

POLICY AND GUIDELINES FOR CHIEF AND COUNCIL

*Leadership
Parameters*

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Authority to Act

This is where an FNCR will go.

Part 1: First Nation Provisions

1.1 Purpose and Title

This policy is hereby enacted by the Curve Lake First Nation Council, on behalf of the members of Curve Lake First Nation. This document will serve and be known as the *Policy and Guidelines for Chief and Council*.

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.

This policy will be applied and enforced fairly, consistently, and equally to all persons to whom it applies.

1.2 Applicability

The Chief and 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 Curve Lake First Nation and approved by a motion passed at a public meeting of the First Nation.

1.3 Responsibility

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

1.4 Interpretive Provision

For administrative purposes only, the General Manager or the Senior Management of the Curve Lake First Nation 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.

1.5 Definitions

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

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

“FNCR” means First Nation Council Resolution.

“Council” means elected Chief and elected Councillors.

“Entity” means any Curve Lake First Nation company.

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

“Head Councillor/Deputy Chief” means the person who received the most votes in the general election process.

“Manager” means an employee or contractor of the First Nation who reports to the General Manager or the Chief and Council.

“First Nation Member” is a person recognized by Curve Lake First Nation as being a status Indian (as defined in the Indian Act) and is included on the Curve Lake First Nation Band List.

“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.

“HRMM” means Human Resources Management Manual.

1.6 Amendments

Council, from time to time, can recommend amendments to this policy. Amendments must be approved by a quorum of Council (by way of a FNCR) and by the Community (by way of a motion from the floor at a Community meeting).

Council shall review and report to the First Nation Membership on the effectiveness and implementation of this Policy on a minimum annual basis.

Part 2: Council

2.1 *Composition of the Council*

The Council of Curve Lake First Nation consists of one (1) elected Chief and eight (8) elected Councillors. Of the elected Councillors, one (1) is Head Councillor.

Development of Committee of Council:

Through the Organizational review process CLFN customized and adopted a standardized Committee Terms of Reference for all committees of Council. In 2013, Council mandated that all committees adopt the standardized template.

Term: The Term of Office of the Committee and Committee members shall be from the time of appointment until three months following the next First Nation election, at which time a new Committee shall be appointed by Council.

Authority of Leadership: As elected leaders, Councillors have the authority to make recommendations of appointment Committee members to Council.

Selection Process: Presently, there is no provision in the Terms of Reference for Committees which stipulates the process for committee membership renewal or filling vacancies.

It is for this reason why, from this point on, Council is setting the following Committee selection process to be adopted immediately:

1. Advertisement requesting new committee members issued to Community. Must contain:
 - a. Name and Mandate of Committee
 - b. Deadline for submissions
 - c. Expectations and Commitment of Committee Members
 - d. Request for written submission by interested member

2. Written responses submitted to relevant Committee Co-Chairs. Must contain:
 - a. Name and contact Information
 - b. Demonstrated commitment and desire to participate as well as a summary of relevant knowledge, education and/or experience unique to the responsibility of the specific committee
 - c. Identification of special notes. For example: availability, travel limitations, etc.

3. Review of Submissions
 - a. Portfolio Councillors will review all submissions.

4. Recommendation to Council
 - a. Portfolio Councillors will make recommendations for appointment of Committee members to Council.
5. Committee Member will be notified of the status of their request.
6. Successful candidates will be provided with a binder containing key information pertaining to the committee they will be representing.

Criteria for Selection: The following criteria must be followed when selecting and appointing Committee members for Committees of Council.

- a. Committee candidates who are members must be in good standing with Curve Lake First Nation.
- b. Committee candidates or members should demonstrate their desire to sit on a particular committee and/or their education, experience unique to the responsibility of the committee to which they are being appointed.
- c. Candidates with greater experience in issues related to the role of the committee will be given first priority. Where all other considerations are equal, those with greater experience in the mandate of the Committee will be prioritized.
- d. In order to encourage participation by as many members as possible, candidates not already participating on another committee may be given preference.

2.2 Duties and Obligations of Members of Council

Performance

Council members will:

- Perform their duties conscientiously, competently, loyally, and honestly, remembering that the primary work task is to serve the First Nation membership of the best of their ability;
- Ensure the integrity and dignity of Curve Lake First Nation's local government, traditions, businesses/entities, members and staff are maintained; and,
- As elected representatives, will protect the best interests of the First Nation in their performance of their duties at all times.

Loyalty

All Chief and Councillors must be loyal to the collective interests of all First Nation 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 Curve Lake First Nation and other government's programs and services.

Conduct of Meetings

Council will:

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

- a. That all members of Council are provided with at least 5 business days' notice of regular council meetings; and that an agenda and accompanying materials be provided within 3 days of a regularly scheduled meeting; and,
- b. That for Special Meetings that are required due to emergencies and other urgent or time sensitive matters, 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 unscheduled meeting is required. (At such a meeting, there would be only the emergency or urgent item(s) on the agenda. The minutes from the previous meeting and other non-emergency items must be deferred to a regular meeting of Chief and Council.)

Meeting Specifics

Council will:

- Hold scheduled meetings at a minimum of two council meetings per calendar month;
- Convene meetings with the membership at least two times per fiscal year.
- Convene an Annual Grand Assembly once per year. The annual audit will normally be presented at the Annual General Assembly.
- Convene Committee Meetings, which he or she holds a portfolio for, at a minimum of one meeting per calendar month;
- Ensure that all relevant information important to the prosperity or detriment of the First Nation be made known to Council in a timely manner;
- 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 First Nation Council. Absences may be subject to the application of **see Part 3 - Penalties for Council.**

- According to S.23.1 of the Curve Lake First Nation Leadership Selection Code, a member of Council shall be deemed to have given up their position on Council if:
 - a. is convicted of an indictable offense under the Criminal Code of Canada; or
 - b. dies; or
 - c. resigns from office; or
 - d. misses three (3) consecutive regular Council, special Council or Community meetings set by the Chief with notice provided to Council members at least one week in advance.

- Achieve quorum with five (5) members of Council at a properly constituted meeting which allows for normal operation of business.

- The Chief shall be the Chairperson of all Council meetings. In the case of an absence, the Chief may delegate this role to the Deputy Chief or another Councillor if agreed to by a quorum of Council.
- Encourage Curve Lake First Nation members' participation by opening Council meetings to First Nation members. Council shall only exclude First Nation 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.

- Ensure that minutes are:
 - a. Reviewed for accuracy;
 - b. Approved by a quorum of Council.

- Assure that any First Nation 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 First Nation and its entities. Access to these records will be maintained by the Executive Secretary.

2.3 *Role of Council*

The role of council is to:

Act as the political representative and spokesperson of the First Nation, leaving the General Manager, Senior Management, or First Nation entities to manage the administration of Curve Lake First Nation and its businesses separate from politics.

Establish and appoint representatives to internal and external Boards and Committees.

Provide the First Nation and its entities with direction and advice.

Initiate, contribute to the development of, review, adjust, and approve strategic plans, goals, objectives, and budgets of the administration and the First Nation entities.

Delegate signing authority by way of FNCR for items such as, but not limited to, permits, contracts, and bank transactions. Memorandums of Understanding Protocols, on behalf of the First Nation and First Nation entities as long as the documents are consistent with decisions of Council and permitted by applicable legislation.

Become familiar with and abide by all governing documents, agreements, organizations, programs, and operations of the First Nation and Council.

Discuss, amend, and approve policies and regulations designed to improve the governance finances, security, comfort, and development of the First Nation, its businesses, and its members.

Ensure that the First Nation and its entities are operating in a legal, ethical, moral, and safe manner.

Appoint a General Manager and/or Senior Management to manage the daily business affairs of the First Nation

Be responsible for ensuring that appointed officials who report directly to Council perform their duties in the best interests of the First Nation and provide direction, and if not, take corrective action.

Council members shall prepare an annual written report for inclusion into the Curve Lake First Nation Annual Report. The report will be distributed to the total membership by mail.

2.4 Conduct of Council

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

- a. The Council will not undermine the authority of General Manager, the Senior Management, or other First Nation officials and staff;
- b. Issues regarding the General Manager, the Senior Management, officials, or staff that may arise will be dealt with in camera at regular or Special Council meetings and not in a public forum;
- c. The Council will not interfere with any First Nation entity's day to day operations unless so requested by the General Manager and/or Senior Management;
- d. The Council will not commit the First Nation entities to a course of action without the knowledge and input of the responsible General Manager and/or Senior Management;
- e. The Council will not instruct the General Manager and/or the Senior Management to perform any activity which is illegal, immoral, unethical, or dangerous; and,
- f. The Council will not harass the General Manager, the Senior Management, First Nation entity (ies) manager(s), or the staff of Curve Lake First Nation.

Except for the authority granted to the Chief, Councillors must recognize that they have no authority to interact with the media, unless the Chief has given prior permission for doing so. The Chief is the official spokesperson of CLFN.

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, Curve Lake First Nation, and the First Nation membership.

Council members will attend all Council, First Nation, and Community meetings where at least 48 (forty eight) hours' notice of a meeting has been given, unless there is a justifiable reason for their absence acceptable to the Chief.

Council has a primary responsibility to be reasonably accessible to the members of Curve Lake First Nation.

Council members will not wilfully misrepresent Curve Lake First Nation.

If a Council member has a concern with Council or a member of Council, he/she will bring that 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 Chief.

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.

2.5 Conflict of Interest

As per HRMM

For the governance of conflicts of interest and unless other 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

Chief and Councillors are elected officials and not employees of the Curve Lake First Nation.

Council members are prohibited from personal gain or distribution of confidential or privileged information obtained by virtue of their position on the Council.

Every Council member will return in-camera session material to the Executive Secretary preceding the meeting and keep the minutes, records, or proceedings of any in-camera Council or committee meeting in confidence.

2.6 Duties and Obligations of the Chief

The Chief has the authorities, duties, and obligations to:

Convene all meetings of Council in accordance with established procedures for meetings and the Chairperson of all Council meetings unless a Deputy Chief has been assigned, as per S.19.3 of the Curve Lake First Nation Leadership Selection Code.

Ensure that a Deputy Chief is assigned, with a FNCR, 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.

Become familiar with and abides by all governing documents, organizations, programs, and operations of the First Nation and Council.

The Chief will make all final decisions and changes to the assignment of specific portfolios of all Councillors for Committees of Council. The assignment or appointment to external Committees will be decided upon by Council as a whole.

Be the signing officer for contracts approved by Council, by way of FNCR and as permitted by applicable laws and regulations.

Act as the official spokesperson or representative at ceremonial or other functions; or delegate this responsibility required.

Speak for and express the opinions of the First Nation and its entities at public meetings or with the media.

Call special meetings of the Council to discuss important business that cannot wait until the next regular Council meeting.

Appoint individual Councillors to specific portfolio assignments which may include programs, issues, or projects.

Make decisions, subject to approval by Council on a timely basis, in accordance with Council policies, on the governance process and the relationships between the Council and the General Manager and/or Senior Management. Approval should ordinarily take place at the next regular scheduled Council meeting.

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 First Nation, 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.

The Chief is the ex-officio member of all First Nation Committees and Boards.

The position of Chief shall be deemed full-time.

2.7 Transition of Council

To assure a smooth transition between Councils after election, there will be up to a two week period following an election during which an orderly transition of power shall be carried out. During the transition period, the outgoing Council shall remain as the governing body, but shall not make any substantive decisions that shall be binding on the incoming Council.

During this transition between the First Nation election and the assuming of office by the newly elected Council, the Chief and First Nation Managers will meet with the newly elected Council to provide an update on First Nation activities and financial status.

Summary of financial status of all First Nation operated programs, projects, and accounts include:

- 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 project, and initiatives;
- e. An update on all the activities relating to the Curve Lake First Nation;
- f. Transfer all First Nation property including files, passwords, 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.

During the transition period, the incoming Council shall participate in other Council orientation and training activities on Council roles, responsibilities and accountabilities, this Policy, and other subject matter that will prepare them to carry out their duties in an informed and responsible manner.

Part 3: Terms of Reference for Council

Terms of Reference – to be developed

Quorum of Council

A quorum of Council will be five (5) members in good standing, either present at a meeting in person or by teleconference.

Procedures of Council Meetings

The Council Packages will be prepared by the Executive Secretary and will be electronically sent to members of Council prior to the Council Meeting. Copies of the package will be made available prior to the opening of the meeting.

The agenda will be prepared by the Executive Secretary approved by the Chief and will proceed only with the consent of Council.

Order of Business:

1. Opening Prayer and/or Smudge
2. Call to Order
3. Agenda Review (additions and/or deletions)
4. Delegation
5. Review, Amend and Adopt Minutes of previous Council meeting
6. Business Arising from the previous Council meeting
7. New Business from General Manager
8. Chief's Report
9. Council Report's
10. Committee & Department Reports
11. Action Items
12. Information Review
13. Adjournment of Meeting

A quorum of Council must be achieved in order to have a meeting in which decisions are made. In the absence of quorum, the meeting may proceed for discussion and information purposes only, but no decisions can be made.

All matters on the agenda will be subject to open discussion. The Chief may set a time limit for discussion on any item before the Council and can call for a vote.

Delegates have at least 15 minutes to provide their report and/or request to Council, unless otherwise stated by the Chief.

All reports, requests and recommendations must be provided to Council in writing to the Executive Secretary at least three working days prior to a Council meeting.

Decisions of Council are by a majority vote after a matter has been moved and seconded. At the discretion of the Chief, a vote may be called by voice and a show of hands.

A member of Council may abstain from voting, but he or she must give reasons for abstaining and these shall be recorded in the official minutes of the meeting.

A member of Council may oppose a vote, but he or she must give reasons for the opposition and these shall be recorded in the official minutes of the meeting.

In-Camera Session

The agenda will be prepared by the Executive Secretary approved by the Chief and will proceed only with the consent of Council.

Order of Business:

1. Agenda Review
2. Delegation
3. Review, Amend and Adopt Minutes of previous Council meeting
4. Business Arising from the previous Council meeting
5. New Business from General Manager
6. Human Resources Report from the HR Coordinator
7. Other Business
8. Adjournment of In-Camera Session

Minutes of Council Meetings

The Executive Secretary will ensure that minutes are kept for all Council meetings in a secure location.

The minutes of Council with amendments, if any, shall be approved by a quorum during its next regular meeting.

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. The Executive Secretary will minute the in-camera session and will store in a secure place. The regular minutes will indicate discussion topics discussed during the in-camera session.

An attendance list and the approved minutes of Council meetings will be made available to Curve Lake First Nation membership by posting in the newsletter, on the Member Login Portal of the official website www.curvelakefirstnation.ca, or upon request, and will be available at Curve Lake First Nation Administration Building and other Council approved venues.

Access to Meeting of Council

At the discretion of Council, all meetings of Council will be open to the peaceful observation by Curve Lake First Nation members, unless a quorum of Council determines that a particular matter must be conducted *in-camera*.

Property of Council

All members of Council are entitled to use documents, papers, supplies, etc. provided to them by the Curve Lake First Nation Administration and its entities.

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.

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 behaviour of the Council member or if there are circumstances of an extreme nature, the Council member will be denied access to Council.

Any decision of Council in regards to the above must be reported to the Curve Lake First Nation membership as soon as reasonably possible.

Members of Council will forfeit \$250.00 for each missed meeting (regular scheduled meeting, special meeting, community meeting, and all other meetings where Council are expected to attend) **unless** there has been at least forty eight (48) hours' notice by the Council member to the Chief or Executive

Secretary with an acceptable reason for absence; reasons are to be determined reasonable by a quorum of Council. For emergency purposes any Council member is responsible to let the Chief or Executive Secretary know that they will be unable to attend the meeting no later than thirty (30) minutes before the scheduled meeting start time. At the meeting where a Council member is absent without explanation, Council will direct the General Manager to apply the forfeit of monies.

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

Remuneration and Benefits of Council

Travel outside the normal geographical proximity and region of the First Nation for the Chief must be pre-approved by Council by motion or simple majority.

All members of Council will be entitled to receive remuneration at a rate used by the administration of the First Nation as per the Curve Lake First Nation Finance Policy.

Council is entitled to be reimbursed for costs related to travel, meals, accommodations, and incidentals, etc. while on Council business; all costs must be accompanied by a signed expense claim and receipts as per the applicable policies. Any travel advances must be paid back in full to Curve Lake First Nation if the Council member did not attend the meeting.

There are no provisions for overtime compensation. Council is expected to fulfil their obligations and responsibilities for no additional compensation beyond that of honourarium.

From time to time, Council may be provided with opportunities to participate in employment-type benefit programs.

Appeals and Redress

Any First Nation member may appeal a decision of the Council, the First Nation Administration, and Program Managers.

Upon receipt of an appeal request, the Chief shall call a meeting or the appeal shall be addressed at the next regular meeting.

A person who has a complaint may seek the confidential advice of the Chief, the General Manager, or the Chair of the committee in an attempt to clarify his or her concerns and to understand his or her opinions.

All information regarding a complaint shall be kept confidential.

It is in the best interests of all parties where these types of concerns are raised to seek resolution as early as possible. A person who feels he or she has a complaint under this Policy should, where possible, discuss the concerns with the person who action gave rise to the complaint.

If the complainant is not able to resolve his or her concern after speaking with any of the persons referenced herein, the complainant may file in writing a formal complaint to the Curve Lake First Nation Council.

Written complaints must be submitted to the Chief within 30 days of the action or decision in question, either in person or by mail, at the Curve Lake First Nation Government Office.

If a resolution acceptable to both parties is achieved, a resolution report will be completed and signed by the complainant and the respondent outlining the circumstances giving rise to the complaint, the investigation process, and the resolution achieved. Copies of the report will be given to the complainant, respondent, and the General Manager to keep on file. The matter will proceed no further.

Oath of Office

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

Part 4: Oath of Chief & Councillors

I, _____, do hereby swear that as newly elected Councillor of Curve Lake First Nation, 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 First Nation 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 Curve Lake First Nation throughout my term in office

This Oath made on the _____ day of _____ 20____ at _____.

Signed Name

Witnessed Name

Oath of Chief and Council as a whole:

We, the Duly Elected Members of the Curve Lake First Nation Council

Hereby swear to uphold the office of Chief and Council with a

Forthright Commitment to Wisdom, Love, Respect, Bravery, Honestly, Humility and Truth.

We do this in the name of Allegiance to the People of the

Curve Lake First Nation and in the name of our Creator.

Miigwetch

Coming Into Force with This Policy

This policy was passed during a duly convened meeting of the Council held on ***

Each councillor will indicate a commitment to following this policy.

Agreement to the Council Policy and Guidelines

As Chief/Councillor for the Curve Lake First Nation, I agree to be bound by the provisions and spirit of this policy.

Chief Phyllis Williams	_____
Councillor Keith Knott	_____
Councillor Jeffrey Jacobs	_____
Councillor Shane Taylor	_____
Councillor Lorenzo Whetung	_____
Councillor Arnold Taylor	_____
Councillor Deborah Jacobs	_____
Councillor Ted Coppaway	_____
Councillor Zac McCue	_____

This policy shall be presented to the First Nation membership at a community meeting within 30 days of its passing by the Council. At this meeting, the Council will request a motion from the floor to approve the policy.

This policy shall be posted in the First Nation Administration Office and the First Nation website (www.curvelakefirstnation.ca), and made available to any First Nation members who request it.