



**BAND COUNCIL RESOLUTION**

Chronological no. 2014-0916-04
File reference no.

NOTE: The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds

The council of the PIIKANI NATION					Cash free balance	
					Capital account	\$ _____
Date of duly convened meeting	D 1 6	M 0 9	Y 1 4	Province ALBERTA	Revenue Account	\$ _____

WHEREAS: pursuant to their inherent rights and powers and those granted under the *Indian Act*, R.S.C. c. I-6, the Council of the Piikani Nation is empowered to make decisions on behalf of the Piikani Nation;

AND WHEREAS: pursuant to s. 2(3)(b) of the Indian Act a majority of the Council had a duly convened meeting on the 16<sup>th</sup> day of September, 2014;

AND WHEREAS: the Council has reviewed certain provisions of the *Piikani Nation Election Bylaw, 2002* (the "Bylaw"), and determined that those provisions require amendment;

AND WHEREAS: pursuant to section 15.02 of the Bylaw, sections 6.02, 6.03, 10.01 to 11.08, and 15.02 may be amended by the Council without a referendum;

AND WHEREAS: the form of the proposed amendments was introduced to the Council on August 18, 2014, and passed First Reading pursuant to Band Council Resolution 2014-0818-07;

AND WHEREAS: the form of the proposed amendments was read to the Council a second time on September 16, 2014, and passed Second Reading pursuant to Band Council Resolution 2014-0916-03,

AND WHEREAS: the proposed amendments have this day been read a third time, and the Council has approved same;

**THEREFORE BE IT RESOLVED**

1. The Council of the Piikani Nation hereby passes the following amendments to the *Piikani Nation Election Bylaw, 2002* at Third Reading, and proclaims them in force:
  - (a) That section 6.02 and 6.03 be repealed and replaced with the following provisions:
    - 6.02 A Piikani Nation member shall be ineligible to be nominated for or hold the office of Chief or Councillor if
      - 6.02.01 that person has been convicted of an indictable offence under the Criminal Code of Canada during a three year period prior to the date of a Piikani Nation Election in which he might otherwise be a candidate;
      - 6.02.02 that person is subject to an order for parole which states that such person cannot hold public office;
      - 6.02.03 that person is liable for court costs to the Piikani Nation or entities beneficially owned by the Piikani Nation, and has failed to pay said court costs for a period exceeding 90 days;
      - 6.02.04 that person has resigned from office as a Chief or Councillor without the consent of the Piikani Nation Council during the term immediately prior to the election;
      - 6.02.05 that person has been removed from office as a Chief or Councillor by virtue of Section 11.01 to 11.08; or
      - 6.02.06 that person has committed a corrupt practice as determined by the principles of PIIKANISSINI.
    - 6.03 A person who has become ineligible to be nominated for or hold the office of

Chief or Councillor for a term pursuant to Section 6.02.04 or 6.02.05 shall be eligible to be nominated for or hold the office of Chief or Councillor after four (4) years from the Piikani Nation Election for which he was found to be ineligible.

(b) The following section 10.01A is hereby passed:

10.01A The Piikani Nation Council may, on its own motion, appoint a member of the Council to prepare and prosecute a petition made pursuant to Section 10.01.

(c) That section 10.05 be repealed and replaced with the following:

10.05 The Piikani Nation council may, by unanimous consent of those members of the Council present, including the Chair, but excluding the Petitioner and Respondent, as evidenced by a Band Council Resolution and in accordance with subsection 10.04.02, recommend that a person be declared ineligible to continue to hold the office of Chief or Councillor if

10.05.01 the person has been absent from four (4) consecutive regular general meetings of the Piikani Nation Council without proper notice to the Piikani Nation Council in respect of such meetings;

10.05.02 the person has failed to maintain a standard of conduct expected of a member of the Piikani Nation Council, and without limiting the generality of the foregoing, does any of the following:

- (a) accepted or offered a bribe, forged a Piikani Nation document or was otherwise dishonest in his official role;
- (b) attended a Piikani Nation Council meeting in an intoxicated state;
- (c) conducted a corrupt practice;
- (d) failed to act in accordance with the principles of PIIKANISSINI;
- (e) abused his office such that the conduct negatively affected the dignity and integrity of the Piikani Nation or the Piikani Nation Council;
- (f) used his position in an attempt to obtain a benefit for himself, a member of his immediate family, or another person with whom he is not acting at arm's length;
- (g) conducted himself in a manner that undermines the lawful authority of the Piikani Nation Council and has negatively affected the Piikani Nation Council or the Piikani Nation;
- (h) acted independently without the approval of the Piikani Nation Council in a manner that exceeds the authority of a member of the Piikani Nation Council;
- (i) ceases to remain eligible to hold the office of Chief or Councillor pursuant to section 6.02; or
- (j) such other conduct as shall be determined by the Piikani Nation Council to be of such a serious nature that removal from office is necessary and appropriate.

(d) That section 10.06 be repealed and replaced with the following:

10.06 The Piikani Nation Council shall have the power to require the production of any evidence including the production of any documents and the attendance of any witnesses in its deliberations. The decision of the Piikani Nation Council shall be rendered within ten (10) days of the date of the meeting at which the deliberations took place and if no decision has been reached within such time limit, the petition will be deemed to be refused by the Piikani Nation Council pursuant to subsection 10.04.01.

(e) That section 10.08 be repealed and replaced with the following:

10.08 Upon making a recommendation pursuant to subsection 10.04.02 the Piikani Nation Council shall have the power to suspend from office the person against whom

the proceedings are being taken by unanimous consent of those members of the Council present, including the Chair, but excluding the Petitioner and Respondent, as evidenced in a Band Council Resolution, until a decision is rendered by the Piikani Nation Removal Appeals Board. Such suspension shall not take effect until service is made pursuant to section 11.01. The Piikani Nation Council shall provide written reasons for the suspension.

- (f) That section 10.09 be passed:

10.09 Nothing herein shall derogate from the inherent or implied power of the Piikani Nation Council to discipline the Chief or any Councillor, in any manner short of removal from office, including the issuance of temporary disciplinary suspensions with or without payment of Honoraria.

- (g) That section 10.10 be passed:

10.10 For the purposes of this section, "Costs" shall include any costs reasonably incurred in the prosecution or defence of a Petition, including, without limitation, travel costs, legal costs, the costs of any subsequent judicial review, and court awarded costs. The Piikani Nation Council shall indemnify a Petitioner or Respondent for Costs as follows:

10.10.01 The Piikani Nation Council shall indemnify a Petitioner appointed pursuant to section 10.01A for any Costs reasonably incurred in the prosecution of the petition contemplated by the appointment.

10.10.02 The Piikani Nation Council has discretion to indemnify a Petitioner, other than a Petitioner appointed pursuant to section 10.01A, for Costs, or any portion of Costs, if the prosecution of the Petition is deemed to be in the best interests of the Piikani Nation; or if the Petitioner was ultimately successful.

10.10.03 The Piikani Nation Council has discretion to indemnify a Respondent for Costs, or any portion of Costs, if the prosecution of the petition is deemed to be frivolous, vexatious, or brought for a political purpose or other improper purpose; if the defence of the Petition is otherwise in the best interests of the Piikani Nation; or if the Respondent was ultimately successful.

10.10.04 Where the Piikani Nation Council indemnifies a Petitioner or a Respondent for Costs, or any portion of Costs:

(a) that Petitioner or Respondent shall pay to the Piikani Nation any court awarded costs it may receive, up to the total amount of Costs;

(b) the Piikani Nation Council may withhold payment of Costs until that Petitioner or Respondent has delivered an assignment of any court awarded costs;

(c) the Piikani Nation Council may require that Petitioner or Respondent to provide documentation of the Costs incurred, including invoices for legal fees, and may refuse to pay Costs if such documentation is not provided; and

(d) with respect to documents provided to the Piikani Nation pursuant to subsection (c) hereof:

(i) the Piikani Nation shall treat such documentation as confidential and shall take reasonable steps to preserve any privilege associated with the documents; and


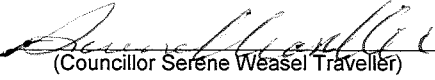
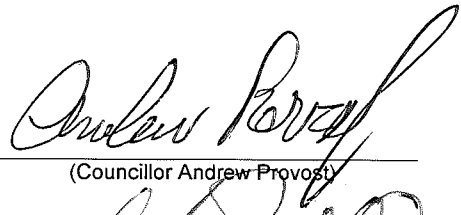

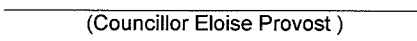

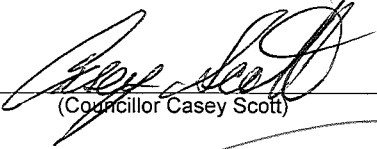
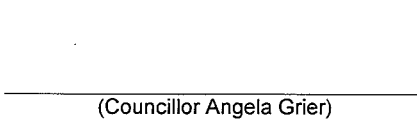
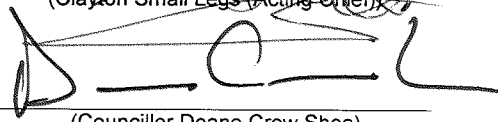
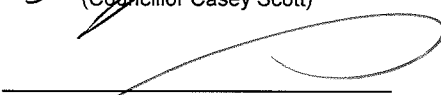
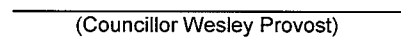

(ii) no waiver of privilege shall be inferred on the part of the party providing the documents solely by virtue of the fact that the documents were provided to the Piikani Nation.

- (h) That section 11.05A be passed:

11.05A The Piikani Nation Removal Appeals Board shall have the power to require the production of any evidence, including the production of any documents and the attendance of any witnesses, and is not limited to considering the evidence that was contained in or appended to the petition or was before the Piikani Nation Council during its deliberations pursuant to sections 10.03 to 10.08.

2. The CEO of the Piikani Nation is directed to publish this Band Council Resolution forthwith.

Quorum 7

 (Councillor Fabian North Peigan)	 (Councillor Serene Weasel Traveller)	 (Councillor Andrew Provost)
 (Councillor Maurice Little Wolf)	 (Councillor Eloise Provost)	 (Clayton Small Legs (Acting Chief))
 (Councillor Casey Scott)	 (Councillor Angela Grier)	 (Councillor Doane Crow Shoe)
 (Councillor Kyle Grier)	 (Councillor Wesley Provost)	 (Councillor Willard Yellow Face)

FOR DEPARTMENTAL USE ONLY							
Expenditure	Authority (Indian Art Section)	Source of funds		Expenditure	Authority (Indian Art Section)	Source of funds	
		<input type="radio"/> Capital	<input type="radio"/> Revenue			<input type="radio"/> Capital	<input type="radio"/> Revenue
Recommending officer			Recommending officer				
_____ Signature		_____ Date		_____ Signature		_____ Date	
Approving officer – Approuvé par			Approving officer				
_____ Signature		_____ Date		_____ Signature		_____ Date	

GOL 80-005 E (10-2000)

Canada