



scəw'aθən məsteyəx<sup>w</sup>

TSAWWASSEN FIRST NATION

2009

# GOVERNMENT ORGANIZATION ACT

**Date Enacted: 3 April 2009**

*Last Consolidation: 22 June 2021*

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## Table of Legislative Changes

Name of Act	Bill Number	Date Enacted	Section(s) Amended	Comes Into Force Date
Government Organization Amendment Act, 2014	005-2014	20/11/2014	s.13(b) amended	20/11/2014
Recognition of the Squigel Act	002-2015	09/03/2015	s.2 amended (definition added) s.13 (4) repealed s.21.1 added s.27 (1.1) added s.27 (1) (c) amended	09/03/2015
Increasing the Size of the Legislature Act	003-2015	09/03/2015	s.5(b) amended	09/03/2015
Dual Roles Amendment Act	002-2016	29/02/2016	s.2 amended (definitions added) s.39.1 added	29/02/2016
Clerical Amendments Act	004-2017	05/06/2017	s.2 amended Division 6 title added s.47(1) amended	05/06/2017
Dual Role Prohibitions for Corporate Employees Act	002-2018	08/11/2018	s.39.01 and s.39.2 added	08/11/2018
Dual Roles Amendment Act No. 2	004-2020	17/11/2020	s. 2 amended s.39.1 repealed and replaced	17/11/2020
Legislator Stipend Amendment Act	002-2021	10/06/2021	s. 13(1) amended	10/06/2021

# **TSAWWASSEN FIRST NATION**

**2009**

## **GOVERNMENT ORGANIZATION ACT**

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Tsawwassen Legislature enacts as follows:

#### Title

- 1 This Act may be called the *Government Organization Act*.

#### Definitions

- 2 In this Act

“**advisory council**” means the advisory council established by Executive Council under section 37 [*Advisory Council*];

“**chief**” means the person elected as chief of the Tsawwassen First Nation under the *Election Act* or the person appointed as acting chief under this Act;

“**chief administrative officer**” means the person appointed to that position under section 40 [*Position of the chief administrative officer*];

“**employee**” means an employee of the Tsawwassen Government, whether full time or part time, but does not include

(a) the chief administrative officer, or

(b) an employee of a corporation controlled by Tsawwassen First Nation

“**Executive Council**” means the Executive Council established by section 28 [*Executive Council established*];

“**Executive Political Office**” means the political office of chief, acting chief or member of executive council;

“**final agreement**” means the Tsawwassen First Nation Final Agreement signed on behalf of Tsawwassen First Nation, Her Majesty the Queen in Right of Canada, and Her Majesty the Queen in Right of British Columbia;

“**legislator**” means a person elected to the office of legislator under the *Election Act*;

“**members of the legislature**” means the chief and legislators;

“**political leave**” means the leave of absence referred to in section 11.1 of the *Government Employees Act*;

“**registry of laws**” means the registry of laws established by section 46 [*Registry of laws*];

“**sitting day**” means any day or part of a day that the Tsawwassen legislature conducts its business or affairs in session;

“**term**” means a term of the Tsawwassen Legislature referred to in Part 1 of the *Election Act*;

“**Tsawwassen constitution**” means the Constitution of the Tsawwassen First Nation, as amended from time to time;

“**Tsawwassen First Nation**” means the collectivity that comprises all Tsawwassen individuals;

[Amended by Bill 004-2017; enacted June 5 2017]

“**Tsawwassen Government**” means the government of Tsawwassen First Nation as referred to in clause 2 of Chapter 16 [*Governance*] of the final agreement;

**“Tsawwassen Lands”** means the lands set out in Appendix C-4 of the final agreement as Tsawwassen Lands, as amended from time to time under that agreement;

**“Tsawwassen legislature”** means the Legislature of the Tsawwassen First Nation established by section 4 [*Tsawwassen legislature established*];

**“Tsawwassen Member”** means a Tsawwassen individual who is enrolled under the final agreement in accordance with the eligibility and enrolment chapter.

[Amended by Bill 002-2015; enacted on March 9 2015]

[Amended by Bill 002-2016; enacted February 29 2016]

[Amended by Bill 004-2020; enacted November 17 2020]

## **PART 1 – COMPONENTS OF TSAWWASSEN GOVERNMENT**

### **Tsawwassen government**

- 3** As stated by section 5.2 of the Tsawwassen constitution, the Tsawwassen government consists of:
- (a) the Tsawwassen legislature,
  - (b) the chief,
  - (c) Executive Council,
  - (d) Judicial Council, and
  - (e) advisory council.

### **Division 1 – Tsawwassen Legislature**

#### **Tsawwassen legislature established**

- 4** The Legislature of the Tsawwassen First Nation is established as a permanent institution.

#### **Composition of the Tsawwassen legislature**

- 5** The Tsawwassen legislature is composed of
- (a) the chief, and
  - (b) 13 legislators elected in accordance with the *Election Act*.

[Amended by Bill 003-2015; enacted on March 9 2015]

#### **Quorum**

- 6** A quorum for a meeting in session of the Tsawwassen legislature is a majority of members of the legislature and as long as a quorum is present the legislature may conduct its business and affairs.

#### **Consensus decision-making**

- 7** Members of the legislature must seek to make decisions by consensus acting in the best interest of the Tsawwassen First Nation.

#### **Proceedings in the Tsawwassen legislature**

- 8** (1) The Tsawwassen legislature may establish procedures and rules to govern the conduct of its business and affairs.

- (2) The procedures and rules may, without limitation:
  - (a) govern the introduction, processing and discussion of proposed Acts and, if consensus cannot be reached, rules for voting on proposed Acts and amendments proposed to them as they are processed through the legislature;
  - (b) provide an opportunity for public involvement in or comment on proposed Acts;
  - (c) establish procedures and a process for vetting, introducing and voting on amendments to proposed Acts;
  - (d) establish rules governing decorum in the Tsawwassen legislature;
  - (e) govern the role and authority of the squigel and the rules for choosing a legislator to serve in the Office of Squigel established by section 16 [Office of Squigel];
  - (f) specify the process for choosing a deputy squigel to act in the absence of the squigel;
  - (g) establish rules for appointment of committees of members of the legislature, with or without others, whether they are special or standing committees, their duties and responsibilities, and their rules of conduct or delegating the authority to make rules of conduct to the committee;
  - (h) describe the circumstances under which and the procedure by which the Tsawwassen legislature may call a special session of the Tsawwassen legislature;
  - (i) govern the adjournment and, if necessary, the extension of sessions;
  - (j) describing the circumstances which justify the absence of a legislator from a sitting of the legislature which, if the circumstances exist, means section 13(2) [Stipend of legislators] does not apply to the legislator;
  - (k) govern the procedure for expressing the views of the Tsawwassen legislature on matters other than proposed Acts;
  - (l) specify the notice to be given to legislators and the public that a session of the Tsawwassen legislature will be or is being held, or both;
  - (m) govern the effect of a tie vote in the Tsawwassen legislature and how the tie is to be broken;
  - (n) describe ceremonies to be performed and observed and the nature of them.

#### **Consultation with non-members**

- 9 (1) If a proposed Act or a proposed regulation, or an amendment to either of them, will directly and significantly affect non-members, Executive Council, in accordance with clause 17 of chapter 16 [*Governance*] of the final agreement, must
  - (a) give public notice of the proposal in accordance with subsection (2),
  - (b) give notice to any organization representing non-members who notify Executive Council that they wish to receive notice under this section,
  - (c) include in the notice or otherwise provide information about where significant information in respect to the matters proposed can be obtained to permit a person to prepare views on the matter,
  - (d) provide a reasonable period of time to permit views on the proposal to be prepared,

- (e) provide an opportunity for views on the proposal to be presented, and
  - (f) fully and fairly consider any views presented.
- (2) Public notice may be given in any one or more of the following ways:
- (a) by publishing the notice in the Tsawwassen First Nation community newsletter;
  - (b) by posting the notice in one or more visible locations in the Tsawwassen administration office;
  - (c) by delivering the notice to each person who may be affected;
  - (d) by publishing the notice on the Tsawwassen First Nation website.
- (3) In this section “**non-member**” means an individual who has reached the age of majority, who is ordinarily resident on Tsawwassen Lands, and who is not a Tsawwassen Member.

### **Sessions of Tsawwassen legislature**

- 10** (1) Executive Council
- (a) must, in accordance with section 5.11 of the Tsawwassen constitution, call the Tsawwassen legislature into session at least once each year and state the date the session is to start and to end;
  - (b) may call the Tsawwassen legislature into a special or emergency session as the circumstance require and state the dates on which the session is to start and end.
- (2) The Tsawwassen legislature may call the Legislature into a special session not more than once each year in accordance with its proceedings and rules.
- (3) The date on which a session is to end may be extended in accordance with the rules of the Tsawwassen legislature.

### **Location of sessions**

- 11** Executive Council must decide on the location of every session of the Tsawwassen legislature, irrespective of who calls the legislature into session and, whenever practicable, the Tsawwassen legislature must conduct its business and affairs at a location on Tsawwassen Lands.

### **Public sessions**

- 12** Sessions of the Tsawwassen legislature are open to the public.

### **Stipend of legislators**

- 13** (1) Each legislator is to receive an annual stipend payable at a rate set by regulation.
- [Amended by Bill 002-2021; enacted on June 10 2021]*
- (2) Unless the rules and procedures of the Tsawwassen legislature otherwise provide, if a legislator is absent from the Tsawwassen legislature during sitting days, that legislator’s stipend is reduced by \$200 for every sitting day the legislator did not attend.
- [Amended by Bill 005-2014; enacted on November 20 2014]*
- (3) On January 1, 2011 and on each January 1 after that, the annual stipend payable to legislators must be adjusted in accordance with the Schedule to this Act.



(4) [Repealed by Bill 002-2015; enacted on March 9 2015]

- (5) Each legislator will receive a per diem payment, as set out in the rules and procedures of the Tsawwassen Legislature, for attending special workshops convened by Executive Council to brief legislators on service plans and budgets and to provide special information on issues of significance and relevance to future TFN strategic policy.

#### **Living, travel and accommodation expenses**

- 14** Legislators, other than legislators who are members of Executive Council, are entitled to receive travel, living and accommodation expenses if
- (a) the expenses are incurred in the course of their responsibilities as legislators,
  - (b) the claim is in accordance with regulations respecting living, travel and accommodation expenses made under the Government Employees Act,
  - (c) the claim is certified by the legislator to be true, and
  - (d) the claim is verified by the chief administrative officer.

#### **Certificate of qualification**

- 15** (1) The Executive Council may for the purposes of section 8 [*Eligibility to be a candidate for chief*] and section 9 [*Eligibility to be a candidate for legislator*] of the *Election Act*, prescribe a form of certificate of qualification which members of the legislature must complete, confirming those matters required by the form.
- (2) Members of the legislature, at least once each year, must
- (a) confirm that the certificate of qualification filed as candidate under the *Election Act* continues to be accurate and complete, or
  - (b) if there has been a change in the member's circumstances, file with the chief administrative officer a supplementary certificate of qualification.

### **Division 2 – The Squigel [Speaker]**

#### **Office of Squigel**

- 16** The Office of Squigel of the Tsawwassen legislature is established.

#### **Choosing the squigel**

- 17** (1) The squigel must be a legislator chosen by the members of the legislature during the first session of the Tsawwassen legislature following a general election under the *Election Act*.
- (2) The squigel must be chosen in accordance with the procedures and rules of the Tsawwassen legislature.

#### **Term of office**

- 18** (1) The squigel holds office as squigel for the balance of her or his term of office as legislator, unless a vote to remove the squigel is held and 2/3 of those members of the legislature present and voting vote to remove the squigel.
- (2) The squigel is removed from office effective on the announcement of a vote in favour of removal.

### **Vacancy in the office of squigel**

- 19** If there is a vacancy in the office of squigel, a legislator must be chosen as soon as practicable in accordance with the procedures and rules of the Tsawwassen legislature.

### **Functions of the squigel**

- 20** In addition to any other responsibilities conferred on the squigel by the procedures and rules of the Tsawwassen legislature, the squigel is responsible for
- (a) chairing sittings of the Tsawwassen legislature,
  - (b) seeking or encouraging consensus among members of the legislature,
  - (c) maintaining order and decorum in the Tsawwassen legislature, and
  - (d) provide a reasonable opportunity to speak in the Tsawwassen legislature for those members of the legislature who wish to do so.

### **Right to vote**

- 21** A legislator who holds the Office of Squigel continues to be entitled to vote as a legislator in the Tsawwassen legislature.

### **Squigel's stipend**

- 21.1** (1) The squigel is to receive the aggregate of:
- (a) an annual stipend as a member of the legislature, payable at the rate set out under section 13 [Stipend of legislators]; and
  - (b) a \$100 per meeting honorarium, pinned to the Squigel's regalia at each meeting.
- (2) If the Squigel is not present at a sitting of the legislature, the legislator appointed pursuant to the Legislature Rules and Procedures Manual to assume the duties of the Squigel is to receive a \$50 honorarium per sitting day.

*[Amended by Bill 002-2015; enacted on March 9 2015]*

## **Division 3 – Office of Chief**

### **Office of Chief**

- 22** The office of Chief of the Tsawwassen First Nation is established.

### **Status of the chief**

- 23** The chief is
- (a) the chief of the Tsawwassen First Nation,
  - (b) the head of the Tsawwassen legislature, and
  - (c) a member and the head of Executive Council.

### **Responsibilities of the chief**

- 24** (1) The responsibilities of chief include:
- (a) upholding the dignity and honour of the office of Chief of the Tsawwassen First Nation;
  - (b) overseeing the activities of the overall government of the Tsawwassen First Nation acting in the best interests of the Tsawwassen First Nation;
  - (c) representing the Tsawwassen government, as required, at ceremonial, official and other events or activities, in Canada and elsewhere.

- (2) The chief may, when he or she is temporarily unable to fulfill her or his responsibilities, delegate or assign the powers, duties or responsibilities of the chief, or any one or more of them to
  - (a) Executive Council,
  - (b) a member of Executive Council, or
  - (c) a committee of Executive Council,or to any combination.

#### **Vacancy in the office of chief**

- 25** If a vacancy occurs in the office of chief, the remaining members of Executive Council must
- (a) appoint from among themselves an acting chief, or
  - (b) if no member of Executive Council is willing to be appointed as acting chief, or if they cannot agree, Executive Council must appoint a legislator who is not a member of Executive Council as acting chief.

#### **Acting chief**

- 26** (1) An acting chief has the same authority, duties, functions and responsibilities as the chief.
- (2) The acting chief holds office as chief until a by-election, or general election, fills the vacancy in the office of chief.
- (3) If
- (a) a member of Executive Council is appointed as acting chief, and
  - (b) a legislator is appointed to Executive Council to fill the vacancy on Executive Council
- then, once a by-election for chief fills the office of chief, if the acting chief is not elected as chief in the by-election, the acting chief reverts to being a member of Executive Council and the legislator who was appointed to Executive Council to fill the vacancy ceases to be a member of Executive Council.
- (4) If the acting chief was appointed from legislators who were not on Executive Council and a by-election fills the office of chief, the acting chief ceases to hold office as acting chief and continues in office for the remainder of her or his term as legislator.
- (5) An acting chief is entitled to be paid at the same rate as the chief while the acting chief holds office.

#### **Chief's salary and expenses**

- 27** (1) The chief is to receive the aggregate of:
- (a) an annual salary payable at the rate set by Executive Council after considering a report on salaries and remuneration of persons having similar authority and responsibility elsewhere in British Columbia;
  - (b) an annual salary as a member of Executive Council payable at the same rate as is specified by Executive Council under section 34(1) [Executive Council member's salary];
  - (c) an annual stipend payable at the same rate as that payable to legislators under section 13.

*[Amended by Bill 002-2015; enacted on March 9 2015]*

- (1.1) Unless the rules and procedures of the Tsawwassen legislature otherwise provide, if the chief is absent from the Tsawwassen legislature during sitting days, the chief's stipend under section 27 (1) (c) is reduced by \$200 for every sitting day the chief did not attend.

*[Amended by Bill 002-2015; enacted on March 9 2015]*

- (2) On January 1, 2011 and on each January 1 after that, each component of the annual compensation payable to the chief must be adjusted in accordance with the Schedule to this Act.
- (3) The chief is entitled to receive travel, living and accommodation expenses if
- (a) the expenses are incurred in the course of her or his responsibilities as chief;
  - (b) the claim is in accordance with regulations respecting living, travel and accommodation expenses made under the Government Employees Act, and
  - (c) the claim is certified by the chief as true, and
  - (d) the claim is verified by the chief administrative officer.

## **Division 4 – Executive Council**

### **Executive Council established**

- 28** (1) Executive Council is established composed of
- (a) the chief, and
  - (b) 4 legislators appointed by the chief in accordance with subsection (2).
- (2) The 4 legislators holding office as members of Executive Council must be appointed by the chief and determined as follows:
- (a) the 4 members who receive the highest number of votes in a general election under the Election Act and who accept the appointment to Executive Council become members of Executive Council, with any tie being broken in accordance with the Election Act;
  - (b) if a vacancy occurs in an office of one or more of the 4 members of Executive Council, the legislator with the next highest number of votes at the immediately preceding general election, and who accepts the appointment, becomes a member of Executive Council.

### **Meetings of Executive Council**

- 29** (1) Executive Council must meet at the call of the chief in accordance with procedures for the calling and conduct of meetings established by Executive Council.
- (2) Unless otherwise provided in rules of the Executive Council, the chief presides at meetings of Executive Council.

### **Rules and procedures of Executive Council**

- 30** (1) Executive Council may make rules and procedures for the conduct of its business and affairs.
- (2) Executive Council rules and procedures may include, without limitation,
- (a) rules for the notice, calling of and conduct at meetings of Executive Council;

- (b) the means or manner by which meetings may be held and how members of Executive Council may attend or participate in them;
- (c) rules for attendance at meetings of Executive Council, and the consequences of non-attendance, including reducing the salary of the member of Executive Council by an amount specified by the rule;
- (d) the means by which decisions are to be reached by Executive Council.

#### **Exercising natural person powers and responsibilities**

- 31**
- (1) Executive Council is delegated the Tsawwassen First Nation's capacity, rights, powers and privileges of a natural person described in the final agreement and may, subject to Tsawwassen law, make rules for the exercise of natural person authority, who may exercise the authority, and any terms and conditions for the exercise of that authority, including
    - (a) signing officers for contracts, agreements and arrangements;
    - (b) signing officers for the commitment to obligations and the expenditure of money.
  - (2) Executive Council is responsible for the general management, administration, operation and good government of the Tsawwassen First Nation.
  - (3) Executive Council is responsible for
    - (a) preparing proposed Acts and amendments to Acts for consideration by the Tsawwassen legislature, and the preparation of necessary regulations;
    - (b) assisting the Tsawwassen legislature in the performance of its functions as required;
    - (c) undertaking responsibilities assigned to it by the Tsawwassen legislature;
    - (d) acting in accordance with Tsawwassen law;
    - (e) ensuring that the requirements of the final agreement are satisfied.
  - (4) Executive Council may, in writing, delegate all or any of its duties, powers and responsibilities to the chief administrative officer, with or without conditions, but may not delegate the authority to make regulations under this or any other Act.

#### **Structure of departments and administration**

- 32**
- (1) Executive Council may make regulations, subject to any other Act or regulation,
    - (a) establishing departments to administer the functions of government;
    - (b) respecting the preparation and delivery of any reports and information to the Tsawwassen legislature or otherwise from time to time as is required.
  - (2) The chief may assign duties and responsibilities to each member of Executive Council, including assigning a member of Executive Council to be responsible for the administration of a department or other component of government or all or part of an Act and regulations under the Act.

#### **Boards, committees and experts**

- 33**
- (1) Executive Council may
    - (a) appoint boards, committees or experts to investigate, consider or advise it,
    - (b) specify terms of reference and the length of the appointment, and
    - (c) provide for payment of reasonable remuneration and expenses.

- (2) Executive Council may appoint one of its members or any other person to a committee, board, institution established by another government or government body or other entity and specify the term of appointment, terms and conditions of appointment and may provide for payment of honorarium and expenses.

#### **Executive Council member's salary**

- 34** (1) In addition to the stipend a member of Executive Council receives as legislator, each member of Executive Council is to receive an annual salary as a member of Executive Council payable at a rate set by Executive Council after considering a report on salaries and remuneration of persons having similar authority and responsibility elsewhere in British Columbia.
- (2) On January 1, 2011 and on each January 1 after that, the annual salary payable to members of Executive Council is to be adjusted in accordance with the Schedule to this Act.
- (3) A member of Executive Council is entitled to receive travel, living and accommodation expenses if
  - (a) the expenses are incurred in the course of the Executive Council member's responsibilities;
  - (b) the claim is in accordance with regulations respecting living, travel and accommodation expenses made under the Government Employees Act,
  - (c) the claim is certified by the member of Executive Council as true, and
  - (d) the claim is verified by the chief administrative officer.
- (4) This section does not apply to the chief or the chief's salary and expenses which are determined and paid under section 27 [*Chief's salary and expenses*].

#### **Additional compensation**

- 35** Executive Council may make regulations providing for additional compensation payable on a daily rate to members of Executive Council who are appointed or who undertake functions or responsibilities in addition to their regular responsibilities.

#### **Benefits**

- 36** Executive Council may establish or arrange for participation in plans respecting health, sickness, disability, pension and other appropriate benefit plans, schemes or arrangements and provide for the persons entitled to participate in them and the terms and conditions of participation.

### **Division 5 – Advisory Council**

#### **Advisory Council**

- 37** (1) Executive Council must establish an advisory council by regulation.
- (2) After receiving advice from a general assembly of Tsawwassen Members, Executive Council, by regulation, may
  - (a) provide for the composition of advisory council consisting of Tsawwassen Members who represent various interests of the Tsawwassen First Nation;
  - (b) describe the manner in which members of advisory council are to be selected, appointed or elected, how many advisory council members there are to be and their terms of office;

- (c) specify time or times at which members will be appointed, selected or elected;
- (d) establish the procedures of the advisory council, or giving that responsibility to the advisory council;
- (e) describe the means by which information may be requested by advisory council from the Tsawwassen government and the terms and conditions of providing it;
- (f) respecting a code of ethical conduct and the circumstances under which membership may be terminated and by whom.

#### **Functions of advisory council**

- 38** (1) In accordance with section 5.25 of the Tsawwassen constitution, advisory council is to be available from time to time to hear ideas and concerns of Tsawwassen Members and to prepare and present these to the Tsawwassen legislature and Executive Council.
- (2) Advisory council may perform any functions that are necessary for the benefit of the Tsawwassen First Nation including giving advice on proposed Tsawwassen laws.
- (3) If it considers that there is a pressing need to do so, advisory council may request Executive Council to call a special session of the Tsawwassen legislature.

#### **Honorarium and expenses for advisory council**

- 39** Executive Council may make regulations prescribing rates of honorarium and expenses payable to members of advisory council for attending meetings and performing the functions required of them.

### **Division 6 – Dual Roles**

#### **Definitions and Interpretation**

- 39.01** (1) In this Division,
- “**controlled**”, in respect of a corporation, means
- (a) the right to exercise, directly or indirectly, a majority of the votes which may be voted at a meeting of the shareholders of the corporation, or
  - (b) the right to elect or appoint, directly or indirectly, a majority of the directors of the corporation;
- “**employee**” includes a person employed by a corporation controlled by Tsawwassen Government.

*[Amended by Bill 002-2018; enacted on November 8 2018]*

#### **Dual roles**

- 39.1** (1) Notwithstanding section 28, neither:
- (a) an employee; nor
  - (b) the chief administrative officer
- is eligible to hold any Executive Political Office unless such individual is on political leave.

- (2) If an employee or the chief administrative officer is declared elected or appointed to any Executive Political Office and does not take political leave before:
  - (a) if elected as chief or appointed to Executive Council, the start of that term;
  - (b) if appointed as acting chief, 10 days after the date of appointment;
 that individual is deemed to have resigned from that Executive Political Office.
- (3) If the holder of any Executive Political Office becomes an employee, that individual is disqualified from holding any Executive Political Office unless the person is on political leave, but is not disqualified from the office of legislator.
- (4) If a legislator or the holder of any Executive Political Office becomes the chief administrative officer, that individual is disqualified from holding any Executive Political Office or the office of legislator unless they are on political leave.

*[Amended by Bill 002-2016; enacted on February 29 2016]*

*[Amended by Bill 004-2017; enacted on June 5 2017]*

*[Amended by Bill 004-2020; enacted on November 17 2020]*

#### **Political leave for employees of corporations controlled by Tsawwassen Government**

- 39.2** Employees of a corporation controlled by Tsawwassen Government must be permitted political leaves of absence on the same terms as set out in section 11.1 of the *Government Employees Act*.

*[Amended by Bill 002-2018; enacted on November 8 2018]*

## **PART 2 – CHIEF ADMINISTRATIVE OFFICER**

### **Position of chief administrative officer**

- 40**
- (1) The position of chief administrative officer of the Tsawwassen First Nation is established.
  - (2) The chief administrative officer must be appointed by the chief after receiving advice from Executive Council.
  - (3) The chief administrative officer reports to the chief and is responsible to Executive Council.

### **Responsibilities**

- 41**
- (1) The chief administrative officer is responsible for the management and administration of Tsawwassen government.
  - (2) The responsibilities of chief administrative officer include:
    - (a) exercising control and management of the administrative business and affairs of Tsawwassen government in accordance with Tsawwassen law;
    - (b) ensuring the efficient and effective operation of government;
    - (c) establishing and overseeing administrative policies, practices and procedures necessary to effectively implement Tsawwassen laws, and the policies and programs of the Tsawwassen government, including preparing and maintaining a current organizational chart and making it available to the public;
    - (d) establishing and overseeing human resource, policies and practices;
    - (e) advising the chief and Executive Council;



- (f) ensuring that decisions of Executive Council are implemented;
  - (g) ensuring that the annual budget is prepared and implemented;
  - (h) safeguarding the financial integrity of Tsawwassen government by identifying, assessing, monitoring and reporting on financial risks, fraud risks, and mitigating measures;
  - (i) ensuring the accountability of the operations of Tsawwassen government, including the activities of management;
  - (j) supervising and managing employees in accordance with the Government Employees Act and directing persons who are retained to provide services for the Tsawwassen government;
  - (k) performing any other duties and responsibilities as are given, delegated or assigned by Tsawwassen law or by Executive Council;
  - (l) overseeing and administering contracts and agreements entered into on behalf of the Tsawwassen First Nation.
- (3) The chief administrative officer may, in writing, delegate, sub-delegate or assign any of her or his duties and responsibilities to another person but a delegation, sub-delegation or assignment does not relieve the chief administrative officer from responsibility to ensure the delegated, sub-delegated or assigned duties or responsibilities are carried out.

#### **Operations manual**

- 42** (1) The chief administrative officer must prepare and maintain a current operations manual respecting every element of the Tsawwassen First Nation's administrative system, including any financial administration systems.
- (2) The operations manual must be made available to Executive Council, members of the Finance and Audit Committee and all other Executive Council committees and officers and employees of the Tsawwassen First Nation.
- (3) If any part of the operations manual is relevant to the services being provided by a contractor or agent of the Tsawwassen First Nation, that part of the operations manual must be made available to the contractor or agent.

### **PART 3 – GENERAL ASSEMBLIES, REFERENDA AND COMMUNITY VOTES**

#### **Calling of a general assembly**

- 43** (1) Executive Council must call a general assembly of Tsawwassen Members at least once each calendar year.
- (2) Executive Council may call other assemblies as it considers necessary.

#### **Notice of assembly**

- 44** Reasonable notice of a general assembly or of any other assembly must be given to Tsawwassen Members by
- (a) posting written notice of the assembly in the Tsawwassen First Nation administration office, and
  - (b) publishing the notice in the Tsawwassen First Nation community newsletter.

### **Referenda and community votes**

- 45**
- (1) Executive Council may make regulations to determine when an issue or question should be put to a referendum or to a community vote.
  - (2) Executive Council may make regulations
    - (a) respecting the formulation of issues or questions to be put to a vote;
    - (b) respecting information about and the notice to be given for a vote;
    - (c) the nature of the vote, who may vote, and when and where the vote is to be held;
    - (d) adopting all or any provisions of the Election Act, with or without modification for the purpose of the vote;
    - (e) if a vote is to be held at a meeting or an assembly, respecting the procedures to be observed for that vote.
  - (3) Executive Council may decide, for any matter or question that is to be put to a vote, whether the vote is a referendum or a community vote.
  - (4) For the purposes of deciding the nature of the vote to be held:
    - (a) a referendum is intended to be binding expression of the views of Tsawwassen Members;
    - (b) a community vote is intended to indicate an expression of the views of Tsawwassen Members that Executive Council may adopt as a binding decision.
  - (5) Executive Council, taking into consideration the provisions of the Tsawwassen constitution respecting voting and the nature of votes, must
    - (a) specify the percentage or number of votes that is necessary for an affirmative vote in a referenda, and
    - (b) specify the percentage or number of votes that is necessary for an affirmative vote in a community vote.

## **PART 4 – REGISTRY OF LAWS**

### **Establishment of the registry of laws**

- 46**
- (1) The registry of laws is established.
  - (2) The registry of laws must
    - (a) be administered and maintained by the chief administrative officer or by a person designated in writing by the chief administrative officer;
    - (b) be located on Tsawwassen Lands.

### **Public inspection of registry**

- 47**
- (1) There must be kept in the registry of laws, for public inspection during normal office hours:  
*[Amended by Bill 004-2017; enacted on June 5 2017]*
    - (a) the final agreement;
    - (b) the Tsawwassen constitution;
    - (c) every Act passed by the Tsawwassen legislature;
    - (d) every regulation under a Tsawwassen Act;

- (e) every final decision of the Judicial Council.
- (2) The chief administrative officer or designate must maintain the document described in subsection (1) in hard copy and may establish and maintain electronic and loose-leaf versions.

#### **Deposit of laws in registry**

- 48**
- (1) Every Tsawwassen Act and regulation, and every amendment to either of them, must be deposited in the registry of laws.
  - (2) An Act and regulation, and amendments to them, is deposited in the registry of laws when the chief administrative officer, or person authorized in writing by the chief administrative officer to do so, certifies the deposit by writing or stamping on the document words to the effect that the document is deposited in the registry and the date it is deposited, and is signed by the chief administrative officer or a person authorized in writing by the chief administrative officer to do so.

#### **Responsibilities**

- 49**
- The chief administrative officer is responsible for
- (a) keeping accurate and orderly written records of Acts and regulations and amendments made to them;
  - (b) providing certified copies of Acts and regulations and amendments made to them;
  - (c) establishing and maintaining a publicly accessible electronic database of Acts and regulations and amendments to them;
  - (d) maintaining a secure record of Acts and regulations, amendments to them, the date Acts and regulations are passed and the date they come into effect;
  - (e) performing any other functions and responsibilities specified by Executive Council.

### **PART 5 – TRANSITION, INTERPRETATION AND COMMENCEMENT**

#### **Transition**

- 50**
- (1) The Chief Councillor and councillors of the Tsawwassen First Nation band council who become the chief and legislative members under chapter 16 [*Governance*] clause 10 [*Governance Transition*] of the final agreement constitute and may act as Executive Council under section 28 [*Executive Council established*] as if they were established in accordance with that section from the effective date until the chief and legislators take office following the first general election under the *Election Act*.
  - (2) For greater certainty, until the chief and legislators take office following the first general election under the *Election Act*,
    - (a) Executive Council referred to in subsection (1) has and may exercise the authority under this and every other Act and under every regulation of the Tsawwassen First Nation of Executive Council established under section 28,
    - (b) every act or decision made and regulation passed under this and every other Act of the Tsawwassen First Nation by Executive Council referred to in subsection (1) is deemed to be and to have been an act or decision or regulation passed by Executive Council established under section 28, and

- (c) every reference to Executive Council in this and every other Act and in regulations of the Tsawwassen First Nation is deemed to be a reference to Executive Council referred to in subsection (1).
- (3) Every act, decision and regulation of Executive Council referred to in subsection (1) is deemed, for all purposes, to have been an act or decision, or a regulation passed by an Executive Council established under section 28 [*Executive Council established*].
- (4) In this section “effective date” has the same meaning as it has in the final agreement.

**Interpretation Act (British Columbia)**

- 51** Unless the context otherwise requires, the *Interpretation Act* (British Columbia) applies to this Act.

**Commencement**

- 52** This Act comes into effect on the date of its enactment.

## SCHEDULE

### Annual Adjustments to Stipends and Salaries

**1** This schedule applies to determine the increase in stipend and salary of legislators, members of Executive Council and the chief.

**2** The adjusted stipend or salary for the calendar year in which the calculation is made is determined by the following formula

$$C \times \text{CPI}(\text{oct\_yr}(n-1)) \div \text{CPI}(\text{oct\_yr}(n-2))$$

**where:**

**C** is the stipend or salary, without deductions, in the calendar year immediately preceding the calendar year in respect of which the adjustment to the stipend or salary is being made;

**CPI** means the Consumer Price Index, Cansim Table 326-0020, Consumer price index (CPI), Monthly, British Columbia, All Items, published monthly by Statistics Canada, or if it is replaced, by an equivalent index designated by Executive Council by regulation;

**oct\_yr** means the month of October;

**n-1** is the calendar year immediately preceding the calendar year in respect of which the adjustment calculation is being made;

**n-2** is the calendar year immediately preceding the calendar year n-1.