

Wei Wai Kum First Nation



GOVERNANCE MANUAL

Approved by Wei Wai Kum First Nation Band Council Resolution #

Date: TBA

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1 INTRODUCTION

The Wei Wai Kum First Nation Council consists of one Chief Councillor and one Councillor for every full one hundred (100) members to a maximum of ten (10) Councillors who are duly elected by the registered membership of the Wei Wai Kum First Nation. The purpose of Council is to provide for the needs of the community with the spirit and intent to provide fair, accountable and transparent leadership. Council will work to deliver effective and efficient programs and services that improve the well-being of the membership. Council will engage in economic development that will secure a healthy, prosperous future for the Nation, while respecting our culture and traditions.

This Governance Manual has been developed to maintain a harmonious and mutually beneficial relationship between Council, staff and the Wei Wai Kum membership. The policies in this manual describe the political, functional and legal roles and responsibilities of Council, the Band Manager and staff and will define the operational procedures to ensure and promote good governance.

The policies within affirm the separation of politics and administration while acknowledging they could overlap from time to time. The Council is responsible for the strategic planning and visionary leadership of the Nation. The responsibility of Council in relation to the Nation's owned corporations, trusts and other entities will be set out in other laws, policies and corporate documents.

The Band Manager is responsible for overseeing staff and the day-to-day administration of programs and services provided to and for Wei Wai Kum members.

It is important that members have confidence that their interactions with Council and staff will be conducted as per the policies and procedures included in this document.

2 DEFINITIONS AND ACRONYMS

Governance- Definitions and Acronyms	
Date Motion Approved:	Date Amendment Approved:

Band	A body of First Nations declared by the Government of Canada to be a Band for the purposes of the Indian Act.
Band Council Resolution (BCR)	A resolution of Council passed at a duly convened meeting by a majority of Council members.
Band Manager	Senior employee of Wei Wai Kum First Nation who is responsible for overseeing the administration of the Band. This position is directly accountable to Council.
By-law	Laws to regulate and control certain activities on reserve.
Chief Councillor	The person who is elected to serve as the spokesperson for the First Nation and the representative for all decisions and actions taken by Council as a whole.
Code	A law passed by 50% + 1 of eligible electors.
Community	The community is Wei Wai Kum First Nation Members and other individuals who live within it.
Complainant	The person filing a complaint or concern.
Conflict of Interest	A conflict of interest exists wherever an individual could benefit, disproportionately from others, directly or indirectly, from access to information or from a decision over which they might have influence or where someone might reasonably perceive there to be a benefit or influence.
Council	Collectively, the duly elected Chief Councillor and Councillors of Wei Wai Kum First Nation.
Council Meeting	A business meeting duly called by the Chief Councillor to discuss or resolve Wei Wai Kum First Nation business.
Councillor	Individually, the duly elected person of Wei Wai Kum First Nation.
Emergency	A situation requiring immediate attention and remedial action. Involves injury, loss of life, damage to the property,

or catastrophic interference with normal activities. A sudden, unexpected, or impending situation.

Elder	A member who is sixty (60) years of age or older. <u>Require Council decision on age, age must be consistent over ALL policies</u>
Honorarium	Compensation for attending council meetings, workshops and conferences attended on behalf of council business.
Indictable Offense	<u>An offense is any violation of Canadian law or act whether or not it occurs in Canada. An indictable offense is more serious and includes theft over \$5000, break and enter, aggravated sexual assault and murder. Maximum penalties vary and can include life in prison. (Refer election code/code of ethics)</u>
Member	A person whose name appears on the Band Membership List of Wei Wai Kum First Nation.
Motion	A formal proposal made by a Councillor that a specified course of action be undertaken or approved. A resolution is considered an elaborate or formal motion.
Quorum	Majority of the duly elected Council.
Unlawful Act	An act that is contrary to or violates a law that exists.
Wei Wai Kum First Nation	Also referred to as Campbell River Indian Band.
Youth	A member who is between the ages of thirteen (13) and eighteen (18) years of age.

3 ACKNOWLEDGEMENT OF GOVERNANCE MANUAL

Policy Section: Governance-Acknowledgment of Governance and Operations Manual	Policy #: II-01
Date Motion Approved: October 3, 2016	Date Amendment Approved:

The Band Manager will ensure all individuals nominated for Council, all newly elected Council members and newly hired staff will receive a copy of the Operations and Governance Manual to Review. All newly elected Council are expected to sign and acknowledge they have read and understand all the policies and procedures within the Governance Manual. The Manual defines the political, functional and legal roles and responsibilities for Councillors and staff. Consistency in the interpretation of these policies and the implementation of the procedures is critical to building a stable and trusting environment for the Wei Wai Kum Membership.

4 VISION AND MISSION STATEMENTS

Policy Section: Governance – Vision and Mission Statements	
Date Motion Approved:	Date Amendment Approved:

4.1 Vision Statement

The following are vision statements found in other Wei Wai Kum documents:

1. Our culture, history and current success in business provide the foundation for our future generations. We are Wei Wai Kum Nation.
2. We are open for business and prosperity.
3. The Wei Wai Kum are a proud and united Nation who work together for the health and prosperity of our youth and of each other. We take strength from our elders, our language and our culture in order to be a healthy community.

4.2 Mission Statement

There were no mission statements found.

**** BOTH THE VISION AND MISSION STATEMENT WILL BE DEVELOPED THROUGH THE COMPREHENSIVE COMMUNITY PLAN****

5 REVIEW AND AMENDMENTS TO THE GOVERNANCE MANUAL

Policy Section: Governance- Amendments to the Governance and Operations Manual	Policy #: II-02
Date Motion Approved: October 3, 2016	Date Amendment Approved:

Council understands that the environment, legislation and the needs of Community Members are always changing. Therefore, the Governance Manual will be reviewed every two (2) years or sooner if required.

Some of the reasons that may trigger a review are;

- Changes in the governing structure;
- Changes in policies, mandates, and funded programs or services;
- Changes in relevant legislation;
- Changes in format to improve functionality;
- Necessary updates to procedures and practice standards;
- Identification and development of new policies required; and/or
- Necessary updates to ensure consistency with policies and procedures.

It is the responsibility of the Band Manager to manage the review and amendments as directed and approved by Council.

6 COUNCIL'S AUTHORITY

Policy Section: Governance- By-Laws	Policy #: II-03
Date Motion Approved: October 3, 2016	Date Amendment Approved

Policy Section: Governance- Jurisdiction Authorities	Policy #: II-04
Date Motion Approved:	Date Amendment Approved:

As the elected representatives of Wei Wai Kum First Nation, the Council is the authorized governing body of the Community and is entrusted by its Members to protect and act in the best interests of the Nation. As the governing body, Council uses its authority to establish policies and by-laws and create a strategic plan to guide the Nation's affairs.

The Indian Act grants certain and specific powers and authorities to Council but at the same time limits Council's authority. The Indian Act makes it clear that Council is a collective body and that individual Councillors do not have the legal authority to act alone in making decisions for the Nation.

Sections 81, 83 and 85.1 of the Indian Act contain the provisions that grant Council legislative authority to establish and enforce by-laws. Council has the right to make by-laws on matters such as:

- The regulation of traffic;
- To provide for the health of residents and to prevent the spreading of infective diseases;
- The observance of law and order;
- Zoning of reserve land;
- The prevention of disorderly conduct;
- The removal and punishment of trespassers,
- The licensing of businesses, collecting user fees, and taxing members;
- The expenditure of band monies to meet the Nation’s expenses, pay staff, and Council.

The Indian act also grants certain authorities to the Nation as a collective. These authorities given to the Band can only be exercised with the consent of a majority of the electors of the Band and must have the approval of the majority of Council.

Wei Wai Kum First Nation as a collective has exercised its authorities in the following areas:

- The authority to manage its own membership through a Membership Code.
- The authority to manage its own land through a Land Code.
- The authority to manage its ability to tax under a Taxation Code.
- The authority to manage its elections under an Election Code.

6.1 Limits to Chief and Council’s Authority

The legal authority of Council is limited by the Constitution Act (including the Charter of Rights and Freedoms, the Canadian Human Rights Act, the Canada Labour Code) and other laws of general application. In these areas, Council must act according to all applicable laws or run the risk of having its actions invalidated by the Courts.

Funding and service agreements and arrangements provide further limits to Council’s authority. These agreements usually include specific terms and conditions that must be met.

7 ROLES AND RESPONSIBILITIES OF COUNCIL

Policy Section: Governance- Leadership Accountability and Transparency	Policy #: II-05
Date Motion Approved:	Date Amendment Approved:

The primary role of Council is to provide strong leadership that will emphasize:

- The sustainable future of the Wei Wai Kum First Nation;
- A clear separation between roles of Council and staff, while acknowledging that these may overlap from time to time;

- Providing pro-active leadership rather than governing in reactive manner; and
- Accountability and transparency.

In this spirit, Council will:

- Be accountable to Members in the performance of duties and obligations. No Chief or Councillor, individual or Committee of Council will assume this accountability role on their own;
- Conduct the primary role of strategic planning and governance rather than day-to-day administrative matters;
- Ensure attendance at any meetings or event that requires Council presence;
- Respect the role of the Council;
- Respect the role of the Chief Councillor;
- Speak with one voice, representing all Council members collectively;
- Respect and comply with all Wei Wai Kum by-laws, codes, rules, regulations and policies;
- Enforce self-policing when the Chief Councillor or Councillors stray from good governance and the policies contained with the Governance and Operations Manual; and
- Monitor and regularly review Council’s own process and performance.

7.1 General Duties of Council

Policy Section: Governance – General Duties of Council	
Date Motion Approved: October 3, 2016	Date Amendment Approved:

General duties of Council are:

1. Approving the annual budget of the Wei Wai Kum First Nation;
2. Negotiating and signing funding agreements on behalf of Wei Wai Kum First Nation;
3. Approve and review expenditures quarterly against program budgets to ensure sound financial management of all programs and services, including accountability to the Community, Members and funding agencies;
4. Taking immediate corrective action if deficits are projected or occurs, in any program, project or administrative budget;
5. Establish departments, boards, authorities or committees as may be necessary for good administration of Wei Wai Kum First Nation and ensuring that such bodies have a specific mandate, a clearly defined role, a defined relationship to Council with appropriate policies and procedures detailed in a Terms of Reference.
6. Council will set and work to achieve strategic goals and plans and regularly report their progress to the community;
7. Acting on emergencies;
8. Listening to the views of the Members and bring issues raised by the community to the attention of Council;

9. Review all committees annually to determine if they should be continued, change the members or if their Terms of Reference should be revised; and
10. Pursuing the recognition of Members' Aboriginal and Treaty Rights, including self-government agreements, land claims, hunting and fishing rights.

7.2 Duties of the Chief Councillor

Policy Section: Governance-Duties of the Chief Councillor	
Date Motion Approved: October 3, 2016	Date Amendment Approved:

The Chief Councillor is the elected head of the Wei Wai Kum First Nation. It is of the utmost importance that they always portray the principles and values of the Nation while completing the role and responsibilities of the position. The Chief Councillor is the Nation's highest public figure and the primary contact within and outside of the community.

As a member of Council, the Chief Councillor's responsibilities and accountabilities include but are not limited to:

1. Acting as the official spokesperson or representative at ceremonies or other special functions and delegating this responsibility when not available;
2. Speaking and expressing opinions on behalf of the Wei Wai Kum First Nation about general matters concerning the Nation;
3. Calling emergency meetings of Council to discuss important business that must be dealt with prior to the next duly scheduled Council meeting;
4. Making emergency decisions when required in accordance with Council Policies and Procedures outlined in the Governance and Operations Manual;
5. Acting as the chairperson at Council meetings and only votes to break a tie when required;
6. Encourages all Councillors to actively participate and express their opinions on topics raised in Council meetings, so as to obtain various perspectives and maximum consensus on decisions made;
7. Ensuring a mechanism is in place to express Council's position on significant matters and the means of communicating this position accurately externally;
8. Ensuring that Council is kept aware of outside political mandates and processes by providing accurate and timely reporting at all scheduled Council meetings;
9. Assisting by leading Council to be an effective political body and ensuring it conducts itself in a manner consistent with by-laws, customary practices and any other applicable laws, regulations and policies;
10. Ensuring the long term needs and goals of the community are at the forefront when making all decisions;
11. Acting as the primary person responsible for overseeing the supervision of and fostering a respectful working relationship with the Band Manager; and
12. Ensuring the community is aware of the decisions made by Council in an accurate and timely manner.

13. Assign individual Council portfolios based on criteria such as experience, interest and expertise;
14. Will appoint an Elected Official to assume the role of Temporary Chief Councillor in any of his/her extended absences; if the Chief Councillor is unable to appoint the Council will appoint by a quorum of the remaining Council; and

7.3 Specific Duties of Councillors

Policy Section: Governance –Specific Duties of Councillors	
Date Motion Approved: October 3, 2016	Date Amendment Approved:

Elected Councillors of the Wei Wai Kum First Nation have been placed in a position of leadership by the Members and have roles and responsibilities they must complete while holding this position. These roles and responsibilities include but are not limited to:

1. Acting in the best interests of the Wei Wai Kum First Nation and its members;
2. Reporting regularly at Council meetings and Community General Meetings, full transparency on finances, projects, programs and services;
3. Fully completing duties and responsibilities of their portfolio and where a portfolio is assigned, accept the responsibility and act as a committee member, reporting both to Council and committees on a regular basis;
4. Ensuring written and verbal reports to Council about meetings, workshops, conferences attended on behalf of Council business are made available in a timely manner;
5. Making themselves aware of the political business of the Wei Wai Kum First Nation and provide input and sound advice at Council meetings;
6. Reviewing mail, Council packages and other relevant material prior to Council meetings;
7. Ensuring they keep personal issues separate from Council business;
8. If also an employee, ensuring they keeps work related issues separate from Council business;
9. Ensuring they are aware of Conflict of Interest Policies and declare any conflict prior to a discussion of the matter;
10. Ensuring they adhere to all policies and procedures in the Governance and Operations Manual;
11. Ensuring the long-term needs and goals of the community are at the forefront when making decisions;
12. Maintaining an atmosphere of mutual respect with each other and the Band Manager;
13. Ensuring the Council and the Band Manager are notified if unavailable to attend a scheduled Council meeting;
14. Attending all Community and external meetings, and reporting to Council and the Community on important issues, activities and achievements; and
15. Accepting and supporting the collective decisions of Council.

7.4 Employees in Political Office

Policy Section: Governance-Employees in Political Office	
Date Motion Approved: October 3, 2016	Date Amendment Approved:

In the event that a Wei Wai Kum First Nation employee is elected for political office of Chief Councillor and/or Councillor, the employee shall be governed by these conditions:

1. The Employee shall maintain the expected level of support and service delivery of their office, department and staff to the Employer, the Community and its Members.
2. The Employee shall not allow their elected position to interfere with their ability to do their job, fulfill their responsibilities or be fully accountable to their supervisor and Employer.
3. An employee who is also an Elected Councillor will not hold the portfolio in the same subject area in which they manage as an employee.
4. An Employee who is also an Elected Councillor has access to more information, some of which is confidential, and shall not use any of this information to enhance their influence or for personal benefit or the benefit of any other person.
5. It is important that any Councillor who is also an employee be above reproach and never acts in a manner as to be in a position where their conduct in either role can be perceived or found to be questionable in any way.
6. The Employee understands that any contravention of these policies may result in disciplinary action and/or termination.

8 CODE OF ETHICS

The Code of Ethics is a written set of guidelines issued by Wei Wai Kum First Nation to its Council to help them conduct their actions in accordance with the Nation's primary values and ethical standards.

The Code of Ethics is divided into three areas that outline the expected behaviours and actions of Wei Wai Kum Council: Code of Conduct; Confidentiality Code; and Conflict of Interest Policy. Each member of the Elected Council will take and sign an Oath of Office Declaration acknowledging their understanding of these three codes. Breach of these codes may result in disciplinary action or termination. The Oath of Office Declaration shall be filed and kept by the Band Manager.

8.1 Code of Conduct

Policy Section: Governance – Code of Conduct	Policy #: II-06
Date Motion Approved: October 3, 2016	Date Amendment Approved:

The proper operation of Wei Wai Kum First Nation Council requires that Elected Officials be independent, impartial, and duly responsible to the Membership. To this end, it is imperative that Councillors behave and conduct themselves in a manner described in the Code of Conduct, Policy.

Council is bound by details listed in the policy in areas of:

- Conduct
- Authority
- Loyalty
- Accepting Gifts
- Influence
- Confidentiality
- Communications
- Accountability
- Enforcement

Each member of the Elected Council of Wei Wai Kum First Nation will take and sign an Oath of Office Declaration acknowledging their understanding of the Code of Conduct Policy. Breach of this code may result in disciplinary action or termination. The Oath of Office Declaration shall be filed and kept by the Band Manager.

8.2 Conflict of Interest

Policy Section: Governance – Conflict of Interest	Policy #: II-07
Date Motion Approved: October 3, 2016	Date Amendment Approved:

Wei Wai Kum Councillors shall at all times act in the best interest of the Nation as a whole rather than for individual interests. They will perform their duties in such a manner that promotes the Community’s confidence and trust in the integrity, objectivity and impartiality of their decisions. All members of Council have an obligation to conduct themselves in such a manner that prevents perceived, potential or actual conflicts of interest.

Guidelines and definitions of conflict of interest are outlined in the Conflict of Interest Policy. In general, a Councillor is in a conflict of interest when, in their performance of Council duty, they have the opportunity to further their private interests for personal gain or for the gain of any other individual and they take actions that result in breaking their position of trust.

Chief and Council must declare all conflicts of interest and potential conflicts of interest and voluntarily withdraw from all levels of decision making where they have a perceived, real or potential conflict of interest. Any conduct of any member of Council that is or could be perceived as a conflict with the interests of Wei Wai Kum First Nation is prohibited.

All Councillors are required to monitor and report on perceived, potential or actual conflict of interest situations concerning all administrative or political matters of Wei Wai Kum First Nation.

If a Councillor declares a conflict of interest, they must:

- Take immediate action to remove or disprove the conflict by making a declaration of any apparent or real personal conflict of interest in accordance with the Conflict of Interest Policy;
- Exclude themselves from meeting in matters of the conflict subject;
- Not vote in matters where there is a conflict; and
- Not attempt to influence Council in any way in regard to matters where there is conflict.

Each member of the Elected Council of Wei Wai Kum First Nation will take and sign an Oath of Office Declaration acknowledging their understanding of the Conflict of Interest Policy. Breach of this code may result in disciplinary action or termination. The Oath of Office Declaration shall be filed and kept by the Band Manager.

8.3 Confidentiality Code

Policy Section: Governance – Confidentiality Code	Policy #: II-08
Date Motion Approved: October 3, 2016	Date Amendment Approved:

No elected Chief Councillor or Councillor of Wei Wai Kum First Nation will use or divulge any personal information acquired as a result of his/her role as a member of Council for his/her own benefit or advantage or for the benefit or advantage of any other Person.

No elected Chief or Councillor of Wei Wai Kum First Nation, Committee Member or staff will divulge any personal or otherwise confidential information that is acquired as a result of his/her office or position and must be kept confidential in the best interests of the First Nation as determined by Council, acting reasonably to ensure that any such information is kept confidential. Each Councillor will acknowledge this through their Oath of Office Declaration and staff will sign a Confidentiality Agreement Form, when assuming their position and again annually as a reminder. Breach of this Code may result in disciplinary action or dismissal.

The minutes, records or proceedings of any In-Camera Council meeting will be kept confidential in accordance to these policies by Chief, Council, staff and other person(s) permitted to attend the In-Camera session of the meeting.

8.4 Disciplinary Measures for Breach of Codes

If a Councillor is found to be in contravention any of the Code of Ethics, Code of Conduct, Confidentiality Code or Conflict of Interest provisions in the carrying out his/her duties or whose actions give rise to criminal charges, the remaining Council quorum has the discretion to make and enforce its own procedure to reprimand that individual as per the Disciplinary Action and/or Termination of an Elected Official Policy.

9 COUNCIL MEETINGS

Policy Section: Governance –Council Meetings and Agendas	Policy #: II-09
Date Motion Approved: October 3, 2016	Date Amendment Approved:

Council will conduct band business at duly convened meetings following this Policy and will be not less than twice per month at the Wei Wai Kum First Nation Band Office.

All Council meetings are open to members of Wei Wai Kum First Nation with the exception of meetings where subject matter is confidential and an In-Camera session is held.

Councillors are to be physically present at duly scheduled Council meeting at least 30 minutes prior to the start time, so the Chairperson can determine if quorum is present. If quorum is not attained the meeting will be adjourned and rescheduled.

The agendas for Council meetings follow a standard format and will be prepared by Chief Councillor and the Band Manager at least three (3) business days before the next scheduled Council meeting. This time allows the agenda to be posted for Members to review and decide if they wish to attend the Council meeting and/or wish to put in a request to address Council. It also gives enough time for meeting packages to be compiled and forwarded to Councillors for review prior to the meeting.

The Chief Councillor acts as a Chairperson and in his/her absence may delegate the duty to another Councillor. The main duties of the Chairperson are to set and maintain the Rules of Order and Discussion.

For confidentiality reasons and in respect for other Councillors, all phones and recording devices are to be turned off before the meeting commences unless otherwise agreed by Council, with the exception of the recording device used for minute purposes.

All decisions made by Council are made at a duly convened Council Meeting and decisions are recorded either by a motion or by a Band Council Resolution. This allows for the required debate period amongst the Council prior to any decisions being made.

Minutes are taken at every Council meeting.

Any unfinished business is forwarded to the agenda for the next scheduled meeting unless more information is needed and then it is assigned to a staff member and the matter is put on the agenda once the information is available. Lastly before adjournment, confirmation of the next meeting date will attempt to be set.

9.1 Council Meeting Agendas

The Chief is the appointed Chairperson for each meeting. Councillors are to be present 30 minutes before the start of the meeting to determine if quorum is present. The meeting is called to order.

The Council meeting agenda outline is as follows:

1. Call Meeting to Order / Opening;
2. Determine if quorum is present; if no quorum is present Council will adjourn till next meeting;
3. Notification of In-Camera session;
4. Acceptance or additions to the agenda;
5. Conflict of Interest disclosures;
6. Approval of previous Council Meeting minutes;
7. Unfinished business and action items from last meeting;
8. Business arising, including implementation requirements for motions or recommendations (i.e., who is responsible, completion dates, and results expected);
9. Band member concerns;
10. Report reviews (if applicable);
11. Other Business;
12. Guest presentations;
13. Confirmation of next Council Meeting date; and
14. Adjournment.

9.2 Council Quorum

Policy Section: Governance –Band Council Quorum	Policy #: II-10
Date Motion Approved: October 3, 2016	Date Amendment Approved:

The Wei Wai Kum First Nation Council consists of one Chief Councillor and one Councillor for every full one hundred (100) members to a maximum of ten (10) Councillors. Quorum required for decisions made by Wei Wai Kum Council is a majority of five (5) of the eight (8) Council members.

It is mandatory to have quorum at every Council meeting. If quorum is not physically present, the meeting must be adjourned and rescheduled or business held over to the next scheduled meeting.

The Chief Councillor is not part of the voting quorum except when required to break a tie.

9.3 Councillor Absent from Council Meetings

Policy Section: Governance –Absent from Council Meetings	Policy #: II-11
Date Motion Approved: October 3, 2016	Date Amendment Approved:

Attendance at Council meetings is mandatory. All elected officials are to make themselves fully aware when Council meetings are scheduled and make every effort to attend. When a Councillor is absent from a meeting it limits Council's ability to conduct regular Band business. However, it is seldom possible for Councillors to attend all meetings. If a Councillor must be absent they must give notification to the Band Manager and the reasons why prior to the meeting day. Whether just cause exists or not for their absence, missing more than three (3) consecutive meetings may result in disciplinary action and/or termination. IN the event that a councillor is absent for more than six (6) months, the position will be declared vacant.

9.4 In-Camera Meetings

Policy Section: Governance – In Camera Meetings	Policy #: II-12
Date Motion Approved: October 3, 2016	Date Amendment Approved:

Wei Wai Kum First Nation Council recognizes that an active and informed community is a fundamental element of good governance. In order to achieve this, Council believes that Members must have clearly defined access to the decision making process, except where confidential issues are addressed. These confidential issues are outlined in the In-Camera Meetings Policy. In-Camera meetings are closed to the Membership and public.

In-Camera Records of Decision will be handled confidentially and will be filed separately from general meeting minutes in a sealed envelope and are the responsibility of the Band Manager. In-Camera Records of Decisions are protected from Membership requests.

9.5 Band Members Wishing to Address Council

Policy Section: Governance – Band Members Wishing to Address Council	Policy #: II-13
Date Motion Approved: October 3, 2016	Date Amendment Approved:

Band member concerns related to administrative matters such as housing, education, public works, health, etc., are to be forwarded or voiced by each Band member to the most applicable

Wei Wai Kum First Nation staff member. If members are unsure of whom they should address about their matter, assistance is available from Band Manager. If Band members remain concerned after following this process, the next step is bringing the matter to the attention of Council.

Any member or group of members of the Wei Wai Kum First Nation may request to be added to the agenda of a Council meeting by providing written notice to Council outlining what they wish to discuss and must follow the guidelines set out in the Band Members Wishing to Address Council Policy.

9.6 Council Decision Making

Policy Section: Governance –Council Decision Making	Policy #: II-14
Date Motion Approved:	Date Amendment Approved:

A resolution or motion is a proposal for action by Council and expresses Council decisions on particular issues. The process of Council decision-making shall follow this policy. The general procedure for adopting resolutions or motions at a duly convened Council meeting is:

1. The Chairperson presents a resolution or motion to Council;
2. The Chairperson sets the order of discussion of the resolution or motion at hand, giving each Councillor a turn to voice their opinion on the matter;
3. Council members move and second the resolution or motion;
4. Council passes the resolution, preferably by consensus, or by the required quorum (majority vote) or defeats the resolution;
5. The Chairperson shall not be entitled to vote except in the event of a tie at which time the Chairperson shall cast the deciding vote (if an acting Chairperson is not an Elected Official they cannot vote);
6. A Councillor who refuses to vote or abstains from voting shall be deemed to have voted in the affirmative.

Council’s decisions are effective upon a duly passed Wei Wai Kum First Nation Council Motion. All decisions made by Council must be decided by a present quorum. All Councillors present shall vote unless they are excluded due to a declared conflict of interest.

9.7 Band Council Resolution

Governance – Band Council Resolutions (BCR)	Policy #: II-15
Date Motion Approved: October 3, 2016	Date Amendment Approved:

Band Council Resolutions (BCR) may be required for outside funding and grants, asset purchases and to provide support for other Nations or organizations. BCRs are filed numerically and kept in a separate file to provide for governance that is accessible, stable, accountable and transparent.

9.8 Council Meeting Minutes

Governance –Council Meeting Minutes	Policy #: II-16
Date Motion Approved: October 3, 2016	Date Amendment Approved:

All council meetings will have a written record of the meeting, which will show the members of council in attendance, as well as any other persons who are in attendance and speak at the meeting. The agenda, the matters discussed and the decisions made are recorded.

In efforts to govern in a transparent way, a copy of the agenda with a short summary of discussions and decisions made will be posted within 3 days after the approval of Council on the member's only section of Wei Wai Kum First Nations' website or available for Members upon request at the administrative office.

10 MEMBERSHIP MEETINGS

Policy Section: Governance – Membership Meetings	Policy #: II-17
Date Motion Approved: October 3, 2016	Date Amendment Approved:

Wei Wai Kum First Nation Council recognizes that an active and informed community is a fundamental element of good governance. In order to achieve this, Council believes the membership must have clearly defined access to information on activities and decisions, therefore an annual Community Information Meeting and an Annual General Meeting will be held.

Appropriate notice of meeting dates, times, location and agenda, will be posted and handed out to Community Members and will provide password protected live streaming of meetings for out-of-town Members.

All Councillors are required to attend Membership meetings unless they have reasonable cause for being absent. No Member should be excluded from general meetings unless they are asked to leave for improper conduct.

10.1 Annual Community Information Meeting

Council will hold an Annual Community Information Meeting. The agenda will be determined by what Councillors, Committees, Program Managers or other organizations have information to report. Written documentation of reports should be prepared and handed out at the meetings and filed online for out-of-town Members to access. A general question and answer period should be part of the meeting to address Members’ concerns.

Members’ concerns and questions will be recorded and responses posted on the Wei Wai Kum website. These documents should be filed for future reference should Members request follow-up information on outstanding issues if required.

10.2 Annual General Meetings

Once a year, Wei Wai Kum Council will hold an Annual General Meeting (AGM) over two (2) days to present financial reports regarding band programs and band owned entities. Also, at the AGM, each Councillor is required to give an annual report of their portfolio work along with updates from all Council committees and Boards. All registered band Members are authorized to attend these meetings and password-protected live streaming provided for out-of-town members.

11 DISCIPLINARY AND/OR TERMINATION OF ELECTED OFFICIALS

Policy Section: Governance – Disciplinary Actions and/or Termination of an Elected Official	Policy #: II-18
Date Motion Approved:	Date Amendment Approved:

A Chief or Councillor may be disciplined or removed from office if:

1. They are absent from 3 consecutive scheduled Council meetings without prior authorization as outlined in Absent from Council Meeting Policy and the Electoral Code;
2. They violate their Oath of Office by contravening the Code of Ethics, Code of Conduct Policy, the Confidentiality Code, or the Conflict of Interest in the following ways, but not limited to;
 - Accepts inappropriate gifts or benefits;
 - Uses their influence to better their own interests or interests of another individual;
 - Accepts or offers a bribe, forges a Council document or otherwise acts dishonestly in their role;
 - Is negligent in failing to ensure the safety and protection of the Community, its members and its assets;

- Uses their office for personal benefit or for the benefit of any other individual to the detriment of the Council or the Nation as a whole;
- Uses confidential information for his/her or another's benefit;
- Is convicted of an indictable offence;
- Encourages others to commit any of the above acts or omissions;
- If they die or resign;
- If they are medically diagnosed and found to be mentally incompetent or of unsound mind;
- Engages in such other conduct as may be determined by Council to be of such a serious nature that the removal is necessary and appropriate; or
- Is disqualified under section 78 of the Indian Act.

11.1 Disciplinary Actions of an Elected Officials

If a Councillor is found in contravention of the above provisions, through an approved motion of Council, they may be subject to any of the disciplinary actions detailed in the Disciplinary and/or Termination of an Elected Official Policy

11.2 Termination from Office of an Elected Official

If a Councillor does not abide by the actions and timelines required by Council in any disciplinary action taken against them they may face termination of their position on Council.

Other offences such as illegal acts, accepting bribes or abusing their powers could result in conviction as well as termination from their position.

Council or the Membership may initiate the process of termination of a Councillor. The processes are detailed in the Wei Wai Kum Election Code and the Disciplinary and/or Termination of an Elected Official Policy.

11.3 Appeal Process for Elected Officials

“Cannot implement until changes to the Election Code”

Policy Section: Governance – Appeal Process for Elected Officials	Policy #: II-19
Date Motion Approved:	Date Amendment Approved:

If an Elected Official has been terminated while in office by a Band Council Resolution passed by a Council quorum, that individual has the right to appeal the decision within 30 calendar days of a decision being made. The appeal must be made in writing and meet the grounds of an appeal and follow the process outlined in the Appeal Process for Elected Officials Policy.

If an Elected Official has been terminated by an Arbitrator’s decision they have no right to appeal, the Arbitrator’s decision is binding on all parties.

12 VACANCIES OF OFFICE

Policy Section: Governance – Vacancies of Office	Policy #: II-20
Date Motion Approved:	Date Amendment Approved:

The office of Chief Councillor or Councillor shall become vacant when the person who holds that office:

1. Resigns in writing of their own accord;
2. Has been unable to perform the functions of office for six (6) or more months due to illness or other incapacity;
3. Dies;
4. Is removed from office in accordance with section 54 of the Election Code;
5. Has been convicted of an indictable offence;
6. Has their election declared invalid by an Arbitrator;
7. Is removed from office in accordance with the Disciplinary and/or Termination of an Elected Official Policy; or
8. Is otherwise unable to fulfill the terms of office.

Vacancies of Office are resolved as per the Vacancies of Office Policy and the Wei Wai Kum Election Code.

13 COUNCIL PORTFOLIOS

Policy Section: Governance – Portfolio Distribution and Reporting	Policy #: II-21
Date Motion Approved:	Date Amendment Approved:

Wei Wai Kum First Nation utilizes a portfolio system, under which Councillors are assigned to two or more areas of responsibility where they have a particular interest, knowledge and/or past experience. Portfolios will be assigned by the Chief Councillor at the beginning of each Council term but may be added to or changed during the term, if required.

13.1 Role of Portfolio Holders

Portfolio holders act as advisors to Council and will be considered the experts for Council in their given portfolio subject area. The advice of the portfolio holder will assist Council in their decision-making processes.

13.2 Portfolio Holder Activity

Following are the activities required of portfolio holders:

- Attend and provide written reports for meetings/conferences/functions and assemblies specific to their portfolio subject area as determined appropriate by Council;
- Provide written reports of regional, provincial, national and international policy issues in their portfolio subject area that could affect Wei Wai Kum First Nation;
- Liaise and network with individuals and/or organizations within their portfolio subject area as requested by Council;
- Participate on a Council Advisory Committee if one exists in their portfolio subject area;
- Propose to Council new and/or amendments to existing laws, by-laws and/or policy within their portfolio subject area;
- Advocate for the Nation concerns or issues within their portfolio subject area; and
- Report out to Members at each Community meeting on concerns and issues affecting their portfolio.

13.3 List of Portfolios

- | | |
|------------------------------------|-------------------------------------|
| 1. Education | 2. Social and Recreation |
| 3. Language and Culture | 4. Administration |
| 5. Health | 6. Finance |
| 7. Governance | 8. Land Use & Community Development |
| 9. Food Gathering and Distribution | 10. Fisheries |
| 11. Capital Projects | 12. Treaty |
| 13. Economic Development | 14. Community Services |
| 15. Public Security | 16. Elders |

14 ROLES AND RESPONSIBILITIES OF COUNCIL ADVISORY COMMITTEES

Policy Section: Governance – Council Advisory Committees	Policy #: II-22
Date Motion Approved:	Date Amendment Approved:

Policy Section: Governance – Council Advisory Committees- Terms of Reference	Policy #: II-23
Date Motion Approved:	Date Amendment Approved:

Wei Wai Kum First Nation is committed to ensuring the community has the opportunity to provide guidance and input in decision-making in overall Band operations. Committees allow Council to utilize the expertise and experience of Band Members to enhance Council's knowledge in specific areas. Therefore, Council fully endorses and supports the formation of various Committees pertaining to operations.

Council Committees are advisory in nature and set up to carry out the mandate and objectives as outlined in each particular committee's Council-approved Terms of Reference. There are two types of committees, standing and ad hoc.

Standing committees are set-up by Council to provide ongoing advice and recommendations in specific functional areas such as education and land use planning. These committees often run from one elected Council term to another.

Ad hoc committees deal with very specific issues or areas and are short-term in nature.

In general, the roles and responsibilities of Council Advisory Committees are to:

1. Make recommendations to Council as per their Terms of Reference;
2. Ensure recommendations reflect the community's perspective and best interests;
3. Ensure that community members are actively involved with the governance of the Wei Wai Kum First Nation;
4. If applicable and approved by Council, handle band member appeals related to program and service delivery in a fair and consistent manner.

14.1 List of Possible Council Advisory Committees

- Finance Committee
- Program Management Committee
- Health and Safety Committee
- Health and Social Services Committee
- Lands Committee
- Housing Committee
- Recreation Committee
- Education Committee
- Culture Committee
- Elders Committee
- Youth Committee

15 RENUMERATION OF COUNCIL EXPENSES

Policy Section: Finance – Chief and Council Spending	Policy #: xxxx
Date Motion Approved:	Date Amendment Approved:

Elected Council is entitled to receive compensation for responsibilities, duties and services performed in accordance with the policies, procedures and budgets of Wei Wai Kum First Nation.

Eligible expenses paid are as follows:

- Compensation for attending Council meetings;

- Compensation for attending other meetings on approved band business;
- Attendance at meetings that require Council representation on boards, committees or functions;
- Travel and accommodation expenses while on band business; and
- Reimbursement of eligible band business-related costs.

All Council compensation or reimbursements will be made in accordance to Wei Wai Kum First Nation policies and procedures.

16 ACCESS TO LEGAL COUNSEL

Policy Section: Governance -Access to Legal Council	Policy #: II-24
Date Motion Approved: October 3, 2016	Date Amendment Approved:

Wei Wai Kum First Nation is committed to providing legal services to Council business and band day-to-day operations. Authorized individuals of Wei Wai Kum First Nation may from time to time, engage outside legal counsel to act for the organization and through it for its officers with respect to any responsibilities discharged in the name of the Nation. This policy sets out the authority, criteria and process for the retention of legal counsel. At no time is legal Counsel to be engaged for personal reasons under the band's name.

17 MEDIA RELATIONS

Policy Section: Governance- Media Relations	Policy #: II-25
Date Motion Approved: October 3, 2016	Date Amendment Approved:

The maintenance of good public relations is an integral part of Wei Wai Kum First Nation's overall promotional strategy. A unified approach in communicating messages is crucial in maintaining a positive image with the community Membership and the public at large.

The Chief will act as the primary spokesperson regarding various forms of media including but not limited to: television, radio, newspapers, podcasts, and videoconferences, etc. The Chief will also sanction the release of any written articles released to the media or articles posted on the Wei Wai Kum website, newsletter or letters of support requested by Members or any outside person or organization on behalf of Wei Wai Kum First Nation.

18 RECRUITMENT/RESPONSIBILITIES TO THE BAND MANAGER

18.1 Council and Administration Relationship

Policy Section: Governance – Council and Administration Relationship	Policy #: II-26
Date Motion Approved: October 3, 2016	Date Amendment Approved:

To ensure a clear separation between political issues and band administration, Council delegates management of the day-to-day procedural operations to the Band Manager. The Band Manager must have clear guidelines in regards to his/her relationship with Council.

Therefore, the Band Manager:

1. Provides advice and seeks instruction from Council if there is an existing policy gap on the matter;
2. May accept requests from individual Councillors provided that the information requested relates to their portfolio area;
3. Understands the terms of applicable policies, guidelines or employment contracts;
4. Understands that Council may rescind or add to areas of the Band Manager’s authority by amending the employment agreement or adding to the existing policy;
5. Understands the Council will review the Band Manager’s job performance annually based on contractual obligations and meeting annual goals set by Council; and
6. Is aware Council shall maintain a confidential personnel file for the Band Manager. The file will contain relevant employment information that the Band Manager may examine at any time.

18.2 Recruitment and Supervision of the Band Manager

Policy Section: Governance – Evaluation of the Band Manager	Policy #: II-27
Date Motion Approved: October 3, 2016	Date Amendment Approved:

The Chief Councillor is the direct supervisor of the Band Manager. The Council as a whole can give direction to the Band Manager through motions and resolutions and will provide input on the annual performance review. Council may decide to establish a review committee made up of 1-2 Councillors to act as the direct supervisor.

Council duties in regards to the Band Manager includes but are not limited to:

1. Recruiting and hiring a Band Manager according to Personnel Policy # XX;
2. Identifying the necessary qualifications for a Band Manager;
3. Establish Wei Wai Kum First Nation codes, bylaws, and policies that give clear direction to the Band Manager;
4. Directing the Band Manager in the planning, estimating and budgeting for all community programs and services required for the operation of the Nation;
5. Respecting the division of political and administrative authority, and the Nation’s chain of command, by only making requests directly to the Band Manager rather than individual staff;

6. Respecting the authority of the Band Manager to deal with staffing issues in accordance with the Wei Wai Kum First Nation Personnel Policy and/or other applicable policies;
7. Issuing directives to the Band Manager by a collective decision of Council and not by individual Councillors; and
8. Monitoring the work and evaluating the performance of the Band Manager.

19 ACCESS TO INFORMATION

Policy Section: Governance –Access to Information	Policy #: II-28
Date Motion Approved: October 3, 2016	Date Amendment Approved:

Council will report on an annual basis or more often if required, to the Community on the Wei Wai Kum First Nation’s financial statements and on administered programs and services.

Council shall permit Members access, at all reasonable times, to the non-confidential Council meeting minutes, laws, by-laws and resolutions, the annual budget, audit reports and the bands administrative policies and procedures.

Personal information about individual Members will not be disclosed to any Person except in accordance with Wei Wai Kum privacy laws and policies and in accordance of generally accepted privacy principles.

20 COMPLAINTS FROM MEMBERS AND CONFLICT RESOLUTION

Policy Section: Governance – Complaint Handling	Policy #: II-29
Date Motion Approved:	Date Amendment Approved:

Wei Wai Kum Councillors are committed to the Membership who elected them and have an obligation to address Community or Member concerns in a timely manner. Complaints vary in severity and complexity, therefore a consistent and fair handling of all inappropriate behavior will follow a defined process. It is important to ensure the complaint process is accessible and easy to understand for all Members.

Any Member who believes that Council or an individual Councillor or Chief are not following Wei Wai Kum First Nation policies, laws, or by-laws can direct their concerns in writing to the Band Manager. The Band Manager will report the complaint to Council for consideration and Council must respond to the complaint within 30 days of receiving it. If the Member is not satisfied with the response the Member may escalate their concerns by requesting to address Council.

Any Member who believes that the Band Manager or other staff is not following Wei Wai Kum First Nation policies, laws, or by-laws can:

1. Direct their concern to Council, if the concern(s) is regarding the Band Manager; and
2. If the concern involves other staff, they can direct their concern to the Band Manager.

If the Member is not satisfied with the response, the Member may escalate their concerns by requesting to address Council.

20.1 Conflict Resolution

Policy Section: Governance – Conflict Resolution	Policy #: II-30
Date Motion Approved:	Date Amendment Approved:

Conflict can arise from disagreements regarding administrative or political decisions and/or over personal disagreements. Usually conflict is a result of misunderstandings. The objective on all conflict resolution situations should be a “win/win” situation whenever possible.

People should be able to meet each other on a face-to-face basis with clear procedures for the meeting outlined ahead of time.

If the conflict cannot be resolved, Council, at its discretion may hire the services of a professional mediator. Any agreement resulting from mediation is documented and accepted by all parties in good faith, final and binding.

21 SUCCESSION PLANNING

Policy Section: Governance – Succession Planning	Policy #: II-31
Date Motion Approved:	Date Amendment Approved

Succession planning is a process of identifying and developing people with potential to fill key positions in an organization. Succession planning increases the availability of experienced people that are prepared to assume other roles when vacant.

In the case of Council, it is important that Councillors share their knowledge and expertise with other Councillors to facilitate increased capacity of Wei Wai Kum Council.

22 COUNCIL SELF-ASSESSMENT

Policy Section: Governance – Council Self-Assessment	Policy #: II-32
Date Motion Approved: October 3, 2016	Date Amendment Approved:

Wei Wai Kum First Nation Councillors believe that their performance as community leaders impacts the Community and the administration of band affairs. The Council shall evaluate itself as an elected Council, not as individual Councillors.

The self-assessment is a constructive process aimed at improvement in:

- The relationship between Council and the Community;
- The relationship between Council and staff;
- The relationship between all elected officials;
- The effectiveness of policy and procedure development;
- The Nation's governance structure and practices; and
- The effectiveness of band administration.

The self-assessment shall lead to the development of new objectives, goals and strategies for improvement. These should be agreed upon by Council at the beginning of each year and a self-assessment done at the end of each year to determine successes or what still needs to be addressed.

This process will be shared with the community at the Annual General Meeting.