

SEMÁ:TH

CP LAW

February, 2018

WHEREAS:

- A. Semá:th (Sumas First Nation, or Sumas) has an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by the *Semá:th Declaration of 2017*;
- B. Sumas has taken control of Reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted the *Semá:th Land Code* effective the 11th day of November, 2011;
- C. Under the *Semá:th Land Code*, Sumas Council is authorized to pass various laws relating to lands including laws relating to creation, regulation and prohibition of Interests in lands under section 6 of the Land Code;
- D. Semá:th has outstanding housing issues to deal with including past agreements which may create commitments to provide allotments or Certificates of Possession (“CPs”) to Semá:th members who have paid out their mortgages; and
- E. Semá:th Council believe it is in the interests of the social, economic and community development of Semá:th to continue to provide Allotments and CPs for Members in appropriate circumstances but wish to ensure that the process is fair and transparent and follows clear polices and criteria;

NOW THEREFORE, THIS SEMÁ:TH CP LAW IS HEREBY ENACTED A LAW OF SEMÁ:TH.

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1. TITLE

1.1 This Law may be cited as the "*Semá:th CP Law*".

2. DEFINITIONS

2.1 For the purposes of this Law, terms have the same definitions as in the Semá:th Land Code.

3. GENERAL CP CRITERIA

3.1 For greater certainty, existing CPs granted before this law comes into force remain legally valid in accordance with subsection 32.1 of the Land Code.

3.2 A new Semá:th CP for Community Lands may only be granted in accordance with this Law.

3.3 A Semá:th CP may only be granted to a Member.

3.4 Subject to sections 3.1 and 3.2, a Semá:th CP from Community Lands may be granted in accordance with this Law.

3.5 Nothing in this Law prevents the granting of a Semá:th CP in a strata title in accordance with this Law.

3.6 Nothing in this Law allows for the creation or granting of a Semá:th CP in a manner that blocks the only available access to, or land locks, another parcel of Semá:th Lands.

3.7 All new Semá:th CPs granted under the Land Code or under this Law must include a hold-back of 1/20th of the area of the land of the CP in the name of Semá:th to provide for Community Uses in the future.

3.8 All Semá:th Members applying for or accepting a Semá:th CP shall:

(a) Be generally responsible for maintenance of the home on their Semá:th CP lands once they receive their Semá:th CP or Semá:th conditional CP;

(b) Specify before they receive their Semá:th CP the full legal names and addresses of any other Semá:th Members with whom their Semá:th CP should be jointly held and whether the joint CP-holders should hold as joint tenants or tenants in common; and

(c) Make reasonable efforts to have a valid will in place to specify what happens with their interest in the Semá:th CP if they pass away.

4. NATURAL RESOURCES

- 4.1 Unless specifically excluded by the document granting a CP, CPs include all Natural Resources on or under that land to the extent they are under Semá:th jurisdiction.
- 4.2 Despite section 4.1:
- (a) the use and development of all Natural Resources on or under Semá:th Lands is subject to all relevant Semá:th laws and other laws; and
 - (b) extraction of ground water, development of minerals and commercial harvesting of trees require a permit from Semá:th and requires fees and/or royalties to Semá:th.

5. PROCESS FOR GRANTING SEMÁ:TH CPs IN COMMUNITY LANDS

- 5.1 Council may grant a Semá:th CP under any of the circumstances set out below.

CPs Relating to Mortgages and Housing Agreements involving Lands

- 5.2 Where, under a written agreement between Semá:th and a Member, or where a Member can demonstrate through an affidavit or otherwise that a commitment was made under which,
- (a) Semá:th has committed to grant a CP to a Member once that Member has paid out a mortgage, built a home, or otherwise satisfied the conditions of the agreement, or
 - (b) All or part of a CP was temporarily cancelled or surrendered for the purpose of allowing a Member to participate in a housing program authorized by Semá:th or to allow the Member to benefit from a guarantee provided by Semá:th or for other purposes,

Council shall by Council Resolution grant a Semá:th CP in the subject lands to the Member once the following requirements have been met:

- (c) the Member submits an application in the required form stating that they wish to receive a Semá:th CP;
- (d) for CP applications relating to past agreements, the Member has provided documents to demonstrate that all relevant mortgages, loans and housing agreements relating to Semá:th have been paid out;
- (e) the Member has satisfied all the conditions of the agreement;
- (f) the Member has provided a survey or confirmed that the subject lands have

been properly surveyed and that the survey is already registered;

(g) the Member has:

(i) provided their full legal name and address;

(ii) provided the full legal names and addresses of any other Semá:th Members with whom their Semá:th CP should be jointly held; and

(iii) if there are joint CP-holders, has specified in writing whether the joint CP-holders should hold as joint tenants or tenants in common;

(h) the Member has complied with all relevant Semá:th Laws and policies and has paid any applicable servicing, hook-up, deferred maintenance, administration or other fees;

(i) the Member has signed an Acceptance of Home Ownership Form; and

(j) if requested by Council, the Member has signed a release and indemnity to release and indemnify Semá:th from any liability or payments relating to the house, unit and/ or the CP.

CPs Relating to Mortgages and Housing Agreements Originally Involving Home Ownership

5.3 Where, under a written agreement between Semá:th and a Member, or where a Member can demonstrate through an affidavit or otherwise that a commitment was made under which,

(a) Semá:th has committed to grant home ownership to a Member once that Member has paid out a mortgage, built a home, or otherwise satisfied the conditions of the agreement,

Council shall by Council Resolution grant a Semá:th CP in the subject lands to the Member once the requirements set out in 5.2 (c) to (j) have been met.

CPs Relating to Private Ownership/ Independent Homes

5.4 Where a Semá:th Member has built their own home on a parcel of Semá:th Lands, and either has no mortgage or has a mortgage which does not in any way involve a mortgage guarantee from Semá:th,

(a) that Member may submit an application to the Lands Office and provide any documents or information available to request a Semá:th CP, and

Council shall by Council Resolution grant a Semá:th CP in the subject lands to the Member once the requirements set out in paragraphs 5.2 (c) to (j) have been met.

Granting a CP After a Foreclosure or Redemption

- 5.5 Where under a mortgage which involves Semá:th as a guarantor or where Semá:th otherwise has a right to redeem a mortgage, there is a default by the Member and the Member's CP is forfeited or redeemed, and Semá:th pays out the mortgage or assumes liability,
- (a) Council may cancel the CP and the parcel of land then becomes Community Land;
 - (b) If Council cancels the CP, Council shall before offering a new Semá:th CP for the same home or lands to any other Members,
 - (i) direct the Semá:th Lands Office to take reasonable steps to notify the immediate family members of the Semá:th Member who defaulted, and provide at least ninety (90) days to any of the immediate family members who are Semá:th Members to make an offer or bid;
 - (ii) based on recommendations from the Lands Advisory Committee or the Housing Committee, set a minimum price at least equal to the amount owing under the mortgage and any costs and expenses incurred by Semá:th in the foreclosure, redemption and sale proceedings;
 - (iii) based on recommendations from the Lands Advisory Committee and/or the Housing Committee, specify the selection process which, unless otherwise directed, will be first come, first served as set out in subsection 5.23;
 - (iv) based on recommendations from the Lands Advisory Committee and/or the Housing Committee, specify any eligibility requirements in addition to those set out in paragraphs 5.2 (c) to (j); and
 - (v) Grant a conditional Semá:th CP to the individual or individuals who meet all of the above criteria in this section, are selected by the designated selection process, and pay or enter a mortgage for the specified or agreed upon price;
 - (c) If no immediate family member who is a Semá:th Member and meets the criteria in this section submits an application or bid or is willing or able to pay for or enter into a mortgage for the Semá:th CP, direct the Lands Office to post the opportunity to all Semá:th Members and implement the process as set out in subsections 5.20 to 5.23 below;
 - (d) If the Member acquiring the Semá:th CP under this section is mortgaging the CP using a mortgage guarantee involving Semá:th, the Semá:th CP granted to that Member must be a conditional CP in which Semá:th will hold a reversionary right or a right to foreclose in the event of a default until such time as the mortgage is fully paid out and discharged; and

- (e) If the CP is sold or conditionally granted to another Member, Council shall by Council Resolution grant or conditionally grant a Semá:th CP of the subject lands to the purchasing Member subject to this Law, once the conditions set out in paragraphs 5.2 (c) to (j) have been met.

Granting CPs to Deal with Historical Issues

Initiation of Process

- 5.6 A Semá:th Member may make submit an application to the Lands Office and provide any documents or information available to request a Semá:th CP.
- 5.7 The Lands Office may receive a request or research the history of lands of its own accord.
- 5.8 There is no guarantee that a Member submitting a request under subsection 5.6 will receive a CP.
- 5.9 The Lands Office will work with Members submitting requests and seek information from other available sources to provide the following information in an organized report for review by the Lands Advisory Committee and recommendations to Council:
- (a) The legal description and, if possible, a parcel abstract showing the lot number and any encumbrances,
 - (b) Any information on whether there was a CP for the land in the past (perhaps that was surrendered),
 - (c) All available past documents on rent-to-own or other agreements,
 - (d) All available decisions or minutes from past Council meetings on the subject,
 - (e) Confirmation of mortgage pay-out or other documentation showing no mortgages or loans outstanding and no further mortgage guarantees from Semá:th,
 - (f) Consent from CMHC or confirmation of pay-out to remove CMHC from the picture,
 - (g) A summary of oral history or information from Members, Elders or past Council, including highlighting any confirming or conflicting information,
 - (h) Information or comments from the community, if any, and
 - (i) Any other documentation, information or research requested by Council.

Review and Recommendations

- 5.10 The Lands Manager will bring the draft report to the Lands Advisory Council

which will make a recommendation to Council which may include:

- (a) A recommendation on whether or not information should be posted to the community for comment before Council makes a decision,
- (b) A recommendation on whether or not to grant a CP,
- (c) A recommendation on whether any conditions should be required if a CP is granted, and
- (d) If the Lands Advisory Committee recommends granting a CP, a draft copy of the CP with proposed conditions, if any.

Decision by Council

5.11 Council will review the report and recommendations and make a decision, within a reasonable time, which may include:

- (a) A request for further information or analysis,
- (b) A decision to grant or not to grant a CP, and
- (c) If a CP is to be granted,
 - (i) any conditions to be attached,
 - (ii) direction to the Lands Manager to take all necessary steps to have the lands surveyed if necessary and to register the CP in the FNLRS, and
- (d) Any other relevant information or direction.

Voluntary process

5.12 This is a voluntary process intended to provide options for resolving historical issues relating to Allotments and CPs. If there are conflicting information sources, significant disputes between Members or legal actions taken by Members in relation to a particular request of proposal for a CP, Council may, in its sole discretion, decline to grant a new Semá:th CP.

Conditional CPs

5.13 Council may attach reasonable conditions to any Semá:th CPs granted.

5.14 The conditions for any conditional grants shall be in writing and shall specify if the CP will be automatically cancelled if the one or more of the conditions are not met.

5.15 Unless otherwise set out in writing in relation to a conditional Semá:th CP, or varied or waived in writing by Semá:th Council, in addition to meeting the requirements set out in paragraphs 5.2(c) to (j), all new conditional Semá:th CPs shall include the following conditions:

- (a) If there is no home on the parcel of the land, the conditional CP-holder must start building within one (1) year and complete construction of a home within two (2) years of receiving the conditional CP, unless they receive an extension or waiver from Council in writing,
 - (b) The conditional CP-holder must apply for and receive all necessary permits, including building permits and final occupancy permits and must have all applicable building inspections done;
 - (c) If the conditional CP-holder is building their own home or carrying out significant renovations or additions, they must hire a qualified and reputable contractor or demonstrate that they themselves are certified or qualified; and
 - (d) The conditional CP-holder must remain in good standing with Semá:th and have no arrears owing to Semá:th and not carry out any illegal activities on Semá:th Lands including, but not limited to, illegally engaging in the production, processing or sale of marijuana, narcotics, or other substances listed in the federal *Controlled Drugs and Substances Act*.
- 5.16 If any of the conditions set out in subsection 5.15 or set out in the granting of the Semá:th conditional CP are not met, and no extension or waiver has been granted by Council in writing:
- (a) the Lands Manager shall provide a warning letter and a thirty (30) day written notice to remedy the default;
 - (b) if the default is not remedied, the Semá:th conditional CP shall be instantly terminated and the parcel of land that is the subject of the CP, shall be automatically transferred back to Semá:th to become Community Lands;
 - (c) unless the Member or Members who originally held the Semá:th conditional CP had an agreement or made agreements with Semá:th in writing, the home and any structures on the land at the time of the transfer back to Semá:th shall remain with the land and the ownership of them shall also automatically transfer to Semá:th; and
 - (d) the Member or Members shall have a further twenty-one (21) days to remove their personal possessions from the home, structures and lands under the supervision of Semá:th.
- 5.17 If a Semá:th conditional CP reverts or is transferred back to Semá:th, , the CP will be cancelled and Council may issue it to another Member in accordance with this Law.

New CPs

Council Designation of Available Land

5.18 Where Community Lands are available to create new CPs and there are

parcels of land that have been surveyed and meet the zoning and other legal requirements for lots and CPs,

- (a) The Lands Advisory Committee shall make a recommendation to Council on which parcels of land to designate for new Semá:th CPs and, where possible, shall coordinate with the Housing Committee or the Housing Department, to reach a joint recommendation, in accordance with any Semá:th laws or polices, on which parcels of land could be made available for new Semá:th CPs and which could be reserved for social housing;
- (b) Any recommendations under paragraph (a) above will include proposed details required under subsection 5.19 below and a draft Council Resolution for Council to review.
- (c) Council may pass a Council Resolution to designate the lands that are available for new Semá:th CPs and to set out any conditions or fees required for Members to apply for a new Semá:th CP.

Requirements and Conditions for Applications

5.19 The Council Resolution designating potential CP lands available will:

- (a) state if there is room available in the Semá:th mortgage guarantee fund;
- (b) set out conditions or application criteria which will include, at a minimum;
 - (i) that all Members applying must have a pre-approved mortgage or funding or demonstrate that they are mortgageable;
 - (ii) confirm that the applicant is willing and able to start building within one year and complete within two years unless otherwise authorized in writing by Council or the Lands Manager;
 - (iii) confirm that the CP will be for residential use only;
 - (iv) include the requirements set out above in subsections 3.7 [1/20th holdback] and 3.8 [maintenance responsibilities, etc.];
 - (v) give priority to Members who do not currently hold a CP on Semá:th Lands that is zoned or designated for residential use and that is solely in their name, or who have entered into an agreement to exchange their CP under section 6;
 - (vi) give priority to Members who:
 - (A) do not currently have a CP on Semá:th Lands,
 - (B) have a CP that is not zoned or designated for residential use,
 - (C) have a CP that is not solely in their name and who have not been able to get the written consent of all other joint CP-holders to build a home on the jointly held CP lands, or
 - (D) have entered into an agreement to exchange their CP under

section 6;

- (vii) require the applicant to be in, and to remain in, good standing with Semá:th, have no arrears owing to Semá:th and not carry out any illegal activities on Semá:th Lands including, but not limited to, illegally engaging in the production, processing or sale of marijuana, narcotics, or other substances listed in the federal *Controlled Drugs and Substances Act*;
- (viii) require any successful applicants to build in accordance with Semá:th laws and any design guidelines for the subdivision;
- (ix) require any successful applicants to apply for and receive all necessary permits, including building permits and final occupancy permits and must have all applicable building inspections done;
- (x) require any successful applicants to hire a qualified and reputable contractor or demonstrate that they themselves are certified or qualified; and
- (xi) any other requirements or conditions set by Council.

Posting, Application and Selection Process

5.20 Any parcels of land designated by Council under subsection 5.18 will be posted to Members at least ninety (90) days in advance of any decisions being made by Semá:th about whether any Members should receive one of the parcels of land as a new Semá:th CP.

5.21 Postings under subsection 5.20 will include:

- (a) notice in a public area of the Semá:th administrative building and on the Sumas First Nation website;
- (b) publication in the Semá:th newsletter mailed to Semá:th Members or by a separate written notice, delivered or mailed to Semá:th Members when deemed necessary by Council;
- (c) all of the information from designation as set out in subsection 5.19;
- (d) the deadline for Members who meet the criteria to apply;
- (e) the details of the selection process; and
- (f) any other relevant information recommended by the Lands Advisory Committee or the Lands Department or required by Council.

5.22 Any Member who meets the criteria may apply.

5.23 Unless otherwise directed by Council Resolution, the selection process for new Semá:th CPs will:

- (a) meet the requirements under section 35 of the Semá:th Land Code for a fair process,
- (b) be first come, first served,
- (c) generate a new list which is separate from any past or existing list Semá:th may have for social or rental housing;
- (d) be based on a new list generated from Semá:th Members who meet the eligibility criteria, with Members who apply first and who meet the eligibility requirements being listed first and subsequent Members being listed in the order in which eligible applications are received, based on time and date stamps or e-mail reception times and dates;
- (e) designate the Lands Manager or another Semá:th representative to answer questions, receive applications, and put in place a secure and transparent system for recording and listing when applications are received, for coordinating recording and ordering of in-person, mail-in and on-line applications, and updating the list;
- (f) provide for applicants to apply even if they:
 - (i) do not yet have their mortgage pre-approval provided they have applied for a pre-approval and believe in good faith that they will be mortgageable; or
 - (ii) have signed an application or documents to exchange their CP land for a new CP but have not yet completed the exchange process;
- (g) provide that within thirty (30) days after the deadline for applications for the Lands Manager to conditionally offer first choice of available parcels to the first fully qualified and fully eligible Member on the list and to continue down the list to offer a choice of the next available parcel to the next fully qualified and eligible Member on the list, and so on;
- (h) provide that if a Member drops out of the process or becomes ineligible that the next Member in line on the list may opt to choose the parcel formerly selected by the Member who dropped out or became ineligible and if the next Member in line did not want the parcel, that it would be added back to the pool for the next Member in line on the list;
- (i) provide that a Member who is on the list and selects a parcel and meets all of the criteria and requirements and completes all required mortgage and land documents and agreements, shall receive a new conditional Semá:th CP for that parcel of land; and
- (j) will include any other procedures or criteria approved by Council Resolution.

6. EXCHANGE OF LANDS

6.1 Council may, by Council Resolution, exchange a parcel of Community Lands for a CP held by a Member, where it is in the best interests of Semá:th, provided the following conditions are met:

- (a) the Member makes a written request or application;
- (b) the Member is the sole holder of the CP or has the written consent of any other holders to carry out an exchange;
- (c) unless otherwise directed by Council by Resolution, the Member pays half of any appraisal or transfer costs;
- (d) there is a fair return to Semá:th for the lands being exchanged;
- (e) Council has made full disclosure through a newsletter or other means to Semá:th Members of the purpose and all the circumstances surrounding the proposed exchange; and
- (f) Council has complied with all relevant Semá:th Laws, other laws and Land Use Plans.

7. CORRECTION OR CANCELLATION

7.1 Council may, by Council Resolution, after reviewing the documentation set out in paragraph 7.2:

- (a) Correct the name or names on a CP; or
- (b) Have a CP re-surveyed or request a surveyor to correct the boundaries of a CP;
- (c) or cancel a CP relating to an estates issues, a Member who transfers out and is no longer a Member, or in a situation set out in this law.

7.2 The documentation under section 7.1 may include:

- (a) A court order or ruling;
- (b) A survey plan certified by a qualified surveyor; and
- (c) A release and waiver signed by all individuals potentially affected which releases and indemnifies Semá:th for any claims arising from the correction or cancellation.

8. REGISTRATION OF ALLOTMENTS AND CPs

2.1 For each Allotment or CP granted under this Law and for all corrections and

cancellations, Council shall:

- (a) Direct the Lands Manager to register the CP or the correction or cancellation in the Registry.

9. CONFLICT OF INTEREST

- 9.1 A conflict of interest arises in any situation where a Council member or a staff member or their immediate family has a personal or business interest in the matter under consideration in relation to a CP or proposed CP.
- 9.2 All Council members and staff members shall notify Council in writing, if they have a potential conflict of interest in relation to a decision about a CP or proposed CP.
- 9.3 No Council member shall participate in a decision, and no staff member shall make a recommendation, where a potential conflict of interest may improperly influence the result of the decision relating to a CP proposed CP.
- 9.4 For greater certainty, section 9.3 does not prevent Council members from participating in decisions, or staff members from making recommendations, in relation to CP which will be granted via lottery or independent sale or auction processes.

10. CONFIDENTIALITY AND PRIVACY

- 10.1 Neither Council nor staff will release or make public any information about a Member's interest in housing or Allotments or CPs except as required by Law or for the carrying out of a process under this Law.

11. GENERAL

- 11.1 This Law is without prejudice and will not abrogate, derogate from, diminish or suspend any of Semá:th's aboriginal rights or title.
- 11.2 Where any federal Act or regulation or provincial Act or regulation or any other Semá:th Law or Law may apply to any matter covered by this Law, compliance with this Law will not relieve the person from also complying with the provisions of the other applicable Act, regulation, bylaw or law.
- 11.3 If any section of this Law is for any reason held invalid by a decision of a court of competent jurisdiction, the invalid section or subsection will be severed from and will not affect the remaining provisions of this Law.
- 11.4 The headings given to the sections and paragraphs in this Law are for convenience of reference only. They do not form part of this Law and will not be

used in the interpretation of this Law.

11.5 No action lies and no proceeding may be brought against Sumas, or a manager, employee, servant, official or agent of Sumas, including for greater certainty, the Lands Manager:

- (a) for any act in relation to this Law;
- (b) for anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty under this Law;
- (c) for the exercise of the person's authority under this Law, including providing advice, making recommendations, or the failure to provide advice or make recommendations under this Law; or
- (d) for any alleged neglect or default in the performance or intended performance of the person's duty or the exercise of the person's authority under this Law.

12. PENALTY

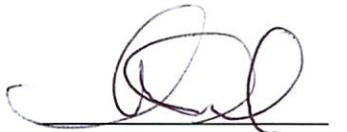
12.1 Any person who violates any provision of this Law is guilty of an offence and liable upon summary conviction to a fine of up to ten thousand (\$10,000) dollars or to a term of imprisonment not exceeding thirty (30) days, or both.

13. COMING INTO FORCE

13.1 This Law comes into force on the date it is passed by Council Resolution after having followed the Ratification Vote process set out in subsection 35.4 of the Semá:th Land Code.

BE IT KNOWN that this Law entitled, "*Semá:th CP Law*", is hereby:

Enacted by a Council Resolution of Council on the 19th day of February, 2018.



Councillor Murray Ned



Chief Dalton Silver



Councillor Jackie Bird



Councillor Clint Tuttle

**A quorum consists of 3
Council Members**



Sumas First Nation

2788 Sumas Mtn. Rd.
Abbotsford, BC V3G 2J2

BAND COUNCIL RESOLUTION

Chronological no.

File reference no.

NOTE: The words "from our band funds" "capital" or "revenue" whichever is the case, must appear in all resolutions requesting expenditures from band funds.

The council of the	Sumas First Nation	Cash free balance	
Date of duly convened meeting	<TYPE DATE HERE> 19 / 02 / 2018	Capital account	\$ _____
	Province BC	Revenue account	\$ _____

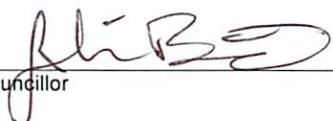
Semá:th CP Law Adoption

Whereas:

- A. Under articles 12 and 35 of the Semá:th Land Code, any law that governs the creation of new Allotments or C.P.'s requires community approval via a ratification vote; and
- B. The Semá:th CP Law was submitted to a Ratification Vote at the Sumas First Nation on the 8th day of February, 2018; and
- C. The Voters approved the Semá:th CP Law as outlined in the attached Certification by Ratification Officer;

Now therefore, the Chief and Council of Sumas First Nation does hereby resolve to adopt the Semá:th CP Law.

Quorum: 3

 Councillor	 Chief	 Councillor
 Councillor	 Councillor	

FOR DEPARTMENTAL USE ONLY					
Expenditure	Authority (Indian Act section)	Source of Funds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue - Revenue	Expenditure	Authority (Indian Act section)	Source of Funds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue - Revenue
Recommending officer			Recommending officer		
_____ Signature			_____ Signature		
_____ Date			_____ Date		
Approving Officer			Approving Officer		
_____ Signature			_____ Signature		
_____ Date			_____ Date		

CERTIFICATION BY RATIFICATION OFFICER

CANADA)
Province of British Columbia)

I, Leona Sam, Ratification Officer for Sumas First Nation in the Province of British Columbia, DO SOLEMNLY DECLARE THAT:

- 1. I was present at Sumas on the 8th day of February 2018 when Voters of the Sumas First Nation voted concerning approval of the proposed Semá:th CP Law, in accordance with the Ratification Plan.
2. A true copy of the Notice of Vote is attached as Exhibit "1" to this Declaration.
3. In accordance with the Ratification Plan I posted the Notice of Vote at least 21 days prior to the Voting Day.
4. The voting procedure, including the handling of mail-in ballots and the counting of results, was conducted in accordance with the Ratification Plan.
5. The names of 261 Voters appeared on the List of Voters.
6. The number of Voters who voted was 75 and their names were entered on the List of Voters.
7. The number of Voters who constituted a majority was 38.
8. The threshold for acceptance and adoption of the proposed Semá:th CP Law will be a majority of voters present who vote in favour, in accordance with section 14.3 of the Semá:th Land Code.
9. The results of the Ratification Vote are as follows:
(a) 75 regular ballots were cast in the Ratification Vote in accordance with clauses 14 and 15 of the Ratification Plan;
(b) 0 ballots were spoiled;
(b) 0 ballots were rejected in accordance with the Ratification Plan and not opened or deposited into the ballot box;
(d) 0 ballots were cancelled in accordance with the Ratification Plan;
(e) 0 ballots were rejected in accordance with clause 16.1 of the Ratification Plan;
(f) 67 ballots were marked "YES" for Question 1; and
(g) 8 ballots were marked "NO" for Question 1.
10. Based on the need to meet or exceed the number of Voters in item 7, and the number of Eligible Voters in item 8 above, the Semá:th CP Law was approved/not approved by the Voters.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED BEFORE me at the City of Chilliwack in the Province of BC, this 9th day of February 2017.

[Signature]
A Commissioner for Oaths in and for the Province of BC.

[Signature]
Ratification Officer - Leona Sam