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ADAMS LAKE BAND

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Open Letter to the Adams Lake Indian Band Community Members:

**Please note that the Community Panel received legal advice.** On October 2, 2017 Chief Paul Michel distributed a draft motion in his letter titled "ALIB Community Communique", to be presented to the community at a General Band Meeting scheduled to take place on October 14, 2017. The intention of the draft motion is to strip the Community Panel of the necessary authority to fulfill its obligations under the Election Code.

As upheld by the Federal Court of Appeal, the Community Panel takes its jurisdiction from the provisions of the Election Rules that outline the scope of its authority and its areas of responsibility. It is the only body pursuant to the Election Rules that can address appeals and petitions for removal. Because Adams Lake Indian Band has an Election Rules, the provisions of the Indian Act regarding appeals do not apply. Therefore, the only way a person can be removed from the position of Chief or Councillor is through the decisions of the Community Panel.

The creation of the Panel in the Election Rules was to provide an avenue for the members of the community to remove members of the Band Council and prevent them from running for a specified period of time if they have conducted themselves in ways that harm the community. The Community Panel is the mechanism provided for in the Election Rules that prevents a Band Council from having absolute power to do whatever it wants regardless of whether it is in the best interests of the community or not. The Community Panel must follow not only the provisions of the Election Rules, but the principles of administrative law.

The Election Rules is not a policy, it is law. This too has been recognized by the Federal Court of Canada. It is simply not within the powers of the Band Council to in any way change or limit the jurisdiction of the Panel. The Panel is not a committee. Rather it is an independent quasi-judicial tribunal that is granted its independence from the Band Council and its jurisdiction from the Election Rules. Changes to the role or jurisdiction of the Community Panel can only occur by way of the provisions of the Election Rules.

The Federal Court of Appeal made it perfectly clear in its ruling that it is within the jurisdiction of the Community Panel to re-hear the petitions that are before it. In fact, the Community Panel is obligated to do so. It is not within the jurisdiction of the Band Council to strip the Community Panel of its obligations and jurisdiction.

The community is entitled to amend the Election Rules, but those amendments **MUST** be done in accordance with the provisions of the Election Rules that address such amendments.

s.28.6 of the Election Rules provides that "Amendments to the ALIB Election Rules may be initiated no later than one year after the election date..."

The Motion Chief Paul Michel proposes to put to the General Band Meeting calls for an amendment to the Election Rules. The date of the General Band Meeting is many months past the deadline from bringing such a proposed amendment and even if passed would have no weight given that it is in contravention of the Election Rules.

The Community Panel will proceed with hearing the petitions before it, as scheduled. **Please note that the Community Panel received legal advice.**

Yours Truly,

ALIB Community Panel

cc: Adams Lake Chief & Council

Eddie Celesta