

Peters Band

PROTECTION OF BAND PROPERTY BY-LAW

A by-law to ensure the management, control and protection of all band property of the Peters Band in the best interests of the Peters Band membership.

Preamble

WHEREAS section 81(1) of the *Indian Act* (Canada) provides that the Peters Band Council may make by-laws for the observance of law and order, and with respect to any matter arising out of or ancillary to the exercise of these powers;

AND WHEREAS the Peters Band Council is empowered to exercise all legislative and executive authority for the Peters Band;

AND WHEREAS the Peters Band Council has fiduciary responsibilities which include the management, control and protection of all band property of the Peters Band property in the best interests its members and for future generations;

AND WHEREAS the Peters Band Council accordingly wishes to establish a comprehensive by-law to ensure the good management, control and protection of the band property of Peters Band;

NOW THEREFORE the Peters Band Council, at a duly convened meeting of the Peters Band Council, enacts the following by-law:

Article 1

Title

This By-law may be cited as the “Peters Band Protection of Band Property By-law”.

Article 2

Compliance

Every Peters Band Council member, committee member, employee and individual who serves the Peters Band in any capacity is expected to ensure management, control and protection of all Band Property in accordance with this By-law.

Article 3

Applications

This By-law governs the management, control and protection of Band Property and the responsibilities, powers and duties of Council to do so in the best interests of the Membership.

Peters Band

PROTECTION OF BAND PROPERTY BY-LAW

Article 4 Definitions

In this By-law, the following terms have the following meanings:

- a) “**Administration Office**” means the Peters Band administration office located at 16870 Peters Road, RR2, Hope, British Columbia;
- b) “**Agent**” or “**Agencies**” mean any board, tribunal, commission or committee of the Peters Band, or any corporate body controlled or owned by the Peters Band, including a society, non-profit corporation or business corporation;
- c) “**Band Property**” means all the monetary and physical possessions of the Peters Band, including Peters Funds and Peters Records, as well as all other property of the Peters Band;
- d) “**By-law**” means this Peters Band Protection of Band Property By-law;
- e) “**Council**” means the Chief and Council of the Peters Band;
- f) “**Member**” means a person recognized at law as being a member of Peters Band;
- g) “**Membership**” means the collective Members of the Peters Band;
- h) “**Peters Funds**” means all moneys belonging to the Peters Band, and includes:
 - i. all revenues of the Peters Band;
 - ii. money borrowed by the Peters Band;
 - iii. money received or collected by the Peters Band; and
 - iv. all moneys that are received or collected by the Peters Band pursuant to any agreement or funding arrangement;
- i) “**Peters Records**” means all current and historical records of the Peters Band, including:
 - i. all financial records, audits, transaction records, inventories, agreements, meeting minutes, Resolutions and supporting documentation thereto; and
 - ii. all books, documents and other records pertaining to Band Property; and
- j) “**Resolution**” means a decision made by vote of a majority of a quorum of Council at a duly convened Council meeting and recorded in the minutes of that meeting.

Peters Band

PROTECTION OF BAND PROPERTY BY-LAW

Article 5 Council Responsibilities

The Council is responsible for the following:

- a) ensuring that all Peters Records are kept in the Administration Office in a secure safe condition and are not removed from the Administration Office without prior authority of a Resolution;
- b) ensuring that all other Band Property is kept in a safe location that is accessible to Council as may be required from time to time; and
- c) all other matters relating to the management, control and protection of Band Property not otherwise assigned by another Peters Band by-law or Resolution.

Article 6 Council Powers

The Council may exercise any of the following powers:

- a) the preparation and implementation of general management policies and procedures relating to the management, control and protection of Band Property, including carrying out any acts that it considers necessary to ensure that these policies and procedures are carried out provided that such policies and procedures are first approved by Resolution; and
- b) the establishment and provision of mandates to such positions, agencies, programs, service areas, boards, authorities or committees as may be necessary for the good management, control and protection of Band Property.

Article 7 Council Member Duties

Each member of Council must, in exercising his or her responsibilities and powers and performing his and her functions under this By-law:

- a) act honestly and in good faith and in the best interests of the Peters Band;
- b) exercise the care, diligence and skill of a responsibly prudent person; and
- c) ensure that there is fair and equitable access and treatment for the Membership to the programs and resources of the Peters Band for which they qualify.

Peters Band

PROTECTION OF BAND PROPERTY BY-LAW

Article 8

Delivery of Band Property to Administration Office

Where any person:

- a) who is a Council member, officer or employee of the Peters Band or its Agencies ceases for any reason to hold office as such; or
- b) otherwise has any possession, control or access to any Band Property,

he must forthwith deliver to the Administration Office, during regular working hours, any and all Band Property that is in his possession or control.

Article 9

Regulations, Policies and Procedures

Council is authorized to establish such regulations, policies and procedures as it requires to administer this By-law. Such regulations, policies, and procedures are to be consistent with the provisions of this By-law, approved by Resolution and kept at the Administration Office.

Article 10

Penalties

Any person purposefully interfering with the provisions of this By-law or purposefully not complying with the provisions of this By-law will be deemed to have committed an offence under the *Indian Act* (Canada) for each offence and is subject to the punishment contained therein and may also be prosecuted under any applicable law not set out under this By-law.

If any employee has willfully breached any provision of this By-law that person may:

- a) be suspended from all privileges and benefits of office or from employment for a period of time; or
- b) dismissed from employment.

Members must be compensated for any losses or related costs associated with interference or non-compliance of this By-law. This compensation is to be collected from the person(s) willfully interfering or not complying with this By-law.

If a Council member is found guilty of not complying or interfering with this By-law, he may be subject to any recall or penalty provisions adopted by the Peters Band from time to time.

Peters Band

PROTECTION OF BAND PROPERTY BY-LAW

Article 11 General Provisions

Severability: A finding by a court of competent jurisdiction that a section or provision of this By-law is void or invalid will not affect or bear upon the validity or invalidity of any other section or part of this By-law or this By-law as a whole.

Gender and Plurality: In this by-law, any words in the singular include the plural and words in the plural include the singular and the masculine includes the feminine and neuter where the context applies.

Amendments and Repeal. This bylaw may be amended or repealed by Resolution, after the following procedure involving consultation with Membership is concluded:

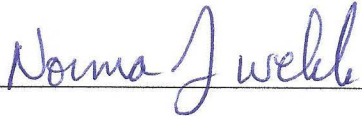
- a) Council identifies a need for amendment or repeal of this By-law;
- b) If an amendment is recommended, Council drafts proposed amendment provision(s);
- c) Council calls a Membership meeting to be held within at least one (1) calendar month of Council identifying the need for amendment or repeal of the By-law;
- d) Council posts a notice of the proposed amendment(s) or repeal at the Administration Office, and mails such notice to each Member over the age of eighteen (18) for which an address has been provided to the Peters Band; and
- e) A Membership meeting is subsequently held for presentation of the proposed change or repeal, discussion thereon, review by the Membership and vote. The proposed amendment(s) or repeal of the By-law requires a majority vote by those present at the meeting. If approved, the proposed amendment(s) or repeal will be enacted by Resolution.

Coming into force: This By-law will come into force and effect on approval by Resolution and publication.

Peters Band

PROTECTION OF BAND PROPERTY BY-LAW

The Peters Band Protection of Band Property By-law is approved and passed at a duly convened meeting of the Peters Band Council this 9 day of November, 2015.



Chief Norma Webb



Councillor Victoria Peters



Councillor Leanne Peters