

McLeod Lake Indian Band

Council

Policies and Guidelines

*This Policy was approved by Chief and Council at a meeting in McLeod Lake
on November 20, 2009.*

*Motion: **MLIB 112009:008***

Approved Nov 20, 2009

PART ONE - BAND PROVISIONS

1.1 PURPOSE AND TITLE

1.1.1 This policy is hereby enacted by the McLeod Lake Indian Band Council, on behalf of the members of McLeod Lake Indian Band. This document will serve and be known as the *Policies and Guidelines for Council*.

1.1.2 The purpose of this policy is to provide guidelines under which members of the Council perform their appointed duties in a responsible and appropriate manner.

1.2 APPLICABILITY

1.2.1 The Council are subject to all provisions of this policy unless they receive certain exemptions as agreed by a majority of Council on behalf of the members of McLeod Lake Indian Band.

1.2.2 Should a policy or guideline contained in the Policies and Guidelines for Council be at odds with provision of the McLeod Lake Indian Band's Financial Administration Bylaw or Electoral Code, the Financial Administration Bylaw and the Electoral Code will prevail.

1.3 RESPONSIBILITY

1.3.1 All members of Council are responsible for the maintenance of and adherence to this policy.

1.4 INTERPRETIVE PROVISION

1.4.1 For administrative purposes only, the Band Manager of the McLeod Lake Indian Band may provide such interpretations of this policy as may be required from time to time and to apply those administrative interpretations unless otherwise directed by Council.

Approved Nov 20, 2009

1.5 Definitions

For purposes of this policy, the following definitions are used:

“Abstain” means to refrain from voting, either for or against a motion;

“BCR” means Band Council Resolution;

“Council” means elected Chief and elected Councillors.

“Community Member” is a person who is not a member of the Band but resides on McLeod Lake Indian Reserves or surrounding communities;

“Entity” means any McLeod Lake Indian Band Company.

“Band Manager” means any employee or contractor who reports directly to Council; or their designated alternate.

“Manager” means an employee or contractor of the Band who reports to the Band Manager, the Board of Directors, or Chief and Council.

“Band Member” is a person recognized by McLeod Lake Indian Band as being a member of the McLeod Lake Indian Band.

“Official” means any person appointed in an official capacity by Council who also reports to Council;

“Special Meeting” is one that is called to address issues that cannot wait until the next regular scheduled meeting.

1.6 AMENDMENTS

1.6.1 Council, from time to time, through a quorum, can amend this policy.

Approved Nov 20, 2009

PART TWO - COUNCIL

2.1 COMPOSITION OF THE COUNCIL

2.1.1 The Council of McLeod Lake Indian Band consist of one elected Chief and 6 elected Councillors.

2.1.2 The functions of Council are to oversee and direct, through the Band Manager, the following activities:

- Education
- Finance, Administration and Personnel
- Intergovernmental Affairs
- Public Works
- Housing
- Culture and Heritage
- Social Development
- Elders
- Youth
- Economic Development, including businesses
- Health
- Justice
- Off Reserve interests of Band members
- Land Management
- MLIB Trust

Councillors may be asked by Council to pay special attention to specific areas of Band Governance.

2.2 DUTIES AND OBLIGATIONS OF MEMBERS OF COUNCIL

2.2.1 Performance

Council Members will:

2.2.1.1 Perform their duties conscientiously, competently, loyally and honestly, remembering that the primary work task is to serve the Band membership to the best of their ability;

2.2.1.2 Ensure the integrity and dignity of McLeod Lake Indian Band's local government, traditions, businesses, members and staff; and,

Approved Nov 20, 2009

2.2.1.3 As elected representatives, will protect the best interests of the Band in their performance of their duties at all times.

2.2.2 Loyalty

2.2.2.1 All Chief and Councillors must be loyal to the collective interests of all band members. This loyalty supersedes:

- a. Any advocacy or special interest group and membership on other Boards.
- b. The personal interests of any Council member acting as an individual user of the McLeod Lake Indian Band and other government's programs and services.

2.2.3 Conduct of Meetings

Council will:

2.2.3.1 Convene all meeting of Council in accordance with established procedures, which are:

- a. That all members of Council are provided with at least 10 business day's notice of regular Council meetings; and that an agenda and accompanying materials be provided within 5 days of a regularly scheduled meeting; and,
- b. That for emergency meetings, no notice is required provided that all members of Council are made aware of the meeting prior to its convening and that a quorum is agreeable that an emergency meeting is required. (At such a meeting, there would be only the emergency item(s) on the agenda. The minutes from the previous meeting and other non-emergency items deferred to a regular meeting of Chief and Council.)

2.2.3.2 Hold scheduled meetings at a minimum of one council meeting per calendar month.

2.2.3.3 Convene meetings with the Membership at least two times per fiscal year.

2.2.3.4 Convene an Annual General Assembly once per year, during the week after the British Columbia Day statutory holiday in August.

2.2.3.5 Ensure that all relevant information important to the prosperity or detriment

Approved Nov 20, 2009

- of the Band be made known to Council in a timely manner;
- 2.2.3.6 Be present, either physically or by teleconference, at all meetings, unless there are compelling reasons why a member cannot attend. It is the responsibility of Councillors to actively participate in meetings of the Band Council. Absences may be subject to the application of section 2.10.
 - 2.2.3.7 A member of council shall be deemed to have given up their position on council if absent from six consecutive regularly scheduled meetings within a one year period of the Council unless the absence is due to illness or with the leave of council.
 - 2.2.3.8 Provide quorum with four (4) members of Council at a properly constituted meeting which allows for normal operation of business. (See election code)
 - 2.2.3.9 The Chief has the right to vote on any motion of council;
 - 2.2.3.10 The Chief shall be the Chairperson of all Council meetings. Should the Chief not be available, council cannot have a convened council meeting.
 - 2.2.3.11 Conduct all Council meetings in accordance with *Roberts Rules of Order*, revised edition, except where provided otherwise in these regulations or agreed to by a quorum of Council.
 - 2.2.3.12 Encourage McLeod Lake Indian Band members' participation by opening Council meetings to Band members. Council only excludes Band members for improper conduct or for those matters of privacy or confidentiality. Council may allow time during their meeting to address public concerns. If so, it is appropriate that community members contact Council beforehand to be placed on the agenda and to make known the generality of their presentation.
 - 2.2.3.13 Ensure that minutes are:
 - a. Reviewed for accuracy;
 - b. Approved and signed by a quorum of Council;
 - 2.2.3.14 Assure that any Band member may, at all reasonable times, inspect the minutes of Council meetings that have been approved by council, the bylaws and resolutions passed by Council, and the financial statements of the Band and its entities. Access to these records will be maintained by the Band Manager.

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The role of Council is to:

- 2.2.4.1 Act as the political representative and spokesperson of the Band, leaving the Entity and Band Managers to manage the administration of McLeod Lake Indian Band and its businesses separate from politics;
- 2.2.4.2 Appoint representatives to Board and Committees. Provide project recommendations to the Board of Trustees for project funding from the Treaty 8 Trust;
- 2.2.4.3 Provide the Band and it's entities' Board of Directors with direction and advice regarding issues relating to government and business;
- 2.2.4.4 Review, adjust, and approve strategic plans, goals, objectives and budgets of the administration and the Band entities.
- 2.2.4.5 Delegate signing authority by way of BCR, for items such as, but not limited to, permits, contracts, bank transactions, Memorandums of Understanding, Protocols, on behalf of the Band and Band entities insofar as the documents are consistent with decisions of Council;
- 2.2.4.6 Become familiar with and abide by all governing documents, organizations, programs, and operations of the Band and Council;
- 2.2.4.7 Discuss, amend and approve policies and regulations designed to improve the finances, security, comfort and development of the Band, its businesses, and its members.
- 2.2.4.8 Ensure that the Band and its entities are operating in a legal, ethical, moral and safe manner;
- 2.2.4.9 Appoint a Band Manager to manage the daily business affairs of the Band by:
 - a. Defining the duties and responsibilities of Band Manager;
 - b. Advertising for the Band Manager;
 - c. Hiring Band Manager in a competitive process;
 - d. Define and approve the provisions of Band Manager contract;
- 2.2.4.10 Appoint Board of Directors for McLeod Lake Indian Band entities;
- 2.2.4.11 Be responsible for ensuring that appointed officials who report directly to

Approved Nov 20, 2009

Council perform their duties in the best interests of the Band, and provide direction, and if not, take corrective action.

- 2.2.4.12 Council members shall prepare a quarterly written report, to present at a scheduled monthly council meeting, on a quarterly basis. Said report may also be distributed to the membership through a newsletter or the website.

2.2.5 Conduct of Council

Council members will not exercise individual authority over the organization except as explicitly set forth by Council. Therefore,

2.2.5.1

- a. The Council will not undermine the authority of Band Managers or other Band officials and staff;
- b. Issues regarding Band Managers, officials, or staff that may arise will be dealt with in camera at regular or emergency Council meetings and not in a public forum;
- c. The Council will not interfere with Entity's day to day operations unless so requested by the Band Manager or Board of Directors with notification to Council;
- d. The Council will not commit the entity to a course of action without the knowledge and input of the responsible Band Manager or Board of Directors;
- e. The Council will not instruct the Band Manager or Board of Directors to perform any activity which is illegal, immoral, unethical or dangerous; and,
- f. The Council will not harass the Band Manager; Entity manager, or the staff of the entities.

- 2.2.5.2 Except for the authority granted to the Chief, Councillors must recognize that they have no authority to interact with the public, the media and entities, unless the Chief has given prior permission for doing so.

- 2.2.5.3 Members of Council are required to set an example in public and private of good conduct, citizenship and brotherhood within the community in a manner that will bring credit to themselves, McLeod Lake Indian Band, its

Approved Nov 20, 2009

Entities and Band Membership.

- 2.2.5.4 Council members will attend all Council and Membership meetings where at least forty eight hour's notice of a meeting has been given, unless there is a justifiable reason for their absence acceptable to a quorum of Council.
- 2.2.5.5 Council has a primary responsibility to be reasonably accessible to the members of McLeod Lake Indian Band.
- 2.2.5.6 Council members will not wilfully misrepresent the Band.
- 2.2.5.7 If a Council member has a concern with Council or a member of Council, he/she will bring the concern first to a meeting of Council where the concern will be dealt with in an open meeting or in camera as decided by the other members of Council.
- 2.2.5.8 After deciding on a course of action, all Council members should act as one in their presentation of issues to the public, and will refrain from publicly criticizing other members of Council.

2.2.6 Conflict of Interest

Members of Council must avoid any conflict of interest or appearance of Conflict of Interest with respect to their responsibilities. Therefore,

- 2.2.6.1 For the governance of conflicts of interest and unless otherwise provided for in this policy:
 - a. A Councillor will disclose in writing or verbally to the Council any interest, direct or indirect that he or she may have in any matter before Council and entities, if such could, in any way, influence the decision making process.
 - b. After disclosure, the said Council member will not take any part in discussions or vote on the matter, and will be asked to leave the meeting for the duration of the discussions and/or voting.
 - c. Such interests must be disclosed to and entered into the minutes of Council.
 - d. Where a Council member seeks a decision from council in his or her personal capacity of with respect to his or her personal interests, the Council member must:

Approved Nov 20, 2009

- a) Follow the procedures set out for band members who make requests of Council; and
 - b) Not take part in the decision pursuant to his or her request as set out in Section 2.2.6.1 (b).
- 2.2.6.2 Once elected, any Chief/Councillor elect who are employees or independent contractors of the Band or the Band's entities are required to resign their duties with the Band or entity immediately.
- 2.2.6.3 Council members will disclose any personal fees, significant gifts, or other tangibles offered in reward by third parties for duties performed through their Council positions and will direct that these benefits be awarded to the Band as a whole. (Exceptions are made for minor items.) Council may agree to assign the benefit to the Council member.
- 2.2.6.4 Council members will refuse acceptance of an additional office or position outside the McLeod Lake Indian Band if the position conflicts with the goals or operations of the Council.
- 2.2.6.5 Council members are prohibited from personal gain or distribution of confidential or privileged information obtained by virtue of their position on the Council.
- 2.2.6.6 Every Council member will keep the minutes, records or proceedings of any "in camera" council or committee meeting in confidence.

2.3 DUTIES AND OBLIGATIONS OF THE CHIEF

The Chief has the authorities, duties and obligations to:

- 2.3.1 Convene all meetings of Council in accordance with established procedures for meetings and be the Chairperson of all Council Meetings unless a Deputy Chief has been assigned, as per section 2.2.3.10 and 2.3.2;
- 2.3.2 Ensure that a Deputy Chief is assigned, with a BCR, through a council meeting. The Deputy Chief will only have the authorities of the Chief should the Chief become incapacitated due to death, serious injury/illness, etc.
- 2.3.3 Become familiar with and abides by all governing documents, organizations, programs, and operations of the Band and Council;
- 2.3.4 Be the signing officer for contracts approved by Council, by way of BCR.

Approved Nov 20, 2009

- 2.3.5 Act as the official spokesperson or representative at ceremonial or other functions; or delegate this responsibility as required.
- 2.3.6 Speak for and express the opinions of the Band and its entities at public meetings or with the media.
- 2.3.7 Call special meetings of the Council to discuss important business that cannot wait until the next regular Council meeting.
- 2.3.8 Make decisions, subject to approval by Council on a timely basis, in accordance with Council policies, on the governance process and Council-Band Manager relationships. Approval should ordinarily take place at the next regular scheduled Council meeting.
- 2.3.9 The Chief shall coach the Council to be an effective team by:
- Encouraging the Council to respect other members of Council;
 - Ensuring that Council fulfil their duties;
 - Directing the Council to focus on the short and long-term needs of the membership, the Band and its Entities.
 - Providing Councillors with opportunities for self-development;
 - Working and assisting those Councillors who may be experiencing difficulties in their Council duties; and,
 - Acting in a supervisory capacity to all Council activities.
- 2.3.10 The Chief is the ex-officio of all Band Committees and Boards.
- 2.3.11 The Chief shall not have signing authorities for any McLeod Lake Indian Band bank accounts and transactions.
- 2.3.12 The position of Chief shall be deemed full-time.

2.4 TRANSITION OF COUNCIL

- 2.4.1 To assure a smooth transition between Councils after election, within the interim period between the Band election and the assuming of office by the newly elected council, the retiring Council will meet formally with the newly elected Council in the presence of the auditor, Financial Controller and Band Manager and provide the following information:
- 2.4.2 Summary of financial status of all band operated programs, projects and accounts to include:

Approved Nov 20, 2009

- a. Up to date balance sheets, income statements, and budgets for all programs and projects;
 - b. An explanation of surpluses, deficits, and other relevant information regarding each department;
 - c. A list of any commitments the previous Council has made on future funding or expenditures;
 - d. An explanation of ongoing capital programs, planned projects and initiatives;
 - e. An update on all the activities relating to the McLeod Lake Indian Band;
 - f. Transfer all Band property including files, equipment, vehicles and other assets from the outgoing Council to the new Council;
 - g. Provide knowledge of all required signing authority changes that are necessary, i.e.: bank signing authorities, government signing authority, etc.
- 2.4.3 A written report by outgoing Council will be provided to the incoming Council and posted for Band members. This report will contain a summary of all of the above information.

2.5 QUORUM OF COUNCIL

- 2.5.1 A quorum Council will be four members in good standing, either present at a meeting in person or by teleconference.

2.6 PROCEDURES OF COUNCIL MEETINGS

- 2.6.1 The agenda will be prepared by the Chief with assistance from the Band Manager, and will proceed only with the consent of Council.
- 2.6.2 There must be a quorum of Council members to have a meeting in which there are decisions made. If there is not a quorum, the meeting may proceed for discussion and information only, but there can be no decisions.
- 2.6.3 All matters on the agenda will be subject to open discussion. There will be no time limit for such discussions unless a consensus of a quorum of Council calls for a vote, in which case the Chairperson will close the discussion and proceed with a vote.

Approved Nov 20, 2009

- 2.6.4 Decisions of Council are by a majority vote after a matter has been moved and seconded. At the discretion of the Chair, a vote may be called by voice, show of hands or secret ballot.
- 2.6.5 A member of Council may abstain from voting, but he or she must give reasons for abstaining.

2.7 MINUTES OF COUNCIL MEETINGS

- 2.7.1 The Band Manager will ensure that minutes are kept for all Council meetings.
- 2.7.2 The minutes of Council with amendments, if any, shall be approved by a quorum and signed by the Chairperson during its next regular meeting.
- 2.7.3 Some items discussed at the Council Meetings will be of highly sensitive and confidential nature and should be confidential. The public minutes will indicate *in camera*, with the in camera notes kept in a safe place for future reference.

A note taker will be appointed who will keep the *in camera* notes in a confidential and secure place. The notes shall include the discussion topic and the decision made.

[Examples of in camera topics include disciplinary actions, sensitive business negotiations, or discussions regarding pending or current legal actions.]

- 2.7.4 The approved minutes of Council Meetings will be made available to McLeod Lake Indian Band Membership, upon request, and will be available at McLeod Lake Indian Band offices and other Council approved venues.

2.8 ACCESS TO MEETINGS OF COUNCIL

- 2.8.1 At the discretion of Council, all meetings of Council will be open to the peaceful observation by McLeod Lake Indian Band Members, unless a quorum of Council determines that a particular matter must be conducted *in camera*.

2.9 PROPERTY OF COUNCIL

- 2.9.1 All members of Council are entitled to use documents, papers, supplies (etc.) provided to them by the McLeod Lake Indian Band Administration and its entities for intended purposes only. Personal use is prohibited. All documents, papers, and supplies (etc.) remain the property of McLeod Lake Indian Band.

Approved Nov 20, 2009**2.10 PENALTIES FOR COUNCIL**

All Council members must carry out their duties in good faith with a reasonable degree of diligence, care, accountability, transparency and skill. If a Council member is deemed to be negligent in carrying out his/her duties, the remaining Council members have the right to enforce its applicable policies.

2.10.1 Members of Council who commit any violation of the Council Policies and Guidelines may be subject to a penalty imposed by a decision of Council.

In such circumstances, the following guidelines will be followed:

- a. The Council will raise the concerns with the council member;
- b. Continued offense will result in a motion of censure being brought by Council.
- c. If there is no change in the behavior of the council member or if there are circumstances of an extreme nature, the council member will be denied access to Council.

2.10.2 Any decision of Council under Section 2.10.1 must be reported to McLeod Lake Indian Band Membership as soon as reasonably possible.

2.10.3 Members of Council will forfeit \$300 for each missed meeting (regular scheduled meeting, special meeting, community meeting and all other meetings where Council are expected to attend) when there has been at least forty eight hour's notice; unless the council Member notifies council with an acceptable reason for absence; reasons are to be determined reasonable by a quorum of Council.

Any Council Member is responsible to let Council know that they will be unable to attend the meeting, no later than thirty minutes after the scheduled meeting start time.

At the meeting where a Council member is absent without explanation, Council will direct the Band Manager to apply the forfeit of monies.

2.10.4 If a Council Member feels that an imposed penalty is unjust, they may appeal to council at the next regular scheduled meeting.

PART THREE
REMUNERATION AND BENEFITS OF COUNCIL

Approved Nov 20, 2009

- 3.1 All members of Council will be entitled to receive remuneration at a rate approved at a meeting of Council.
- 3.2 Council is entitled to be reimbursed for costs related to travel, meals, accommodations, childcare, etc., while on Council business, and these reimbursements are not a taxable income; all costs must be accompanied by a signed expense claim and receipts. As per other MLIB Policies, any travel advances must be paid back in full to MLIB, if the Council Member did not attend the business meeting.
- 3.3 There are no provisions for overtime compensation. Council is expected to fulfil their obligations and responsibilities for no additional compensation beyond that of honourarium.
- 3.4 There may be some employment benefits, such as Canada Pension Plan, Registered Pension Plan, Liability Insurance for Chief and Council, and Extended Medical Insurance.

Approved Nov 20, 2009

**PART FOUR
OATH OF OFFICE**

- 4 All members of Council will take an *Oath of Office* within two month of winning an election or after an unsuccessful appeal of the election results. The Oath of Office is as follows:

OATH OF OFFICE
For
COUNCILLORS

I, _____, do hereby swear that as newly elected _____ Councillor of McLeod Lake Indian Band, I will do my utmost to carry out the duties of my position conscientiously, loyally, and honestly; remembering that my primary duty is to serve the membership of the Band as a whole and to treat all members equally regardless of name or ancestry.

I accept my position as _____ Councillor and agree to uphold the dignity and pride of McLeod Lake Indian Band throughout my term of office.

This Oath made this _____ day of _____ 20__ at _____.

<i>Signed</i>	<i>Witnessed</i>
_____	_____
<i>Name</i>	<i>Name</i>

Approved Nov 20, 2009

PART FIVE
COMING INTO FORCE WITH THIS POLICY

5. This policy will come into force upon the passing of a Band Council Resolution by the Council of McLeod Lake Indian Band.

The BCR number _____, dated _____.

Each Councillor will indicate a commitment to following this policy.

AGREEMENT TO THE COUNCIL POLICY AND GUIDELINES

As Chief/Councillor for the McLeod Lake Indian Band, I agree to be bound by the provisions and spirit of this policy.

_____	_____
Chief Derek Orr	Dated
_____	_____
On Reserve Councillor Jenine Solonas	Dated
_____	_____
Youth Councillor Destiny Bear	Dated
_____	_____
Elders Councillor Josephine Tylee	Dated
_____	_____
On Reserve Councillor Elizabeth Solonas	Dated
_____	_____
Off Reserve Councillor Fred Inyallie Jr.	Dated
_____	_____
Off Reserve Councillor Yasmin Prince	Dated