



**SHUSWAP INDIAN BAND  
 MEETING MINUTE from REGULAR BAND MEETING**

The regular meeting of the membership of Shuswap Indian Band was held in the Band Hall Meeting Room on **Sunday, December 17, 2017** starting at 1:35 p.m.

<b>COUNCIL MEMBERS ATTENDANCE</b>	
Chief Barb Cote	Chair
Councillor Tim Eugene	
Councillor Rosalita Pascal	
<b>STAFF PRESENT:</b>	
Wendy Rockafellow	Recorder of Minutes
<b>COMMUNITY ATTENDEES:</b>	
Victoria Stevens	Glady Sam
Wade Eugene	Leah Gaze
Marge Eugene	Diana Cote
Ox Eugene	Ida M. Rivers
Lori Pascal	

1. **PRAYER by Marge Eugene  
 WELCOME SONG led by Chief Cote**
2. **CHIEF BARB COTE CALLED THE MEETING TO ORDER at 1:35 p.m.**
3. **ADOPTION OF THE AGENDA FOR DECEMBER 17, 2017**

<b>MOTION 2017-12-17 #1</b>	To approve the agenda for the 2017-12-17 Band Meeting with an addition of: (1) Forensic Audit Update (2) Revamp of Meeting Agenda/Report into two separate documents	
Moved by: Xavier Eugene	Seconded by: Victoria Stevens	Carried <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/>
Discussion/Follow Up:	None	

4. **ADOPTION OF THE SEPTEMBER 28, 2017 MEETING MINUTES**

<b>MOTION 2017-12-17 #2</b>	To approve the minutes of 2017-09-28 Band Meeting Minutes with the changes noted below.	
Moved by: Ida Rivers	Seconded by: Victoria Stevens	Carried <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/>
Discussion/Follow Up:	(1) To correct the notes regarding Highway 93/95 widening;	

5. **BUSINESS ARISING FROM SEPTEMBER 28, 2017 MEETING MINUTES**
6. **DELEGATIONS – NONE**

**7. CHIEF AND COUNCIL REPORTS**

7A. Chief Barb Cote, Councillor Tim Eugene, Councillor Rosalita Pascal and the staff of the Shuswap Indian Band wish members and their families a very Merry Christmas and a happy and healthy New Year!

*Merry Christmas*



7B. CHRISTMAS BONUS CHEQUES were distributed on December 13, 2017. The funds were sourced from the FNGST Account.

**7C. HOUSING**

(1) The Housing Committee welcomes Victoria Stevens and Tisha Tardif. The work ahead includes: updating policies for all types of housing on the reserve and the committee asked to receive the policies ahead of the holidays for their review.

7D. COMMUNITY FIREWOOD PROGRAM will continue into early 2018. Contact Dolores Nicholas to put in your order.

7H. LANDS AND ECONOMIC DEVELOPMENT continues to be a prime focus of Band Administration and the newly struck LANDS COMMITTEE.

(1) Future Highway 93/95 Widening (Section 35) – Work continues on negotiations with the Ministry of Transportation and Infrastructure (MOTI), both valuation of the lands to be acquired and for the replacement lands selection/valuation.

(2) The Land Code Committee will be presenting the Land Use Plan last reviewed and approved by Council on July 16, 2016 in preparation for a ratification vote. The Committee has set two community presentations in **early 2018** to precede the ratification vote schedule for March 17, 2018. The extension for this work has been granted by the funder, the First Nations Market Housing Fund. [See page 7 for the details].

7J. SPECIFIC CLAIM WORK/THE SHUSWAP BAND MAP – Those in attendance raised the 1940 Acres Claim as important, as well as carbon dating at least one kekulli. Early indications are that funding from the Ministry of Forests, Lands and Natural Resources Operation and Rural Development’s (MFLNRO) “Forest Enhancement Society of BC” program may be a match for this priority work (to be determined). Ox Eugene recommended some important sites in the Brisco area.

**8. ITEMS ADDED:**

(1) The Forensic Audit is continuing and the RCMP report to Chief and Council on their progress.  
(2) Information and background on the First Nations Election Act is to be shared with membership. This Act will come into effect for the November 2018 election. See page #.

9. **QUESTION AND ANSWER PERIOD** – All matter discussed in other parts of the meeting.



**2018 BAND MEETINGS**

- |  |                      |
|--|----------------------|
| (1) BAND STRATEGIC PLANNING EVENING:       | January 23, 2018     |
| (2) BAND BUDGET PLANNING MEETING:          | February 10, 2018    |
| (3) 2017/2018 Q4 – QUARTERLY BAND MEETING: | March 24 or 25, 2018 |
| (4) 2018/2019 Q1 – QUARTERLY BAND MEETING: | June 2018            |
| (5) 2018/2019 Q2 - QUARTERLY BAND MEETING  | September 2018       |
| (6) 2018/2019 Q3 – QUARTERLY BAND MEETING  | December 2018        |

**11. MEETING ADJOURNED AT 3:05 p.m.**

**BACKGROUNDER on The *FIRST NATIONS ELECTION ACT*:**  
*The Shuswap Indian Band Council adopted the First Nations Election Act and will be effective for the election in November 2018.*

The information below was obtained from:

<https://www.aadnc-aandc.gc.ca/eng/1323195944486/1323196005595>

## **About leadership selection in First Nations**

The majority of First Nations governments are composed of a chief and councillors who are responsible for making decisions on behalf of the First Nation and its members.

The selection of a chief and councillors can be held in one of four ways:

1. following the steps outlined in the [Indian Act](#) and the [Indian Band Election Regulations](#)
2. using the new and optional [First Nations Elections Act](#)
3. according to a community's constitution as part of a self-government agreement
4. using a community leadership selection process (also called "band custom")

## **Leadership selection under the *Indian Act***

Around 200 First Nations in Canada hold elections under the *Indian Act* and the *Indian Band Election Regulations*. Under the act, elections must be held every two years.

A typical election under the *Indian Act* may include:

- the appointment of an electoral officer to manage the overall election process and all related activities
- the opportunity for voters to nominate candidates for the positions of chief and councillors
- the ability to vote in person on-reserve or by mail-in ballot
- the counting of votes and declaration of elected candidates

In an election held under the *Indian Act*, Indigenous and Northern Affairs Canada (INAC):

- approves the appointment of electoral officers
- trains and supports electoral officers during the election to ensure that election rules are followed
- approves the First Nation council's choice of electoral officer or appoints the electoral officer when there is no First Nation council in place
- receives, investigates and decides on election appeals

Candidates or eligible voters have 45 days following the election to file an appeal with INAC if:

- they feel there were corrupt practices in connection with the election
- there was a violation of the *Indian Act* or the *Indian Band Election Regulations* that might have affected the results of the election
- there was a person running who was not eligible to be a candidate

## Leadership selection under the *First Nations Election Act*

The [\*First Nations Elections Act\*](#) and [\*First Nations Elections Regulations\*](#) came into force on April 2, 2015. The act and regulations were developed in collaboration with First Nations organizations to make improvements to First Nations election processes.

This was initiated by the Atlantic Policy Congress of First Nations Chiefs and the Assembly of Manitoba Chiefs with First Nations to develop recommendations on a bill to address concerns about the election process under the *Indian Act*. In October 2010, the Minister of Aboriginal Affairs and Northern Development and the leaders of these organizations launched a national engagement exercise on electoral reform. With the support of the Government of Canada, these organizations met with other First Nation leaders across the country between October 2010 and March 2011 to present their recommendations, seek advice and reach consensus on improving the election process for First Nations.

The *First Nations Election Act* is part of the Government of Canada's commitment to provide frameworks that support stronger, more stable and effective First Nations governments.

The *First Nations Elections Act* does not change the *Indian Act* election system and First Nations can continue to hold their elections under the *Indian Act* if they wish. Similarly, First Nations that hold their elections under their own community or custom election system can continue to do so. To find out more about the benefits of the *First Nations Elections Act*, consult the chart below.

**Comparison chart: elections under the *Indian Act* vs. elections under the *First Nations Elections Act***

	<b>Indian Act</b>	<b>First Nations Elections Act</b>
<b>How to opt in</b>	<ul style="list-style-type: none"> <li>at the discretion of the Minister of Indigenous and Northern Affairs should they deem it advisable</li> </ul>	<ul style="list-style-type: none"> <li>a First Nation council can request to come under the act by adopting a band council resolution</li> <li>the Minister of Indigenous and Northern Affairs may bring the First Nation under the act following a leadership dispute or finding of corrupt practices</li> </ul>
<b>Term of office</b>	<ul style="list-style-type: none"> <li>2 years</li> </ul>	<ul style="list-style-type: none"> <li>4 years</li> </ul>
<b>Same election day for multiple First Nations</b>	<ul style="list-style-type: none"> <li>not included in the act</li> </ul>	<ul style="list-style-type: none"> <li>six or more First Nations can hold their elections on the same day and coordinate the same terms of office</li> </ul>
<b>Number of council members</b>	<ul style="list-style-type: none"> <li>one chief and one councillor for every 100 members of the First Nation</li> <li>the Minister of Indigenous and Northern Affairs can authorize a different number</li> </ul>	<ul style="list-style-type: none"> <li>one chief and one councillor for every 100 members of the First Nation (a minimum of two and maximum of twelve councillors)</li> <li>the band council can decide by resolution to reduce the number of councillor positions</li> </ul>

	<b>Indian Act</b>	<b>First Nations Elections Act</b>
<b>Electoral officers</b>	<ul style="list-style-type: none"> <li>appointed by the First Nation council with the approval of the Minister</li> </ul>	<ul style="list-style-type: none"> <li>certified through a training program approved by the Minister</li> <li>appointed by the First Nation council</li> <li>appointed by the Minister only when the band council cannot form quorum to make binding decisions</li> </ul>
<b>Election period</b>	<ul style="list-style-type: none"> <li>minimum of 79 days</li> </ul>	<ul style="list-style-type: none"> <li>minimum of 65 days</li> </ul>
<b>Qualifications of candidates</b>	<ul style="list-style-type: none"> <li>only candidates nominated for councillor positions must be a member of the First Nation</li> <li>candidates must be at least 18 years of age on the day of the nomination meeting</li> </ul>	<ul style="list-style-type: none"> <li>candidates nominated for all positions must be a member of the First Nation</li> <li>candidates must be at least 18 years of age on the day of the nomination meeting</li> </ul>
<b>Rules and procedures for nominations</b>	<ul style="list-style-type: none"> <li>a voter can nominate a candidate in writing before the nomination meeting or in person at the meeting</li> </ul>	<ul style="list-style-type: none"> <li>a voter can nominate a candidate in writing prior to the nomination meeting or in person by speaking at the meeting</li> <li>a person can be a candidate for only one position in the election</li> <li>a person cannot nominate more candidates than there are positions to be filled at the election</li> <li>a First Nation may impose a fee of up to \$250 on each candidate that will be refunded if the candidate receives more than 5 per cent of the total votes cast</li> </ul>



	<b>Indian Act</b>	<b>First Nations Elections Act</b>
<b>Acceptance of nominations</b>	<ul style="list-style-type: none"> <li>• persons nominated automatically become candidates and their names are included on the ballot</li> <li>• candidates may withdraw in writing if they do not wish to accept the nomination</li> </ul>	<ul style="list-style-type: none"> <li>• to be included on the ballot and become a candidate, persons nominated must submit a written declaration and acceptance of the nomination and if applicable, the candidacy fee</li> </ul>
<b>Voter eligibility</b>	<ul style="list-style-type: none"> <li>• eligible voters must be a member of the First Nation and be at least 18 years of age on the election day</li> </ul>	<ul style="list-style-type: none"> <li>• eligible voters must be a member of the First Nation and be at least 18 years of age on the election day</li> </ul>
<b>Mail-in ballots</b>	<ul style="list-style-type: none"> <li>• the electoral officer sends a mail-in ballot to all off-reserve voters whose addresses appear on the list provided by the First Nation</li> <li>• the electoral responds to specific requests for mail-in ballot until the election day</li> </ul>	<ul style="list-style-type: none"> <li>• members wishing to vote by mail-in ballot must provide a written request to the electoral officer along with a photocopy of an identification document</li> <li>• the electoral officer will send mail-in ballot packages to all the voters whose request is received up to six days before the election</li> </ul>
<b>Advance polls</b>	<ul style="list-style-type: none"> <li>• not included in the act</li> </ul>	<ul style="list-style-type: none"> <li>• the electoral officer may hold advance polls between 5 and 10 days before the election, on and off reserve</li> </ul>
<b>Recount of ballots</b>	<ul style="list-style-type: none"> <li>• not included in the act</li> </ul>	<ul style="list-style-type: none"> <li>• if the number of votes between a winning candidate and one or more runners-up is five or fewer, the electoral officer must recount the ballots for these candidates</li> </ul>



	<b>Indian Act</b>	<b>First Nations Elections Act</b>
<b>Offences and penalties</b>	<ul style="list-style-type: none"> <li>• none</li> </ul>	<ul style="list-style-type: none"> <li>• prohibits corrupt activities during the electoral process such as offering and accepting bribes, purchasing and selling mail-in ballots, obstructing the electoral process or breaching the secrecy of the vote</li> <li>• persons who breach these prohibitions are guilty of an offence that is punishable by fines and up to five years in prison</li> <li>• elected officials convicted of any of these offences are removed from office and candidates convicted of certain offences are not eligible to run again for five years</li> </ul>
<b>Removal from office</b>	<ul style="list-style-type: none"> <li>• a person ceases to hold office when they die, resign or are convicted of an indictable offence</li> <li>• the Minister of Indigenous and Northern Affairs may remove a person from office for having committed corrupt practices in connection with an election or for missing three consecutive meetings of council without authorization from the council</li> </ul>	<ul style="list-style-type: none"> <li>• a person ceases to hold office when they die, resign or are convicted of an indictable offence (the conviction must be accompanied by a prison sentence of greater than 30 consecutive days for the person to lose their position)</li> <li>• the Minister has no power to remove elected officials</li> </ul>
<b>Appeals</b>	<ul style="list-style-type: none"> <li>• are directed towards the Minister of Indigenous and Northern Affairs who may conduct an investigation and report findings to the Governor in Council</li> </ul>	<ul style="list-style-type: none"> <li>• are directed to provincial or federal courts, which can, after hearing evidence, set aside an election</li> </ul>

	<b>Indian Act</b>	<b>First Nations Elections Act</b>
	<ul style="list-style-type: none"> <li>the Governor in Council may set aside the election on the report of the Minister</li> </ul>	
<b>How to opt out</b>	<ul style="list-style-type: none"> <li>not included in the act</li> </ul>	<ul style="list-style-type: none"> <li>the First Nation must develop a community election code which must be approved by the majority of votes cast through a secret ballot in which at least 50 per cent of all the voters of the First Nation participate</li> </ul>

## How to opt in

After having held community discussions and consultations, a First Nation council must signal its decision to opt into the *First Nations Elections Act* by:

1. adopting a [band council resolution](#)
2. asking the Minister of Indigenous and Northern Affairs to add the First Nation to the schedule of the act
3. providing a date for the election
4. sending it their regional office of Indigenous and Northern Affairs Canada

Upon receiving a band council resolution, INAC will issue the ministerial order to add the First Nation, which may take several weeks.

To find out more about the *First Nations Elections Act*, contact INAC's [Public Enquiries Contact Centre](#).