GLOOSCAP FIRST NATION
BAND REGULATIONS

Glooscap Band of Indians
Band Regulations

1. **Name**

Glooscap Band of Indians
Glooscap Indian Reserve
Kings County, Nova Scotia

2. **Head Office**

The head office of the Band shall be located at Glooscap Indian Reserve, 159 Smith Road, Bishopville, Nova Scotia. Mailing address:

PO Box 449
Hantsport, NS B0P 1P0

3. **Aims & Objectives**

The aim and objective of this regulation is to provide for the good government of the Band and to promote the social/economic development of the members.

4. **Membership**

a) Membership shall be those registered Indians who are included on the Membership List of the Glooscap Band of Indians or the members of their immediate families who wish to apply for membership and are consequently admitted to membership; and,

b) Applications for Band Membership shall be approved by:

i. A majority of those Band Electors present at a general meeting of the Membership (re 10.C); and,

ii. An absolute majority of the electors of the Band by petition or referendum.

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5. **Elector**

Band Members eighteen (18) years of age or over shall be the electors of the Band.

6. **Government**

a) The Council of the Band shall consist of one Chief and four Councillors and,

b) The Councillors shall from among themselves, appoint a Deputy Chief to act as Chief in the absence of, or other indispositions of, the Chief.

7. **Elections**

Band Council elections shall be conducted according to the regulations contained in Annex A.

8. **Procedures**

Band Council meetings shall be conducted according to the regulations contained in Annex B.

9. **Finance & Administration**

a) In accordance with the Glooscap First Nation Financial Administration Law, 2019, The Band Council shall prepare or have prepared, a job description for the retention of a Director of Administration;

b) Council, pursuant to section 9.1 of the Glooscap First Nation Financial Administration Law may direct the Director of Administration to:

i. Prepare a personnel policy, taking into account national and provincial and local labour standards for adoption by the Council; and,

ii. Prepare and implement with the assistance of the Band's auditors, a comprehensive financial policy for the Band.

c) All Band staff job vacancies shall be filled through open competitions;

d) All dismissals shall be subject to review by the Council; and,

e) The authorized signing officers for the Band shall be one (1) Council Member and one (1) Staff Member.

10. **Meetings**

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a) There shall be one annual general meeting of the Band Members held in the month of August of each year;

b) A special general meeting of the Band can be summoned by the Council of the Band or in writing by twenty (20) electors of the Band;

c) Twenty (20) electors of the Band shall constitute a quorum for a general or special meeting of the Band;

d) Thirty (30) days notice must be given for general or special meetings;

e) Votes at general and special meetings shall be by a show of hands unless a secret ballot is requested;

f) Minutes of all meetings shall be kept and copies of such minutes shall be supplied to Band members on request;

g) A chairperson shall be selected by a majority of the quorum present at a general or special meeting of the Band to conduct the meeting;

h) The chairperson shall have no vote other than to cast a tie-breaking vote;

i) The chairperson so selected shall call the meeting to order and prepare an agenda;

j) Meetings shall be conducted according to Parliamentary Procedure;

k) No elector shall have a vote on a particular question in general meeting or special meetings who stand to personal gain financially from the question;

l) Agenda items shall include but not be limited to the following:

   i. Reading, correcting and adoption of minutes of prior general or special meeting,

   ii. Resolutions to be considered,

   iii. Elections,

   iv. Amendments to Band Regulations,

   v. Financial Report,

   vi. Council's Report,

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vii. Budgets, and

viii. Committee's Report.

m) Any person may be expelled or excluded from a general or special meeting of the Band by the presiding officer for causing a disturbance or improper conduct.

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11. **Amendments to Regulations**

a) Amendments to these regulations shall be voted on at a general or special meeting by postal ballot, online voting or in person;

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b) Proposed amendments shall be voted on by a referendum conducted by registered mail or hand delivered; and,

c) 50%+1 of the electors must approve any amendments to the regulations.

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12. **Addresses of Band Members**

An up-to-date address book shall be kept and maintained showing the current mailing addresses of the Band Members and a Band member may verify their address information on request.

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13. **Honorarium and Travel**

a) Chief and Councillor honorarium shall be approved at the annual general meeting; and,

b) Travel expenses of the Chief and Councillors shall be reviewed at the annual meeting.

14. **Penalties**

a) Any person who knowingly and willfully commits a violation against the provisions of these by-laws shall be prosecuted accordingly, if appropriate, under the Criminal Code of Canada; and,

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b) In addition to, but not excluding the provisions of Section 14a., a person holding elected Band Council Office shall be removed from office and be barred from participating in the elected affairs of the Band for a period of ten (10) years.

Dated at Glooscap First Nation, in the County of Kings, in the Province of Nova Scotia, this _____ day of _____ _____ .
(month) (year)

_____	_____
Witness	Band Chief
_____	_____
Witness	Councillor
_____	_____
Witness	Councillor
_____	_____
Witness	Councillor

Attachments:

Annex A Regulations Governing Band Elections
Annex B Band Procedural Regulations

Annex A
To Glooscap First Nation
Band Regulations

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Annex A

Regulations Governing Band Elections

1. These regulations may be cited as the Glooscap Band Election Regulations

Interpretation

2. In these Regulations:

a) "Electoral Officer" means a person appointed by the Band Council for the purpose of an Election.

b) "Deputy Electoral Officer" means any person appointed by the Electoral Officer for the purpose of an Election.

c) "Election" means a Band Election held pursuant to the provisions of these regulations.

d) "Elector: means a person who:

i. Is a registered member of the Glooscap Band;

ii. is of the full age of eighteen (18) years; and,

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e) "Glooscap Band" means the Glooscap First Nation who use and benefit from lands that have been set aside for their community.

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Regulations and Definitions

3. Band Council: Shall consist of one (1) Chief and four (4) Councillors.

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4.

a) Elections: Elections shall be held every Five (5) years during the month of February; and,

b) The (10) days for a poll to be conducted, shall be set side for regular elections and by-elections, with midnight on the tenth day being the cut off time for an elector to forward his/her ballot to the electoral officer or his/her deputy. There shall be an additional ten (10) days allowed for receipt of ballots cast within the designated polling dated, to commence at the close of the poll. Should there be a mail disruption during the poll, discretion will be left with the Electoral Officer to devise a method to collect the ballots cast.

5. Term of Office: The term of office for the Chief and Councillors shall be for Five (5) years.

6. Vacancy: The office of Chief or Councillor becomes vacant when:

a) A person who holds that office:

i. is convicted of an indictable offense;

ii. dies or resigns his/her office;

iii. is or becomes ineligible to hold office by virtue of these regulations;

iv. has been absent from meetings of the Council for three consecutive meetings without being authorized to do so; or,

v. was guilty in connection with an election, or corrupt practice, accepting a bribe, or dishonesty.

b) By majority (50%+1) vote of the electors in a referendum, the members judge that the Chief or Councillor is no longer fit to hold officer. The referendum shall be authorized at a special or general meeting by a majority of the members present.

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7. By-Election: By-Elections shall be held to fill any vacancy that occurs pursuant to Section 6 of these regulations within sixty (60) days, unless a general election is imminent within the next six (6) months.

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8. Eligibility of Electors: Must be a Registered member of the Band and Eighteen (18) years of age or over.

9. Eligibility for Office:

a) Shall be a Registered Band Member of Glooscap First Nation;

b) For the office of Chief shall be of the age twenty-five (25) years or over, and

c) For Councillor shall be of the age Eighteen (18) years or over.

10. A person convicted of an indictable offense after the adoption of these regulations by the Band shall not be eligible for elected Band Officer for a period of no less than ten (10) years from the date of conviction.

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11. A person removed from office pursuant to Section 6 of these regulations shall not be eligible for elected Band office for a period of no less than ten (10) years from their date of removal.

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12.

a) Appeal Board: The Appeal Board shall consist of Three (3) Band Members and one (1) non-Band Member as Presiding Officer;

b) The Band Members appointed to the Appeal Board cannot hold Band Elective office or be paid administrative employees of the Band;

c) The Appeal Board is to be appointed by the Members at a General or Special Band Meeting; and

d) A decision must be handed down by the Appeal Board no later than ninety days from receipt of the appeal.

13. Amendments – See Para 11 (a), (b), and (c) of the Band Regulations.

14. Deposits:

a) A deposit of $100.00 (one hundred dollars) shall be required from a candidate for the office of Chief. This deposit shall be forfeited to the Band should the candidate receive any less than 35% of the votes cast;

b) A deposit of $100.00 (one hundred dollars) shall be required from a candidate seeking the office of Band Councillors. This deposit shall be forfeited to the Band should the candidate receive any less than 35% of the votes cast;

c) The deposits shall be deposited with the Director of Administration (cash, money order or certified cheque) no later than ten (10) days prior to the opening of the poll. Failure by a candidate to ensure that his/her deposit is made in the prescribed manner shall result in the name of that candidate being stricken from the ballot and the candidate shall be deemed to have withdrawn from the election process; and

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d) All deposits so forfeited shall be donated to a Band activity or Band charity.

General Band Meeting

15.

a) When a nomination meeting is to be held, the Electoral Officer shall, by mail, notify the electors of the time and place of the meeting;

b) At the time and place specified in the notice, the Electoral Officer shall declare the meeting open for the purpose of receiving nominations and any person who is an elector may propose or second the nomination of any duly qualified person to serve as a Chief or Councillor;

c) A person so nominated may give a brief introduction not exceeding five (5) minutes;

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d) The meeting shall remain open for nominations until such time as a motion is moved, seconded and passed by the Members present to cease nominations. If the number of persons nominated to serve on the Band Council does not exceed the requisite number, the Electoral Officer shall declare the persons so nominated to be duly elected;

e) The Electoral Officer shall not close the electoral portion of the meeting until such business, as he/she considers, may properly be brought before it has been disposed of; and,

f) In the event of more than the required number of persons being nominated for Chief and Councillors, the Electoral Officer shall declare that a poll will be held.

Manner in Which Voting Shall be Carried Out

16.

a) The electoral Officer shall prepare a voters' list containing the names, in alphabetical order, of all electors;

b) The Electoral Officer shall, by mail, send to all electors, copies of the list of Electors;

c) Any elector may apply to have the voters' list revised on the ground that the name of an elector is incorrectly set out therein or the name of a person not qualified to vote is included therein;

d) If the Electoral Officer is satisfied that a list should be corrected, he/she shall make the necessary correction therein;

e) Ballot papers and the secured on-line voting website shall be prepared in the prescribed form containing the names of the candidates for Chief and for Councillors, which names shall be listed on the ballot papers in alphabetical order;

f) Any candidate who has been nominated may withdraw his/her nomination ten days prior to the ballots being taken;

g) The Electoral Officer shall procure or cause to be procured as many ballot boxes as are required for the election;

h) The Electoral Officer shall procude the on-line voting system to every eligible voting member as required for the election;

i) The Electoral Officer shall, before the poll is open, cause to be delivered to the electors' ballot papers and on-line ballots;

j) The Electoral Officer, or his/her deputy, shall provide a safe and secure storage place for the ballot boxes until election day;

k) The poll shall be kept open until all electors present at the meeting desiring to vote have voted;

l) Voting at all Elections shall be by secret ballot; and,

m) The Electoral Officer, or his/her deputy, shall, immediately before commencement of the poll, open the ballot box and call such persons as may be present to witness that it is empty, and that all on-line ballot submissions have been marked read. He shall then

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lock and properly seal the box to prevent it being opened without breaking the seal and shall place it in view for the reception of the balls, and the seal not be broken and not be unlocked during the time appointed for taking the poll.

The Poll

17.

a) Where a person is eligible to vote, the Electoral Officer, or his/her deputy, shall provide him with a ballot paper or on-line ballot in which to register his/her vote;

b) The Electoral Officer, or his/her deputy, shall cause to be placed in the proper column of the voters' list a number opposite the name of every vote receiving a ballot paper or on-line ballot;

c) The Electoral Officer, or his/her deputy, may and when requested to do so, shall explain the mode of voting to a voter;

d) Each person receiving a ballot paper shall mark his/her ballot paper by placing a mark opposite the name of the candidate or candidates for whom her/she desires to vote. He/she shall then place his/her ballot in the unmarked envelope provided. The envelope shall then be placed in the self-addressed envelope and returned to the Electoral Officer by registered mail or hand-delivered, whichever is more convenient to the Elector;

e) A voter who is inadvertently dealt with his ballot paper in such a manner that is cannot be conveniently used shall upon returning it to the Electoral Officer, or his/her deputy, be entitled to obtain another ballot paper and the Electoral Officer, or his/her deputy, shall thereupon write the word "Cancelled" upon the spoiled ballot paper and preserve it;

f) Each person receiving an on-line ballot shall mark his/her ballot through the secure website provided by the Electoral Officer. He/she will place a mark opposite to the name of the candidate or candidates he/she desires to vote for. Each person must click submit to enter their virtual ballot.

g) An elector whose name does not appear on the voters' list may vote at an Election if the Electoral Officer, or his/her deputy, is satisfied that such person is qualified to vote; and,

h) Every elector who is inside the polling place at the time fixed for closing the poll shall be entitled to vote before the poll is closed.

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18. Immediately after the close of the poll the Electoral Officer, or his/her deputy, shall, in the presence of such of the candidates or their agents as may be present, open the ballot box in the band hall; and,

a) examine the ballot papers and reject all ballot papers;

i. that have not been supplied by him/her

ii. by which votes have been given for more candidates than are to be elected, or

iii. upon which anything appears by which the voter can be identified. But no word, letter or marks written or made, or omitted to be written or made by the Electoral Officer, or his/her deputy, on a ballot paper shall void it or warrant its rejection.

b) Declare a ballot paper containing the names of candidates for more than one office, on which votes are given more candidates for any office than are to be elected, to be void as regards all the candidates for such office, but such ballot paper shall be good as regard to the vote for any other offices in respect of which the voter has not voted for more candidates than are to be elected.

c) The Electoral Officer or his/her deputy shall, in the presence of such candidates or their agents, may be present to declare the on-line ballots containing the names of candidates for any office that are to be elected. The Electoral Officer or his/her deputy will also examine the validity of the compiled data submissions upon entry.

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d) Subject to review on recount or on an election appeal, take a note of any objection made by any candidate, or his/her agent, to any ballot paper or on-line ballot found in the ballot box or on-line submissions and decide any question arising out of the objection;

e) Number such objection and place a corresponding number on the back of the ballot paper with the word “Allowed” or “Disallowed”, as the case may be, with his initials; and,

f) Count the votes given for each candidate from the ballot papers not rejected and make a written statement of the number of votes given to each candidate and the number of ballots rejected and not counted by him/her, which statement shall be then signed by him/her and such other persons authorized to be present as may desire to sign the

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statement.

19. Immediately after the completion of the counting of the votes the Electoral Officer shall publicly declare to be elected, the candidate or candidates having the highest number of votes and he shall also post, in some conspicuous place, a statement signed by him showing the number of votes cast for each candidate.

20. Where it appears that two or more candidates have an equal number of votes the Electoral Officer shall give a casting vote for one or more of such candidates, but the Electoral Officer shall not otherwise be entitled to vote.

21.

a) The Electoral Officer shall prepare a statement showing the total number of votes cast for each candidate, the number of rejected ballots and the names of the candidates duly declared elected;

b) One copy of such statement shall be forwarded to the Director of Administration, one copy to the District Office of the Department of Indian Affairs and one copy of the Electoral Officer's records; and,

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c) The statement shall be signed by the Electoral Officer and such of the candidates or their agents as are present and desire to sign it.

Disposition of Ballot Papers

22. The Electoral Officer shall deposit all ballot papers in sealed envelopes with the Director of Administration who shall retain them in his/her possession for eight weeks and, unless otherwise directed, shall then destroy the ball papers in the presence of two witnesses who shall make a declaration that they witnesses the destruction of those papers.

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Election Appeals

23.

a) Within 30 days after an Election, any candidate at the Election or any elector who gave or tendered his vote at the Election who has reasonable grounds for believing that;

i. there was corrupt practice in the connection with the Election,

ii. there was a violation of these Regulations that might have affected the result of the Election, or

iii. a person nominated to be a candidate in the Election was ineligible to be a candidate.

may lodge an appeal by forwarded, by registered mail, to the Appeal Board, particulars thereof, duly verified by affidavit;

b) Where an appeal is received by the Appeal Board pursuant to subsection (a), the Appeal Board shall within seven (7) days of the receipt of the appeal, forward a copy of the appeal, together with all supporting documents, by registered mail to the Electoral Officer and to each candidate in the election;

c) Any candidate may, within fourteen (14) days of the receipt of the copy of the appeal, forward to the Appeal Board, by registered mail or by hand, a written answer to the particulars set out in the appeal together with any supporting documents related thereto duly verified by affidavit.

d) All particulars and documents filed in accordance with the provisions of this section shall constitute and form the record.

24.

a) The appeal Board may, if the material that has been filed is not adequate for deciding the validity of the Election complained of, conduct such further investigation into the matter as it deems necessary;

b) Such investigation may be held by the Appeal Board or by any person designated by the Appeal Board for the purpose; and,

c) Where the Appeal Board designates a person to hold such an investigation that person shall submit a detailed report of the investigation to the Appeal Board for its consideration.

25. Where it appears that:

a) there was corrupt practice by a candidate in connection with an Election;

b) there was a violation of these Regulations that potentially affected the result of an election; or,

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c) a person nominated to be a candidate in an election was ineligible to be a candidate.

d) The Appeal Board shall aside the Election of the affective candidate(s).

Secrecy of Voting

26.

a) Every person in attendance at a polling place or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting;

b) Every person voting on-line shall do so individually, and maintain and aid in maintaining the secrecy of their voting; and,

c) No person shall interfere or attempt to interfere with a voter when marking his ballot paper or obtain or attempt to obtain at the polling place information as to how a voter is about to vote or has voted.

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Annex B
To Glooscap First Nation
Band Regulations

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Annex "B"

Band Procedural Regulations

1. These Regulations may be cited as the Glooscap Band Procedural Regulations.

Interpretation

2. In these Regulations:

a) "*Council"* means the Council of the Band, elected pursuant to the Band's Election Regulations;

b) *"Band Adminitrator"* means the administrative appointee of the Band Council; and,

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c) "*Secretary*" means the person appointed by the Band Council to record the minutes of the Council meeting.

Meeting of the Council

3.

a) The first meeting of the Council shall be held not later than two weeks (14 days) after it assumes office; on a day, hour and place to be stated in a written notice given to each member of the Council by the Chief or Director of Administration and meetings shall thereafter be held on such days and at such times as may be necessary to conduct the business of the Band or Band Council;

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b) There shall, however, no less than one meeting held each quarter;

c) No member of a Council may be absent from meetings of the Council for three (3) consecutive meetings without being authorized to do so by the Chief or Deputy Chief with the consent of the majority of the Councillors of the Band;

d) The Chief or the Deputy Chief may at any time summon a special meeting of the Council and shall summon a special meeting when requested to do so by a majority of

the Council; and,

e) The Director of Administration shall notify each member of the Council of the day, hour and place of the meeting.

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Order and Proceedings

4. At the first meeting of the Council, one of the Councillors shall be appointed Deputy Chief by a majority of the Councillors present. This appointment shall be for one year period serving the term of office of the Council and for each succeeding year of the Council's term of office a Deputy Chief may be reappointed or a new Deputy Chief selected from the Council members present. The duties of the Deputy Chief are to act as Chief during the absence, illness or other indisposition of the Chief.

5. A majority of the whole Council shall constitute a quorum

6. If no quorum is present within one (1) hour after the time appointed for the meeting, the secretary shall call the roll and take the names of the members then present and the Council shall stand adjourned until the next meeting.

7. The Chief of the Band or during his/her absence the Deputy Chief shall be the presiding officer.

8. Upon a quorum being present, the presiding officer shall take their chair and call the meeting to order.

9. The presiding officer shall maintain order and decide all questions of procedure.

10. The order of business at each regular meeting shall be as follows:

a) reading (correction, if any) and adoption of the minutes of the previous meetings;

b) unfinished business;

c) presentation and reading of correspondence and petitions;

d) presentation and consideration of reports of committees;

e) new business;

f) hearing deputations; and,

g) adjournment.

11. Each resolution shall be presented or read by the mover, and when duly moved and seconded and placed before the meeting by the presiding officer, shall be open for consideration.

12. After a resolution has been placed before the meeting by the presiding officer it shall be deemed to be in the possession of the Council, but it may be withdrawn by consent of the mover and seconder.

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13. When any member desires to speak, he shall address his remarks to the presiding officer and confine himself to the question then before the meeting.

14. In the event of more than one member desiring to speak at one time, the presiding officer shall determine who is entitled to speak.

15.

a) The presiding officer or any member may call a member to order while speaking and the debate shall then be suspended and the member shall not speak until the point of order is determined; and,

b) A member may speak only once on a point or order.

16. Any member may appeal the decision of the presiding officer to the Council and all appeals shall be decided by a majority vote and without debate.

17.

a) All questions before the Council shall be decided my a majority vote of the Councillors present; and,

b) The presiding officer shall not be entitled to vote but whenever the votes are equal, the presiding officer shall cast the deciding vote.

18. Every member present when a questions is put shall vote thereon unless the Council excuses him/her or unless he/she is personally interested in the question, in which case he/she shall not be obligated to vote.

19. A member who refuses to vote shall be deemed to vote in the affirmative.

20. For the purpose of Council voting, all votes shall be taken by a show of hands, unless a division of the Council is deemed necessary.

21. Any member may require the question or resolution under discussion to be read for his information at any period of the debate, but not so as to interrupt a member who is speaking.

22.

a) The regular meetings shall be open to members of the Band and no member shall be excluded therefrom except for improper conduct, unless it is an in camera meeting; and,

b) The presiding officer may expel or exclude from any meeting any person who causes a disturbance at the meeting.

23. The Council may at the first meeting thereof appoint, in lieu of the committee of the whole Council, the following standing committees:

a) Finance;

b) Roads and Bridges;

c) Welfare;

d) Housing;

e) Recreation; and,

f) Social/Economic Committee.

24. The Council may appoint special committees on any matters as the interests of the Band may require.

25. A majority of the members of a committee shall be a quorum.

26. The Chief of the Band shall be an ex-officio member of all committees and be entitled to vote at all meetings thereof, and other members of the Council may attend meetings of a committee and may, with the consent of the committee, take part in the discussion but shall not be entitled to vote.

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27. The general duties of standing and special committees are:

a) to report to the Council from time to time as often as the interests of the Band may require, all matters connected with the duties imposed on them respectively and to recommend such action by the Council, in relation thereto, as they may deem necessary and expedient; and,

b) to consider and report upon all matters referred to them by the Council or by the Chief of the Band.

28. Special meetings of committees shall be called at the request of the chairman or a majority of the committee, or, in the absence of the chairman on request of the Chief of the Band.

29. The Council may make such rules of procedure as are not inconsistent with these Regulations in respect of matters not specifically provided for, thereby, as it may deem necessary.

30. A member of the Band Council who knowingly violates and provision of these Regulations is subject to the suspension from Council and loss of honorarium for a period not to exceed ninety (90) days.

Band Regulation Review

31. The Council must review the Band Regulations once per term of office to ensure its accuracy and effectiveness and propose any recommended changes to the membership at a subsequent annual general meeting.

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