

	<p style="text-align: center;"> <b>stqa?tx<sup>w4</sup>n'iw<sup>t</sup> sqilx<sup>wi</sup></b>  <b>WESTBANK FIRST NATION</b>            515 Highway 97 South            Kelowna, B.C. V1Z 3J2            Phone: (250) 769-4999 Fax: (250) 769-4377  <a href="http://www.wfn.ca">www.wfn.ca</a>  <i>Community. Leadership. Pride.</i> </p>	<p style="text-align: center;"> <b>MINUTES</b>  <b>ADVISORY COUNCIL</b>  <b>s?aslásq'ət<sup>ii</sup>, sknir'mn</b>  <b>(Tuesday, February) 08,</b>  <b>2022</b>  <b>Approved on March 8,</b>  <b>2022</b> </p>
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Meeting took place via the Zoom meeting platform. / in the First Floor Boardroom of the Westbank First Nation Government Building.

**ADVISORY COUNCIL MEMBERS IN ATTENDANCE:**

VACANT SEAT	Prairie District
Ludwig Teichgraber (Vice Chair)	East Boundary District
Rick Ould	Old Okanagan District
Steve Gilroy	Lakeridge District
Michael Trenn	Lakeshore District

**WFN STAFF MEMBERS IN ATTENDANCE:**

Mike De Guevara	Self-Government Implementation Researcher
Brayden Holenstein	səx <sup>wk</sup> 'ətq'əq'aym <sup>iii</sup> (Recording Clerk)

<b>CALL TO ORDER</b>	<b>Agenda is attached to these minutes as EXHIBIT "A."</b>
<i>L. Teichgraber</i>	Called the meeting to order at 9:04 a.m.
	<b><u>Recognition of any Absences of Advisory Council Members</u></b>
	There were no absences.
	<b><u>Motion to Adopt the Agenda</u></b>
<b>MOTION</b>	<b>MOVED BY S. Gilroy</b> <b>Seconded by R. Ould</b> <b>THAT the Advisory Council hereby approves the agenda.</b> <b>CARRIED</b>
	<b><u>Motion to Adopt the Minutes</u></b>
<b>MOTION</b>	<b>MOVED BY S. Gilroy</b> <b>Seconded by R. Ould</b> <b>THAT the Advisory Council hereby approves the minutes of the below meetings</b> <ol style="list-style-type: none"> <li>1. 2022-01-11 Advisory Council Minutes</li> <li>2. 2021-11-09 Advisory Council Minutes</li> </ol> <b>CARRIED</b>
<b>NEW BUSINESS</b>	
	<b><u>M. De Guevara to reach out internally regarding the arbitration process</u></b>
<i>M. Trenn</i>	The process has no update. The arbitration report came in last week and is a completed issue.
<i>M. De Guevara</i>	WFN has a <i>Residential Premises Law</i> (2017). All of our laws are listed on our website as well. Our job is to regulate our different communities.



	There is a process for everything regarding the arbitration process, rental agreements and anything else relating to landlord and tenants. The arbitration is between a tenant and a landlord. This is ultimately an independent process that we administer. There are reporting requirements, landlord obligations and tenant obligations within the <i>Residential Premises Law (2017)</i> . We cannot interfere with the arbitration process as a government as it is independent process.
<i>S. Gilroy</i>	Are there differences between arbitration at WFN versus other municipalities?
<i>M. De Guevara</i>	No, the process is very complimentary to the provinces processes. We drafted it that way to be complimentary to BC law.
<i>S. Gilroy</i>	Okay, so if we follow the rules of the law then we are in good process?
<i>M. Trenn</i>	In terms of termination of residency, this has to be approved by an arbitrator. This is a significant thing and won't be resolved today but the arbitrator has that power. The arbitrators position has to endorse the request for removal of tenancy. This arbitrator has to approve that in the recent court case.
<i>M. De Guevara</i>	There is a process to go through this. The arbitrator is here to make sure the law was followed. That's what they are there to do. There are different sections on how to deal with this for the tenant and the landlord. If there is a breakdown in the law, we need to know. I've read that documentation. When the process is challenged, the arbitrator's information is there and they have a conclusion, it is noted in their final report.
<i>M. Trenn</i>	When the arbitrator is chosen, they usually have to have experience in a particular area. I understand the process and have read all the documentation. I will leave it at this.
	<b><u>Acknowledgement of resignation of chairperson John Cole from A/C (J. Cole resignation is attached to these minutes as EXHIBIT "B.")</u></b>
<i>L. Teichgraber</i>	COVID-19 restrictions have made communicating very hard and time consuming. The members of this council are of the opinion that if they prepare for a meeting, we will be able to move forward efficiently. We plan to use motions more often to clearly understand us and have adequate time to respond. We created these motions to document our process and the action would be carried out regardless of the motion being tabled. We hope the motions will summarize our meetings better and make us more efficient.
<b>MOTION</b>	<b>MOVED BY L. Teichgraber</b> <b>Seconded by S. Gilroy</b> <b>THAT</b> the Advisory Council thanks John Cole for his services as Councilor and chairperson. His tenure as chairperson occurred during a rather difficult time when Covid severely disrupted the Advisory Council's ability to function efficiently. We appreciate his work on behalf of the Council, taxpayers and all residents and wish him great success in all future endeavors.



	<p>THAT J. Cole's role will be temporarily filled by the Vice-chairperson until such a time that a new Chairperson is chosen by secret ballot; and</p> <p>THAT the Advisory Council members request that legal counsel conducting a vote by secret ballot whenever it is convenient to do so via email or in person.</p> <p><b>CARRIED</b></p>
<i>S. Gilroy</i>	Due to the fact Chief and Council not knowing about this right away, do we have to wait for this before moving forward?
<i>L. Teichgraber</i>	The only legality issue I can think of is an official document removing him as chair.
<i>M. De Guevara</i>	The resignation is what we need. We will look to taking the next steps to address.
	<b><u>Request for a by-election in Prairie District</u></b>
<b>MOTION</b>	<p><b>MOVED BY S. Gilroy</b>  <b>Seconded by R. Ould</b>  <b>THAT</b> the Advisory Council requests for a by-election in Prairie District:</p> <p><b>THAT</b> the Advisory Council requests that a by-election be held in accordance with the Westbank First Nation Advisory Council Law 2017 per Clause 33.1; and</p> <p><b>THAT</b> unless otherwise provided in these Election Rules, in the event that a position on the Advisory Council becomes vacant, a by-election must be held within ninety (90) days on a date set by the Director of Operations.</p> <p><b>CARRIED</b></p>
	<b><u>Request to set date and prepare for the 2022 taxpayer AGM</u></b>
<b>MOTION</b>	<p><b>MOVED BY R. Ould</b>  <b>Seconded by S. Gilroy</b>  <b>THAT</b> the Advisory Council requests that WFN Schedule the 2022 Taxpayer Annual General Meeting (AGM) and that the below requests/notes will be considered</p> <ul style="list-style-type: none"> <li>• The Advisory Council prefers that a traditional indoor meeting be held.</li> <li>• In the event that this is not possible due to Covid regulations the Advisory Council recommends an outdoor meeting using the pavilion.</li> <li>• In the event that it is not possible to conduct either of the above then a Zoom meeting.</li> <li>• This AGM should occur as soon as possible after the long weekend in May (the 23rd).</li> <li>• If none of the above can be done the Advisory Council will prepare a written document to be mailed out in June.</li> </ul>



	<b>CARRIED</b>
<i>L. Teichgraber</i>	Looking at dates, we would like to push this into a warmer time of the year to assist in an outdoor meeting. We strongly wish for an indoor meeting. May 25 or May 26 is what we are requesting.
<i>M. De Guevara</i>	Will June 1 <sup>st</sup> or 2 <sup>nd</sup> work as well? I want to make sure everyone is available and some flexibility will help.
<i>L. Teichgraber</i>	Yes, we are okay with this.
<i>S. Gilroy</i>	I track every part of COVID regulations. As far as I can see, an outdoor venue is possible. There are a lot of people who want nothing to do with Zoom. When I look at the people who have been to these AGM meetings in the past it is usually an older demographic. I feel as if it would be much simpler for our non-members to attend the meeting in person.
<i>L. Teichgraber</i>	I personally think the rules will be quite relaxed by the time we hold this meeting. Most of our residents will prefer this.
<i>M. De Guevara</i>	We have to prepare a lot on our end. Your comments are well noted and I will speak to this but I am not the one making our restrictions.
<i>L. Teichgraber</i>	We likely won't have the booths we typically had, right?
<i>M. De Guevara</i>	There is a lot of preparation and process to these events.
<i>R. Ould</i>	I don't think we have a choice for booths this time. We will likely have to forgo it. If we follow the COVID rules and have a Zoom meeting, I hope it is because of the rules and not because it is preferred.
<i>S. Gilroy</i>	I think we can still have presentations. It does not have to be a booth. These presentations can be done via zoom as well.
<i>M. Trenn</i>	How many people typically attend?
<i>R. Ould</i>	250-300 people.
<i>M. Trenn</i>	We could make this a smaller event as well if it means a more normal event.
<i>M. De Guevara</i>	We want to go back to normal as well. I've participated in a few of these and they are great events. We all want this but we absolutely need to follow the rules until the end.
	<b><u>Notification of concern about the 2022 budget deliberations</u></b>
<b>MOTION</b>	<p><b>MOVED BY R. Ould</b>  <b>Seconded by S. Gilroy</b>  <b>THAT</b> the advisory Council agrees to provide the below notification of concern about 2022 Budget Deliberations:</p> <ul style="list-style-type: none"> <li>• The Advisory Council is very concerned that it will not have enough time to adequately review the 2022 budget before being asked to vote approval. The Advisory Council is even more uncomfortable about being asked to approve the budget after only a single presentation on March 8. Therefore, to better understand how we can best carry out our responsibilities regarding the 2022 budget, please provide the Advisory Council with all the steps and chronological deadlines that must be met by Westbank.</li> <li>• We have concerns about the minimum time given to review the</li> </ul>



	<p>budget and are of the opinion that this cannot be done in one meeting. We ask what can be done to avoid failure to approve on March 8.</p> <p><b>CARRIED</b></p>
<i>M. De Guevara</i>	<p>Your local services budget from 2021/2022 would be good to review now and look at it for concerns so that when you see the upcoming budget, you are better prepared. The increases will likely be in the same place. I don't know what the development plans look like so I don't forecast a bunch of increases in the budget. If we receive this budget before March 8<sup>th</sup>, we will forward it over to the Advisory Council then.</p>
<i>R. Ould</i>	<p>If we get it before the March 8<sup>th</sup> meeting that would help. If we don't see it until March 8<sup>th</sup>, it is a different story.</p>
<i>M. De Guevara</i>	<p>I agree. I will reach out to our Finance team and see if we can get it earlier.</p>
<i>S. Gilroy</i>	<p>If M. De Guevara could send last years budget handy, can you forward it to all of us please?</p>
<i>L. Teichgraber</i>	<p>We are wanting to be informed well in advance. We will leave it to your Finance team to help make us comfortable with this material.</p>
<i>M. De Guevara</i>	<p>We want to make sure you are aware of what is going on and I will look into getting you the information. The Advisory Council makes recommendations for the budget.</p>
<i>L. Teichgraber</i>	<p>We are voting on the operating budget, not the capital budget. COVID has brought a major impact to our communication.</p>
	<p><b><u>Request to receive clarification on "Westbank First Nation Advisory Council Law 2017" Clause 8:15</u></b></p>
<b>MOTION</b>	<p><b>MOVED BY M. Trenn</b>  <b>Seconded by L. Teichgraber</b>  <b>THAT</b> the Advisory Council requests to receive clarification on Westbank First Nation Advisory Council Law 2017 Clause 8.15:</p> <p><b>THAT</b> the Advisory Council desires to improve communications with the Chief and Council and senior administrators. To determine how best to achieve this we would like clarification concerning Clause 8.</p> <ul style="list-style-type: none"> <li>• Clause 8 details who must and who is allowed to attend Advisory Council meeting.</li> <li>• Sub-clause 8.15 requires Westbank to appoint a person to act as the "administrator" and this person must be present at all duly called meetings.</li> <li>• Per Clause 8 all others must invited or obtain permission from the council to attend.</li> </ul> <p>Question 1: Who has been appointed as the administrator?          Question 2: Is there any law or other regulation that would restrict members of the Westbank Council or senior administrators from attending if the Advisory Council invites or requests their attendance?</p>



stqa?k<sup>w</sup>niw`<sup>t</sup>  
Westbank First Nation  
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MINUTES  
ADVISORY COUNCIL  
s?aslásq'ət , sknir'mn (Tuesday, February) 08,  
2021

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wash back into the lake. This area has been identified as the portion of syilx territory from Hardy Falls to around the Gellatly/Green Bay area but in reality, it includes a few other areas, including x<sup>w</sup>at mnik, the area closer to IR#10 and many other areas that have specific place names.

ii s?aslásq'ət (Tuesday) Two (2) days from Sunday (?asíl means two (2).)

iii səx<sup>w</sup>k'ətq'əq'aym (Recording Clerk) The person responsible for (səx<sup>w</sup>) working to (k'ət) write (q'aym).



stqa?tx<sup>w</sup>†n'iw<sup>t</sup> sqilx<sup>wi</sup>  
**WESTBANK FIRST NATION**  
**ADVISORY COUNCIL AGENDA**  
 s?aslásq'ət<sup>ii</sup>, sknir'mn (Tuesday, February) 08, 2021  
 9:00 a.m.  
*Community. Leadership. Pride.*

**ADVISORY COUNCIL MEMBERS:**

Ludwig Teichgraber – Vice-Chair	East Boundary District
Rick Ould	Old Okanagan District
Steve Gilroy	Lakeridge District
Michael Trenn	Lakeshore District

**WFN STAFF MEMBERS:**

Mike De Guevara	Self Government Implementation Researcher
Della Elliott	A/Council Secretariat
Brayden Holenstein	səx <sup>w</sup> k'ətq'əq'əym <sup>iii</sup> (Recording Clerk)
Jennifer Bellingham	Acting Director of Intergovernmental Affairs and Title & Rights
Mike De Guevara	Self Government Implementation Researcher

**DELEGATES:**

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ITEMS	
<b>1.</b>	<b>CALL TO ORDER</b>
	Recognition of Any Absences of Advisory Council Members
	Motion to Adopt the Agenda
<b>2.</b>	<b>OLD BUSINESS</b>
	Adoption of the Minutes
	a. 2022-01-11 Advisory Council Minutes
	b. 2021-11-09 Advisory Council Minutes
	Outstanding Action Items
	• M. De Guevara to reach out internally regarding the arbitration process.
<b>3.</b>	<b>NEW BUSINESS</b>
	<b>A. ADMINISTRATION</b>
	a. Acknowledgement of resignation of chairperson John Cole from A/C
	b. Request to set date and prepare for the 2022 taxpayer AGM
	c. Request for a by-election in Prairie District
	<b>B. FINANCE</b>
	a. Notification of concern about the 2022 budget deliberations
	<b>C. DEVELOPMENT SERVICES</b>
	a.
	<b>D. ECONOMIC DEVELOPMENT AND COMMUNICATIONS</b>
	a.

ITEMS	
	<b>E. COMMUNITY SERVICES</b>
	a.
	<b>F. COUNCIL SECRETARIAT</b>
	a. Request to receive clarification on "Westbank First Nation Advisory Council Law 2017" Clause 8:15
	b. Review of Advisory Council meeting minute taking process and publication
	<b>G. INTERGOVERNMENTAL AFFAIRS / TITLE &amp; RIGHTS</b>
	a.
	<b>H. DISTRICT REPORTS</b>
	a. Lakeridge
	b. Prairie
	c. Lakeshore
	d. East Boundary
	e. Old Okanagan
<b>4.</b>	<b>FOR YOUR INFORMATION</b>
	a. Meeting Dates: <ul style="list-style-type: none"> <li>i. March 8, 2022</li> <li>ii. April 12, 2022</li> <li>iii. May 10, 2022</li> <li>iv. June 14, 2022</li> <li>v. July 12, 2022</li> <li>vi. August 9, 2022</li> <li>vii. September 12, 2022</li> <li>viii. October 11, 2022</li> <li>ix. November 8, 2022</li> <li>x. December 13, 2022</li> </ul>

<sup>i</sup> **stqaʔtxʷtɥn'iwɥ sqilx (Westbank First Nation)** The people (sqilxʷ, pronounced skee'-lhx) living where wind blows (niwɥt) and forms swamps or puddles alongside a large lake (stqáʔtkʷtɥ). Being a windy area, the winds would wash along the shore creating puddles which would either seep into the land, creating wet, marshy areas or wash back into the lake. This area has been identified as the portion of syilx territory from Hardy Falls to around the Gellatly/Green Bay area but in reality, it includes a few other areas, including xʷat.mnik, the area closer to IR#10 and many other areas that have specific place names.

<sup>ii</sup> **sʔaslásq'ət (Tuesday)** Two (2) days from Sunday (ʔasil means two (2).)

<sup>iii</sup> **səxʷk'ətq'əq'aym (Recording Clerk)** The person responsible for (səxʷ) working to (k'ət) write (q'aym).



**RECEIVED**

JAN 24 2022

**Chief Christopher Derickson**John Cole  
386 Siringo Lane  
West Kelowna, BC

January 24, 2022

Dear Chief Derickson and Council:

Re: Resignation

For personal reasons, I submit my immediate resignation as Chair of the Westbank First Nation Advisory Council and Advisory Council Member representing the Prairie Region.

My experience over the past four years on the Advisory Council has been positive, educational, and personally satisfying.

The high degree of professionalism displayed by all Westbank First Nation Government staff over this time has been exemplary and inspiring.

I am proud to have been a part of the strong Westbank First Nation governance structure and the truly professional administration team that propel Westbank First Nation into a positive and prosperous future.

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Sincerely,

  
John M. Cole

Delivered by hand