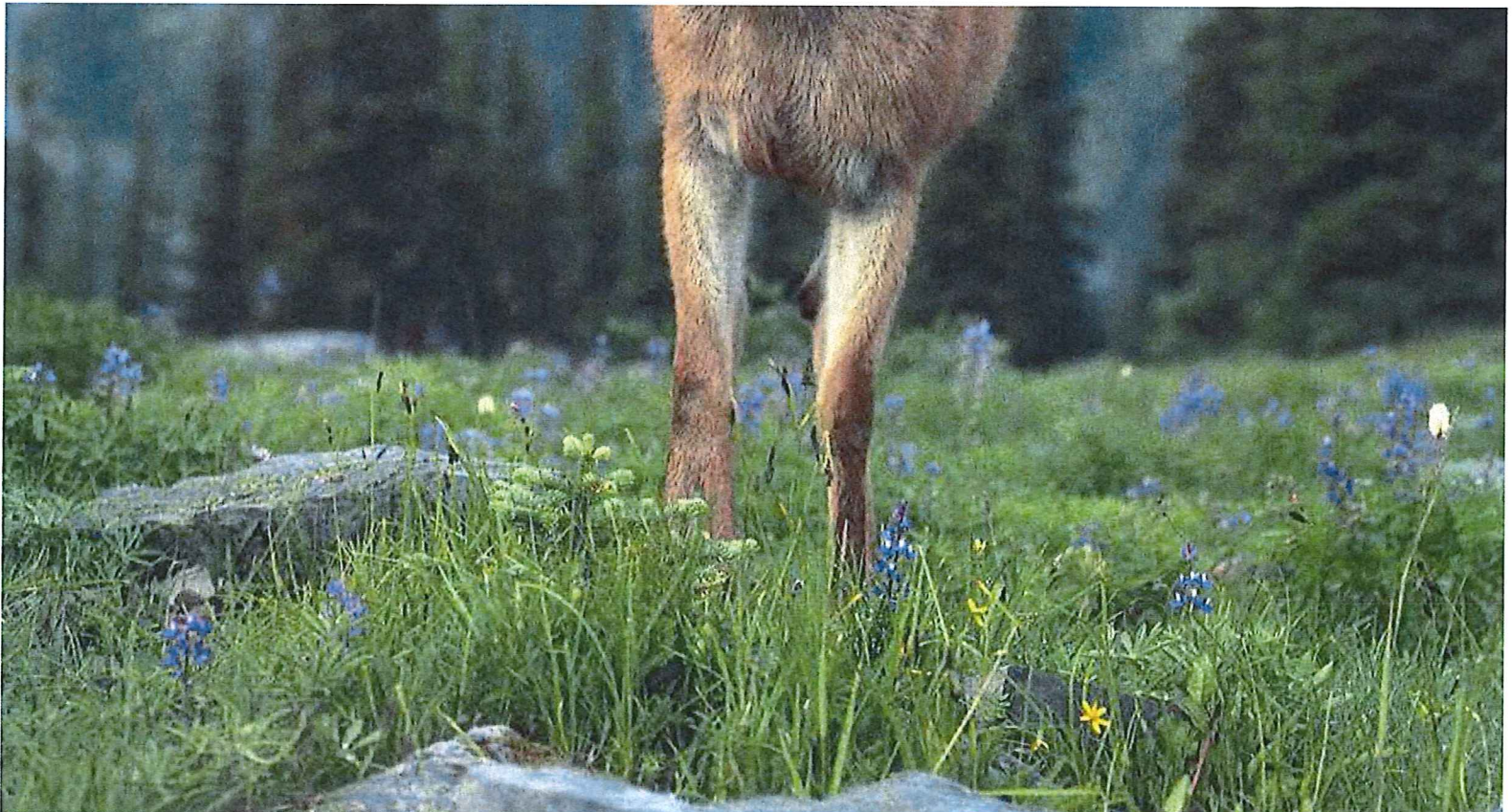


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PART 1 - PLANNING





1. SPLATSIN DECLARATION

The Splatsin are the original people of this land and have an absolute right to self-determination through our own unique forms of government.

We, the Splatsin, by virtue of having the inherent right provided by the Creator, exercise our responsibility for the well-being of our members, as the ancestors of our Nation have exercised this as a matter of right since time immemorial.

Our traditional language is Salish, and our heritage, history and culture including our language and religion, are tied to the Secwepemc territory -- from the BC/Alberta border, near the Yellowhead pass, to the plateau west of the Fraser River, southeast to the Arrow Lakes, and to the upper reaches of the Columbia River.

We are committed to honoring and respecting the traditions of our ancestors and our oral history.

Aboriginal Rights and Title

1. The Splatsin people are members of the Secwepemc Nation, which has occupied and benefited from the Secwepemc traditional territory, since time immemorial.
2. The Splatsin has never ceded, surrendered, or in any way relinquished Aboriginal title and will continue to assert our interests and exercise our Aboriginal rights over our traditional territory.
3. Through this governance policy, the members of Splatsin exercise their inherent right to self-government and will manage, develop and utilize lands and resources within the Splatsin territory to achieve a healthy and prosperous community.
4. Splatsin will address all issues of Splatsin, jurisdiction, rights and title with the Crown and other nations on a government-to-government basis only.

Resource and Land Use Planning

1. The Splatsin, in exercising our inherent right to self-govern, shall develop a resource and land management plan for our reserve.
2. Splatsin includes long term resource planning for the traditional territory into its mandate.

2. CORE PURPOSE

The purpose of this governance policy is to guide and inform the decision making processes that support the Splatsin in asserting jurisdiction, in an accountable and transparent manner, founded on the strength and recognition of our Aboriginal title and rights.





3. OBJECTIVE

The objective of this governance policy is to realize reciprocal accountability among Splatsin leadership and membership through systems of good governance.

In addition, it is the long term objective of this policy to function as a tool to revitalize the Secwepemctsin language whereby recognizing that our ultimate governance structure exists within our traditional language.

4. VALUES

We keep our commitments. All actions are guided by absolute honesty, fairness and respect for every member.

We commit to uphold and be accountable for our common values and actions in a truthful, fair, and straightforward manner.

We commit to listen, speak openly, honestly and effectively within the framework of our legal obligations.

We believe in the value of teamwork and spirit of cooperative effort within our organization and our community.

We value respect and transparency and strive to deliver the highest level of service possible to our members.

We are dedicated to be fully informed on all presenting issues to avoid gossip, half-truths and confusion.

5. GOALS

1. Governance: To ensure Splatsin gets out from under the “Indian Act” and asserts our governance structure based upon our traditions and values.
2. Environment: To enhance and protect our environment and interests within Secwepmeculucw and our area of responsibility.
3. Economic Development: To facilitate employment and economic opportunities for Splatsinaca to generate wealth and move towards greater independence.
4. Culture and Language: To promote, protect and preserve Splatsin culture and language.
5. Infrastructure: To develop sustainable short and long-term infrastructure and capital planning that creates benefits for our people.
6. Human & Social Services: To facilitate success through the promotion and delivery of health and wellness opportunities for the individual and family.





6. DEFINITIONS

“Advisory Council” means an approved Committee to Council whereby no Council member sits, and that offers opinions on specific matters when requested by the Council to do so.

“Board of Directors” means an approved Board of Directors that is governed by its own terms of reference and generally applies to a specific project, or management of a business, or otherwise organization.

“Glmuc” need to check spelling? means Splatsin band members.

“Kukpi7” means a Splatsin member who was democratically elected to serve as Kukpi7 of the Splatsin Council.

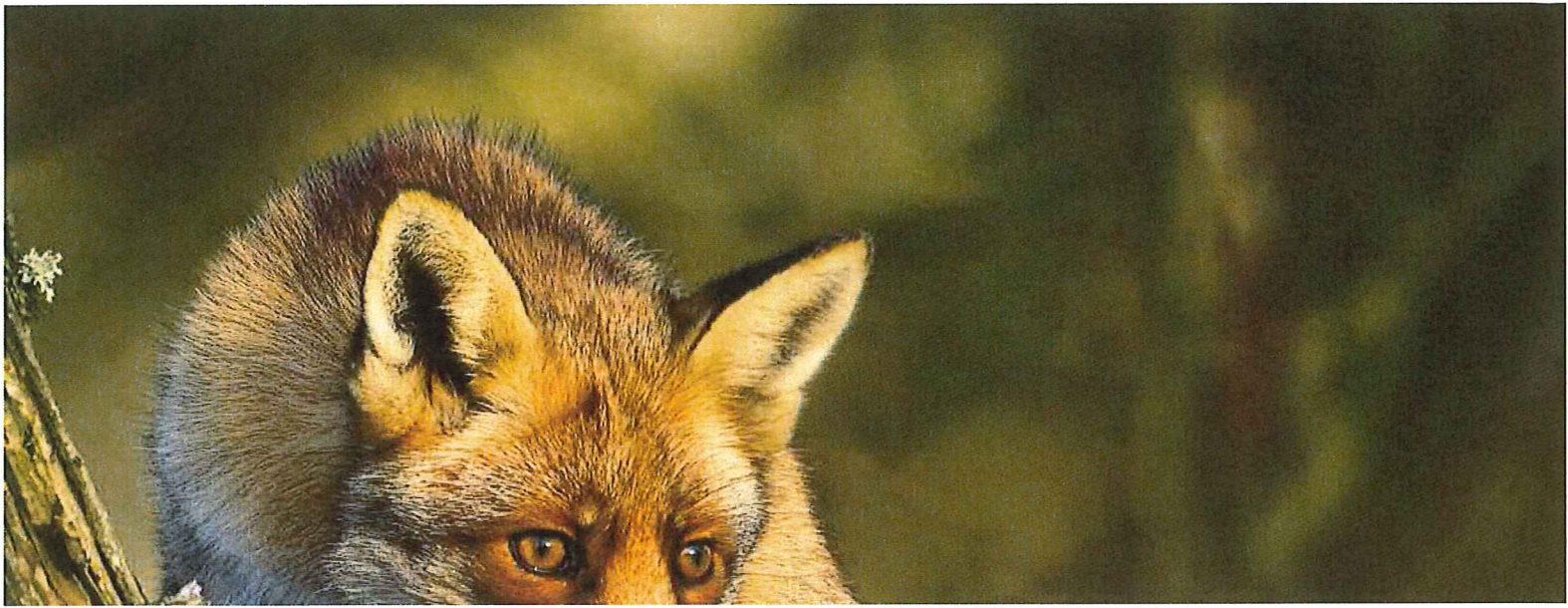
“Committees” means an approved Committee to Council whereby at least one Council member serves on the committee and is responsible for reporting back to the Council.

“Councillor” means a Splatsin member who was democratically elected to serve on the Splatsin Council.

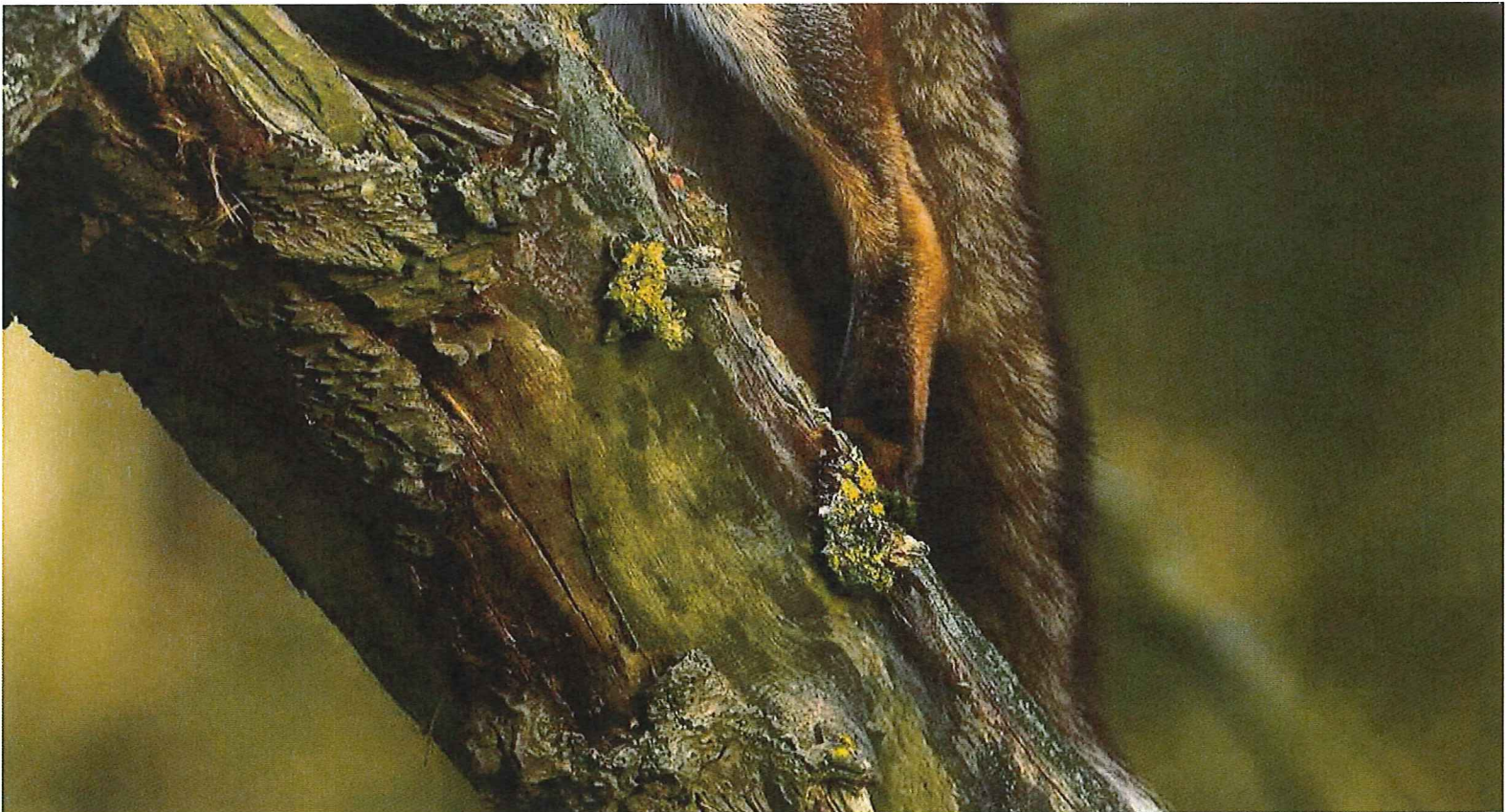
“Immediate family” means a spouse (including common-law spouse), parent, grandparent, child (including adopted children or those living with you as your child), grandchild or sibling. Immediate family also includes the spouse (including common-law spouse) of an immediate family member.

“Sqw7al” means Sqw7al.

“Tkwamipla” means the Splatsin Kukpi7 and Councillors that together comprise the band council.



**PART 2: LEADING
(COUNCIL'S GOVERNANCE PROCESS)**





1. GOVERNING STYLE

Splatsin First Nation elections shall be governed by the Indian Act R.S.C. 1984 c. I-5, until such time when the Splatsin Custom Election Code 2012 can be fully implemented.

In addition, the Splatsin membership requires that each elected Kukpi7 and Tkwamipla agree to the following:

1. Swearing an Oath of Office.
2. Swearing an Oath of Confidentiality.
3. Agree and sign the Code of Ethics.
4. Agree and sign the Code of Conduct.
5. Sign the Splatsin Team Charter.

If the Kukpi7 or any other Tkwamipla refuses to sign any of these documents, they will not become a Tkwamipla, regardless of the Election results, and will not be financially compensated as a Tkwamipla.

2. ROLES AND RESPONSIBILITIES OF KUKPI7

Kukpi7 is responsible for:

1. acting as a Chairperson during Council meetings;
2. representing Splatsin to governments, private industry, Aboriginal organizations and other stakeholders;
3. acting as a spokesperson for Splatsin to the media, and the general public;
4. consulting with a broad range of Splatsin members on a continuing basis to determine contemporary needs and to seek direction;
5. adequately consulting with the Splatsin Elders' Advisory Council on appropriate issues.



3. ACTING KUKPI7

An Acting Kukpi7 will be appointed when:

1. Kukpi7 is absent;
2. Kukpi7 cannot fulfill their duties due to sickness or death; or
3. a conflict of interest has arisen.

If an Acting Kukpi7 must be appointed on a long term basis, the Council shall decide to either:

- appoint a Councillor to be Acting Kukpi7; or
- initiate a custom bi-election process in order for the community to elect an Acting Kukpi7.

4. ROLES AND RESPONSIBILITIES OF COUNCILLORS

1. Councillors shall be prepared to negotiate, lobby, and liaise with stakeholders;
2. Council members shall participate on committees, boards or other institutions to which they have been assigned and/or appointed, and be prepared to report back to Council on such proceedings;
3. Council members shall be prepared to elaborate on recommendations brought forth by a Committee or Board, seeking ratification on decisions;
4. Act as a spokesperson for Council, when so authorized by Tkwamipla;
5. Act as a chairperson for Council meetings when Kukpi7 or the acting Kukpi7 is unavailable;
6. Council members shall report to the general membership on Council activities of which they have specific knowledge;
7. Council members have a responsibility to be informed about the issues on which they vote and to offer reasons for their decisions if they vote against the motion;
8. Council members are expected to engage in professional development opportunities in effort to increase the professional capacity of both Council and the community;
9. The Council acts as the legal representative for the Splatsin, and therefore has the power to:
 - a. enact by-laws;
 - b. approve policies;
 - c. set community priorities; and
 - d. make strategic decisions on behalf of Splatsin members unless otherwise noted on what Band members make decisions;





10. Splatsin Councillors are responsible for:
 - a. protecting Splatsin rights and title;
 - b. managing Splatsin lands and resources;
 - c. providing the vision and leadership to guide the social, economic, political, spiritual, safety, and well-being of the Splatsin;
 - d. developing, enacting and implementing policy;
 - e. creating annual short and long-term community plans;
 - f. representing the Splatsin, as required, at ceremonial, official and other events;

11. Splatsin Councillors have a duty to:
 - a. uphold existing Splatsin laws;
 - b. ensure that the Child Welfare Legislation is preserved, or amended, if required;
 - c. conduct regular Council meetings;
 - c. approve resource strategies pertaining to rights and title of the Splatsin Reserve Lands and Traditional Territories;
 - d. attend all Community General assemblies unless there is a valid reason for not attending that has been tabled with at preceding duly convened Council meeting prior to the Community General Assembly.

12. Council shall direct and oversee the development of the following policies, including but not limited to:
 - a. promoting and protecting the cultural traditions, spiritual needs and ideals of the Splatsin;
 - b. asserting the Splatsin's interests and sovereignty of Splatsin Secwepemc traditional territory;
 - c. developing land use plan pertaining to Splatsin Reserve Lands and any lands acquired by the Splatsin by purchase or agreement.

13. Council will initiate and maintain short-term (2-5 years) and long-term (5-10 years) strategic plans that include prioritize objectives, criteria and measurement values.

14. Council will promote program development, with specific resourcing commitments, for Elders and youth.

15. Council will provide direction and guidance to the Band Administrator on the implementation of policies and decisions.

16. Council will ensure responsible financial management, accountability and record keeping for all monies received by or flowing through the Splatsin, as well as for band-owned businesses as required by the *Splatsin Financial Administration Law, 2012*.

17. Council will ensure responsible human resource management through implementation of the Splatsin Human Resource Policy.

18. Council will ensure a safe and secure working environment that promotes equality of opportunities, respect for human rights and compliance with all applicable statutes and regulations.





19. Council may officially communicate with Splatsin members using, but not limited to, the following methods: a. engaging in discourse at Sqw7als; b. publishing an abridged version Council meeting minutes that includes action items; c. publishing strategic plans; d. publishing annual reports; e. budget presentations; f. release of annual financial audit summaries; g. presentation of an Annual report and Assembly reporting out on all strategic initiatives over the past year. h. if the Splatsin member is also a Splatsin employee, the employee/member may request a meeting with Kukpi7 or a Council member to discuss a matter that is primarily regarding membership and does not include an employment related issue, but is required to do so outside of regular business hours. Any employment related issue must pass through the necessary management level and tabled, if necessary, by the Band Administrator at a duly convened Council meeting.
20. Council must create and maintain a nurturing relationship for all Splatsin members, but especially with the Elders and youth in order to promote cultural values and customs.
21. Council will ensure that they consult with the membership of the Splatsin to get input on determining the overall direction of the Splatsin government.
22. Council will liaise with other First Nation governments and Aboriginal organizations.
23. Council will establish liaisons/communications with non-Aboriginal governments, private industries, charities and other recognized entities.
24. Council members will make themselves available to the Splatsin members in an efficient and convenient manner which will create respect and confidence in the Council's ability to engage the community.
25. Council will work to engage the Splatsin community by:
 - a. scheduling regular Sqw7als at pre-determined intervals;
 - b. communicating the time, date and location of these meetings through a variety of communication tools;
 - c. offering live-streams of Council and community meetings through the Splatsin website;
 - d. designing a process specifically for youth engagement, including a mentorship program;
 - e. inserting community consultation triggers into specific policies to address community concerns on key issues;
 - f. promoting and participating in community activities.





5. DECISION-MAKING

Kukpi7 and Council Decision Protocol

The Splatsin Council will be required to decide, the following issues:

1. Splatsin rights and title;
2. amendments to policies that apply to the conduct of leadership;
3. Approve all policies and procedures documents; such as employee policy or financial regulations
4. Splatsin land;
5. Splatsin by-law(s);
6. significant agreements or otherwise undertakings of the Splatsin First Nation, such as Impact Benefit agreements.
7. expenditures exceeding \$50 000 should be reviewed and law needs to be updated.

Sqw7als

1. All Council members are expected to participate in all Sqw7als.
If a Council member is absent from a Sqw7al, the chairperson shall inform the members present at the meeting of the reason for the Council member's absence.
2. Council to assess the effectiveness of Sqw7als and make necessary adjustment to ensure maximum Band member participation.
3. Splatsin will not tolerate intoxication, rudeness, swearing or any personal attacks during Sqw7als.
4. Any Council member or Splatsin band member, who is demonstrates any of the above noted behavior will be asked to leave the meeting.

If the individual refuses to leave the meeting, the meeting shall be adjourned immediately and rescheduled at a later time.

Individuals who have caused a Sqw7al to be adjourned because of their poor behavior may be excused from further meetings at the Council's discretion.

Council may request to meet with the individual(s) before the next GBM to discuss their behavior.

If the individual is a Council member, they may be deducted honorarium for the meeting and may face suspension depending on security of the incident.





Procedure for Sqw7als

1. Council shall determine the date, time and place for a Sqw7al annually and communicate the GA schedule no later than April 1 every year.
2. A Sqw7al shall be held, at a minimum of, every three months.
3. If a Sqw7al is not held within a three month period, it will be at the discretion of the Council to select a make-up meeting, or to shift agenda items to the next regularly scheduled meeting.
4. Council may not cancel two consecutive Sqw7als without making up at least one.
5. Notice of the date, time, place and agenda shall be posted by the Kukpi7 his delegate:
 - a. in a public area of the Splatsin administration building,
 - b. on the Splatsin website,
 - c. Splatsin Facebook page, and
 - d. emailed to the membership list,

at least one week before the meeting to serve as a reminder of the previously released annual schedule of Sqw7als.

6. The minutes of a Sqw7al must be distributed within ten (10) working days of the completed date for the Sqw7al whereas the minutes shall be available on-line for members review.
7. Sqw7als agenda will be approved at the prior duly convened Council Meeting.

Special Sqw7al

A Special Sqw7al may be held:

- a. when called by a Council motion; or
- b. When called as a special meeting by Kukpi7; or
- c. Upon petition, signed by not less than one hundred Splatsin voting members, and duly presented to the Council and/or Band Administrator.

Kukpi7 shall call a Special Band meeting within seven (7) days of receiving the petition.

Band Member Voting

Band members can vote on a motion three ways:

1. raising his/her hand by physical presence; or
2. signing a proxy vote form indicating his/her vote for each motion and to be carried by another member physically present at the Sqw7al; or
3. when applicable, online voting may be allowed in circumstances where the Kukpi7 and Council are confident that appropriate measures have been undertaken to ensure the authenticity of the voting member.





Council Meetings

1. The first duly convened Council meeting after an election will be held within the first week after election and only after the Council members have met their obligations.
2. Unless otherwise designated, the Kukpi7 is the chairperson of the meeting.
3. In the absence of the Kukpi7, a Chairperson will be appointed by the remaining Council members.
4. The chairperson shall maintain order and decide all questions of procedure.
5. A Council member may appeal the decision of a chairperson on points of procedure and all such appeals shall be decided by a vote of quorum of Council present.
6. A chairperson wishing to speak on an issue shall be temporarily excused from the chair and shall appoint an interim chairperson.
Upon completion of the Chairperson's participation in the discussion, they shall resume the chair.
7. Cell phones shall be turned off or switched to vibrate.
8. Council will not tolerate intoxication, rudeness, swearing or any personal attacks during Council meetings from any person attending the meeting, including fellow Council members.
9. The Chairperson shall determine if a person's conduct is inappropriate and in such instance shall request that any person and/or people leave a Council meeting. If the person refuses to leave the meeting, then the meeting shall be rescheduled and adjourned immediately.
10. Council meetings shall be open to all Splatsin members, with the exception of in camera sessions.
11. Splatsin band members are only permitted to address the Council if they are a delegate listed on the agenda specific to the topic.
12. If a band member is not a delegate, it shall be to the discretion of the Chair if the band member is permitted to address the Council.
13. Only Splatsin members are permitted to be observers.
14. A quorum of Council is reached by a majority of Council members.
15. A Council meeting cannot be called to order without quorum, but a Council meeting will not be adjourned if quorum is lost.
16. If a Councillor leaves the meeting knowing that quorum to be lost, s/he decision will be deemed to be along with the majority.



17. Council decisions will be made when:
 - a. the Council members have reviewed the Council packages that are to be distributed no later than the Friday before the regularly scheduled Council meeting;
 - b. appropriate community consultation has occurred, if applicable;
 - c. due diligence has been completed;
 - d. Council members believe that they understand the decision they are undertaking and potential outcomes;
 - e. each Councillor is required to offer a reason for their decision if they are voting against a motion or abstaining;
 - f. each Council person's decision recorded in the meeting minutes.

In-Camera Council Meeting

1. Council members have sole discretion to determine that a meeting, or portion of a meeting, should be conducted as in-camera (closed) session due of the confidential and sensitive nature of the information.
2. Attendance by employees of the Splatsin may be requested by Council for all or part of an in-camera session.
3. Attendance of Splatsin members may be requested by Council for all or part of an in camera session
4. Motions and decisions are recorded in-camera, action items are distributed accordingly.



Council Meeting Agenda

1. The Band Administrator shall review the agenda for each Council meeting to ensure topics on the agenda is available.
2. Unless otherwise determined by the Council, the order of business at each Council meeting will be as follows:
 - a. Call to order by the chairperson and traditional opening prayer;
 - b. Oath of Office read by one of the Council members;
 - c. Council check-in;
 - d. Acceptance of the agenda;
 - e. Reports - from the Kukpi7, Councillors, Administrator, Director of Finance;
 - f. Council travel authorizations;
 - g. Standing businesses including adoption of revised minutes of previous Council meeting(s);
 - h. Old business;
 - i. Band Council Resolution requests;
 - j. New business;
 - k. Delegation(s) or presentation(s);
 - l. Adjournment;
3. Any Council member or Splatsin band member may request that an item be included on the Council agenda no less than five (5) business days prior to the next scheduled meeting. The request must include current contact information and all relevant background information in writing.
4. If an item is denied approval for inclusion on the Council agenda, the Band Administrator must inform the requestor of the reason that the request was denied in writing.
5. If the band member's request is approved, the Band Administrative shall contact the individual and advise the band member of the date, time and place where the matter will be considered by the Council and shall invite the member to address Council directly at the meeting as a delegate.
6. If a band member has a topic on the agenda they may invite a support person to attend with the member, the support persons identity must be disclosed for approval within 5 days prior to the scheduled meeting.

Council Meeting Notice

Notice of the agenda shall be posted by the Band Administrator on the secure website no later than the Friday prior to the Council meeting.

Agenda will also be available upon written request to members





Council Member Attendance

1. Council members shall attend all Council meetings, unless they have been excused by the Chairperson or Kukpi7.
2. A Council member shall notify the Band Administrator of any anticipated absence and provide reasons that will be relayed to the Kukpi7. The Kukpi7 will only contact the Councillor if the absence is not excused.
3. A Council member shall be subject to review if s/he exceeds three unexcused absences in his or her term as Councillor.
4. The Kukpi7 shall inform the Council of the Council member's absence and the reasons given, through written or verbal communication prior to the Council meeting, when possible. Attendance shall be included in the agenda and absences will be noted.
5. Any Council member absent from a Council meeting is expected to review the minutes and results of any missed meetings.
6. When necessary and appropriate, Council members may participate in a Council meeting by means of a telephone conference, or other electronic communication device, which permits all participants in the meeting to hear and be heard. Council members participating remotely in this manner will be deemed to be present at the meeting and can be included as part of quorum.
7. Except where a Special Council Meeting is required to address an emergency, all Council meetings shall take place at a regularly appointed time and place or at an alternate time and place as decided by a quorum of Council.

Special Council Meetings

1. A quorum of Council members may call a Special Council Meeting to consider any matter of an urgent nature with motions, minutes and BCR's passed at the next duly convened Council meeting.
2. The Band Administrator shall, as soon as possible, advise Council members using all reasonable efforts of the date, time, location and subject matter of the Special Council Meeting.
3. There must be a quorum of Council members present to conduct a Special Council meeting.





6. COUNCIL DECISION MAKING PROCEDURE

1. A point of discussion arising from the agenda enters the decision making process when a Council member expresses, by way of a motion, an intention to open the issue for debate.
2. The motion must be seconded by another Council member in order to be discussed by the Council.
3. Discussion is generally limited to issues related to the live motion.
4. When the discussion is complete, a vote is called for by the Chairperson where each member opposing the motion must offer his/her reasons for doing so to be entered into the minutes.
5. All Council members shall vote either in favour of or against a matter being considered. No abstentions are permitted on a vote, except when a Council member is precluded from voting because of a conflict of interest such conflict of interest will be entered into the minutes.
6. Council will, collectively, strive for consensus.
7. A majority shall in no instance be fewer than three members of Council.
8. The Kukpi7 or Chairperson may only vote in order to break a tie.
9. The secretary shall record the results of a vote in the minutes.

Council Meeting Minutes

The Band Administrator will be responsible for ensuring that Council has a dedicated staff member responsible for:

1. Taking attendance of Council members present and all others attending the meeting;
2. Record minutes of the meeting;
3. Record decisions and votes; and
4. Maintain action item list and distribute accordingly.
5. Provide all relevant motions, decisions, and BCR's to appropriate Splatsin Departments.
6. Carry out further such duties as required by Kukpi7 and Council.

The failure or refusal of the Council to approve the minutes of a Council meeting invalidates the adoption of the minutes and the matter must be resolved whereby amendments are made by Band Administrator and returned the following Council meeting for approval.

Any Splatsin member may, at any reasonable time, inspect the minutes of any open meeting by making an appointment with the Band Administrator.





Procedures for Band Council Resolutions

1. Band Council Resolutions shall be presented and considered at Council meetings.
2. The Chairperson shall read each proposed Band Council Resolution aloud.
3. A motion may be made by a Council member and seconded by another Council member.
4. Once a motion is live, the Chairperson shall open discussions on the Band Council Resolution.
5. A Council member whom moves a motion shall have the first opportunity to speak on that motion.
6. Every Council member must offer reasons for either supporting or opposing the motion.
7. The Chairperson shall call for a vote upon the completion of the discussion on the proposed Band Council Resolution.
8. Unless otherwise specified in the Band Council Resolution, the Resolution shall come into effect on the date the Resolution was passed.
9. No passed Band Council Resolution shall be deemed invalid only by reason of a refusal or omission of a Council member to sign a passed Band Council Resolution.
10. The Band Administrator stores a copy of all passed Band Council Resolutions and maintain copies in chronological order.
11. A passed Resolution may be amended or rescinded by a subsequent passed Band Council Resolution.
12. Where two passed Band Council Resolutions deal with the same matter in a contradictory manner, the earlier Band Council Resolution will be rescinded and the most recent Band Council Resolution will come into effect.

Policy Development

1. Policies may be recommended to the Council by Committees, Advisory Councils, Boards of Directors, individual Council members, Splatsin employees or Splatsin members.
2. All proposed policies will be researched to ensure that they are legal, and do not contradict already established policies or bylaws of Splatsin, or any human rights legislation.
3. If approved by the Council, policies will be written, coded, dated at time of approval and included in all copies of the Council Orientation Binders and stored with appropriate access available to staff and membership





7. COMMITTEES

Role of a Council Member on Committees

A successful committee relies on having individual committee members operate in the best interest of the Splatsin First Nation as a whole. All members of a committee share responsibility in building group unity, and, while respecting confidentiality, also promoting openness and awareness of committee operations to the community.

From time-to-time a Council member may be asked to serve on a committee. The role of a Council member on a committee is to bring membership and consumer ideas to the committee decision-making process.

When serving in this capacity, the individual is not serving as a Council member, but as a volunteer advising the staff.

The following guidelines will apply to the role:

1. Generally, the Department Manager responsible for the program or service shall serve as Chair of the committee.
2. The Council member has no authority over staff. Therefore, it is the Department Head, as Committee Chair that will liaise with the Band Administrator over Splatsin operational issues arising from the Committee.
3. The Council member does not have the authority or responsibility to give reports to Kukpi7 and Council on his or her activities while a committee member. Rather, the Band Administrator shall be responsible to communicate issues relevant to Kukpi7 and Council business as brought forward by the Department Manager/Committee Chair.

This does not limit the Council member from participating in Council discussion of Committee results.

Role of Staff Members on Council Committees

1. All members of a committee share responsibility in building group unity, and while respecting confidentiality, also promoting openness and awareness of committee operations to the community.
2. All committees will have clear Terms of Reference.
3. Only the Band Administrator may assign staff to committees, subject to acceptance of the committee. When serving on committees, the staff members represent the administration offices.





4. The role of Department Manager on a committee is to provide consultation and support to the committee. Staff members are permitted to vote as committee members, but Department Managers are not permitted to vote as Committee Chairs.
5. Committee members can be requested to attend a community meeting if an issue relevant to his or her committee is on the agenda.
6. Committees are required to meet annually, at a minimum, in order to review Council's strategic framework for the area relevant to their committee.
7. Committees will be encouraged to include Youth and Elders.





8. CONFLICT OF INTEREST

Each Splatsin Kukpi7 and Tkwamipla Member is responsible for furthering and supporting the mandate of Splatsin and to ensure that quality services are provided to the Splatsin membership and is expected to act with integrity and impartiality, by placing the interests of the Splatsin ahead of any self or private interests and in doing so each Splatsin Council Member shall adhere to the following rules:

1. avoid circumstances that may result in actual or perceived Conflicts of Interest;
2. act in a manner that promotes and enhances the confidence of Splatsin Membership as a Splatsin Kukpi7 or Tkwamipla member;
3. act honestly and in the best interest of Splatsin;
4. Shall not advocate on behalf of a Splatsin member, who is being served by or requesting a service(s) from Splatsin, but rather refer the matter to the appropriate personnel to contact the respective Splatsin member to conduct the necessary inquires and to provide the necessary actions regarding the relevant service(s).
5. a Splatsin Kukpi7 or Tkwamipla Member can contact the Administrator to ensure the matter has been addressed and ask for an update as to the status of the service(s) being requested or provided, but must not be harassing the respective personnel providing or assessing the service(s) being requested or provided;
6. With respect to the services being provided by or requested from the various Splatsin programs or departments, a Splatsin Kukpi7 or Tkwamipla member is prohibited from intervening or advocating on behalf of a Splatsin member or family member that is the subject of the respective program's service(s), where there is a process or procedure in place to adequately enquire as to the status of such Splatsin member's or family member's service and/or request, such process or procedure must be followed;
7. The Splatsin Kukpi7 or Tkwamipla member shall not use his/her political authority or influence to gain an advantage in favour of an individual Splatsin member receiving or requesting a service(s) from the Splatsin verses another Splatsin member;
8. The Splatsin Kukpi7 or Tkwamipla member shall not place him/herself under the obligation of any Splatsin member, employee, contractor or any other outside third party who might benefit from such special consideration on his/her part;
9. Each Splatsin Kukpi7 or Tkwamipla member shall avoid participation in any official Splatsin matter(s) where he/she has a personal financial interest or appears to have such an interest that is, or is perceived as being, incompatible with an un-bias exercise of judgement;



10. If a Splatsin Kukpi7 or Tkwamipla member intervenes on behalf of a Splatsin member who is requesting or receiving a service(s) from Splatsin, such action does not necessarily constitute a Conflict of Interest. In the event, a Splatsin Kukpi7 or Tkwamipla member uses his/her political authority or influence to assist in meeting the best interests of the receiver of the service(s) of the Splatsin, which changes the procedures for access and/ or delivery of the service(s) in question to be more effectively and efficiently provided for all Splatsin members, then such action would generally be interpreted as proper and not a matter of Conflict of Interest.
11. Splatsin Kukpi7 or Tkwamipla members shall not use their political positions for purposes that are or give the appearance of being motivated by a desire for personal financial gain for themselves or family members or with those whom they have business ties with. Such participation shall constitute a Conflict of Interest.
12. "Personal financial gain" does not include an interest in a decision that is of general application or that affects an employee of the Splatsin Council as one of a broad class of persons.

Identified or Perceived Conflict of Interest

A Splatsin Kukpi7 or Tkwamipla member who has reasonable grounds to believe that he/she has a Conflict of Interest in a matter shall disclose the Conflict of Interest; and

1. withdraw from the meeting, by leaving the Council chambers and by not voting or participating in the consideration of the matter;
2. when dealing with matters where there is no discussion, the Kukpi7 or Tkwamipla member must disclose the Conflict of Interest and must not vote, but does not have to withdraw from the meeting by leaving the room;
3. where a Splatsin Kukpi7 or Council Member is in doubt as to whether a Conflict of Interest exists, the Kukpi7 or Council Member shall consult with the Kukpi7 and/or Council to determine if a Conflict of Interest exists;
4. all formal records concerning the matter, such as minutes of meetings, will record that the Splatsin Kukpi7 or Council member declared a formal conflict and did not participate in the discussion nor decision concerning the matter;
5. once the Splatsin Kukpi7 or Council member has declared a conflict, he/she shall not sign any BCR or motion or other document related to the matter for which the conflict was declared.





Conflict of Interest Procedures

The following procedures apply to circumstances where a Conflict of Interest concerns a Splatsin Kukpi7 or Council Member:

1. Admitted Conflict

A Splatsin Kukpi7 or Council Member who is, or perceives him/herself to be, in a Conflict of Interest shall immediately disclose the conflict, orally or in writing to the Splatsin Council, which shall be recorded in the minutes of the Splatsin Council meeting, and does not participate in the discussion and/or vote on the matter.

2. Reported Conflict

In the event another Splatsin Kukpi7 or Council member, employee or member perceives a Splatsin Kukpi7 or Council member to be in an actual or a perceived Conflict of Interest, the alleging person shall immediately report the matter, in writing, to the Splatsin Kukpi7 and/or Council, through the office of the Band Administrator, who shall immediately submit the report to the Splatsin Council.

3. Upon receipt of the report respecting the Conflict of Interest, the Splatsin Kukpi7 or Council member who is the subject of the alleged Conflict of Interest shall be given the opportunity to remove him/herself voluntarily from all further discussions and activities pertaining to the matter in question.
4. If the Splatsin Kukpi7 or Council member, who is the subject of the alleged Conflict of Interest, does not voluntarily remove him/herself from all further discussions and activities pertaining to the matter in question, the Kukpi7 and/or Council shall adjourn any further discussions on the matter and the Splatsin Council shall execute a BCR or motion that appoints a Conflict Review Committee, to review the alleged Conflict of Interest, within the next ten (10) business days, to determine if a conflict does actually exist regarding the matter and the Splatsin Kukpi7 or Council member.
5. If the Splatsin Kukpi7 or Council member is found to be in conflict, the Splatsin Council shall establish rules of conduct or procedures to ensure that the person in conflict does not participate in any applicable matters and any related matters that give rise to the conflict.





Conflict Review Committee

Due to the fact that most Conflict of Interest issues involve a personal financial gain, in relation to the Splatsin Council or Kukpi7 or Council member's role as an elected official, regarding access to services, programs and/or business transactions with the Splatsin and its Council, a Conflict Review Committee shall be established as required by the Splatsin Council and shall comprise of the Band Administrator and two Elders.

1. Within ten (10) business days of the Splatsin Council issuing a BCR or motion to appoint the Conflict Review Committee, the Conflict Review Committee shall:
 - a. investigate all alleged Conflict of Interest issues that involves a Splatsin Kukpi7 or Council member(s);
 - b. review and assess all relevant information and documentation regarding the alleged conflict;
 - c. determine whether the facts substantiate a conflict or not; and
 - d. formally advise the Splatsin Council of their findings, through the office of the Band Administrator.
2. For purposes of accountability and continuity, the office of the Band Administrator shall establish and maintain a master manual of all the cases and proceedings of the Conflict Review Committee to ensure similar or recurring Conflict of Interest issues are addressed in a similar manner.
3. The two Elders' role on the Conflict Review Committee shall be to provide their input based on an assessment of all the information and documentation pertaining to the alleged conflict and the respective Splatsin Council Member(s).
4. To ensure the balance of a male and female opinion of the two Elder positions of the Conflict Review Committee, one Elder seat shall be reserved for a female Elder and the other Elder seat shall be reserved for a male Elder.
5. The two Elder positions of the Conflict Review Committee shall be selected and appointed through a BCR or motion of a duly convened Splatsin Council meeting.
6. All decisions of the Conflict Review Committee shall strive for consensus. However, if consensus cannot be reached within the first meeting, at the second meeting of the Conflict Review Committee, it shall cast a majority vote in order to determine its decision regarding the Conflict of Interest issue.





9. CONFIDENTIALITY PROCEDURES

Understanding that confidential sensitivities may vary in scope depending on the issue, specific issues or departments may impart their own confidentiality procedures. A review of all confidentiality procedures should be undertaken regularly to ensure valuable information is being adequately protected. Notwithstanding specific confidentiality clauses, the Kukpi7 and Council are subject to the following procedures:

1. Kukpi7 and Council are required to sign the Splatins Code of Confidentiality, listed in this policy as Appendix 3, and demonstrate understanding of the duty to maintain confidentiality by signing the oath before being permitted to be sworn into office.
2. If Kukpi7 or any Councilor is unsure of whether information should be disclosed, he or she should defer to the Council at a regular Council meeting for a decision.
3. Methods used to guard against the unauthorized access to confidential information include, but are not limited to:
 - use of passwords on electronic systems
 - locked office doors and filing cabinets
 - use of privacy screens on computer monitors
 - ensuring that confidentiality clauses are included in any contracts and/or agreements that Kukpi7 and Council enter into on behalf of the Splatins First Nation
 - ensuring that a reference to duty to maintain confidentiality is included in letters of appointment for board and/or committee members representing Splatins First Nation and its entities
 - ensuring that reference to duty to maintain confidentiality is included in terms of reference for any committee that Kukpi7 and Council strike
 - ensuring that individuals, groups, organizations and corporate representatives sign a non-disclosure agreement in specific and necessary circumstances
4. A non-disclosure agreement may be required in specific circumstances to support the existing confidentiality procedures where information is highly sensitive and release of information could result in significant damage to the Splatins First Nation.
5. The Band Administrator shall be responsible for keeping on file all confidentiality agreements and non-disclosure agreements that are relevant to Kukpi7 and Council.
6. Reports of breach of confidentiality, or suspected breach of confidentiality, may be submitted on a confidential basis to the Band Manager which shall trigger the Kukpi7 and Council Accountability Process.
7. All disclosures made under this policy and all investigations will be handled in a confidential and sensitive manner and will be only disclosed to parties that have a legitimate need to know, or as required by law.



8. The objective of a breach of confidentiality investigation will be to establish, at least, any or all of the following:

- provide assignment or responsibility for investigating the specific incident
- determine whether the report of breach of confidentiality is substantiated
- provide a professional response to any breach of confidentiality issue
- assist in mitigating the effects of the situation
- assist in recommending methods to reduce or eliminate the probability of similar types of occurrences
- determine if disciplinary or legal action needs to be taken.





10. KUKPI7 AND COUNCIL ACCOUNTABILITY PROCESS

1. The Kukpi7 and Council are committed to govern with excellence and therefore shall accept the responsibility to discipline fellow Council member(s) with due reverence.
2. Splatsin believes in inspiring its Council members in such a way that allows for personal growth, through times of poor judgement.
3. Any Council member shall be subject to disciplinary procedures if s/he is found to have acted in violation of the obligations and accountabilities contained in the Oath of Oice, Conflict of Interest policy, the Confidentiality Agreement, the Team Charter or to have otherwise ofended their oice, the following process shall apply:
 - a. a complaint is received by the Kukpi7 , Councillor, and Council is notified.
 - b. a preliminary discussion at a duly convened meeting Council shall determine if further investigation is warranted.
 - c. if an investigation is ordered, two(2) Council members will be assigned to investigate the matter. At the Council's discretion, the Band Administrator or a neutral third party may assist with the investigation.
4. Accountability action shall generally progress as follows:
 - a. verbal warning recorded in the Kukpi7 and Council minutes;
 - b. written warning recorded in the Kukpi7 and Council minutes;
 - c. customary or traditional disciplinary action may be associated with an extremely offensive circumstance.
5. By the following Council meeting, a resolution to the matter is recommended to the Council who shall, by way of motion, accept or decline.
 - a. If the resolution is accepted by Council, the matter and its resolution is noted in the Council minutes.
 - b. If the resolution is not accepted by Council, an alternative is discussed or another team of two (2) Council members is struck to investigate an alternative solution.
 - c. If the resolution is not accepted by the queried individual, an appeal can be advanced whereby s/he can request that the matter be reviewed by two (2) Councillors of the individual's choosing.
6. If a Councillor reaches three undisputed accountability actions within one year, the matter is brought to the Alternative Dispute Resolution (ADR) group by way of a Band Council Resolution.

The ADR group is formed for the purpose of aligning with the Splatsin Wellness and Development strategy by advancing mental, emotional, physical and spiritual well-being among Splatsin community members. A hearing before the ADR group the inal step before actions are taken to relieving the Kukpi7 or a Councilor(s) from their political duties.

The ADR group shall engage directly with Splatsin youth in an efort to promote transparency and accountability of Splatsin leadership. As youth are not formally part of the democratic process, it is believed that much is to be gained by listening to their perspective of speciic situations; especially valuable is the manner in which the Kukpi7 or Councilor(s) is expected to behave when telling their





story.

While youth will be the central decision-makers of this process, each youth member will have the option (and will be encouraged) to select a Splatsin Elder for which they can turn to for guidance while contemplating each circumstance.

Successful ADR processes are based on the principles of restorative justice and include:

1. Participation.
2. The telling of the story.
3. Explanation of decisions.
4. A public apology.
5. Commitment to not engage in the same decision making process.

Alternative Dispute Resolution Process

1. By Band Council Resolution, it is resolved that the matter has not been resolved to the satisfaction of the Splatsin Council and it shall direct the Band Administrator to schedule a hearing with the Alternative Dispute Resolution group.
2. Kupa7 and Council will be apprised of the youth members as well as their Elder advisors in order to allow a Conflict of Interest to be raised.
3. If no Conflict of Interest rises, the Alternative Dispute Resolution group will announce where the hearing will be held.
4. All Splatsin Council and Kupa7 are expected to be present during the hearing.
5. The Alternative Dispute Resolution group shall decide the procedure of the hearing. The following is a recommendation:
 - f. Opening prayer.
 - g. Smudge.
 - h. Introduction of participants.
 - i. Telling of the story.
 - j. Explanation for decisions made.
 - k. Apology for hurt that decisions caused.
 - l. Commitment to refrain from damaging activity.
 - m. Comments from the Alternative Dispute Resolution group.
 - n. Three (3) day recess to allow for the Alternative Dispute Resolution group to discuss the matter with their Elder advisor.
 - o. Reconvening of meeting to present remedies.



6. Alternative Dispute Resolution Remedies

The remedy for poor judgment shall be decided by the ADR group and may include, but is not limited to:

1. Full participation in the ADR process may be enough for the ADR group to feel confident that the individual will not continue the negative behavior.
2. A cultural activity.
Example: fishing for the community.
3. Suspension of pay for a designated time frame.
4. Suspension of voting at the Council table for a designated time frame.
5. In extreme circumstances, and where the ADR group either feels that the individual is not remorseful or is likely to commit the offending act again to the detriment of the community, it may recommend that a Band Council Resolution be passed to remove the individual from political office - an action to be ratified at a duly convened General Band Meeting.

If the Council member has lost the confidence of the membership and a BCR has passed to remove him/her from Council, the Minister of Aboriginal Affairs and Northern Development must be notified.





11. ACCOUNTABILITY RECOMMENDATIONS TO KUKPI7 AND COUNCIL

It is acknowledged that at this time, accountability and transparency remain an issue for many First Nations communities. The Splatsin First Nation recognizes this challenge and is motivated to be a leader in its resolution.

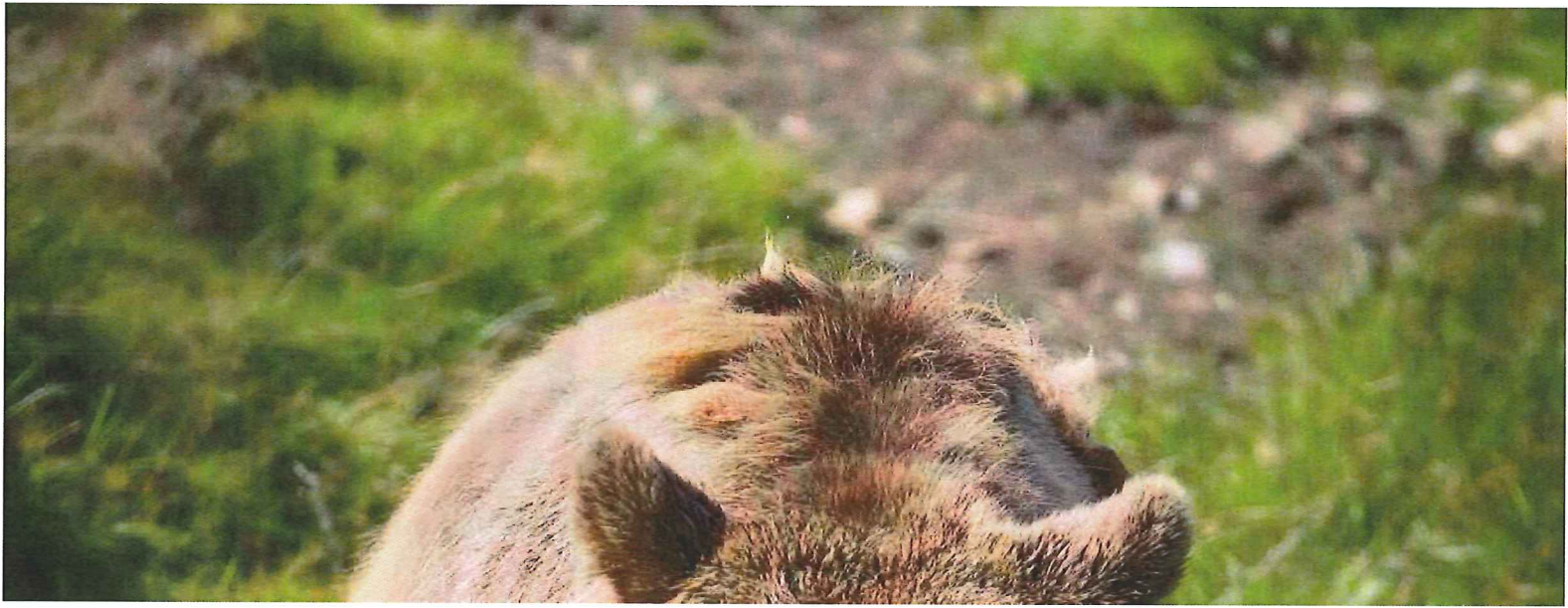
The Kukpi7 and Council are expected to develop mechanisms to demonstrate their personal accountability to the membership with whom have entrusted their confidence.

It is suggested that the Kukpi7 and each Councilor consider maintaining the following communication tools to better assist them in addressing issues of accountability and transparency:

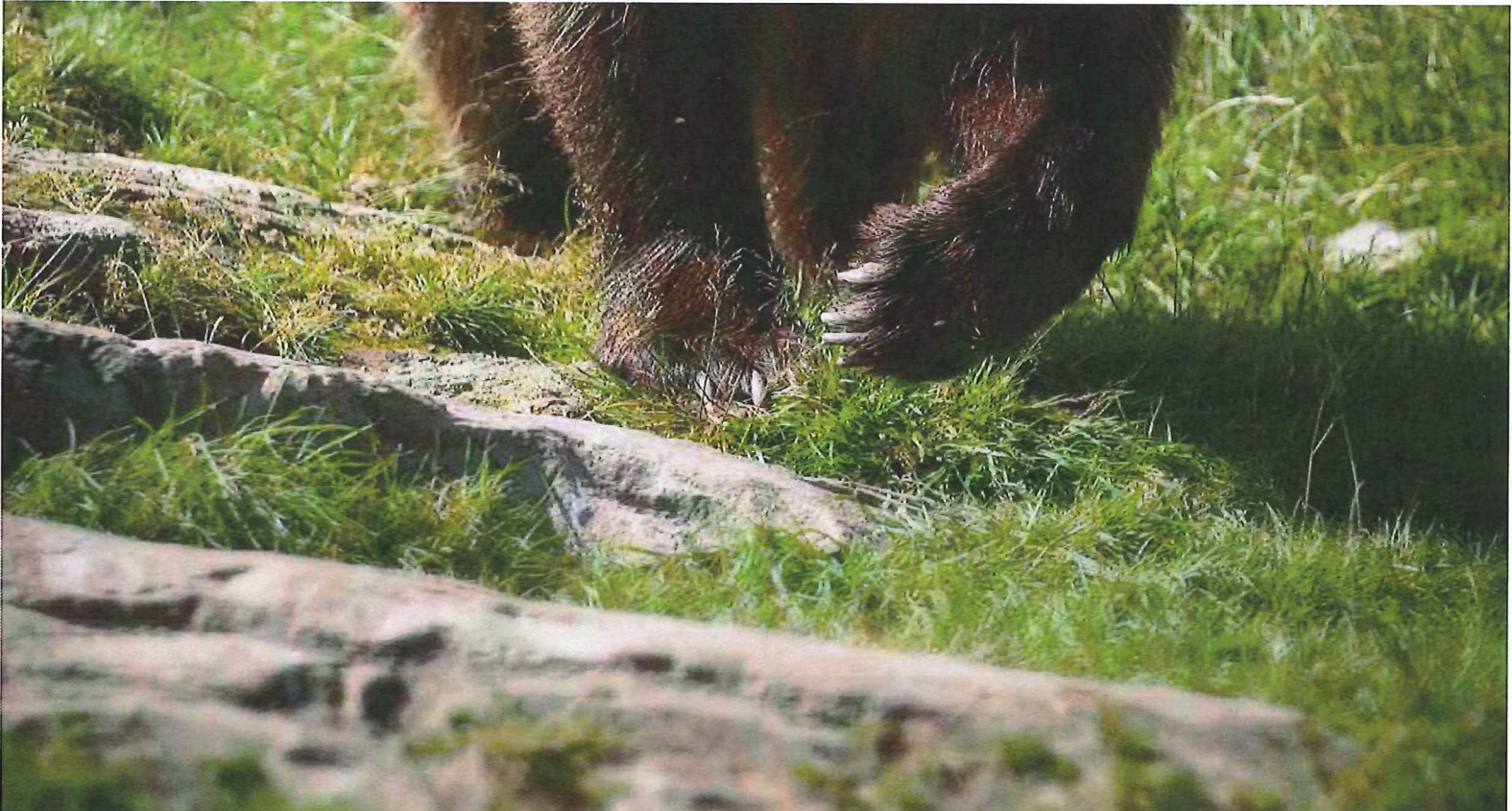
1. Detailed calendars that account for daily activities.
2. Timesheets that account for time spent in the office not always attributable to a specific initiative.
3. Quarterly reports to membership outlining advances on projects, initiatives, committees and departments.

The general rule is that it must be written to be accounted.





PART 3: COUNCIL OPERATIONS





This section pertains to matters of Council operations only, and not the overall operations of the Splatsin.

1. The Kukpi7 Councillor and Councillors are compensated according to the approved remuneration grid by a base salary.
2. Council members, including the Kukpi7, are expected to work from the Splatsin offices based on a 35 hour/week schedule.
3. Council members are expected to account for their time when they are away from the office, either by seeking travel approval for specific meetings, or by communicating with the Band Administrator.
4. Council members who either fail to offer a valid reason for his or her absence or who do not effectively communicate with either the Kukpi7 or Band Administrator may be subject to a pay reduction for the unaccounted time.
5. The Council, and not an individual Council member, is authorized to approve an expenditure variance up to \$7,500 that is not otherwise planned for in the budget.
6. Any single expenditure exceeding \$7,500 must be tabled at a Squw7al.
7. The use of a signature stamp for authorizing signatures is prohibited.
8. Council may approve another Council member's travel request where the travel is necessary in order to conduct the business of Splatsin.
9. All requests for travel by Council members will be requested for inclusion on the agenda to the Band Administrator and supporting information provided that includes the purpose of the trip, dates of meeting(s), anticipated expenses, date of departure and date of return.
10. Upon return, a travel summary must be submitted to the Council and an oral report offered indicating the benefit to the Splatsin.
11. Council members will be reimbursed for expenses, rather than receive a per diem rate. Claimed expenses for lodging, travel, car rental and miscellaneous expenses must be documented by original receipts.
12. The Kukpi7, or the Band Administrator, may enter into a contract for legal counsel, financial audits or professional consultants on behalf of the Splatsin.
13. Council members must not solicit, receive or accept a gift or service where such action could reasonably be inferred to influence a Council member in the discharge of their duties. This does not apply to a gift or personal benefit that is received as an incident of the Splatsin traditions or social obligations that normally accompany the responsibility of office.
14. All gifts or personal benefits must be disclosed to Council during the Council members report.





PART 4: ORGANIZING





1. TKWAMIPLA'S RELATIONSHIP TO THE BAND ADMINISTRATOR

Council and the Band Administrator must have a relationship based on:

1. open, honest and transparent communication;
2. respectful discussion of issues;
3. accurate and timely information-sharing;
4. clear outlines of when a decision must be made with associated timelines; and
5. annual performance review of the Band Administrator.

2. DELEGATION TO THE BAND ADMINISTRATOR

In addition to Division 3 18(1) of the Splatsin First Nation Financial Administration Law, 2012 Tkwapila will instruct the Band Administrator through written policies that describe the goals to be achieved and situations and actions to be avoided.

This allows the Band Administrator to use any prudent, reasonable interpretations of these policies.

Therefore:

1. The Band Administrator operates at the pleasure of Tkwapila whereby the nature of the relationship between administration and leadership must be one of mutual respect.
2. The Band Administrator is authorized to decide, take all actions and develop all activities that are true to Council's established policies.
3. The Band Administrator will periodically review the application of Splatsin policies and procedures that secure a fair and equitable operating framework.
4. Tkwapila will respect the Band Administrator's choices and decisions if a policy is absent. With or without the recommendation of the Band Administrator, Tkwapila may add or rescind areas of policy but is responsible to immediately communicate such changes to the Band Administrator.
5. The Band Administrator guarantees that no contravention is intentionally kept from Tkwapila.
6. The Band Administrator will report contraventions to Tkwapila as part of his or her usual reporting. This does not exempt the Band Administrator from subsequent Tkwapila judgement of the action.



3. UNITY OF CONTROL

Only decisions of the Council acting as a body are binding on the Band Administrator.

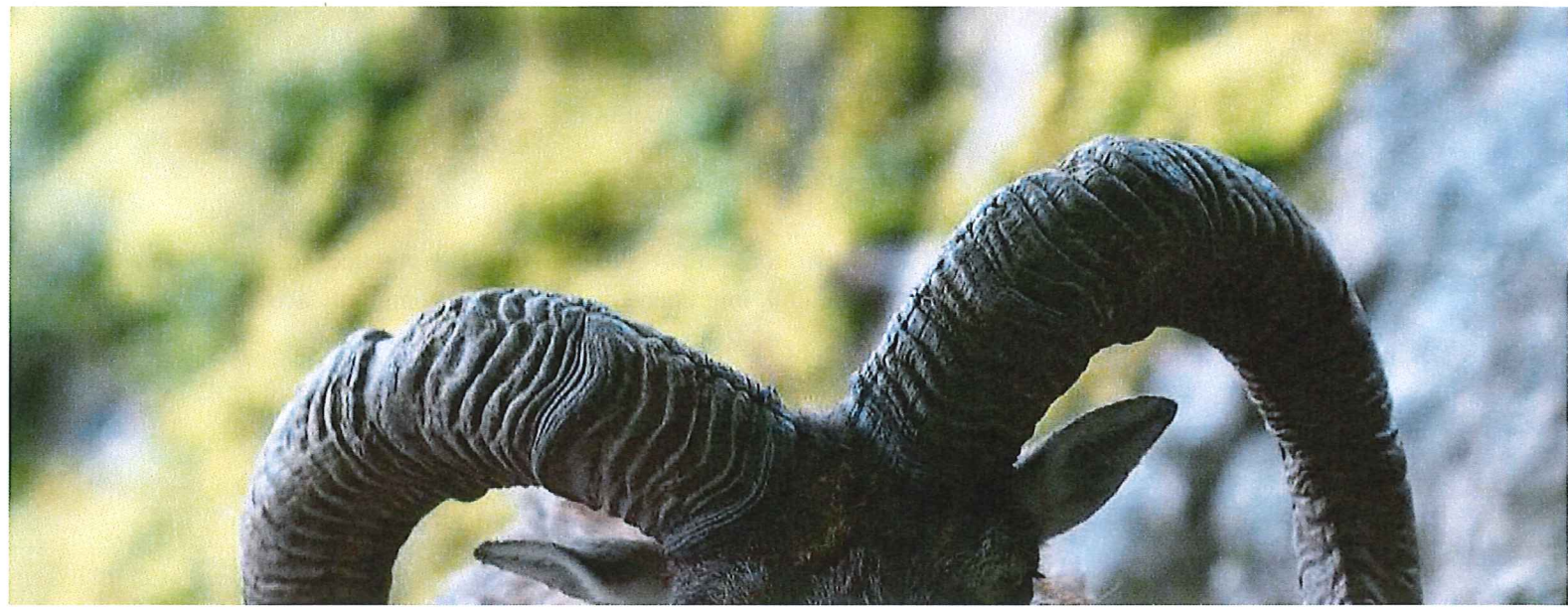
Accordingly:

1. Decisions or instructions of individual Council members or committees are not binding on the Band Administrator except in rare situations when Council has specifically authorized the exercise of such authority.
2. If Council members or committees request information or assistance without Council authorization, the Band Administrator can refuse those requests that require (in the opinion of the Band Administrator) a material degree of staff time or funds, or are disruptive.
3. The Band Administrator is Council's only link to administrative achievement and conduct. All authority and accountability of staff are therefore considered to be the authority and accountability of the Band Administrator.

Therefore:

4. Council will never give instructions to persons who report directly or indirectly to the Band Administrator.
5. Council will refrain from evaluating, either formally or informally, any staff other than the Band Administrator.
6. Council will view the Band Administrator's performance as mandated by Tkwapila. Therefore, the accomplishment of Council stated goals and the observance of Council's policies will be viewed as successful Band Administrator performance.





**PART 5: CONTROLLING
(LIMITATIONS ON THE BAND
ADMINISTRATOR'S AUTHORITY)**





1. OPERATIONAL PRACTICES

When performing his or her duties, the Band Administrator will not cause or allow any practice, activity, decision or organizational situation which is unlawful, imprudent, or violates the commonly accepted business and ethics of Splatsin.

2. ADMINISTRATION

Tkwampila understands that it has the inal responsibility for the performance of the Band Administrator.

3. STAFF RELATIONS

The Band Administrator will foster a positive working environment and will establish and operate with the Splatsin Human Resource Policy and Procedures Manual that:

1. clarify human resource rules for all staf;
2. provide for the efective handling of disputes;
3. protect against wrongful conditions such as nepotism, harassment, and preferential treatment for personal reasons;
4. does not discriminate against any staf member for expressing an ethical dissent so long as such expression is respectful;
5. does not prevent staf from grieving to Council when:
 - a. internal dispute procedures have been exhausted, and
 - b. the employee alleges either that Council policy has been violated to his or her detriment, or Council policy does not adequately protect his or her human rights, understanding that Council's decision is inal and binding;
6. inform all staf members about their rights under this policy.

4. FISCAL PLANNING

The Band Administrator must operate within the jurisdiction of the Splatsin First Nation Financial Administration Law 2012.



5. BAND ADMINISTRATOR BACKUP

With respect to protecting Splatsin from the sudden loss of the Band Administrator's services, the Band Administrator shall ensure there is a sufficient executive backup plan in place that can be ordered by the Council.

Specifically, the Band Administrator shall ensure that all necessary passwords and access is stored in a designated spot to ensure work continues.

6. COMMUNICATION WITH THE MEMBERSHIP

With respect to communicating with Splatsin members, the Band Administrator shall not:

1. ignore or fail to respond to member's concerns and may defer to another staff member to deal with the issue;
2. fail to communicate to the membership significant changes to the operations and overall direction of Splatsin.

7. COMMUNICATION AND ADVICE TO COUNCIL

With respect to providing information and advice to Council, the Band Administrator shall not cause or allow Tkwapila to be uninformed or misinformed. Therefore, the Band Administrator shall not:

1. fail to advise Tkwapila of:
 - a. relevant trends,
 - b. significant external and internal changes in the operation, especially changes in the assumptions upon which any Council policy was previously established and their implications for Splatsin;
2. fail to submit the required monitoring reports other than in a timely, accurate and understandable way;
3. fail to gather points of view, issues and opinions from internal and external sources needed for fully informed Tkwapila choices, and to so inform Tkwapila periodically;
4. fail to present information in a concise, succinct and timely way.



APPENDIX 1: OATH OF OFFICE

In accordance with s.203 of the Splatsin Custom Election Code 2012, Kukpi7 and each Council member elect must swear to the following Oath of Oice before accepting oice and within 10 days of the electoral oicer's declaration:

I, _____, do swear before the Splatsin membership at this Special meeting of the Splatsin community to:

1. uphold and comply with this code, the Splatsin Code of Ethics and all laws of the community;
2. fulill the duties and responsibilities of his oice under this code, the Splatsin Code of Ethics and all laws of the community;
3. carry out his duties faithfully, honestly, impartially and to the best of his abilities;
4. keep confidential, both during and after his term of oice, any matter or information which, under this code, the laws of the community or policy, is considered confidential; and
5. always act in the best interests of the community in carrying out his duties.





APPENDIX 2: SPLATSIN CODE OF ETHICS

In accordance with s.204 of the Splatsin Custom Election Code 2012, Kukpi7 and each Council member elect must declare their intention to adhere to the Code of Ethics while serving in office within 10 days of the electoral officer's declaration in order to be sworn into office.

As a Kukpi7, Councillor, or employee of Splatsin, I hereby agree to the following Code of Ethics:

1. I will abide by the Band's Oath of Confidentiality;
2. I will fulfil my job responsibilities to the best of my abilities I will carry out the duties of my position conscientiously, loyally and honestly, remembering that my primary objective is to serve the Band Membership;
3. In my actions and words, I will promote and uphold the integrity and dignity of the Band, the Band Council and my fellow employees. Both on and off duty, I will conduct myself in a manner that will reflect credit to myself and the Band;
4. I will develop a positive attitude in dealing with fellow employees, Band members and the Kukpi7 and Council;
5. I will be prompt, courteous and temperate in the performance of my duties;
6. I will not publicly criticize other employees, past employees, or the policies of the Band;
7. If I feel changes are advisable, I will provide constructive criticism and suggestions through proper channels. I will seek to make the workplace as harmonious as possible;
8. I will attempt to communicate openly with other staff and to resolve differences in a constructive manner;
9. I will use initiative to find ways of doing my work efficiently, effectively and economically;
10. I will follow instructions attentively, be cooperative with my supervisors and co-workers and work as a team member with other Band employees;
11. During my hours of employment, I will work solely on my job responsibilities and fulfil all my duties as laid out in my job description;
12. Within my sphere of responsibility, I will recommend changes of policy, priorities, or procedures, when I believe that such changes would benefit the Band and would help to meet the objectives of my department;



13. I will strive toward self-improvement and professional development through self-evaluation and availing myself of available literature, upgrading and training when the opportunities arise;
14. I will attend work punctually each day unless there is a valid reason for absence or lateness, in which case I will contact my immediate supervisor, or if that person is unavailable the Band Manager, at the start of the working day and provide in indication of when I expect to return to work;
15. I will dress appropriately for my position and I acknowledge that the appearance of Band employees reflects on the Band administration as a whole;
16. I will use equipment, property or supplies which are owned or rented by the Band for the authorized purposes only and I will use such equipment with care. I will report any maintenance required to an appropriate senior staf person;
17. I will refuse any fees, gifts, or other tangibles ofered to me in reward for duties performed by virtue of my position;
18. I understand my relationship with the Band Council as a Band employee to be as follows:
 - a. Council will request my attendance at Council meetings if my presence is required;
 - b. If I wish to attend a Council meeting, I must submit a written request to be on the agenda;
 - c. In the event the matter is not related to my position as a staf member I must request time of work to attend the Council meeting if the matter is related to a personal matter and not related to Band business;
 - d. If I have any personal business or business activities that could conflict with Band business, I will disclose such to Council as soon as practicable;
 - e. If such business or activity actually does confict with Band business, I must terminate my association with the business or resign my position with the Band.

DATED this day of , 2013.

Councillor





APPENDIX 3: SPLATSIN OATH OF CONFIDENTIALITY

As a member of the Tkwamipla, I acknowledge the importance of confidentiality with respect to the affairs of Splatsin. In light of this acknowledgement, I agree to keep confidential, during and after service on the Council, all confidential information acquired pertaining to Splatsin and any related activities in the course of membership on the Council.

I particularly recognize the sensitivity of information regarding capital decisions, real estate purchases, decisions regarding closures, mergers and other strategic plans that may have an impact on Splatsin's competitive position relative to other organizations.

I also recognize the sensitivity of private and personal information on Splatsin members that Council accesses.

I agree that this confidentiality agreement includes, but is not limited to:

1. information pertaining to performance of Splatsin employees or staff including evaluation data, compensation, and grievances;
2. issues related to the Council's legal, moral and regulatory responsibility for the oversight of statistical data, risk management information and litigation information, and reviews of attitudes and opinions from those who work at Splatsin;
3. I understand that it is the Kukpi7 responsibility to address infractions of confidentiality by individual Council members and to take action to remedy the problem. I also understand that if infractions of confidentiality by individual Council members continue, it is the expectation that the Kukip7 will ask for the resignation of the individual Council member who has violated this confidentiality agreement.

I agree to resign my Council membership if requested by a majority vote of the Council members for any confidentiality infraction.

Council member signature

Date





APPENDIX 4: SPLATSIN CODE OF CONDUCT

As a Splatsin Councillor, I agree to exercise my official powers and perform my duties in such a manner as to maintain public confidence and trust.

I shall act honestly and in good faith with a view towards the best interests of the Splatsin.

I shall demonstrate high ethical standards in both my personal and professional dealings and thereby lead by example.

I will treat my colleagues with courtesy, honesty, and respect because I know that we are all working toward the goal of improving our community.

I shall excuse myself from conflicts of interests, even if they are only perceived. I shall not use Splatsin property for my personal benefit.

I shall not use any information attained during my term as Councillor for my personal gain, or the gain of my immediate family members; particularly information about upcoming contract tenders, jobs, or otherwise business opportunities.

Councillor

Date





APPENDIX 5: SPLATSIN TEAM CHARTER

CONTEXT

The Splatsin Tkwamipla has been put in place to work collaboratively, cooperatively and cohesively towards the enhancement of the cultural, social, environmental and economic well-being of Splatsin membership.

This important work has a governance orientation that positions Tkwamipla at a political level advancing the governance strategic framework.

The work of the Tkwamipla compliments and supports the work of staf without involving itself in the day-to-day work of management and administration.

MANDATE

Our mandate is to aid in the creation of a healthy, vibrant and progressive community for today and the future.

The Council's work focuses on efective lobbying, negotiating and advocating to address those issues identified at the individual and community level that are adversely impacting the quality of services delivered to our members.

SCOPE OF WORK

The Council's scope of work is supported by the need to be highly efective and committed to our shared work. Such an approach fosters an environment where our diverse qualities, personalities, and knowledge can be used to create an efective, successful, and cohesive team that aligns itself in pursuit of our Assertion Strategy Goals.

The multi-pronged Assertion Strategy Goals include:

GOVERNANCE - To ensure Splatsin gets out from under the “Indian Act” and asserts our governance structure based upon our traditions and values.

ENVIRONMENT - To enhance and protect our environment and interests within Secwepmeculucw and our area of responsibility.

ECONOMIC DEVELOPMENT - To facilitate employment and economic opportunities for Splatsinaca to generate wealth and move towards greater independence.





CULTURE AND LANGUAGE - To promote, protect and preserve Splatsin culture and language.

INFRASTRUCTURE - To develop sustainable short and long-term infrastructure and capital planning that creates benefits for our people.

HUMAN & SOCIAL SERVICES - To facilitate success through the promotion and delivery of health and wellness opportunities at the individual, family, governing and community level.

OVERALL TKWAMIPLA DUTIES

1. Create a Vision & Set Strategic Direction

Council's job is to describe the dream for the future, and a high-level map for how to reach that dream.

2. Participate in Governance

Council members are responsible for fully participating in Council governance and business. This means preparing for, attending, and actively participating in meetings and decision-making.

3. Hire and Monitor the Performance of Management

The Council will keep governance and management formally separate by hiring an Administrator whom the Council will regard as its sole employee, providing direction only to the Band Administrator and supporting the Band Administrator in their accountability for all other staff and the Nation's day-to-day operations.

4. Approve and Monitor a Budget and Operational Plan

Council is ultimately legally responsible to ensure that the Nation upholds the terms and conditions of its various funding agreements in accordance with applicable laws and for the benefit of the community as a whole. To uphold this legal responsibility, Council will undertake a number of important responsibilities including: approving and monitoring an operational budget; developing and upholding financial policy; working collaboratively internal and external to the Nation to identify and raise additional funds; ensuring equipment and assets are properly maintained and insured; reporting to the community on the financial health of the Nation; and, ensuring fair, consistent policy and rules for program and service delivery and access.

5. Focus on Results

Council is responsible for overseeing, motivating, monitoring and reporting on results resulting from its efforts and that of its government.

6. Advocate for Constituents

Council will implement strong accountability and two-way communications mechanisms with two key groups: with its constituents, the community; and with its funders and government partners. Communications and accountability with the community will be particularly robust, and include means for a voice in governance through consultation with the community on key decisions.





7. Communicate and Be Accountable

Council must remain accountable to funding agencies by ensuring that obligations under agreements are met. Council will also have a strategy for external communications – sharing information about the Nation with others, and developing alliances that can help advance Splatsin vision and priorities.

Additional Responsibilities of the Kukpi7:

1. participate in all of the activities that Council does;
2. act as Splatsin's official spokesperson - internally, externally, and in the media;
3. set a positive example for Council by upholding and reminding Council of their code of conduct, by-laws, policy, and appropriate roles and responsibilities;
4. provide leadership in Council discussions, chairing Council meetings, and participate in Council committees;
5. work closely with the Band Administrator to ensure Council decisions are implemented as per the will of Council, develop Council agendas and materials, and provide advice and guidance to the Administrator as required; and,
6. assist Council to work effectively as a team.

RESPONSIBILITY AREA STRUCTURE

The Kukpi7 and each Council member will be assigned a responsibility area based upon his or her expertise, experience, education and interest. To ensure alignment and integration with the Assertion Strategy the responsibility areas will be organized to support the goals of the Assertion Strategy.

Specific assignments are:

Governance – insert name of Council member. Environment – insert name of Council member. Economic Development – insert name of Council member. Culture and Language – insert name of Council member. Infrastructure – insert name of Council member.

Human & Social Services - insert name of Council member. Are these changed to reflect the revised organizational chart and areas of work?

Staff and/or community members will be asked to assist in the furtherance of the responsibility area on an as needed basis. Such participation will be at the invitation of the person charged with advancing the responsibility area.





Expected Activities:

1. Develop a strong team structure over time.
2. Improve communication with all stakeholders about Splatsin First Nation.
3. Develop an effective organizational plan for sustainable future.
4. Increase authority levels for teams within organizational plan.
5. Advance Assertion Strategy on all fronts.

TEAM NORMS

We believe in the value of teamwork and spirit of cooperative effort within our organization and our community. As such, team members will facilitate a supportive environment showing respect for each team member.

To function effectively and efficiently the following team norms have been identified as being central to our success.

COMMUNICATION - We will not criticize ideas and will communicate effectively to mitigate conflict.

We will never be competitive within the team, but will achieve the highest level of performance possible through active listening and engagement. We are dedicated to be fully informed on all presenting issues to avoid gossip, half-truths and confusion.

EFFICIENCY - We will endeavor to complete our assigned work in a timely manner in order to continuously move our agenda forward. Team members will deliver material on or before the date determined by the team and any problems will be addressed early enough to allow for revisions to our final work products and associated timelines.

TRUST & INTEGRITY - We value respect and transparency and strive to deliver the highest level of service possible to our members. We believe in order to have sincere and candid interaction we must trust one another. We will be honest and conduct ourselves in an honorable manner.

DIVERSITY - We believe we are stronger as a whole due to our diverse backgrounds. We will use our diversity for the benefit of our team, learning from our unique backgrounds and experiences.

RESPECT - As part of a team, we will respect the backgrounds and opinions of the members of our Council. We will not tolerate a lack of respect for one another in any regard.

ACCOUNTABILITY - We will hold one-another accountable for attendance and work assignments. As individual members, we will contribute equally to the collective team effort. We commit to uphold and be accountable for our common values and actions in a truthful, fair, and straightforward manner.

HUMOR – We will make effective use of humor recognizing that all healthy teams can make light of themselves at least once in a while.





DECISION MAKING

Decisions will be made by quorum and be guided by the election law decision-making process. We will consistently track and monitor motions, action items and decisions and give each stringent timelines for completion. Each decision will be filed electronically into a database.

There are six behaviors that will guide us when making decisions:

1. Ask many questions and avoid positioning. Team members must ask positive, provocative questions rather than take sides or defend a position.
2. Develop multiple alternatives. Team members need to develop at least three options for the team to explore. That way if the option chosen doesn't work, the team can go back to earlier options to get started again.
3. Test all assumptive statements. Team members need to become adept at distinguishing between things people say that are truly facts and things they say as if they were facts but are actually assumptions. Those assumptions should be tested by having a team member say: "How do we know that? What are the facts?"
4. Identify well-defined criteria. Prior to making any decision, the team must develop the criteria it will use to determine whether a choice is a good one.
5. Encourage challenge and debate. Early in the team process, it helps to identify one or two team members to play the role of "challenger" so that healthy debate exists for all the options.
6. Use a fair process. When people don't feel a process is fair and the decision has already been made, they begin to "vote with their feet" and miss team meetings. Research shows that when decisions feel the decision process is fair – even if their preferred choice is not selected – they will support it.

TEAM COMMUNICATION

Team effectiveness is dependent upon team communication. The quality of the team's work, to a large extent, depends upon the quality of the information shared. The ability of team members to understand and communicate information enables us to work together collaboratively.

With this in mind, we will communicate with one another through various means. Electronic and phone communication are the most widely used modes outside of meetings. Prompt responses to messages/enquiries from one another are expected. If a team member is unable to deliver as promised, they should advise the group in advance so that alternate arrangements can be made. We will also use organizational and community meetings to disseminate and gather information critical to our governance function.





To support our communication we will ensure:

1. A well-designed record system.
2. A regularly scheduled forum for members to discuss governance issues.
3. A regularly scheduled forum to discuss and evaluate team function and development, and to address related interpersonal issues.
4. A mechanism for communicating with the external system (e.g., management and administration) within which the team operates.

Effective communication relies on listening, explaining perceptions, acknowledging, and discussing the differences and similarities in views, recommending appropriate courses of action, and negotiating agreement.

ACCOUNTABILITY

Accountability involves issues of professionalism, morality, organizational performance, and responsiveness to the needs and expectations of those we are formed to serve. Accountability also involves preserving the public trust – being able to account for the Council’s implied promises to our members by conducting our work in good faith and with defensible management, financial and governance policies.

Our accountability will be viewed through the following lenses:

Accountability to Team – We will address issues collectively and in a timely manner. We will resolve conflict by confronting the issue or behavior openly and in a straightforward way. We will commit to being present and engaged, always adhering to our policies and procedures.

Accountability to Organization - We will be prepared for all meetings, show up on time and be clear and open in our communications. We will attend all meetings that come under our area of responsibility or arrange alternate representation for meetings we cannot attend. We will be transparent in all of our dealings seeking the information from management that we require to make informed governance decisions.

Accountability to Community – Practicing high moral standards, we will build trust, act transparently, be open to communication and ideas other than our own and seek solution-based feedback. We will collaborate with community to ensure the effective and efficient delivery of programs and services. We will be effective stewards of community resources striving to achieve issues and needs identified by the community.





DISPUTE RESOLUTION

Due to the nature of our work there may be disagreements amongst Council Members. When conflict does arise it is imperative that we deal with divergent points of view head on and use our differences as a means to pull us closer together as a Council.

Though we often view conflict through a negative lens, teams require some conflict to operate effectively. Cooperative conflict can contribute to effective problem solving and decision making by motivating people to examine a problem. Such an approach encourages the expression of many ideas; energizes people to seek a superior solution; and fosters integration of several ideas to create high-quality solutions.

When our team experiences conflict the conflict will first be handled on an informal basis between the individuals involved. This will allow time for resolution or self-correction by the individuals. If the conflict remains unsettled, a mediator can be brought in to help resolve the situation. If resolution is still not achieved the dispute should be openly discussed in a team meeting. A formal discipline process needs to occur, consistent with policy, if resolution is not achieved after being addressed at the team level.



THIS POLICY IS HEREBY ENACTED by Council on the day of , 2016, at Enderby,
in
the province of British Columbia.

A quorum of Council consists of four (4) members of Council

CHIEF WAYNE CHRISTIAN

COUNCILLOR GEORGE DENNIS III

COUNCILLOR EDNA FELIX

COUNCILLOR DANIEL JOE

COUNCILLOR GEORGE WILLIAM

COUNCILLOR LAWRENCE WILLIAMS