

UNION OF B.C. INDIAN CHIEFS CONSTITUTION AND BY-LAWS

CONSTITUTION:

- I.** The name of the Society is the “Union of British Columbia Indian Chiefs” (referred to as the “U.B.C.I.C.” in the By-Laws).
- II.** The position paper “Aboriginal Title and Rights”, adopted in 1979 and revised in 1985, sets out the guiding principles of the Union of British Columbia Indian Chiefs and, consistent with these principles, the objectives of the society are:
- (a) To advance and improve the level of educational achievement of the Indian people of British Columbia;
 - (b) To provide a comprehensive programme consistent with those of a charitable organization for the relief of poverty among the Indian people of British Columbia, so that the social conditions and life expectancy of the Indian people may be improved;
 - (c) To provide a central organization for uniting together the Indian people of British Columbia for the purposes of settlement of Land Claims and Aboriginal Rights;
 - (d) To protect the environment in our hereditary territories and enforce the rights of Indian peoples as set out in the Union’s position paper “Aboriginal Title and Rights”
 - (e) To represent the Indian people of British Columbia and to be their official spokesperson for the purposes of the Society.
- III.** The operations of the Society are to be chiefly carried on in the Province of British Columbia.

BY-LAWS:

I. MEMBERSHIP

(a) The U.B.C.I.C. shall have the following classes of members:

(i) Full Members

One representative from each Indian Band in the Province of British Columbia, the representative to be the elected chief of the Band unless the registered adult members of the Band shall elect or choose some other member of the Band to be the full member of the U.B.C.I.C., in the Place of the elected Chief of the Band.

(ii) Active Members

Any member of an Indian Band in the Province of British Columbia who is not a full member of the U.B.C.I.C. and is elected or appointed by the members to be a Councilor or shall become an active member upon their election or appointment to the Chiefs' Council. Other Active Members of the U.B.C.I.C. shall include:

- The President or duly authorized representative of the Indian Homemakers Association of B.C.;
- The President or duly authorized representative of the B.C. Native Women's Society; and
- A duly authorized representative of the Native Youth Movement.

(iii) Honorary Members

Honorary members may include the hereditary Chiefs of the Indian Bands in the Province of British Columbia that are acknowledged by their respective bands by band council resolution.

(b) Each Full Member shall pay a membership fee to the U.B.C.I.C. depending on their registered Band Membership as follows:

- (i) For members with up to 100 registered Band Members the sum of \$100.00,
- (ii) For members with between 101-300 registered Band Members the sum of \$200.00,
- (iii) For members with between 301-500 registered Band Members the sum of \$300.00,
- (iv) For members with between 501-800 registered Band Members the sum of \$400.00,

- (v) For members with 801 or more registered Band Members the sum of \$500.00.
- (c) Each active member and honorary member shall pay a membership fee of Three Dollars (\$3.00) to the Society on or before the 31st day of March in each year.
- (d) Each full and active member of the U.B.C.I.C. shall be entitled to vote at general meetings and to hold office in the U.B.C.I.C.

II. CONDITIONS OF MEMBERSHIP

(a) Full Members

Should a full member who is a Chief of a band cease to be the Chief, their membership in the U.B.C.I.C. will terminate, and the new Chief of the Band shall become the member of the U.B.C.I.C. unless the registered adult members of the Band shall elect or choose some other member of the Band to be the full member of the U.B.C.I.C., in the place of the new Chief.

(b) Active members

Should an active member cease to be a Councilor their membership in the U.B.C.I.C. shall terminate.

III. MEETINGS

- (a) The Annual General Meeting of the U.B.C.I.C. shall be held either during the summer months or the fall months, and at a time and place to be determined by Chief's Council. Special General Meetings may be called by the Chiefs' Council as required by the Business of the U.B.C.I.C.
- (b) A notice of the Annual General Meeting of the U.B.C.I.C. shall be sent by ordinary mail to every member at least fourteen days previous to such meeting.
- (c) At an Annual General Meeting or Special General Meeting, a quorum shall consist of 51% of the Full and Active Members in good standing (those that have paid their membership dues for the current year) of the U.B.C.I.C.
- (d) Each Full Member and Active Member of the U.B.C.I.C. present at a General Meeting is entitled to cast a vote on all resolutions. Should a Full Member be unable to attend a General Meeting, the Band may choose someone from the Band to act as a delegate. A delegate must be supplied with proper written credentials consisting of either a copy of a Band Council Resolution, or a letter appointing that person as a delegate in the place and stead of the full member of the U.B.C.I.C.

(e) The Chair to preside at a General Meeting shall be nominated by the Chiefs' Council prior to the General Meeting.

IV. CHIEFS COUNCIL

(a) There shall be a Chiefs Council composed of all Full and Active Members who wish to send representatives to Chiefs' Council.

(b) Each Full or Active Member shall elect/appoint one Chiefs' Council member and an Alternate Council Member.

(c) If a Councilor ceases to be a member of the U.B.C.I.C. or is incapable of acting on a permanent basis, the Alternate Councilor shall act in their place. The Full or Active Member, shall choose a new Councilor, and if necessary, a new Alternate Councilor. Where a Council member is incapable of acting for a temporary period, the Alternate Councilor shall act in their place until such time as the Councilor can carry out their duties.

(d) The Chiefs' Council shall be the governing body of the U.B.C.I.C. and the Councilors shall be responsible for implementing the resolutions and policies of the U.B.C.I.C. as determined at the General Meetings. In addition to the powers and authority given by these By-Laws or otherwise expressly conferred upon them, the Councilors may exercise all such powers of the U.B.C.I.C. required to be exercised by the U.B.C.I.C. at a General meeting. The Councilors shall have full power to make such rules and regulations that are not inconsistent with the Constitution of the U.B.C.I.C. or the By-Laws.

(e) The Chiefs' Council shall meet as often as the business of the U.B.C.I.C. requires, but not less than once in every three months.

(f) Notice of a meeting of the Chiefs' Council shall be sent by ordinary mail, or via facsimile, to every Councilor at least seven days prior to the meeting.

(g) A quorum of Chiefs' Council shall consist of five (5) members who are Councilors or Alternate Councilors.

(h) The acts and decisions of the majority of Councilors or Alternate Councilors, present at a meeting at which a quorum is present, shall be the acts and decisions of the Chiefs' Council.

(i) Any resolution of the Chiefs' Council signed by all of the councilors, or where there is no Councilor, an Alternate Councilor, shall have the same force and effect as if duly passed at a meeting of the Chiefs' Council held for that purpose.

(j) Only one officially appointed representative of each Full or Active Member may have their expenses for attending meetings of the Chiefs' Council defrayed by the

U.B.C.I.C., but otherwise they shall receive no remuneration for their service as members of Chiefs' Council. These amounts, if any, will be set by Chiefs' Council based on the availability of funds for this purpose.

(k) Section IV(j) shall not operate so as to prevent or render invalid the appointment or employment of a person who is a councilor or Alternate Councilor to a position or in a capacity involving special duties on behalf of, or advice to, the Union of British Columbia Indian Chiefs, and the payment to such person of remuneration for such services, in an amount to be fixed by Chiefs' Council.

(l) The Chiefs' Council shall be responsible for the settlement of any questions or disputes not covered by the By-Laws.

V. EXECUTIVE COMMITTEE

(a) The officers of the U.B.C.I.C. shall be the President, Vice-President and Secretary-Treasurer, who will form the Executive Committee of the U.B.C.I.C.

(b) The Executive Committee will be responsible collectively for upholding the Aboriginal Title and Rights position of the U.B.C.I.C.

(c) The Executive Committee will hold office for a term of three years.

(d) The President

The President will: (1) Be the Chief Executive Officer of the U.B.C.I.C.; (2) Represent the U.B.C.I.C. publicly, including at speaking and other engagements; (3) Chair all meetings of the Chiefs' Council; and, (4) Support Full or Active members where requested.

(e) The Vice-President

The Vice-President will: (1) Stand in the place of the President if he or she is temporarily unable to act; (2) Be available to represent and forward the goals and mandate of the U.B.C.I.C. at speaking engagements and other public engagements; and, (3) Support Full or Active members where requested.

(f) The Secretary-Treasurer

The Secretary-Treasurer will: (1) Stand in the place of the President if the President is temporarily unavailable to act, and the Vice-President is also unavailable; (2) Monitor the financial situation of the U.B.C.I.C. and assist in fundraising; (3) Provide reports at Chiefs Council and Annual General Assemblies of the fiscal position of the U.B.C.I.C.; and, (4) Support Full or Active members where requested.

(g) The salary, per diem and compensation for expenses for members of the Executive Committee, if any, shall be determined by Chiefs' Council.

VI. RECALL OF MEMBERS OF THE EXECUTIVE COMMITTEE

(a) Members of the Executive Committee may be recalled by Chiefs' Council for: (1) failing to perform their duties as outlined in these By-Laws; (2) failing to attend at least three consecutive Chiefs' Council meetings, unless they have a valid medical reason or were attending to the business of the U.B.C.I.C.; or, (3) being the subject of criminal charges (provided that this does not include activities which are done in furtherance of Aboriginal Title and Rights).

(b) At each Annual General Assembly at which an election is taking place the Chiefs' in Assembly shall appoint five Full or Active Members, in good standing (those who have paid their membership dues for the current year), and who are members of five separate Indian Nations (and not merely Indian Bands) to sit on the Recall Committee for a term of three years.

(c) Five Full or Active Members, in good standing (those who have paid their membership dues for the current year), from at least three separate Indian Nations (and not merely Indian Bands), may initiate the recall of a member of the Executive Committee by providing a written request to the U.B.C.I.C.'s offices, to the attention of the Recall Committee.

(d) The U.B.C.I.C. will notify the Recall Committee of all recall requests. The Recall Committee will meet to decide upon the recall request. If any member of the Recall Committee is directly involved in seeking the Recall, they will excuse themselves from the deliberations of the Committee and the Alternate will act in their place, the remaining members of the Recall Committee will appoint an alternate Full or Active Member as a replacement member.

(e) The Executive Committee member will be given a full opportunity to respond to the allegations before the Recall Committee. Upon consideration of all of the information, the Recall Committee will decide, by a majority vote, whether or not there is sufficient basis to allow the recall motion to proceed to consideration by Chiefs' Council.

(f) If the Recall Committee decides that the Recall Motion will proceed the matter will be considered at the next Chiefs' Council meeting, and all Full and Active Members will receive at least one month's notice of the recall motion.

(g) Prior to a vote on the recall motion, the Recall Committee will give a written report to Chiefs' Council of their consideration of the situation, and the Executive Committee member will be given an opportunity to respond to the allegations before at that Chiefs' Council.

(h) A recall motion will require the support of two-thirds (2/3) of the Chiefs' Council members present.

VII. VACANCIES ON EXECUTIVE COMMITTEE

(a) In the event that a member of the Executive Committee is unable to act; resigns; is recalled; or, in the case of the Vice-President or Secretary-Treasurer, ceases to be a Full or Active Member, the position shall be filled by a simple majority vote (50% of all votes, plus one) of all Full and Active Members in good standing (those that have paid their membership dues for the current year) present at an election by secret ballot to be held at the next Chiefs' Council.

(b) The newly elected Executive Member will serve a term concurrent with the remainder of the term of the rest of the Executive Committee.

(c) Nominations for the vacant Executive Council position will be taken on the floor of the Chiefs' Council meeting, and must be supported by at least two Full or Active Members in good standing (those who have paid their membership dues for the current year).

VIII. ELECTION OF EXECUTIVE COMMITTEE

(a) Election of the President

(i) The President shall be elected by a closed ballot of all Full and Active Members of the U.B.C.I.C. in good standing (those who have paid their membership dues for the current year), at an Annual General Assembly.

(ii) A majority of 60% of voting delegates is required to elect the President. In the event that a majority of 60% is not achieved on the first ballot, the candidate with the least amount of votes will be eliminated from the ballot, and a second ballot will be held. This process will be followed until a President is elected with the required 60% majority. However, if there are only two candidates for the position of President on a ballot, the candidate with the most votes will be declared elected.

(iii) To be eligible for the position of President, a person must be a member of one of the Indian Nations of British Columbia.

(iv) Upon election, the President will become a Full Member of the U.B.C.I.C. for the term of their Presidency.

(b) Election of Vice-President and Secretary-Treasurer

(i) The Vice-President and Secretary-Treasurer must be Full or Active Members of the U.B.C.I.C., in good standing (those who have paid their membership dues for the current year), and will be elected at the next Chiefs' Council meeting following the election of President, and will serve for a concurrent term with the President.

(ii) Nominations for the positions of Vice-President and Secretary-Treasurer will be taken from the floor of the Chiefs' Council, and must be supported by at least two Full or Active Members in good standing (those that have paid their membership dues for the current year).

(iii) The positions of Vice-President and Secretary-Treasurer will be elected by a secret ballot of all Full and Active Members of Chiefs' Council present, in good standing (those who have paid their membership dues for the current year), and the candidate with the majority of votes (50% plus one of all votes cast) will be declared elected.

(iv) Chiefs Council will establish a process and appoint any persons they deem necessary to carry out the election of Vice President and Secretary Treasurer.

(c) Proxy Voting

(i) In the event that a Full or Active member is not able to attend when a vote for the position of President is held, they can appoint a person to act as their proxy for voting purposes.

(ii) A person may hold only one proxy, and each proxy must be a member of a community which is a Full Member of the Union of B.C. Indian Chiefs.

(iii) A proxy cannot be proxied.

(iv) A person may be appointed a proxy for:

Full Members, by a Band Council Resolution or a letter from the Band Council, officially appointing a person as a proxy; and

Active Members, by a resolution, or letter from the organization or member, officially appointing a person as a proxy.

(d) Where there is only one candidate nominated for any position on the Executive Committee, that candidate shall be declared elected by acclamation.

(e) At least five weeks prior to the Annual General Assembly in an election year, the Executive Council will appoint a Chief Electoral Officer.

(f) Chief Electoral Officer

The Chief Electoral Officer will serve as an impartial officer for a term of four weeks prior to the election, until the business of the election is concluded. The Chief Electoral Officer will:

- (i) Distribute nomination forms to all Full and Active Members, receive nominations, and ensure that those nominated are eligible to run for the President position;
- (ii) Distribute the names of all eligible candidates, together with each candidate's one page written statement, to all Full and Active Members, by mail or facsimile, at least two weeks in advance of the election;
- (iii) Make all administrative arrangements for the election, including arranging for the voting, and counting the ballots in the presence of one scrutineer appointed by each candidate, and destroying the ballots after the appeals period has expired;
- (iv) Obtain the official Electors List from the Credentials Committee, and ensure that only those people whose names appear on the Electors List vote;
- (v) Report to the Annual General Assembly the results of each ballot and call for run-off elections, where necessary; and
- (vi) Appoint assistants, as required, to help with carrying out the election.

(g) Nominations

Starting four weeks before the election for President, and ending at 4:30 p.m. on the day that is two weeks before the election, nomination papers (in the form set by the Chief Electoral Officer) can be submitted to the attention of the Chief Electoral Officer at the U.B.C.I.C.'s Vancouver or Kamloops offices. Nomination forms must:

- (i) Be supported by the endorsement of three Full or Active Members in good standing (those that have paid their membership dues for the current year) of the U.B.C.I.C.; and
- (ii) Include a one page written statement that provides a profile of the candidate and sets out their reasons for standing for election.

(h) Credential Committee and Electors List

The Chiefs in Assembly at the start of each Annual General Assembly where an election for President is taking place will appoint a Credential Committee, comprised of three Full or Active Members in good standing (those that have paid their membership dues for the

current year) who are members of three separate Indian Nations (and not merely Indian Bands), and are not standing for election.

- (i) A U.B.C.I.C. staff member who is familiar with the membership list will be appointed as a non-voting member to assist the Credential Committee;
 - (ii) The Credential Committee shall be responsible for (1) certifying the credentials of Members and proxies to prepare an Electors List to ensure that only Full and Active Members in good standing vote, and (2) interpreting and applying the By-Laws and any elections regulations to resolve any disputes which may occur during elections;
 - (iii) The Credential Committee, working with the U.B.C.I.C. staff, will make an on-going Electors List available during the first day of the Annual Assembly, and post an Electors List with the name of all Full and Active Members eligible to vote by 3:00 p.m. on the first day of the Assembly;
 - (iv) The Credential Committee will receive and consider all protests from people who feel that their names were erroneously excluded from the Electors List. These protests must be registered with the Credential Committee before 4:00 p.m. on the first day of the Annual General Assembly. Upon speaking with this person, considering the By-Laws, and conducting any investigations that they think necessary, the Credential Committee will make the final decision as to whether or not this individual's name should be included on the Electors List. The Credential Committee will issue, and post publicly at or near the registration desk for the AGA, a final Electors List by 6:00 p.m. on the evening before the vote is to occur; and
 - (v) On the morning of the election, the Credential Committee will provide to the Chief Electoral Officer a final Electors List.
- (i) Chiefs' Council can pass Elections Regulations, not inconsistent with these By-Laws, to govern elections. Notice of the intent to either pass, or amend, Elections Regulations must be sent to all Full and Active Members at least two weeks in advance of the Chiefs' Council meeting at which they are being considered.

IX. ELECTIONS APPEAL COMMITTEE

- (a) An Elections Appeal Committee comprised of three Full and Active Members in good standing (those that have paid their membership dues for the current year) who are not standing for election for the position of President and who are members of three separate Indian Nations (and not merely Indian Bands), shall be appointed by the Chiefs in Assembly on the first day of an Assembly where the election for the position of President is to occur.

(b) Within five working days of the conclusion of the election, any candidate or Full or Active Member in good standing, may file an appeal in writing to the Elections Appeal Committee through the U.B.C.I.C.'s offices, if they allege election irregularities or unfairness.

(c) The appeal must state their reasons for seeking the appeal, and set out the alleged irregularities or unfairness.

(d) Within one week of receipt of the request for review, the Elections Appeal Committee will review the request and may, by majority decision:

- (i) Decide that there are insufficient grounds to hold a hearing, and affirm the election results; or
- (ii) Decide that there are sufficient grounds to warrant a hearing, and schedule a hearing to examine the complaint within two weeks of its receipt.

(e) Each candidate directly involved, as well as any other person who the Elections Appeal Committee deems necessary, will be invited to participate in the hearing.

(f) Upon conclusion of the hearing, the Elections Appeal committee can

- (i) Dismiss the appeal if they decide that (1) the complaint is not valid, (2) there is not enough evidence to support it, or (3) that the allegation, if true, did not impact the election result; or
- (ii) Call for a run-off election if they decide that the complaint is warranted.

(g) Upon reaching their decision, the Election Appeal Committee will prepare a written report of their decision which will be sent to all Full and Active Members of the U.B.C.I.C.

(h) Any run-off election called by the Elections Appeal Committee will be held at the next Chiefs' Council meeting, with at least one month notice being provided to U.B.C.I.C. members, and only those candidates who were on the initial ballot for the contested position will have their names placed on the ballot.

X. ADMINISTRATOR

(a) The Chiefs' council shall hire and determine the tenure and remuneration of an Administrator. The Administrator shall be the senior employee of the U.B.C.I.C.

(b) Within general terms of reference to be laid down by the Chiefs' Council, the Administrator shall hire and determine the tenure, duties and remuneration of all other employees of the U.B.C.I.C..

(c) Subject to the direction of the Chiefs' Council, the Administrator shall be responsible for the co-ordination of the activities of all U.B.C.I.C. employees. The

Administrator shall report to and attend all meetings of the Chiefs' Council and of the Executive Committee.

XI. COMMITTEES

There shall be a Constitution Committee, and a Resolutions Committee, each consisting of not more than five and not less than three members chosen by the U.B.C.I.C. and responsible to it. Such committees shall report directly to the Annual General Meeting.

(a) The Constitution Committee shall be responsible for receiving and processing any and all requests for By-Law amendments. Request for such amendments must be made through the Constitution Committee.

(b) The Resolutions Committee shall be responsible for receiving and processing all resolutions from the Band and other recognized Indian organizations and shall report upon and present the resolutions at the General Meeting.

XII. BORROWING POWERS

The Chiefs' Council may exercise all powers of the U.B.C.I.C. to borrow or raise or secure payment of money, in such a manner and form, at such time or times, in such amounts and upon such terms, as they think fit.

XIII. AUDIT OF ACCOUNTS

The Fiscal year end of the U.B.C.I.C. shall be March 31st of each year. The accounts of the U.B.C.I.C. shall be audited and least once a year by an auditor appointed by the members of the Annual General Meeting.

XVI. CUSTODY AND USE OF THE SEAL

The seal of the U.B.C.I.C. shall be under the custody of the Chiefs' Council and shall not be affixed to any instrument except by authority of a resolution of the Chiefs' Council and in the presence of such members of the Executive Committee or such members of the Chiefs' council as may be prescribed by such resolution.

XV. EXTRAORDINARY RESOLUTIONS AND ALTERATION OF BY-LAWS

(a) An extraordinary resolution shall be passed by two-thirds of the members of the U.B.C.I.C. present at a General Meeting or Special Meeting of the U.B.C.I.C. of which notice specifying the intention to propose the resolution as an extraordinary resolution has been given at least one month previous to the meeting.

(b) The By-Laws and objective of the U.B.C.I.C. may be altered or added to by an extraordinary resolution of the U.B.C.I.C.

XVI. PREPARATION AND CUSTODY OF MINUTES

The Administrator shall be responsible for the preparation of and shall have custody of the Minutes of the meetings of the U.B.C.I.C., the Chiefs' Council, and the Chiefs' Executive Committee. The Administrator shall have custody of all books and records of the U.B.C.I.C.

XVII. INSPECTION OF BOOKS AND RECORDS

The financial books and general records of the U.B.C.I.C. shall be available for inspection by members present at all times during the Annual General Meeting. In addition the financial books and general records may be inspected at the offices of the U.B.C.I.C. during ordinary business hours by any member upon request being given to the Administrator at least 48 hours before the inspection.

Should a member of the U.B.C.I.C. have a question or complaint about the financial books and general records of the U.B.C.I.C., such questions or complaint will be forwarded to the Administrator. If the Administrator fails to reply within a reasonable time, or alternatively, if the member is dissatisfied with the reply of the Administrator, they may apply to the Chiefs' Council, who shall appoint a Committee to investigate and report on the question or complaint of the Chiefs' Council and if requested by the member, to the Annual General Meeting.

XVIII. DISSOLUTION

If, upon the winding up or dissolution of the U.B.C.I.C. there remains, after the satisfaction of all debts and liabilities, any property whatsoever, the same shall be given or transferred to such other charitable organization in Canada registered as such under the "Income Tax Act", having similar objects to the U.B.C.I.C. as may be determined by the full members of the U.B.C.I.C. at the time of dissolution or, insofar as effect cannot be given to the foregoing provision, to some other charitable organization registered as such under the "Income Tax Act".

XIX. RULES OF ORDER

(a) The Chair of each meeting shall be responsible for ensuring that meetings (1) follow the agenda agreed to by the Members; (2) are carried out in keeping with the goals and objectives of the U.B.C.I.C.; and, (3) respect the fact that the membership has come together to address issues of shared concern. Matters should not be addressed at U.B.C.I.C. meetings which are internal disputes within a particular nation or community and do not concern the broader membership.

(b) Robert's Rules of Order shall govern all matters of procedure not covered by these By-Laws.

DATED the 6th day of May AD 1971

SUBSCRIBER

William David Scow, Box 117, ALERT BAY, B.C., - Judge
Chief Philip Paul, Box 173, BRENTWOOD BAY, B.C. – Administrator of Vocational
Training
Delbert Guerin, 4077 Staulto Crt., VANCOUVER, B.C. – Longshoreman
Philip Louie, AHOUSAHT, B.C. – Fisherman
Forrest Walkem, SPENCE’S BRIDGE, B.C. – Service Station & Motel
Harry Dickie, Box 449, FORT NELSON, B.C. – Contractor
Kathryn Teneese, WINDERMERE, B.C. – Housewife
Sam Douglas, Box 136, ROSEDALE, B.C. – Logger
Chief Victor Adolph, Box 272, HAXLETON, B.C. – Fisherman
Chief Herber Maitland, Box 194, KITIMAT, B.C. – Painter
Douglas Hance, ALEXIS CREEK, B.C. – Chief

WITNESS

Edward David Fulton, PC < QC
7th Floor
900 West Hasting St.
VANCOUVER, B.C. – Barrister Solicitor
Dated the ____ day of May, 1978

Union of B.C. Indian Chiefs
BY: George Manuel, President