



**SQUAMISH NATION
BAND COUNCIL
RESOLUTION**

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| Band Council Resolution No. | 2017 - 2580 | | |
| Motion No. | 2 | | |
| File Reference | | | |
| Date of Meeting: (y/m/d) | 2017 | 09 | 29 |

P.O. Box 86131 □ 320 Seymour Blvd North Vancouver, B. C. V7L 4J5 Tel. (604) 980-4553 Fax (604) 980-9601

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| SUBJECT : | December 2017 Election |
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WHEREAS the people of the Squamish Nation have expressed their desire to update and modernize the processes by which we select our leadership, while still honouring our history, culture and traditions and upholding the principles of the 1923 Amalgamation;

AND WHEREAS by motion dated July 22, 2015 Chiefs and Council approved the *Squamish Nation Terms of Reference for the Electoral Commission* (“Terms of Reference”) for the establishment a non-political, independent Electoral Commission;

AND WHEREAS the Electoral Commission prepared a revised Draft Law dated June 29, 2017;

AND WHEREAS the Electoral Commission advised Chiefs and Council on July 6, 2017 that it does not intend to provide further revisions to the Draft Law;

AND WHEREAS Chiefs and Council requested a legal opinion from First Peoples Law regarding whether the revised Draft Law conforms with the Electoral Commission’s authority and mandate pursuant to the Terms of Reference;

AND WHEREAS First Peoples Law advised by memorandum dated July 18, 2017 that the revised Draft Law continues to contain provisions which exceed the Electoral Commission’s authority and mandate;

AND WHEREAS Chiefs and Council wish to respect and preserve the independence of the Electoral Commission while also ensuring that the Electoral Commission does not exceed its approved authority and mandate pursuant to the Terms of Reference;

AND WHEREAS on August 21, 2017 Council by motion changed the Terms of Reference to remove all references to the Draft Law being a law and directed that it instead be called the *Squamish Nation Election and Referendum Code* (“Code”);

AND WHEREAS on August 21, 2017 Council by BCR affirmed that Council may amend the draft Code and any related regulations as proposed by the Electoral Commission to the extent necessary to ensure conformity with the Electoral Commission’s mandate and authority as set out in the Terms of Reference.

AND WHEREAS the draft Code has not been approved in principle by Council and has not been sent to Membership for ratification through a referendum vote;

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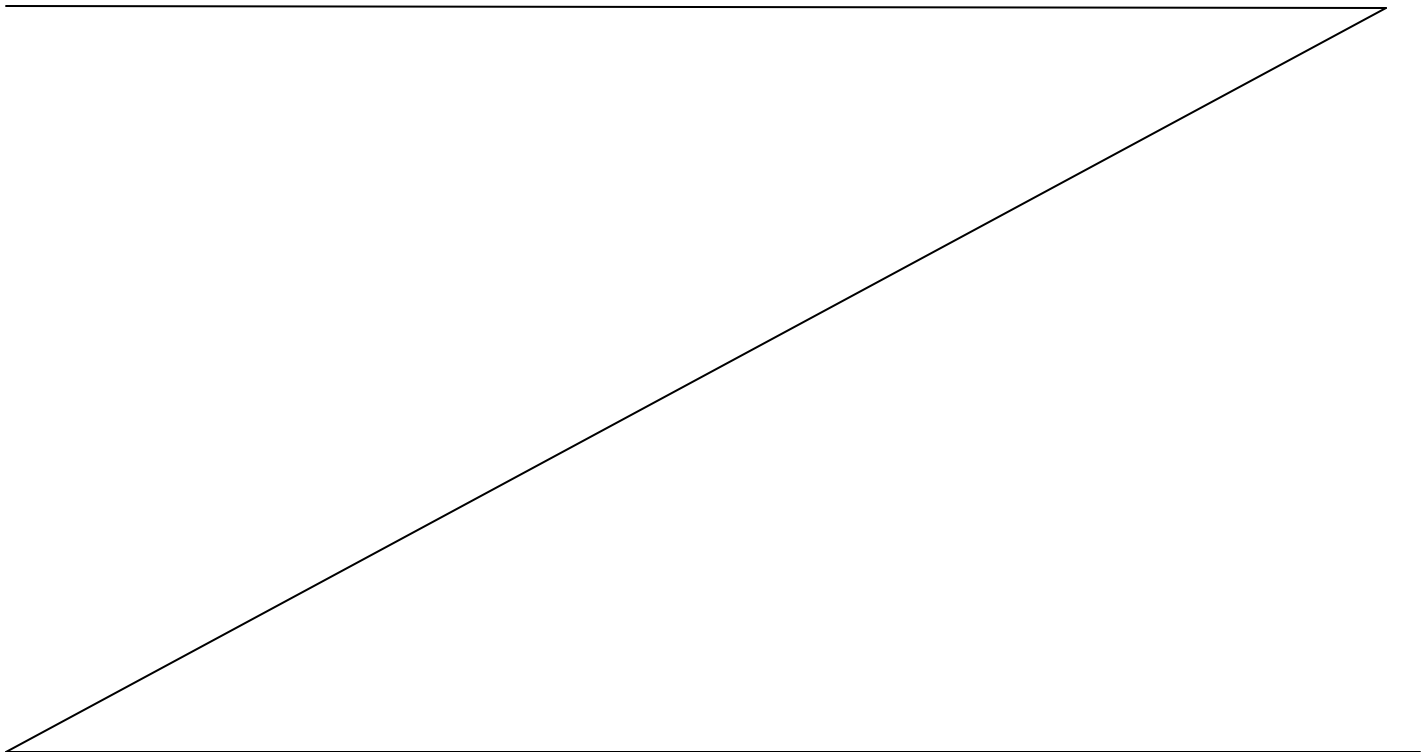
AND WHEREAS it has been the practice of the Squamish Nation to hold an election every four years on the first or second Sunday of December in an election year;

AND WHEREAS on September 29, 2017 Council received independent legal advice from First People’s Law on the role of the Commission in overseeing elections prior to the approval of the draft Code;

THEREFORE BE IT RESOLVED that Squamish Nation Chiefs and Council directs the EOO of Service Delivery to work with the Electoral Officer to be appointed by Membership to hold an election for Council and Band Manager in December 2017;

FURTHER BE IT RESOLVED that the December 2017 election will be carried out under the 1981 Regulations;

FURTHER BE IT RESOLVED that the Terms of Reference as a whole does not extend the Commission's mandate to include overseeing elections prior to the approval of the draft Code, and that the Terms of Reference defines “elections” as being an election or by-election held under the Code, and as the Code is not yet in effect, the Commission has not yet assumed its responsibilities for overseeing elections.




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FURTHER BE IT RESOLVED that Council directs, in the interest of transparency and certainty, Council Co-Chairs to develop a communiqué to Membership which includes, but is not limited to:

1. explaining the purpose of the Commission
2. explaining that the Commission was unable to adhere to timelines as agreed upon by Council in the Election Reform Work Plan dated October 6, 2014 and approved by Council motion on October 7, 2014,
3. that the Work of the Commission work is valuable; and
4. that a new Code should not be rushed into.

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| A QUORUM OF SQUAMISH NATION COUNCIL CONSISTS OF 8 COUNCILLORS | SQUAMISH NATION COUNCIL | | 320 SEYMOUR BLVD |
| | MEETING HELD AT: | | NORTH VANCOUVER, B. C. |
| | DATED: September 29, 2017 | | |
| | MOVED BY: Chief Richard Williams | SECONDED BY Anthony Moody | |

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| Alroy Baker K'etximtn |  | Deborah Baker K'ána  |
| Richard E. Baker Kasalus  | Veronica Baker Tiyaltenaat  | Chief Ian Campbell Xàlek/Sekyú Siyam |
| Carla George Kwitelut/Kwelaw'ikw | Byron Joseph Ts'élkwílem Siyam  | Dennis Joseph xwechtàal  |
| Joshua Joseph Skwetsi7meltxw  | Christopher Lewis Syetáxtn Syexwáliya A Whonnock | Danielle Mellish  |
| Anthony Moody Tsetsimshtn | Ann Whonnock Syexwáliya | Chief Richard Williams Xwélxwelacha Siyam |
| | Wilson Williams | |