

BAND COUNCIL RESOLUTION

Chronological no. 2022-0913-01
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	3	M 0	9	Y 2	2	Province ALBERTA	Revenue Account	\$ _____

WHEREAS: pursuant to their inherent rights and powers and those granted under the *Indian Act*, RSC 1985, c. I-56, the Council of the Piikani Nation (the "Council") 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 13<sup>th</sup> day of September, 2022 (the "Meeting");

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, 9.01, 10.01, 10.03, 10.04, 10.05, 10.08, 11.01, 11.02, 11.03, 11.04, 11.06, 11.07 and 11.08 may be amended by the Council without a referendum;

AND WHEREAS: the form of the proposed amendments was introduced to the Council on July 12, 2022, and passed First Reading pursuant to Band Council Resolution 2022-0712-01;

AND WHEREAS: the form of the proposed amendments was read to the Council a second time on July 13, 2022, and passed Second Reading pursuant to Band Council Resolution 2022-0713-01;

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

THEREFORE BE IT RESOLVED THAT

1. The Council of the Piikani Nation hereby passes each of the following amendments to the *Piikani Nation Election Bylaw, 2002* at Third Reading, and proclaims them in force:
- (a) That section 6.02 be repealed and replaced with the following provision:

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 five year period prior to the date of a Piikani Nation Election in which he might otherwise be a candidate, unless as part of his defence in those proceedings he reasonably argued that he was exercising an aboriginal right;

6.02.01A that person has been convicted of a summary conviction offence under the Criminal Code of Canada involving theft, fraud, misrepresentation, bribery, breach of trust or such other similar offence during a five 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 its related business corporations or other entities that are owned or controlled, in whole or in part, 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 sections 11.01 to 11.08;

6.02.06 that person has conducted a corrupt practice as determined by the principles of PIIKANISSINI or otherwise;

6.02.07 that person owes money to the Piikani Nation or its related business corporations or other entities that are owned or controlled, in whole or in part, by the Piikani Nation, and has not entered into a written agreement for the repayment of that money;

6.02.08 that person owes money to the Piikani Nation or its related business corporations or other entities that are owned or controlled, in whole or in part, by the Piikani Nation, has entered into a written agreement for the repayment of that money, but has been delinquent in payments under that agreement within the 90 days prior to the date of the nomination meeting for the Piikani Nation Election;

6.02.09 that person has not filed for bankruptcy or, if he has filed for bankruptcy, has been discharged from those bankruptcy proceedings for a period of at least two years;

6.02.10 that person has commenced a lawsuit or some other form of legal proceedings, including before a tribunal, against the Piikani Nation, its related business corporations or other entities that are owned or controlled, in whole or in part, by the Piikani Nation, or the Piikani Nation Council, that has not been concluded, settled or dismissed;

6.02.11 that person has a civil judgment or restitution order against him in favour of the Piikani Nation or its related business corporations or other entities that are owned or controlled, in whole or in part, by the Piikani Nation for misappropriation of funds, theft, fraud, bribery, breach of trust, or such other similar offence, which has not been fully paid or satisfied; or

6.02.12 that person is or has been in breach of this Bylaw or the Regulations during a five year period prior to the date of a Piikani Nation Election in which he might otherwise be a candidate as determined by the Chief Electoral Officer exercising his discretion reasonably.

(b) That section 9.01 be repealed and replaced with the following provision:

9.01 The office of Chief or Councillor shall become vacant when the person who holds that office

9.01.01 is convicted of an indictable offence under the Criminal Code of Canada during his term of office, unless as part of his defence in those proceedings he reasonably argued that he was exercising an aboriginal right;

9.01.01A is convicted of a summary conviction offence under the Criminal Code of Canada involving theft, fraud, misrepresentation, bribery, breach of trust or such other similar offence during his term of office;

9.01.02 dies or resigns from office;

9.01.03 is removed from office or otherwise becomes ineligible to hold office pursuant to this Bylaw.

(c) That section 10.01 be repealed and replaced with the following provision:

10.01 Proceedings to declare a person ineligible to continue to hold the office of Chief or Councillor may be initiated by

10.01.01 any eligible voter filing with the Piikani Nation Chief Executive Officer a petition (the "Petition") on which shall appear:

(a) the grounds pursuant to Section 10.05 on which removal of a designated Chief or Councillor is sought;

(b) the evidence in support of the Petition;

(c) the signature of the originator of the Petition (the "Petitioner");

(d) the signatures of not less than one third (1/3) of the eligible voters of the Piikani Nation in support of the Petition; or

10.01.02 the Chief or a Councillor filing with the Piikani Nation Chief Executive Officer a petition on which shall appear:

10.01.02.1 the grounds pursuant to Section 10.05 on which removal of a Chief or Councillor is sought;

10.01.02.2 the evidence in support of the Petition;

10.01.02.3 the signature of the Petitioner.

(d) That section 10.01B be passed:

10.01B Any reference to the Piikani Nation Chief Executive Officer in this Bylaw or the Regulations is to be read as a reference to the Piikani Nation Chief Executive Officer, the Piikani Nation Chief Operating Officer, or such other equivalent senior executive within Piikani Nation Administration as designated by Council.

(e) That section 10.03 be repealed and replaced with the following provision:

10.03 If the Petition complies, the Piikani Nation Chief Executive Officer shall place the matter on an agenda for a regular general meeting of the Piikani Nation Council not more than twenty-one (21) business days from the date of receipt of the Petition and shall serve said Petition on the Chief and Councillors of the Piikani Nation Council.

(f) That sections 10.03A and 10.03B be passed:

10.03A In the event that the Chief Executive Officer is unable to undertake the duties set out in this section 10 because of a conflict of interest with respect to the Petitioner, the Chief or Councillor subject to the Petition (the "Respondent"), or in relation to the evidence in support of the Petition, the Piikani Nation Council shall appoint a designate to undertake the duties set out in this section 10.

10.03B In the event that the position of Chief Executive Officer is vacant, the Petition shall be filed with the Chief of the Piikani Nation Council, who shall undertake the duties set out in this section 10.

(f) That sections 10.04, 10.05 and 10.08 be repealed and replaced with the following provisions:

10.04 The Piikani Nation Council shall review the Petition and shall

10.04.01 by Band Council Resolution declare that they have found insufficient evidence to support a recommendation that the Respondent be declared ineligible to continue to hold the office of Chief or Councillor; or

10.04.02 by Band Council Resolution make a recommendation to the Piikani Nation Removal Appeals Board that proceedings be conducted to determine whether the Respondent should be declared ineligible to continue to hold the office of Chief or Councillor and to remove the Respondent from office.

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 Respondent 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 Respondent 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.

10.08 Upon making a recommendation pursuant to subsection 10.04.02, the Piikani Nation Council shall have the power to suspend the Respondent from office 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 take effect until service is made pursuant to section 11.01. The Piikani Nation Council shall provide written reasons for the suspension.

(g) That sections 11.01, 11.02, 11.03 and 11.04 be repealed and replaced with the following provisions:

11.01 If a recommendation is made pursuant to section 10.04.02 or an appeal is made pursuant to section 10.07, the Piikani Nation Chief Executive Officer shall, within fourteen (14) business days of the members of the Piikani Nation Removal Appeals Board having been appointed by Band Council Resolution, serve a copy of the recommendation or notice of appeal together with the Petition and all supporting documentation on the members of the Piikani Nation Removal Appeals Board, on the Respondent, and on the Petitioner.

11.02 The Piikani Nation Removal Appeals Board shall thereupon set a date for the hearing and give at least thirty (30) days written notice of the date, time and place of the hearing to the Piikani Nation Council, to the Chief or Councillor who is subject to the recommendation or appeal, and to the Petitioner.

11.03 The Respondent shall be given full opportunity to make answer and defence to the proceedings, including being provided with full disclosure of evidence before the hearing.

11.04 The Respondent shall be given full opportunity to make answer and defence to the proceedings at the hearing, including requiring the production of documents, the attendance of witnesses and the right to counsel.

(g) That sections 11.06, 11.07 and 11.08 be repealed and replaced with the following provisions:

11.06 The Piikani Nation Removal Appeals Board shall determine whether the Respondent has failed to meet the standard of conduct expected of a member of the Piikani Nation Council and is therefore ineligible to continue to hold the office of Chief or Councillor, and in making that decision shall take into consideration all relevant matters, including but not limited to:

11.06.01 the grounds described in section 10.05;

11.06.02 the principles of PIIKANISSINI;

11.06.03 the purpose of the Piikani Nation Election Bylaw and Regulations;

11.06.04 the evidence and submissions of the Petitioner and the Respondent, including any evidence or submissions provided in writing;

11.06.05 past practices and decisions of the Piikani Nation Removal Appeals Board; and

11.06.06 the potential impact of the decision on the Piikani Nation and its members.

11.07 If the Piikani Nation Removal Appeals Board decides that the Respondent is ineligible to continue to hold office, it shall order that the Respondent be removed from that office.

11.08 The decision of the Piikani Nation Removal Appeals Board shall be rendered within sixty (60) days of the hearing and shall be final and binding upon all parties, with no further appeal to the Piikani Nation Council, the Piikani Nation Removal Appeals Board or to any Court of Law.

(h) That sections 11.09 and 11.10 be passed:

11.09 The decision of the Piikani Nation Removal Appeals Board shall be in writing and the Piikani Nation Chief Executive Officer shall ensure that the decision is served on all interested parties, including the Piikani Nation Council, the Respondent, and the Petitioner within five (5) business days of the Piikani Nation Chief Executive Officer receiving such decision.

11.10 The Piikani Nation Council may enact regulations governing proceedings for removal.

2. The Chief Operating Officer of Piikani Nation is directed to publish this Band Council Resolution forthwith.

Quorum

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(Chief Stanley C. Grier)

(Councillor Doane Crow Shoe)

(Councillor Wesley Crow Shoe)

(Councillor Che Little Leaf-Matusiak)

(Councillor Brian Jackson)

(Councillor Troy Knowlton)

(Councillor Riel Houle)

(Councillor Theodore Provost)

(Councillor Erwin Bastien)

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