

March 20, 2017

Greg Witzky

RECEIVED  
MAR 27 2017  
ADAMS LAKE BAND

**Petition to Remove a Band Council Member, submitted by Doreen Kenoras, dated February 22, 2017. Received by Acting band Manager (Executive Director) Shirley Anderson on February 24, 2017 to Community Panel.**

The Community Panel has completed their investigation and concludes as follows:

- 1) **Violation:** On November 4, 2016, Greg Witzky, along with Norma Manuel, George Bailey, and Theresa Tremeer participated in meetings behind locked doors when the total Administration Buildings were totally closed due to apparent threats to band employees. When approached by band members those involved stated they could work "remotely" and that band members could have the administration building. This is an abuse of power and lateral violence.

This violates APPENDIX "A" OATH OF OFFICE – ALIB CHIEF AND COUNCIL #2, #3, #4, #5, #6. #8

- ***The Community Panel has completed their investigation which consisted of evidence provided by Doreen Kenoras, Greg Witzky and witness interviews.***
  - ***As a result of the investigation the Community Panel found no abuse of power or lateral violence by Greg Witzky.***
  - ***As a result of the investigation the Community Panel determines Greg Witzky has not breached Oath of Office with this alleged violation.***
- 2) **Violation:** on November 15, 2016, when ALIB Elders escorted Councillors Ron Jules, Georgina Johnny and Brandy Jules into the ALIB Administration so they could resume their duties as Councillors. Greg Witzky, along with Norma Manuel and George Bailey refused the return to office for Ron Jules, Gina Johnny and Brandy Jules. This is disrespect and abuse of power.

This violates APPENDIX "A" OATH OF OFFICE – ALIB CHIEF AND COUNCIL #2, #3, #4, #5, #6. #8

- ***The Community Panel has completed their investigation which consisted of evidence provided by the Doreen Kenoras (Petitioner), Greg Witzky (Person subject to the proceeding), evidence provided from***

*the person subject to the proceedings as follows: Boughton Law letter dated November 14, 2016 attached #1.*

- *As a result of the investigation the Community Panel determines Greg Witzky has NOT breached Oath of Office with this alleged violation.*

- 3) **Violation:** Greg Witzky is ineligible as outlined as per the Adams Lake Indian Band Financial By-Law 16.1 and 16.2.

This violates APPENDIX "A" OATH OF OFFICE – ALIB CHIEF AND COUNCIL #2,#3,#4,#5,#6, #8

- *The Community Panel has completed their investigation which consisted of evidence provided by the Doreen Kenoras, Greg Witzky and witness interview and Financial Bylaw 2000-1.*
- *Financial Bylaw 2000-1 s 16.1 & s 16.2 refers to loans, Adams Lake Indian Band has confirmed that Greg Witzky has no current or past loan in place.*
- *As a result of the investigation the Community Panel determines Greg Witzky has NOT breached Oath of Office.*

- 4) **Violation:** Greg Witzky participated in allowing the October 2014-October 25, 2016 Community Panel (Maryann Yarama, Lynn Kenoras(Duck Chief), Hilda Jensen, Sandy Lund and Dave Nordquist) to go over budget from the original allotted budget of \$3800.00

This violates Appendix "A" OATH OF OFFICE-ALIB CHIEF AND COUNCIL #2, #3, #4, #5, #6

- *The Community Panel has completed their investigation which consisted of evidence provided by the Doreen Kenoras, Greg Witzky and witness interview, Financial Bylaw 2000-1 and emails from ALIB Administration.*
- *Community Panel findings are as follows: due to the arms length nature of the Community Panel, the only interactions that occurred between the Band and Community Panel are with the ALIB Administration and Finance Staff. Community Panel has reviewed evidence from the Band Administration staff confirming the ability to exceed the budget.*
- *As a result of the investigation the Community Panel determines Greg Witzky has NOT breached Oath of Office.*

5) **Violation:** Greg Witzky, along with Norma Manuel, and George Bailey expended Band monies without Chief and Council approval and an accompanying Band Council Resolution (BCR). Band funds that were not authorized by Chief and Council and are not limited to: the hiring of Boughton Law firm to represent ALIB against Councillors Ron Jules, Gina Johnny and Brandy Jules; funds used in the construction changes to the Band Administration office; funds used to hire a Security company to sit at the Administration office, Chief Atahm School, Switsemalph Band Administration office, and at the Health Centre; funds to pay for by-election

This violates Appendix "A" OATH OF OFFICE-ALIB CHIEF AND COUNCIL #2, #3, #5, #6, #8

- ***The Community Panel has completed their investigation which consisted of evidence provided by Doreen Kenoras, Greg Witzky and ALIB staff interview, and Boughton Law letter of opinion.***
- ***Community Panel findings are as follows: In the interview, it was determined that no BCR was required to make safety changes to the offices as long as they fell within the 2000-1-1 ALIB Finance Policy. Section 8 (2) of the ALIB Custom Election Rules require the band Manager (Executive Director) to call the election. Finally, the ability to hire a lawyer came from the order of 2003-16 paragraph (7). Operational expenditures such as security and construction fall within the acting Executive Director's authority.***
- ***As a result of the investigation the Community Panel determines Greg Witzky has NOT breached Oath of Office.***

6) Greg Witzky along with Norma Manuel gave authority to Community Panel members who were voted out at the General Band Meeting on October 25, 2016 to continue acting as Community Panel. By signing honorariums gave explicit authority to continue acting as community panel members.

This violates Appendix "A" OATH OF OFFICE-ALIB CHIEF AND COUNCIL #2, #3, #5, #6, #8

- ***The Community Panel has completed their investigation which consisted of evidence provided by Doreen Kenoras, Greg Witzky and witness interview, Financial Bylaw 2000-1, emails from ALIB Administration, Judgement Johnny, Jules, Jules Docket T-2003-16 s 78 and Judgement Community Panel vs Thomas Phil Dennis Docket A-55-10 para. 8.***

- **Community Panel findings are as follows: Greg Witzky did not authorize any cheque requisitions for Community Panel payment but did sign as check signor which is an administrative function not authorization function.**
- **As a result of the investigation the Community Panel determines Greg Witzky has NOT breached Oath of Office.**

7) **Violation:** Greg Witzky, has not attended any Secwepemc language classes to achieve fluency and literacy of the Secwepemc language.

This violates Appendix "A" OATH OF OFFICE-ALIB CHIEF AND COUNCIL #9

- **The Community Panel has completed their investigation which consisted of evidence provided by the Doreen Kenoras, Greg Witzky and email correspondence from ALIB Staff.**
- **Community Panel findings are as follows: Greg Witzky has attended Secwepemc Language Classes in the fall of 2016.**
- **As a result of the investigation the Community Panel determines Greg Witzky has NOT breached Oath of Office.**

8) **Violation:** Greg Witzky promoted and participated in a Community Hunting trip to northern Alberta; stating that the trip would be to teach ALIB youth about hunting. Of the 15 whom participated in this trip; the only ALIB members who attended were Greg and 1 ALIB youth. This community hunting trip and the selection of the youth were not advertised, preferential treatment took place. He did say that the monies to fund this trip came from a grant that ALIB received.

This violates Appendix "A" OATH OF OFFICE-ALIB CHIEF AND COUNCIL #2, #3, #4, #5, #6, #8

- **The Community Panel has completed their investigation which consisted of evidence provided by the Doreen Kenoras, Greg Witzky and witness interview.**
- **Community Panel findings are as follows: the selection of the youth occurred by informal panel which considered all the youth and choose the ones that met the criteria.**
- **As a result of the investigation the Community Panel determines Greg Witzky has NOT breached Oath of Office.**

9) **Violation:** Greg Witzky participated in social media, namely Facebook, posting. An ALIB staff member was terminated for social media postings, so how does it

make it okay for some and not okay for others including, Councillors who are in a leadership position in our community.

This violates Appendix "A" OATH OF OFFICE-ALIB CHIEF AND COUNCIL #2, #3, #4, #5, #6, #8

- ***The Community Panel has completed their investigation which consisted of evidence provided by the Doreen Kenoras, Greg Witzky and email correspondence from ALIB Staff.***
- ***Community Panel findings are as follows: that no staff member was fired for Facebook posts alone and further evidence was required from Doreen Kenoras by March 17, 2017 which was not provided.***
- ***As a result of the investigation the Community Panel determines Greg Witzky has NOT breached Oath of Office.***

10) **Violation:** Greg Witzky along with Norma Manuel changed the cheque signing authority without a BCR signed by Chief and Council. This is also a violation of the financial Management Bylaw No. 2000-1, page 12 section 9.2 This demonstrates an abuse of power.

This violates Appendix "A" OATH OF OFFICE-ALIB CHIEF AND COUNCIL #2, #3, #4, #5, #6, #8

- ***The Community Panel has completed their investigation which consisted of evidence provided by the Doreen Kenoras, Greg Witzky and email correspondence from ALIB Staff.***
- ***Community Panel findings are as follows: Greg Witzky did not change the cheque signing authority. The Royal Bank removed the Councillors as cheque signing authority after reading the court decision.***
- ***As a result of the investigation the Community Panel determines Greg Witzky has NOT breached Oath of Office.***

11) **Violation:** Greg Witzky along with Norma Manuel turned down Mediation with Councillors Ron Jules, Gina Johnny, and Brandy Jules to work out the differences and to gain a common ground so that Council could work together in harmony. This is an abuse of power.

This violates Appendix "A" OATH OF OFFICE- ALIB CHIEF AND COUNCIL #2, #3, #4, #5, #6, #8

- ***The Community Panel has completed their investigation which consisted of evidence provided by the Doreen Kenoras, Greg Witzky,***

**ALIB Election rules and email correspondence from ALIB Staff.**


- **Community Panel findings are as follows: that the ALIB election rules do not have mediation contemplated in them and that Council does not have the authority to agree to a process outside the rules.**
- **As a result of the investigation the Community Panel determines Greg Witzky has NOT breached Oath of Office.**

**Note 1:** Community Panel Member Maryann Yarama did not participate in the decision on #1, #5 and #10 due to a declared conflict of interest and her signature does not apply to the alleged breaches.


**Note 2:** Although Norma Manuel's name is mentioned in the petition it was not considered in the deliberations and the focus was kept to Councilor Greg Witzky.

In conclusion, the Community Panel finds Greg Witzky did not breach his Oath of Office, therefore in accordance with 2014 Adams Lake Secwepemc Election Rules, the Community Panel confirms the dismissal of the petition by Doreen Kenoras.

Respectfully,

  
Community Panel Member

  
Community Panel Member

  
Community Panel Member

  
Community Panel Member

  
Community Panel Member

CC: Adams Lake Band Chief and Council  
Doreen Kenoras  
Adams Lake Band Membership via posting IR #4/#6 and notice delivery/website

# boughtonlaw

RECEIVED  
MAR 27 2017  
ADAMS LAKE BAND

#2

November 14, 2016

File #: 88151.2  
Direct: 604 647 4119  
Email: jyuen@boughtonlaw.com

BY E-MAIL (GBAILEY@ALIB.CA)

Adams Lake Indian Band  
P.O. Box 588  
Chase, BC V0E 1M0

Attention: George Bailey

Dear Mr. Bailey;

Re: Letter from ALIB Elders & Community Representatives dated November 6, 2016 (the "Letter")

I have reviewed the Letter and provide the following comments on the three main points raised in the Letter.

1. Issue #1 in Letter- *Ron Jules, Gina Johnny and Brandy Jules have been reinstated as Councillors by the ALIB members at a general band meeting.*

Comment: As per s.26.1 of the ALIB Election Rules, Ron Jules, Gina Johnny and Brandy Jules ceased to be Councillors when they were removed by the Community Panel. If they are unhappy with the decision of the Community Panel, their recourse is to seek a judicial review of the Community Panel's decision (s.23.17). There are no provisions in the ALIB Election Rules for their reinstatement by a vote of members at a general band meeting. For greater certainty, neither you nor the remaining two Council members have the authority to reinstate them as Councillors either.

2. Issue #2 in Letter - *The ALIB office cannot operate without a quorum of Council, It is "illegal".*

Comment: While a quorum of Council is required for the adoption of BCRs, BCRs are not required for the day-to-day operations of the band office. So long as you are abiding by existing policies and procedures, you are properly carrying out your duties as the interim executive director.

3. Issue #3 in Letter- *"Two councilors cannot call a by-election."*

Comment: I confirm your advice that the by-election will be held on a date set by the Electoral Officer, which date is within 60 days of the Chief and the 3 councillor positions becoming vacant. This is consistent with the ALIB Elections Rules (s.3.5) which provide that by-elections shall be held on the date set by the Electoral Officer in accordance with Part 27.

Let me know if you wish to discuss further,

Yours truly,

Boughton Law Corporation  
by Jean Yuen Law Corporation

Per:  
Jean Yuen  
JY/en

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#5

Federal Court



Cour fédérale

Date: 20161130

Docket: T-2003-16

Vancouver, British Columbia, November 30, 2016

PRESENT: The Honourable Mr. Justice Roy

BETWEEN:

COUNCILLORS GEORGINA JOHNNY,  
BRANDY JULES AND RONALD JULES

Applicants

and

ADAMS LAKE INDIAN BAND

Respondents

ORDER

UPON MOTION by the Applicants for injunctive and other relief brought by way of Notice of Motion dated November 21, 2016;

AND UPON hearing from counsel for the Applicants, Priscilla Kennedy, and Gregg Rafter, and noting the consent of the parties to the terms set out paragraphs 1 to 8 below;

THIS COURT ORDERS that:

1. The Applicants' motion is adjourned.



2. The Applicants, Georgina Johnny, Brandy Jules, and Ronald Jules (the 3 Councillors), are hereby restored to their position as councillors for the Adams Lake Indian Band pending the judicial review in this proceeding.
3. The application for judicial review shall be heard on an expedited basis. The hearing will take place before this Court at the Pacific Centre - 3rd floor, 701 Georgia Street West, in the City of Vancouver, British Columbia, on Friday, the 20<sup>th</sup> day of January, 2017, at 9:30 in the forenoon for a maximum duration of one (1) day.
4. The 3 Councillors will refrain from attending at the Adams Lake Indian Band Council office except for the purpose of attending Band Council Meetings.
5. No Band Council decisions regarding personnel will be made without a unanimous decision of Band Council.
6. The by-election presently scheduled for the election of new councillors to replace the 3 councillors is hereby cancelled, however, the by-election presently scheduled for the election of a new Band Chief shall proceed.
7. Band Councillors Norma Manuel and Gregory Witzky and a new Band Chief when elected have exclusive authority to retain and instruct legal counsel to deal with this judicial review.
8. The Adams Lake Indian Band shall pay the 3 Councillors their compensation as duly elected Councillors from the date of their purported removal from office.

"Yvan Roy"

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Judge

#11

## Maryann Yarama

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**From:** George Bailey  
**Sent:** Thursday, January 12, 2017 8:55 AM  
**To:** Gregg Rafter  
**Cc:** Maryann Yarama  
**Subject:** RE: call from counsel for the Chief [BLC-ACTIVE.FID1641545]

Hi Gregg,

We need to continue on the path that we are on with the federal court as this is the process that is needed as per ALIB laws. I agree that we can see only one outcome that would be agreeable to the councillors.

George Bailey  
Acting Executive Director  
Adams Lake Indian Band

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**From:** Gregg Rafter [mailto:grafter@boughtonlaw.com]  
**Sent:** January-10-17 4:09 PM  
**To:** George Bailey <gbailey@alib.ca>  
**Cc:** Tarlan Razzaghi <trazzaghi@boughtonlaw.com>  
**Subject:** call from counsel for the Chief [BLC-ACTIVE.FID1641545]

George,

I am writing to you as my main point of contact but please pass this on as you see fit. I received a telephone call from new counsel representing the Chief, personally. He told me about a meeting last weekend that I had already heard about from Norma. The purpose of the meeting according to Norma was to discuss ways to get the 3 Councillors back on Council. I understand Norma and Greg said there was a process underway (the application for judicial review) and then left the meeting. Counsel for the Chief says the Chief's objectives were more altruistic in that he was seeking a more moderate response that would be in the best interests of the Band overall. He wanted to know if there was any appetite to mediate the issue.

I told him that I would pass on the information but that I did not think there would be much of an appetite for that idea. I said that for a couple of reasons; First, because I sense that the 3 Councillors would not accept any mediated outcome that did not include their reinstatement. Second, I do not think the Community Panel or even Council has the authority to agree to something outside the judicial review process. The Election Rules mandate that as the route to challenging a decision of the Community Panel. Counsel for the Chief tended to agree with that.

If there is a desire to try some other way to resolve this issue please let me know and I will consider the matter further. In my view ALIB needs a more comprehensive reconciliation process that goes well beyond what the Community Panel has decided in these recent months.

Gregg

**Gregg Rafter Law Corporation**  
on behalf of Boughton Law Corporation  
P 604 647 4108

[Profile](#) | [vCard](#)

**Boughton Law Corporation**

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