

## TSLEIL-WAUTUTH NATION

### LANDS ADVISORY COMMITTEE ELECTION LAW

**WHEREAS** the Tsleil-Waututh Nation (“TWN”) has taken control of the management of its reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and the *First Nations Land Management Act*, S.C. 1999, c. 24, and has enacted the Tsleil-Waututh Nation Land Code (“Land Code”) which came into force and effect on June 6, 2007;

**AND WHEREAS** the Land Code states in Part 5 – Section 38.13 as follows:

38.13 Council will enact a Tsleil-Waututh Law to establish the procedure for the Lands Advisory Committee elections, including such additional transitional rules as may be necessary for the members of the first Lands Advisory Committee.

**AND WHEREAS** the first Lands Advisory Committee was appointed pursuant to section 38.8 of the Land Code on February 11, 2008;

**AND WHEREAS** Part 5 of the Land Code prescribes the mandate of the Lands Advisory Committee;

**NOW THEREFORE** this Lands Advisory Committee Election Law has been enacted pursuant to Part 3 - Law Enactment Procedures of the Land Code to prescribe the process for filling vacant seats on the Lands Advisory Committee.

#### **PART ONE** **SHORT TITLE**

##### **1. TITLE**

1.1 This Law may be cited as the *Land Advisory Committee Election Law*.

#### **PART TWO** **DEFINITIONS**

##### **2. Definitions**

2.1 Unless otherwise specified, the definition of the terms shall be the same as in the Land Code:

a. “LAC” means the Lands Advisory Committee; and

- b. "Senior Administrator" means the person that has been appointed to hold the principal non-political management position for the TWN or their delegate.

**PART THREE**  
**COMMITTEE AND ELIGIBILITY REQUIREMENTS**

**3. Composition and Eligibility**

- 3.1 The composition and size of the LAC is as stated in section 38.5 of the Land Code:

38.5 The Lands Advisory Committee shall be composed of one Council member and six Eligible Voters for the first two years and one Council member and four Eligible Voters thereafter.

- 3.2 Section 38.6 of the Land Code states the criteria for eligibility for election to the LAC as follows:

38.6 An Eligible Voter is eligible for election or appointment to the Lands Advisory Committee, except for the following:

- (a) An Eligible Voter convicted of an offence that was prosecuted by way of indictment;
- (b) An undischarged bankrupt;
- (c) An Eligible Voter convicted of a corrupt practice in connection with an election, including accepting a bribe, dishonesty or wrongful conduct;
- (d) An Eligible Voter found by a Court to have breached a fiduciary duty owed to the Tsleil-Waututh Nation or defrauded the Tsleil-Waututh Nation;
- (e) An Eligible Voter who is unable to regularly attend meetings due to living elsewhere; or
- (f) An Eligible Voter who is unfit by reason of mental incapacity.

- 3.3 An Eligible Voter who is an employee of the TWN's Lands Office cannot be a member of the LAC.

**PART 4**  
**TRANSITIONAL RULE**

**4. Transitional Rule**

- 4.1 Council may extend the term of the office, of the two positions that are held by the first LAC members who were appointed for a four year term, by two years after the date of the first election of LAC members. This transitional rule is to uphold the intent of the composition of the LAC that there always are some experienced members on the LAC to prevent the loss of corporate memory.

**PART 5**  
**ELECTION PROCEDURE**

**5. Nomination and Election**

- 5.1 Sixty days (60) prior to the term of office of a LAC member becoming vacant a notice shall be posted at the TWN Administration Offices. A notice of vacancy shall be placed in at least one TWN Bulletin prior to the cut-off date for nominations to the LAC.
- 5.2 Elections for the LAC shall be held at a Special Membership Meeting at least twenty-one (21) days in advance of the expiry of the term of office of the LAC members.
- 5.3 Each Eligible Voter who wishes to stand as a candidate for election to the LAC shall submit a nomination form stating their name, address, telephone number and e-mail address (if applicable) to the Senior Administrator not later than five (5) business days in advance of the Special Membership Meeting.
- 5.4 Notice of the Special Membership Meeting shall be provided to the Membership at least twenty (20) days before the Special Membership Meeting and shall include:
- a. A statement that there will be presentations by the candidates for the vacant positions on the LAC and the dates of the term of office that the candidates are seeking election for;
  - b. A statement that there will be a vote by secret ballot of the Eligible Voters present at the Special Membership Meeting to vote on who will fill the vacant seats on the LAC; and
  - c. The date, time and place of the Special Membership Meeting also specifying the time period during which voting will take place.

- 5.5 The Senior Administrator shall prepare the ballots to be cast at the Special Membership Meeting.
- 5.6 At the Special Membership Meeting, the candidates shall have the opportunity to make a presentation to the Members that are present.
- 5.7 Upon completion of the presentations, the Eligible Voters, including the Council members present at the Special Membership Meeting shall vote by secret ballot.
- 5.8 The candidates that receive the most votes by the Eligible Voters present at the Special Membership Meeting will be elected to the vacant positions.
- 5.9 The decision at the Special Membership Meeting shall be recorded in the minutes and shall have the same effect as a Resolution enacting a Tsleil-Waututh Law.

## **PART 6**

### **TEMPORARY VACANCIES**

#### **6. Appointments**

- 6.1 The Council may appoint an Eligible Voter to the LAC, in compliance with the qualification of eligibility contained in the TWN Land Code, should any of the following events occur:
  - a. A permanent vacancy arises for any reason prior to the end of the term of office of a LAC member;
  - b. There is an insufficient number of candidates running for the number of LAC seats required to be filled; or
  - c. A LAC election is postponed by Council due to conditions which impede the ability to conduct a fair and lawful election, and the term of office of any existing LAC member has expired;
- 6.2 The term of a member of the LAC appointed to fill a vacancy pursuant to section 6.1a. is the balance of the term of office in relation to which the vacancy occurred.
- 6.3 The term of a member of the LAC appointed to fill a vacancy pursuant to section 6.1 b. is the entire term of office of a newly elected member.

- 6.4 The term of a member of the LAC appointed to fill a vacancy pursuant to section 6.1 c. is until the election is completed.

## **PART 7** **APPEALS**

### **7. Appeals**

- 7.1 A candidate or sitting LAC member may appeal a ruling of disqualification by Council submitting a written appeal to the Chair outlining the circumstances supporting their reason for the appeal within fifteen (15) days after the disqualification ruling.
- 7.2 The Chair may convene an independent committee consisting of not less than three (3) persons to hear the appeal and report its decision to the Chair.
- 7.3 A disqualified member of the LAC whose disqualification is under appeal may not participate in the LAC proceedings until the conclusion of the appeal process.
- 7.4 Council may appoint an interim LAC member during the appeal process and may extend that appointment for the remaining term of the office if the appeal is unsuccessful.

## **PART 8** **GENERAL PROVISIONS**

### **8. General Provisions**

- 8.1 Where any federal Act or regulation or provincial Act or regulation or any other Tsleil-Waututh Law may apply to any matter covered by this Law, compliance with the Law will not relieve the person from also complying with the provisions of the other applicable Act, regulation or law.
- 8.2 If any section of this Law is for any reason held invalid by a decision of a court of competent jurisdiction, the invalid section or subsection will be severed from and not affect the remaining provisions of this Law.
- 8.3 The headings given to the sections and paragraphs in this Law are for convenience of reference only. They do not form part of this Law and will not be used in the interpretation of this Law.

READ a first time the \_\_\_\_\_ day of \_\_\_\_\_ 2011.

READ a second time the \_\_\_\_\_ day of \_\_\_\_\_ 2011

READ a third time the \_\_\_\_\_ day of \_\_\_\_\_ 2011

This law is hereby adopted at a duly convened meeting of the Council of the Tsleil-Waututh Nation this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Voting in favour of this Law are the following Members of the Council.

Chief Justin George \_\_\_\_\_

Councilor Carleen Thomas \_\_\_\_\_

Councilor Jen Thomas \_\_\_\_\_

Councilor Liana Martin \_\_\_\_\_

Councilor Maureen Thomas \_\_\_\_\_