

APPENDIX B

NOTICE OF REFERENDUM

To all members of the Gitxaala Nation:

We are holding a referendum to determine whether we will adopt a new custom election code.

The Referendum will be held at the following times and places:

Date: January 15th, 2010

Time: 8:00 a.m. to 8:00 p.m.

Locations: Gitxaala Economic Development Building (Old Band Office), Kitkatla and the Gitxaala Administration Offices --100 First Ave, Prince Rupert, B.C..

The Referendum will be on:

The custom election code to be voted upon is the proposed *Gitxaala Nation Custom Election Code* dated for reference December 15, 2009, as updated on December 22, 2009 based on the community forums held December 17 and 18, 2009.

The three updates on December 22, 2009 to the proposed *Gitxaala Nation Custom Election Code*, dated for reference December 15, 2009, are as follows:

1. With respect to work performance evaluation for the Governing Council, section 4.4 is updated to read:

4.4 An independent third party with expertise in human resources management, as chosen by the Gitxaala Justice Tribunal, shall evaluate the individual work performance of the Chief Councillor, Deputy Chief Councillor and each Councillor every three (3) months in accordance with generally accepted employee evaluation criteria (e.g. quality of work, quantity of work, effectiveness, attitude, public relations, supervisory ability, etc.) established by the independent third party after consultation with the Gitxaala Justice Tribunal.

2. With respect to the maximum age of the youth Councillor, sections 4.8(c), 7.8(a), 8.5(a)(iii), Appendix 9, and Appendix 10, are updated so that the youth Councillor must be "less than thirty-one (31) years of age on the date of the relevant Election".

3. With respect to a proposed amendment to the Code as initiated by petition, section 12.1(a) is updated to read:

12.1 Any amendment of this Code shall be initiated by:

(a) a petition presented to the Governing Council, signed by at least 25% of Electors, specifying the proposed amendment; or

(b) a duly passed resolution of the Governing Council, specifying the proposed amendment.

The Referendum question is:

Do you agree with the Gitxaala Nation adopting the proposed *Gitxaala Nation Custom Election Code* dated for reference December 15, 2009, as updated December 22, 2009, as Gitxaala Nation custom for the election of the Chief Councillor, Deputy Chief Councillor, and Councillors?

Yes, I agree.

No, I do not agree.

Referendum Voting Information

Only members of the Gitxaala Nation who are 18 years or older on January 15th, 2010 may vote. Please bring your ID with a photo, date of birth and proof of membership when voting in person. If voting in person, you will be assigned to vote at the polling station closest to where you are ordinarily resident. You may, however, choose to vote at the other polling station. Please contact Ron Watson, Electoral Officer, to confirm you are on the voters list and that your address is correct. It is your responsibility to make sure that you are on the voters list and that the Administration Office and the Electoral Officer have your up-to-date address. The Administration Office also has a voters list that you can use to ensure that you are on the list. If you are not on the voters list, please bring your ID with a photo, date of birth and proof of membership to the Administration Office or the Chief Electoral Officer to be added to the list. You may also be added to the voters list at the polling station on the day of the Referendum by presenting your ID with a photo, date of birth and proof of membership.

The Electoral Officer will be sending a mail-in-ballot package to all Gitxaala Nation members of voting age who do not ordinarily reside in Kitkatla, and to all other voters who request it in timely manner.

Even if you receive a mail-in-ballot package, you may choose to vote in person on the day of the Referendum at one of the polling stations listed above. If you choose to vote in person on the day of the Referendum, any mail-in-ballot you have submitted will be rejected.

The proposed *Gitxaala Nation Custom Election Code* dated for reference December 15, 2009, will be mailed out or distributed to all Gitxaala Nation members of voting age, together with this Notice of Referendum. These materials are also available upon request to the Electoral Officer, at the Administration Office or at the Community Forums.

Electoral Officer: Ron Watson

Phone number: (250) 848-2363