



# **McLeod Lake Indian Band**

## **Policy and Guidelines For Chief and Council**

*Approved by Chief and Council, March 2, 2018.*

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# **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 Chief and 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 The policies of the Band, such as the Travel Policy, Vehicle Policy, Conflict of Interest Policy and others are to be followed in addition to those policies set forth in this document.
- 1.2.3 Should a policy or guideline contained in the Policies and Guidelines for Council be at odds with provisions of other approved policies and codes, the provisions of this policy will be reviewed and amended as required.

### **1.3 Definitions**

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

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

“Annual General Assembly” (AGA) is a meeting of Chief and Council and Severalty and In Common Membership that is held on three (or four) consecutive days after British Columbia Day in August and is typically Wednesday, Thursday, and Friday (and/or Saturday.)

“Annual General Meeting” (AGM) is a meeting of Chief and Council, Members in Common, and the Board of Directors of the Band-owned companies and is typically held 5 or 6 months after the company’s financial yearend.

“Audit and Reporting Day” is the Thursday of the Annual General Assembly and has presentations by the MLIB Auditor, MLIB Departments, and MLIB Entities.

“Band Administrator” is the chief operating officer of the Band Administration and is one of two officials that report directly to Chief and Council.

“Chief Financial Officer” (CFO) is primarily responsible for managing the financial risks of the band, for financial planning, analysis of data, interface with auditors and record-keeping, as well as financial reporting to Chief and Council. The CFO works with the Band Administrator.

“Community Meeting” is a meeting of community members led by MLIB administration in either McLeod Lake or Prince George with preferred attendance of either on or off reserve councillors.

“Community Member” is a person who may or may not be a member of the Band but has some significant connection to the Band, such as through marriage, employment with the Band; or residence on McLeod Lake Indian Reserves or surrounding community;

“Council” means Chief and Council.

“Entity” means any McLeod Lake Indian Band organization including MLIB owned Companies, and other organizations that reports to or is influenced by Council.

“Fiduciary Duty” is a duty is imposed on a person who accepts being placed in a position of great trust by another individual or entity and, as a result, is required to fulfil important legal responsibilities in exercising that trust.

“Information Council Meeting” is a meeting attended by members of Chief and Council where a quorum of 4 is not required and minutes may or may not be taken.

“Manager” means an employee or contractor who is in charge of a department of a Band Department and reports to the Band Administrator.

“Member in Common” is a person recognized by McLeod Lake Indian Band as being a member of the McLeod Lake Indian Band who has chosen to contribute their Treaty 8 settlement funds and lands to the benefit of McLeod Lake Indian Band as a whole; or is a direct descendant of a member who has chosen to be *in common*.

“Member in Severalty” is a person recognized by McLeod Lake Indian Band as being a member of the McLeod Lake Indian Band who has chosen not to contribute their Treaty 8 settlement lands to the benefit of McLeod Lake Indian Band as a whole; or is a direct descendant of a member who has chosen to be *in severalty*.

”MLIB” means McLeod Lake Indian Band.

“Official” means any person who is an employee of McLeod Lake Indian Band.

“Quarterly Meeting” is an information meeting with Chief and Council that occurs approximately every three months and is normally held in McLeod Lake, Prince George, and two other locations in Alberta and British Columbia as determined by Council.

“Regular Meeting” is the main monthly meeting of Chief and Council which normally occurs on a set day during each month, minutes are taken and previous minutes are reviewed and accepted.

“Special Meeting” is a non-scheduled meeting called by Council, where minutes are taken but previous minutes not reviewed

## **1.4 RESPONSIBILITY**

1.4.1 All members of Council and the Band Administrator are responsible for the maintenance of and adherence to this policy.

## **1.5 INTERPRETIVE PROVISION**

1.5.1 For administrative purposes only, the Band Administrator 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.

## **1.6 AMENDMENTS**

1.6.1 Council will, through a quorum, approve amendments to this policy.

## **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, and are elected as defined by the current MLIB Election Code.

2.1.2 The Council is elected to portfolios which consist of the following:

- Elders's Councillor (1)
- On Reserve Councillors (2)
- Off Reserve Councillors (2)
- Youth Councillor (1)

2.1.3 The functions of Council also include the oversight of 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 members
- And other areas of Band governance.

Specific councillors may be asked by Council or volunteer to pay special attention to specific areas of Band Governance in addition to their elected portfolio.

#### **2.2 DUTIES AND OBLIGATIONS OF CHIEF AND COUNCIL**

Chief and Council, being elected by the members of McLeod Lake Indian Band, have a fiduciary duty to the members of McLeod Lake Indian Band and are responsible for all of the Band's assets and as Trustees, they hold the Band's assets in trust for the benefit of all of the Band's members in common, who are the Beneficiaries.

These duties include:

### **2.2.2 Duty of Honesty**

Chief and Councillors must act honestly and in good faith at all times when dealing with or on behalf of the Band.

### **2.2.3 Duty of Loyalty**

Chief and Councillors must give their undivided loyalty to the Band and must not let matters of personal interest or profit come into conflict with the interests of the Band. Loyalty to other organizations or groups come second to the loyalty given to the Band.

### **2.2.4 Duty of Care**

Chief and Councillors must look after the affairs of the Band with as much care, good sense and good judgment as a reasonable person would in the same circumstance.

### **2.2.5 Duty of Skill**

Chief and Councillors are not required to be experts. They are required to use as much skill in making decisions for the organization as any similarly skilled reasonable person.

### **2.2.6 Duty of Diligence**

Chief and Councillors must be diligent about their work as members of Chief and Council. For example, they need to attend meetings regularly, read all the minutes and reports from committees, look at all the available facts including expert recommendations on issues, but then make up their own minds on decisions.

### **2.2.7 Duty of Prudence**

This is very much like the duty of care. It means that Chief and Councillors are expected to exercise caution and common sense on behalf of the organization.

## **2.3 DUTIES TO THE BAND**

The duties of care, diligence, and prudence suggest that a Chief and Councillor should take care to know the constitution, policies, codes and bylaws of the Band thoroughly in order to make certain, for example, that the Council only authorizes actions that fit within the Band's purposes or objects. A Chief or Councillor must act strictly within the scope of his/her authority and must not instruct the Band or its entities to carry out activities that are not permitted by the organization's objects.

These duties also suggest that Chief and Councillors have a clear Operating Policy outlining things such as proper notice of meetings, quorum for meetings, rules of order, and that the Chief and Councillors follow these policies carefully.

The duties of honesty and loyalty require that Chief and Councillors put the interests of the Band ahead of their personal interest. They should avoid even the appearance of a conflict of interest by not voting in such situations. In case of doubt, the individual with the possible



conflict should explain it to fellow Chief and Councillors, and then abstain or be absent from involvement in discussion or voting on that issue. (See MLIB Conflict of Interest Policy)

The duty of skill has to do with the standard of care that the Chief and Councillors owe to the Band. The standard is that of a reasonable person in comparable circumstances. The court will give some weight to the particular Chief or Councillor's experience and expertise. Thus, a lawyer who is a chief or councillor would probably be held to a higher standard of care on legal matters than a fellow board member with little experience with the law. When Chief and Council believe that they lack required expertise in a particular area, they should seek the advice of experts, such as a lawyer or accountant, before they make their decisions.

As elected representatives, Chief and Councillors will protect the best interests of the Band in their performance of their duties at all times. They will insure the integrity and dignity of McLeod Lake Indian Band's local government, traditions, businesses, members and staff.

## **2.4 DUTIES TO OTHERS**

### **2.4.2 CIVIL LIABILITY**

Where the Band has caused damage to a third party, the general rule is that, provided the Chief or Councillor was acting within the scope of his/her authority, the Chief or Councillor will not be found personally liable for damages, provided there is no evidence of gross negligence or fraud. If the Chief or Councillor was acting outside his/her authority (for example, the Council had not passed a motion authorizing the action) and the Band caused the damage as a result of his/her actions, then Chief or Councillor may be liable to the Band for the amount the Band was required to pay to the third party.

*Note that McLeod Lake Indian Band purchases liability insurance that protects Chief and Council when decisions are made in good faith. If the decision is made in bad faith, there will be no insurance coverage.*

### **2.4.3 CRIMINAL LIABILITY**

Where the Band is charged with an offence under the Criminal Code, a Chief or Councillor may also be charged as a party to the offence if the Chief or Councillor actively participated in, assisted in, or encouraged the crime. If the Chief or Councillor is in a position to stop the commission of the offence and omits to do so, he/she may be found guilty under the Criminal Code.

### **2.4.4 DUTIES TO EMPLOYEES**

Chief and Council have a duty to ensure that the organization meets its responsibility as an employer, which are detailed in many federal and provincial statutes. For example, employer duties include:

- Duty to pay full wages, including overtime and vacation pay;
- Duty to provide paid days off for statutory holidays;
- Duty to provide a safe working environment.

## **2.5 CONDUCT OF MEETINGS**

Council will:

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

- That all members of Council are provided with at least 10 business days' notice of regular Council meetings; and that an agenda and accompanying materials be provided within 5 days of a regularly scheduled meeting; and,
- That for emergency meetings, no notice is required provided that all members of Council were notified of the meeting prior to the convening of the meeting 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 would be deferred to a regular meeting of Chief and Council.) Should it not be possible to notify all members of Council, the non-notified Councillors may request that the decision be discussed at the next regularly scheduled Chief and Council meeting.

2.5.2 Hold scheduled meetings at a minimum of twelve times per fiscal year. Further, such meetings will not have an interval greater than one month unless otherwise consented to by a decision of Council.

2.5.3 Convene quarterly meetings with the Membership at least four times per fiscal year, one meeting of which can be the Annual General Assembly.

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

2.5.5 Ensure that all relevant information important to the prosperity or detriment of the Band be made known to Council in a timely manner;

2.5.6 Be present, either physically or by teleconference, at all regularly scheduled monthly meetings, unless there are compelling reasons why a member cannot attend, such as ill health or attendance at another Council sanctioned meeting.

2.5.6.1 The office of Council shall become vacant when a Chief or Councillor has been absent from three regularly scheduled meetings within a one year period of the Council without providing a reason acceptable to the rest of Council. The absent Councillor should give notice of non-attendance before commencement of the

meeting.

- 2.5.6.2 Provide quorum with four (4) members of Council at a properly constituted meeting which allows for normal operation of business. (See election code)
- 2.5.6.3 The Chief is normally the Chairperson of all Council meetings, but in the Chief's absence, the Councillors may appoint a substitute Chairperson from amongst themselves. This Chairperson shall have all the powers and responsibilities of the Chief for conducting that meeting only.
- 2.5.6.4 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.
- 2.5.6.5 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.
- 2.5.6.6 Ensure that minutes of all meetings are taken. Council will
  - a. Review minutes for accuracy;
  - b. Approve by a quorum of Council, signed by Chief and Band Administrator.
- 2.5.6.7 Assure that any Band member may, at all reasonable times, inspect the approved minutes of Council meetings, 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 Administrator.

## **2.6 ROLE OF COUNCIL**

The role of Council is to:

- 2.6.1 Act as the political representative and spokesperson of the Band, leaving the Band Administrators free to run the administration of McLeod Lake Indian Band separate from politics;
- 2.6.2 Appoint representatives to committees.
- 2.6.3 Provide project recommendations to the Board of Trustees for project funding from the Treaty 8 Trust;
- 2.6.4 Provide the Band and its entities' Board of Directors with direction and advice regarding issues relating to government and business;

- 2.6.5 Review, adjust, and approve strategic plans, goals, objectives and budgets of the administration and business;
- 2.6.6 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;
- 2.6.7 Become familiar with and abide by all governing documents, organizations, programs, and operations of the Band and Council;
- 2.6.8 Discuss, amend and approve policies and regulations designed to improve the finances, security, comfort and development of the Band, its businesses, and its members;
- 2.6.9 Ensure that the Band and its entities are operating in a legal, ethical, moral and safe manner;
- 2.6.10 Appoint a Band Administrator to manage the daily business affairs of the Band by:
  - a. Defining the duties and responsibilities of Band Administrator and other key officials;
  - b. Advertising for the Band Administrator;
  - c. Hiring Band Administrator officials in a competitive process;
  - d. Define and approve the provisions of Band Administrator contract;
- 2.6.11 Appoint Board of Directors for McLeod Lake Indian Band entities;
- 2.6.12 Be responsible for ensuring that appointed officials who report directly to Council perform their duties in the best interests of the Band, and provide direction, and if not, take corrective action..
- 2.6.13 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.

## **2.7 CONDUCT OF COUNCIL**

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

- 2.7.1 The Council will not undermine the authority of Band Administrators or other Band officials and staff.
- 2.7.2 Issues regarding Band Administrators, officials, or staff that may arise will be dealt

- with in camera at regular or emergency Council meetings and not in a public forum;
- 2.7.3 The Council will not interfere with Entities' day to day operations unless so requested by the Band Administrator or Board of Directors with notification to Council;
  - 2.7.4 The Council will not commit the entity to a course of action without the knowledge and input of the responsible Band Administrator or Entity manager;
  - 2.7.5 The Council will not Instruct the Band Administrator or Entity manager to perform any activity which is illegal, immoral, unethical or dangerous; and,
  - 2.7.6 The Council will not harass the Band Administrator; Entity manager, or the staff of the entities.
  - 2.7.7 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.
  - 2.7.8 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 Entities and Band Membership.
  - 2.7.9 Council members will attend all Council and Membership meetings where at least one weeks' notice of a meeting has been given, unless there is a justifiable reason for their absence acceptable to Council.
  - 2.7.10 Council has a primary responsibility to be reasonably accessible to the members of McLeod Lake Indian Band. Council should return calls and e-mail
  - 2.7.11 Council members will not wilfully misrepresent the Band.
  - 2.7.12 If a Council member has a concern with Council, he/she will bring the concern first to a meeting of Council where the concern will be dealt with in public or in camera as decided by the other members of Council.
  - 2.7.13 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.

## **2.8 DUTIES AND OBLIGATIONS OF THE CHIEF**

The Chief has the powers, duties and obligations to:

- 2.8.1 Convene all meetings of Council in accordance with established procedures for meetings and be the Chairperson of all Council Meetings unless the Chief has delegated an alternate Chairperson for any specific meeting.
- 2.8.2 The Chief will be the Chairperson of all Council meetings unless he has designated the responsibility to another Councillor, or in his absence, Council has designated a temporary Chairperson for that meeting only.
- 2.8.3 Select a Deputy Chief, by a BCR through a council meeting. The Chief may delegate the Deputy Chief to conduct Council or other meetings in his/her absence. Should the Chief become incapacitated, the Deputy Chief will assume Chief responsibilities until a by-election can be held pursuant to the Election Code.
- 2.8.4 Become familiar with and abide by all governing documents, organizations, programs, and operations of the Band and Council.
- 2.8.5 Be the signing officer for contracts approved by Council, by way of BCR.
- 2.8.6 Act as the official spokesperson or representative at ceremonial or other functions; or delegate this responsibility as required.
- 2.8.7 Speak for and express the opinions of the Band and its entities at public meetings or with the media.
- 2.8.8 Call special meetings of the Council to discuss important business that cannot wait until the next regular Council meeting.
- 2.8.9 The Chief shall coach the Council to be an effective team:
  - Encourage the Council to respect other members of Council;
  - Ensuring that Council to fulfil their duties;
  - Direct 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 with those Councillors who may be experiencing difficulties in their Council duties; and,
  - Act in a supervisory capacity to all Council activities.
- 2.8.10 The Chief is the ex-officio of all Band Committees and Boards of Directors.
- 2.8.11 The Chief shall not have signing authorities for any McLeod Lake Indian Band and entity bank accounts and transactions.
- 2.8.12 The position of the Chief shall be full time.
- 2.8.13 The Chief is the President of each company and a member of every MLIB committee in an *ex officio* capacity

2.8.14 The Chief will be provided a vehicle by MLIB and will have unrestricted use of the vehicle.

## **2.9 TRANSITION OF COUNCIL**

2.9.1 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 may meet formally with the newly elected Council in the presence of the auditor and financial officer and provide the following information:

- a. Summary of financial status of all band operated programs, projects and accounts to include:
- b. Up to date balance sheets, income statements, and budgets for all program and project budgets;
- c. An explanation of surpluses, deficits, and other relevant information regarding each department;
- d. A list of any commitments the previous Council has made on future funding or expenditures;
- e. An explanation of ongoing capital programs planned projects and initiates;
- f. An update on all the activities relating to the McLeod Lake Indian Band;
- g. Transfer all Band property including files, equipment, vehicles and other assets from the outgoing Council to the new Council.

2.9.2 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.

## **2.10 CONFLICT OF INTEREST**

Members of Council must avoid any conflict of interest or appearance of Conflict of Interest with respect to their responsibilities. Therefore, they are to abide by the conflict of interest policy of the Band.

2.10.1 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 after an orderly transition.

- 2.10.2 For the transition period, a Chief or Councillor may be in an apparent conflict of interest position as they are in a superior position to the Band Administrator and all of the MLIB staff, and must not exercise this power in the conduct of daily business.
- 2.10.3 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.
- 2.10.4 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. Council should disclose what organizations that they are a member of and if they are currently employed elsewhere.
- 2.10.5 Council members are prohibited from personal use or distribution of confidential or privileged information obtained by virtue of their position on the Council.

## **2.11 QUORUM OF COUNCIL**

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

## **2.12 PROCEDURES OF COUNCIL MEETINGS**

- 2.12.1 The agenda will be prepared by the Chief with assistance from the Band Administrator and will proceed only with the consent of Council.
- 2.12.1 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.
- 2.12.2 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.
- 2.12.3 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.
- 2.12.4 A member of Council may abstain from voting, but he or she must give reasons for abstaining.



## **2.13 MINUTES OF COUNCIL MEETINGS**

- 2.13.1 The Band Administrator will ensure that minutes are kept for all Council meetings.
- 2.13.2 The minutes of Council with amendments, if any, shall be approved by a quorum and signed by the Chairperson and Band Administrator during its next regular Council meeting.
- 2.13.3 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 discussions topic and the decision made.

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

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

## **2.14 ACCESS TO MEETINGS OF COUNCIL**

- 2.14.1 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*.

## **2.15 PROPERTY OF COUNCIL**

- 2.15.1 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.

## **2.16 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.

- 2.16.1 Pursuant to Section 78(2) of the Indian Act, the office of Chief or Councillor of a

band becomes vacant when:

- i. The person who holds that office
  - (a) Is convicted of an indictable offence
  - (b) Dies or resigns his/her office
  - (c) Is or becomes ineligible to hold office by virtue of this Act; or
- ii. The Minister declares that in his opinion the person who holds that office
  - (a) Is unfit to continue in office by reason of his having been convicted of an offence;
  - (b) Has been absent from three consecutive meeting of the Council without being authorized to do so; or
  - (c) Was guilty, in connection with an election, of corrupt practice, accepting a bribe, dishonesty or malfeasance.

2.16.2 Members of Council who commit any wilful 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 Chief or Councillor;
- b. Continued offense will result in a motion of censure being brought by Council.
- c. If there is no change in the behaviour of the member or if there are circumstances of an extreme nature, the member will be denied access to Council.

2.16.3 Any decision of Council under Section 2.11.1 must be reported to McLeod Lake Indian Band Membership as soon as reasonably possible.

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

A Councillor 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 Administrator to apply the forfeit of monies.

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

**PART THREE**  
**AUTHORITIES OF CHIEF AND COUNCIL**

**3 AUTHORITIES**

**3.1 Legitimacy of Chief and Council**

The Chief and Council of the McLeod Lake Indian Band are duly elected representatives of the McLeod Lake Indian Band and are empowered to act for and on behalf of the Band pursuant to their inherent powers of self-government as well as through powers conferred upon them by *Treaty 8, the Constitution Act 1982, the Indian Act RSC 1985* and other applicable laws of Canada.

Pursuant to the MLIB Election Code, the Electoral Officer declares Chief and Council on the Monday following the election.

**3.2 Powers of Chief and Council**

A quorum of 4 members of Council at a duly called meeting with a majority of members of Council present in favour of a motion are required to commit MLIB to a course of action. No one Councillor or Chief can commit the Band without a quorum.

In exceptional circumstances when a meeting cannot be called in time, the Chief may commit to a course of action with a Council resolution to follow.

**3.3 Employees of Chief and Council**

- 3.3.1 The only direct employees of Chief and Council are the Band Administrator, the Chief Financial Officer, and other employees who will, by Council resolution be subject to Council direction.
- 3.3.2 Chief and/or Council may choose to have their own Executive Assistant or share the Administration Executive Assistant.
- 3.3.3 Should Council have issues with employees in Administration, they should advise either the Band Administrator or the Chief Financial Officer of their concerns, but should not take direct action.

## **PART FOUR**

### **REMUNERATION AND BENEFITS OF COUNCIL**

- 4.1** All members of Council will be entitled to receive remuneration at a rate approved at a meeting of Council.
- 4.1 In setting compensation, Council should consider a number of criteria, including
- a. Compensation paid by other jurisdictions for similar responsibilities and work;
  - b. Inflationary pressures
  - c. Ability of MLIB to pay increased compensation
- 4.2** Council is entitled to be reimbursed for costs related to travel, meals, accommodation, 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.
- 4.3** There are no provisions for overtime compensation. Council is expected to fulfil their obligations and responsibilities for no additional compensation beyond that of honourarium.
- 4.4** There may be some employment type benefits, such as Canada Pension Plan, Registered Pension Plan, Liability Insurance for Chief and Council, and Extended Medical Insurance.

**PART FIVE  
OATH OF OFFICE**

- 5 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>

**5.1 Coming into Force**

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