



TZEACHTEN FIRST NATION RATIFICATION PROCESS



(As Outlined in the Tzeachten First Nation Land Code Section 4.9)

Approval by Ratification Vote

4.9 Prior to passing a Law or making a final decision on any of the following, approval by a Ratification Vote at a Special Membership Meeting must be obtained:

a) A disposal or grant of an Interest in Community Lands having term or more than 15 years;

- 1) **Issues to be considered:** when Tzeachten electors are approving any of the above, several key issues should be considered before the vote takes place:
 - a. the **social and cultural influence** of the lease, permit or other interest;
 - b. the **economic impact** of the lease, permit or other interest on the Tzeachten First Nation;
 - c. the **environmental consequences** of the proposed transaction;
 - d. the **compatibility** of the lease, permit or other interest **with Tzeachten First Nation Law/Bylaws**.

The above information must be included in an information document prepared by the proponent or developer.

- 2) **Approval by Electors:** All community land leases, permits or other interests with terms of more than 15 years must be approved by a majority of the eligible electors of the Tzeachten First Nation called to vote on the proposed lease. Both on/off-reserve electors must be consulted. Informed decision-making, it is important that all eligible electors make an informed decision.
 - a. **Notice:** The notice should include the date, time, location of the poll, information meeting date, time, place, legal description of the land, the term, the proposed use of the property, and the rent. Tzeachten First Nation (TFN) must ensure that all information concerning the decision, which TFN knows is available, is made available to the electors.
 - b. **Copies of the Lease:** Copies of the proposed lease should be made available for review by the Tzeachten electors prior to the meeting.
- 3) **Tzeachten First Nation Approval of a long term lease, permit or other registered interests:**

Before the Tzeachten First Nation will approve a community lease, permit or other registered interest in excess of 15 years, the Tzeachten First Nation electors must assent to the lease, permit or other registered interest, by way of a ratification vote. Tzeachten First Nation should receive from the Electoral Officer:

 - a. a copy of the notice of the vote;
 - b. a results statement.
- 4) **Modifying Long-term Leases:** Holding a new vote of First Nation electors to confirm amendments or modifications to an approved long-term community land lease, permit or other registered interest is not usually necessary. However, a vote is required where the amendment or modification involves:

- a. an extension of the lease, permit or other registered interest term;
- b. an extension of the area covered by the lease, permit or other registered interest;
- c. a substantial change in the proposed use of the lease, permit or other registered interest.

5) **To ensure both on and off reserve First Nation Electors have an opportunity to participate in this process**, and are provided with sufficient information to make an informed decision on the issue, Tzeachten First Nation has adopted a modified "referendum-like" process, with a simple majority voting requirement of those electors that voted in the referendum.

The proponent is responsible for all costs involved in this ratification process.

6) **Ratification Process:**

- a. As soon as it is known to the Lands Manager that a community land lease, permit or other registered interest is required with a term over 15 years, the Lands Manager will inform the parties of the requirement for a vote by the Tzeachten First Nation membership and advise them to discuss this with Chief and Council as the vote is conducted by the Tzeachten First Nation or a third party contractor.
- b. Once the lease, permit or other registered interest is substantially in its final form (note that this need not be a true final form) as long as the membership is aware that it is still a draft, the Lands Manager works with the proponent to develop:
 - Ballot Wording;
 - An information document, Tzeachten Ratification Process sets out requirements for the information document;
 - A notice of location lease vote, Tzeachten Ratification Process sets out information required for notice.
- c. The Lands Manager determines an appropriate vote date and times and appoints an electoral officer for the purposes of the vote. The vote date must be at least 15 days after the packages are posted and mailed. There should be an Information meeting as well which may be held immediately prior to the vote. The poll must be open for a reasonable period of time to allow voters access to the poll a minimum of 6 hours.
- d. At least 15 days prior to the vote, the electoral officer posts notice on the Tzeachten reserve in conspicuous places and mails to off-reserve members:
 - Notice of Vote;
 - Ballot & separate ballot envelope;
 - Prepaid envelope to return the ballot;
 - Instructions for voting;
 - Copy of the information document;
 - Voter declaration.
- e. At the close of the poll the electoral officer will immediately count all ballots including mail in ballots and post the result statement at the Tzeachten First Nation Office. The electoral officer will prepare at least 3 copies of the notice and deliver to the Tzeachten Lands Office.

- f. The results statement will include the following information and be signed and witnessed by the electoral officer:

Total Number of Electors: _____;

Total Number of Votes Cast: _____;

Votes cast in favour of the lease, permit or other registered interest _____;

Votes cast against the lease, permit or other registered interest _____;

Number of Ballots Spoiled _____;

Number of Rejected Ballots _____.