

**SQ'EWÁ:LXW (SKAWAHLOOK) FIRST NATION  
COMMUNITY APPROVAL LAW**

**Dated for Reference March 16 2022**



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**SQ'EWÁ:LXW (SKAWAHLOOK) FIRST NATION  
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**PREAMBLE**

WHEREAS the Sq'ewá:lxw First Nation (SKFN) has an inherent right to self-government which emanates from its people, culture, language, and land and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*. This right includes the ability to make laws about how we make decisions.

THEREFORE BE IT RESOLVED THAT the SKFN hereby enacts the following law:

**PART 1 – TITLE AND PURPOSE**

1. This Law may be cited as the “Sq'ewá:lxw Community Approval Law”.
2. This document identifies how SKFN shall seek community approval for certain matters which, in the opinion of Council, necessitate a ratification vote.

**PART 2 – INTERPRETATION**

3. For the purposes of this Law, the following definitions shall apply:

“Chairperson” means the chairperson for a Meeting of Members, appointed pursuant to section 10 of this Law, having those duties set out in this Law;

“Council” means the Chief and Council of the Sq'ewá:lxw First Nation;

“Community Approval” occurs when, at a Meeting of Members at which Quorum is present, 50 per cent +1 vote in favour.

“Community Approval Law” means this *Sq'ewá:lxw First Nation Community Meeting and Approval Law*, as amended or replaced from time to time;

“Lands Advisory Committee” or “LAC” means the Lands Advisory Committee established pursuant to section 14 of the Land Code;

“Land Code” means the Sq'ewá:lxw (or Skawahlook) Land Code, enacted in 2010, and amended from time to time;

“Law” means any Sq'ewá:lxw Law as may be in force from time to time;

“List of Eligible Voters” means the list of Members eligible to vote;

“Location” means a physical address or virtual sign-in / call-in information;



“Member” means a person whose name appears or is entitled to appear on the SKFN membership list;

“Meeting of Members” means a meeting held pursuant to Part 4, Division 2 of the Land Code;

“Sq’ewá:lxw” means the Sq’ewá:lxw First Nation, also known as the Skawahlook First Nation, a band within the meaning of subsection 2(1) of the *Indian Act*; and

4. Unless otherwise provided, definitions in this Law have the same meaning as those contained in the Land Code.
5. Singular and plural words are interchangeable and references to gender include all genders, as context may require.
6. In the event of a conflict between the Land Code and this Community Approval Law, the Land Code prevails to the extent of the conflict.

### **PART 3 – MEETING OF MEMBERS**

7. Council will decide when a Meeting of Members is required to obtain Member input or obtain Community Approval pursuant to Land Code.
8. Once Council has decided to convene a Meeting of Members, notice of the Meeting of Members will comply with those notice requirements contained in the Land Code.
9. Members may attend a Meeting of Members in-person, or by way of videoconference, teleconference, or any other non-physical way, so long as they can hear and be heard by the other attendees.
10. Council will appoint a Chairperson for a Meeting of Members. The Chairperson will not be a SKFN Member. The Chairperson will ensure the Meeting of Members runs in an orderly manner, and that all those participants (e.g. in-person and electronic participants) have the ability to be heard when it is their turn, as determined by the Chairperson.

### **PART 4 – VOTING AT A MEETING OF MEMBERS**

11. Council will decide, prior to the start of a Meeting of Members where Community Approval will be sought, whether the vote will be conducted on a confidential or non-confidential basis.

#### *Non-Confidential Matters*

12. A Member who attends a Meeting of Members physically may vote on a non-confidential matter, by raising their hand or otherwise physically communicating their approval of the matter being voted on to the Chairperson.



13. A Member attending a Meeting of Members by any electronic or non-in-person means, in accordance with section 9, above, may vote on a non-confidential matter by any means whatsoever so long as their vote can clearly be communicated to the Chairperson.

*Confidential Matters*

14. A Member who attends a Meeting of Members physically may vote by way of a secret ballot, which secret ballot voting process will be administered by the Chairperson of the Meeting of Members.
15. A Member who attends a Meeting of Members by any electronic or non-in-person means, in accordance with section 9, above, may vote by way of email to the Chairperson, or any other means that the Chairperson advises, so long as reasonable steps to ensure the confidentiality of the Member's vote is maintained.
16. Proxy voting will not be allowed.

**PART 5 – VOTING APPEALS**

17. Any Eligible Voter may file an appeal in respect of a vote conducted at a Meeting of Members, to be reviewed by the Stó:lō Service Agency Qwi:qwelstóm Panel or another mutually acceptable arbitrator.
18. Appeals may only be filed if the Eligible Voter has reasonable grounds to believe there was an irregularity in the voting process which would have materially changed the result of the vote had the irregularity not occurred.
19. The Qwi:qwelstóm Panel/arbitrator may conduct further investigation as deemed necessary.
20. If the Qwi:qwelstóm Panel/arbitrator deems the objection valid, Council will convene another Meeting of Members, at which the vote in question will be re-done in accordance with this Law.

**PART 6 – AMENDMENTS AND REGULATIONS**

21. Council may enact regulations to assist with the administration of this Community Approval Law.
22. Council shall post any such regulations for Members to view at the SKFN administration office and on the SKFN website. A regulation will take effect once such notice has been posted.



**PART 7 – COMING INTO FORCE**

23. This Community Approval Law shall come into force and effect on the date that it is enacted pursuant to the Skawahlook First Nation Land Code.

THIS LAW IS HEREBY ENACTED by way of Council approval at this duly convened meeting of the Sq'ewá:lxw Council, on this 16<sup>th</sup> day of March 2022.

**Whereas:**

The Sq'ewá:lxw (Skawahlook) First Nation Chief and Council ratified the Skawahlook First Nation Land Code by referendum on the 29<sup>th</sup> day of March 2010;

**Whereas:**

The Sq'ewá:lxw (Skawahlook) First Nation Chief and Council as follow through to the Lands Advisory Committee written recommendation on October 7, 2021 and, after legal consultation, has completed final review of the Community Approval Law attached to this BCR as Appendix A;

**WHEREAS:**

The Sq'ewá:lxw (Skawahlook) First Nation Chief and Council in accordance with Part 4: (81) of the Skawahlook Land Code tabled the Community Approval Law at a meeting of Council on Tuesday, February 8, 2022 and posted the Community Approval Law as per Part 4: (80)(3) of the Skawahlook Land Code;

**Therefore, Be It Resolved That:**

The Sq'ewá:lxw (Skawahlook) First Nation Chief and Council enact the Community Approval Law as a Law of the Sq'ewá:lxw (Skawahlook) First Nation in accordance with Part 4: (80)(2) in the Skawahlook First Nation Land Code .

This resolution is supported by the undersigned and passed this 16<sup>th</sup> day of March 2022.

A quorum for this Band consists of 2 (two) council members

  
Chief Maureen J. Chapman

  
Debra Schneider, Councillor

  
Jenn Carman, Councillor

Enacted March 16 2022

