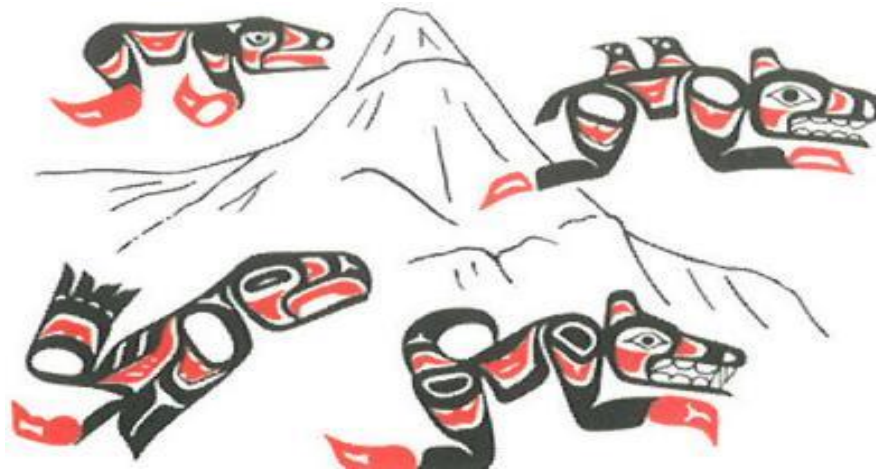


Gitsegukla Band Council Governance Policy Manual



Version: March 2017

GOVERNANCE POLICY SIGNATURE PAGE

(All members of Council must comply with Gitsegukla Governance Policies)

Instructions to Council Member: All Gitsegukla Band Council members are required to read the Gitsegukla Governance Policies listed in this document.

Councillor's Name: _____

Councillor's Signature: _____ Date: _____

My signature indicates I have read the policies and my questions have been answered. I understand I must comply with procedures and requirements of the policies. Failure to comply with the policies may result in disciplinary actions.

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INTRODUCTION

The objective of GBC Council governance is to enhance the well-being of community members by protecting their assets such as land, buildings, equipment and monies to ensure programs and services are accessible to all Band members.

The purpose of this Governance Policy Manual is to provide a policy framework and general guidelines for effective governance within the community. This manual will outline Council's obligation to set direction and ensure that Nation business is conducted in a responsible manner. For the Gitsegukla Band Council, Council directs the Nation's business and the Band Manager manages it.

This Policy Manual has been developed from a review of the Gitsegukla Governance Structure document (September 2001), along with leading practices from publicly available sources, and MNP experience.

GOVERNING CONTEXT¹

Managing the complex affairs of GBC is impractical for community members as a whole; community members therefore elect a small body of decision makers, the Nation's Chief and Council, in trust to look after their interests. Therefore, Chief and Council are trustees and have a fiduciary responsibility to act in the best interests of all Gitsegukla Band members.

Given this context, Chief and Council are accountable to members in two main ways:

1. **Management Accountability:** Refers to day-to-day management of services and benefit programs, and the wise use of financial resources; and
2. **Political Accountability:** Refers to Council being responsible for providing good government over a broad range of purposes that affect community well-being.

To build and support these accountabilities, Chief and Council uses the three principles of (1) transparency, (2) disclosure, and (3) redress. The following provides a brief description of each of these principles.

1. **Transparency:** Involves defining and documenting First Nations operations with a particular focus on three areas:
 - a. *Structure of First Nations Government:* Refers to a clear definition of roles, responsibilities, and decision making authority to promote effective management and accountability;
 - b. *Program and Service Delivery:* Refers to the delivery, by government, of a range of programs and services to individuals or groups (often structured by policies and procedures to direct management and staff, budgets, and capital assets); and
 - c. *Decision-making:* Refers to Council's engagement with community members to ensure that they have a say about important issues as it relates to internal community issues and relationships with external parties.
2. **Disclosure:** Refers to the disclosure of information to community members and stakeholders as being critical in supporting accountability. This is guided by three important steps:
 - a. Disclosure of information builds an atmosphere of trust and confidence in government;

¹ First Nations Governance Handbook: *A Resource Guide for Effective Councils*. Minister of Public Works and Government Services Canada (2003). This handbook has been heavily referenced within this Governing Context section and has influenced the content and layout of this Gitsegukla Band Council Governance Policy Manual.

- b. Open disclosure in the workplace is fundamental to management accountability; and
 - c. Engagement with other governments (with other First Nations, the Gitxsan Hereditary Chiefs, or with the Provincial / Federal Government) helps arrive at solutions to major governance issues.
3. **Redress:** Refers mainly to (1) leadership selection and election appeals, as well as (2) administrative review and appeals. Regular elections are the ultimate form of redress in that GBC members have the opportunity to install or remove their leaders, while administrative reviews and appeals seek to ensure fairness and obtain closure for disagreements that arise in the delivery of programs and services.

ORGANIZATION OF THIS POLICY MANUAL

This Policy Manual is organized into four main sections - Planning, Leading, Organizing, and Controlling, which are explained below.²

1. **Planning:** These policies state Council's purpose, vision and values for the Nation, which should remain constant over the Council's term of office. Each year the Council, with the Band Manager, decides what it wants to accomplish for the year. Council's yearly objectives focus the work of the Band Manager and staff, holding the Band Manager accountable for achieving results.
2. **Leading:** These policies contain the rules that Council follows to manage Council business. They include the process of policy development, the Council's annual agenda, and reporting procedures. They contain an orientation process for new Council members.
3. **Organizing:** These policies explain how Council interacts with the staff, and vice versa. They also contain the rules and procedures for evaluating the Band Manager.
4. **Controlling:** These policies define the limits that Council places on the Band Manager's authority. The Band Manager may take any prudent and legal action that does not exceed these limits. The limitations policies are the expression of trust that Council has in the ability of the Band Manager to manage the organization's business.

A number of individual policies are included within each of the above sections. These individual policies begin with a table to structure information about each policy, as outlined below.

STATEMENT OF POLICY AND PROCEDURE			
Purpose, Vision and Values		No:	P01
Section:	Planning	Issued:	March 15, 2017
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Defines policy purpose

Location of Policy within Manual

Policy number to track policy reference

² This policy framework has been adapted from Carver (see Boards That Make a Difference (1997), and Reinventing Your Board (1997)). The Carver model is presented to illustrate that leaders' governance policies differ from that of staff policies and procedures.

DEFINITIONS

“Ad Hoc Committee” means a Committee appointed and approved by Chief and Council which functions until it completes the tasks set out in its terms of reference, as approved by the Council.

“Band Manager” refers to the senior employee of the Gitsegukla Band Council who is responsible for overseeing the administration of the Band. The term “Administrator” may also be used interchangeably when referring to a person in this role. This position is accountable to Council as a whole.

“Council” means the duly elected Chief and Council of Gitsegukla Band Council. “Chief and Council” is another synonymous reference made throughout this manual.

“Chair” refers to the Chief or appointed Council member.

“Duly Convened Band Meeting or Duly Convened Council Meeting” means a meeting that is called by Council with reasonable amount of notice, consistent with the policies in this manual. The terms “Band Meeting” and “Council Meeting” may be used interchangeably.

“Fiduciary Duty” refers to a legal duty to act solely in the interests of another party. Chief and Council as a whole, as well as each individual member of Council have a fiduciary duty to observe the highest standards of honesty, loyalty, good faith, and must always act in the best and collective interests of the Gitsegukla Band Council.

“Financial Benefit” includes, but is not limited to:

- a) Employment benefits;
- b) Contract benefits;
- c) Educational, medical or other social benefits;
- d) Honoraria that are not accounted for;
- e) The payment of any money or gifts, including “finder’s fees,” royalties, kickbacks or bribes;
- f) The allocation of a Nation financed house; and
- g) The allotment, leasing or other grant of an interest in Gitsegukla Band Council reserve lands.

“GBC” refers to the Gitsegukla Band Council.

“In Camera” refers to a session of Chief and Council that is private to members of Council and whomever they wish to include in the session. The purpose of an In Camera session is to protect the privacy of an individual(s), transaction, or issue deemed private by Chief and Council.

“Quorum” means fifty percent plus one (50% + 1) of the duly elected Council.

“Misconduct or Wrongdoing” includes any breach of this manual and its conflict of interest provisions, Council policies or procedures, and includes, but is not limited to the following:

- Unethical behaviour including breach of conflict of interest or code of conduct policies;
- Illegal activities;
- Unauthorized disclosure of confidential information;
- Preferential treatment, or conversely, display of bias in treatment;

- Abusive or threatening behavior;
- Harassment of any kind (including verbal, psychological or sexual);
- Misleading or coercion of auditors;
- Fraud – intentional deception for personal gain;
- Material misrepresentation in disclosures made by or on behalf of a member of Council;
- Theft of the Band’s physical or intellectual property;
- Misappropriation of GBC funds for personal gain or unauthorized uses; and
- Making a commitment for an expenditure, liability or other transaction that is not authorized by Chief and Council as a whole.

“Personal information” refers to all information that reveals factual or subjective elements of knowledge about an identifiable individual. In addition to the basic elements that are commonly used to identify and interact with an individual, such as the individual’s name, gender, physical characteristics, address, contact information and identification and file numbers, it also includes criminal, medical, financial, family and educational history as well as evaluative information and other details of the individual’s life.

“Private Interests” means personal and business interests, and include the personal and business interests of “Related Persons.”

“Related Person” means a spouse, common-law spouse, child of spouse, parent, parent-in-law, brother/sister-in-law, sibling, child, grandparent, grandchild, dependent, aunt, uncle, niece, nephew, first cousin, any person with whom that person currently resides, or a corporation or other organization in which that person has an interest.

“Standing Committee” means a Committee appointed and approved by the Council to provide advice on specific issues, such as investigating, reviewing, or reporting on the Council’s mandate and/or terms of reference.

1. PLANNING

1.1 PURPOSE, VISION, AND VALUES (G01.01)

STATEMENT OF POLICY AND PROCEDURE			
Purpose, Vision and Values		No:	G01.01
Section:	Planning	Issued:	March 15, 2017
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Purpose

The purpose of Council is to support a healthy, successful community where all members can safely live, work, learn, and play.

Mission³

The Gitsegukla Band Council will demonstrate honesty, trust and respect in providing responsible governance. We will maintain our traditions, culture and language, and we will create opportunities that will foster a healthy, safe and vibrant community. This will be the foundation for our future generations' well-being.

Vision⁴

To create a healthy, safe, vibrant and prosperous community for our children.

Values⁵

Our values require Council to:

1. Have a constant focus on the Gitsegukla Band Council;
2. Support the involvement of all community members who desire to participate in advancing our community;
3. Respect our history and culture;
4. Respect various perspectives, opinions, and beliefs; and
5. Wisely use a variety of resources to achieve the goals of the Gitsegukla Band Council.

³ Gitsegukla Band Council website: <http://www.gitsegukla.net/our-governance-and-management/>.

⁴ Ibid.

⁵ First Nations Governance Handbook: *A Resource Guide for Effective Councils*. Minister of Public Works and Government Services Canada (2003).

1.2 STRATEGIC PLANNING (G01.02)

STATEMENT OF POLICY AND PROCEDURE			
Strategic Planning		No:	G01.02
Section:	Planning	Issued:	March 15, 2017
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Policy

Council recognizes the importance of strategic planning to the future of the Gitsegukla Band Council.

Procedures

Accordingly, Council will undertake the following:

1. Establish and review the Nation's vision, comprehensive community plan, short and long-term goals, objectives, policies, laws, bylaws, regulations and procedures related to the Nation's administrative programs and services as well as to ensure that they are followed and implemented;
2. Define specific priorities in alignment with the comprehensive community plan for the Nation's programs and departments in cooperation with program supervisors and Committees where applicable and revise where appropriate;
3. Undertake a comprehensive, annual evaluation and review of administrative programs that includes staff roles and responsibilities;
4. Regularly review, revise, and approve the Nation's comprehensive community plan;
5. Develop a communication strategy to keep membership involved and informed in Council's decisions;
6. Meet with the community on an annual basis at minimum (i.e. the Annual General Meeting) to discuss progress, priorities, and actions to advance the community and interests of the members; and
7. Ensure that actions undertaken by external organizations compliment and support priorities of the Nation as defined within the Nation's strategic plan.

Please refer to the *Gitsegukla Financial Policy Manual - Annual Planning and Budgeting Policy* for more information on strategic planning procedures.

2. LEADING

2.1 GOVERNING STYLE (G02.01)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.01
Section:	Leading	Issued:	March 15, 2017
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Policy

The governing style of Council is to focus on leadership that will emphasize:

- The sustainable future of the Gitsegukla Band Council;
- A clear separation between the roles of Council and staff;
- Pro-active rather than reactive leadership; and
- Accountability and transparency.

Procedures

In this spirit, Council will:

1. Be accountable to GBC members in the performance of its duties and obligations. No Chief or Councillor, individual or Committee of Council will assume this accountability role on their own;
2. Support its primary role of strategic planning and governance rather than day-to-day administrative matters;
3. Direct, control, and inspire the Nation by carefully studying, reviewing, and establishing Council policies;
4. Ensure attendance or representation at any meeting or event that requires its attendance;
5. Respect the role of the Chief;
6. Uphold decisions made by Council where Councillors will speak with one voice, representing the democratic process of decision making;
7. Respect and comply with all Gitsegukla laws, by-laws, codes, rules, regulations, and policies;
8. Enforce self-policing when Chief or Councillors stray from good governance and the policies contained in this Policy Manual; and
9. Monitor and regularly review Council's own process and performance.

2.2 ELECTION CODE (G02.02)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.02
Section:	Leading	Issued:	March 15, 2017
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Policy

The Gitsegukla Band Council is bound by Section 74 of the *Indian Act* as it relates to elections. Therefore, the Gitsegukla Council consists of one Chief, and one Councillor for every 100 members of the Nation. The total number of Councillors will not be less than two, or more than 12.

Procedures

1. Based on this, section 74 to 79 of the *Indian Act* will apply with regard to Band leadership selection and election appeals; and
2. Elections for the Gitsegukla Band Council will be held every two years.

2.3 APPROACH TO GOVERNANCE (G02.03)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.03
Section:	Leading	Issued:	March 15, 2017
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Policy

The Council's primary responsibility is to govern as one body. The Council will use its authority as a whole and will speak with one unified voice. The Chief has limited additional roles such as fulfilling the role of Chair at Council meetings and being the spokesperson for Council. Individual Councillors, including the Chief, cannot make decisions on behalf of Council unless given authority by the whole of Council. Similarly, the Band Manager is obligated to follow the direction of Council as a whole, not based on direction of an individual Chief or Councillor.

Procedures

Without limiting the generality of the foregoing, Council will govern with an emphasis on:

1. Collective leadership;
2. Acknowledgement of and appreciation for differing viewpoints;
3. Respect for the separate roles and responsibilities of Council from those of the GBC Band Manager; and
4. The sustainable future of the Gitsegukla Band Council rather than the past or present.

The Council is responsible to represent and advance the interests of GBC members and not special interest groups.

In addition, the Council is responsible for advancing community interests regarding matters affecting traditional and treaty territory, inherent rights, Aboriginal rights, as well as stewardship of finances and programs or services. The jurisdiction of the GBC government extends to GBC members who live off reserve, and therefore Council is also responsible for matters involving non-members including the enactment of laws, bylaws, and approval of policy.

In maintaining its accountability to the Nation and its members, Council will abide by all legal obligations established from time to time in relation to the Council and the Nation as well as to Council and all non-Gitsegukla persons that it deals with.

2.4 GENERAL POWERS AND RESPONSIBILITIES OF COUNCIL (G02.04)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.04
Section:	Leading	Issued:	March 15, 2017
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Policy

Council's powers and responsibilities include to:

1. Make and approve laws, bylaws, regulations, rules, codes, directives, guidelines or other authorizations, standards, declarations, notices, requirements, and directions;
2. Allocate or administer GBC funds on behalf of and in the best interests of the Nation and Gitsegukla members;
3. Designate/appoint an interim Chief when there is a vacancy in the Chief's position;
4. Call and conduct community meetings;
5. Call and hold referendums;
6. Approve policies and objectives and oversee implementation by the Band Manager;
7. Approve new GBC programs and services;
8. Consider policies of the Gitxsan Hereditary Chiefs as well as other GBC policies and laws in granting interests to the Nation's reserve lands;
9. Work with the Gitxsan Hereditary Chiefs to negotiate with the Crown or its designate concerning Aboriginal title, traditional territory, and treaty implementation;
10. Appoint and dismiss the Band Manager with just cause, according to the procedures described in the Human Resource Policy Manual or contractual agreement, if applicable;
11. Communicate with the Band Manager in accordance with the policies stipulated in this Policy Manual;
12. Approve rules and policies governing Council's own procedures;
13. Support the Band Manager in decisions made in accordance with this and other Gitsegukla policies and laws;

-
14. Establish Committees, as required, to carry out business of the Nation provided that the Council as a whole ultimately approves of decisions recommended by the Committee;⁶
 15. Establish and implement the complaints and appeals procedures as contained within Policy G04.05 of this Policy Manual on dealing with complaints concerning the Council as well as Band departments; and
 16. Establish an independent body to resolve disputes.

⁶ Appendix A deals with Terms of Reference for Establishing a Committee; Appendix B outlines procedures for Council Meetings.

2.5 FINANCE (G02.05)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.05
Section:	Leading	Issued:	March 15, 2017
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Policy

With respect to Nation finances, Council's responsibilities include the following:

1. Review and approve the annual budget inclusive of budgets for all Nation programs, departments, and services;
2. Negotiate funding arrangements with Indigenous and Northern Affairs Canada (INAC) and other applicable funding sources for matters that fall within the jurisdiction of Council, and for which it has assumed responsibility;
3. Be fully accountable to membership and funding agents and establish such policies that may be necessary to ensure financial accountability; and
4. Appoint an auditor to audit Nation finances.

Please refer to the Gitsegukla Financial Policy Manual for more information on management of Nation finances.

2.6 PORTFOLIOS (G02.07)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.07
Section:	Leading	Issued:	March 15, 2017
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Policy

Council may establish portfolios to allocate an individual Chief or Councillor to oversee specific responsibilities within the jurisdiction and oversight of Council. Portfolios will be established at the beginning of each Council term, as soon as practical, but may be established throughout the term of Council as required.

Procedures

Role of Portfolio Holders

Portfolio holders will inform and advise Council of actions and progress being undertaken within their portfolio area, which will assist Council in its decision making process.

Portfolio Holder Activities

1. Attend meetings, conferences, functions, and assemblies specific to their portfolio area as determined by the portfolio holder and approved by Council;
2. Provide written reports of regional, provincial, national and international policy issues affecting GBC;
3. Liaise and network with individuals or organizations within their portfolio policy area;
4. Research existing laws, bylaws, and policies within their portfolio area;
5. Propose amendments to existing laws, bylaws, and policies to improve oversight of activities within the portfolio. Similarly, it is the responsibility of the holder to propose new laws, bylaws, and policies to Council as the portfolio holder sees fit; and
6. Advocate for issues and interests within their portfolio area.

2.7 AGREEMENTS (G02.08)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.08
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Policy

With respect to agreements, Council will:

1. Affect all contracts and agreements, to which GBC is a party, to be carried out according to their terms; and
2. All contracts, agreements, documents or any instruments requiring execution on behalf of GBC will be signed by a Band Council Resolution (BCR). Council may, from time to time, authorize the Band Manager or other staff to be signatories on behalf of the Nation.

2.8 RELATIONSHIP WITH OTHER GOVERNMENTS (G02.09)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.09
Section:	Leading	Issued:	March 15, 2017
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Policy

Council, mainly through the Chief or a designated Councillor will:

1. Liaise with all levels of government (i.e. agencies and departments) on all matters affecting the Nation; and
2. Represent the interests and concerns of GBC members and report back on key issues and concerns affecting members and the Nation overall.

Council has the discretion to delegate authority to designated individuals at the regional, provincial, and national level to speak on behalf of matters pertaining to the Nation's interests.

2.9 ROLE OF THE CHIEF (G02.10)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.10
Section:	Leading	Issued:	March 15, 2017
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Policy

The Chief is responsible for providing leadership of the Council mainly by ensuring the integrity of Council's internal processes. Therefore, the Chief will seek to ensure Council behaves consistently with its own rules and those rules legitimately imposed upon it by persons having jurisdiction.

Procedures

Accordingly, the Chief:

1. Is the first among equals and holds the authority of Council to act in good faith in exercising decision making regarding matters which require immediate attention, emergency situations, and special circumstances affecting the Nation;
2. Represents GBC at ceremonial and other special functions or delegates this authority;
3. Will attend Chief's assemblies, Council meetings, and other bodies where the Chief is the official representative of the Nation;
4. Is the official media point of contact (i.e. the spokesperson) and will liaise with internal teams to manage media requests and the development / release of any press releases;
5. Is the lead on issues pertaining to inter-governmental affairs, but may delegate this role to another member of Council or to a suitable staff person;
6. Will chair Council meetings and ensures that meetings are conducted in an orderly and business-like manner. As the Chair of Council meetings, the Chief will only vote in the case of a tie;
7. Will ensure that all meetings and deliberations involving Council and members will be fair, open, thorough, orderly, and be allocated an appropriate amount of time while considering other matters before Council. If the Chief is unable to carry out these responsibilities, he/she will relinquish the position to another Councillor at that meeting;
8. Will ensure that meeting content will be limited to those issues that, according to Council policy, clearly fall exclusively within Council's jurisdiction and not the Band Manager; and
9. Is both a voting member and ex-officio member of all Committees of Council. The Chief will only be considered a voting member of a Committee when his/her attendance is required to make quorum for the Committee.

2.10 GOVERNANCE POLICY DEVELOPMENT PROCESS (G02.11)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.11
Section:	Leading	Issued:	March 15, 2017
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Policy

Council has the power and responsibility to provide leadership and direction on all matters regarding the healthy existence of the Nation. It is through policy that Chief and Council helps to fulfill this responsibility, through a standardized method of preparation, review, issuance, and revision of all governance policies and procedures.

Procedures

Policy Creation

1. Any Council member may recommend policies, or revisions to existing policies by way of a written proposal with recommendation for action to the Council;
2. The Council will consider all proposed policies in a duly convened Council meeting prior to providing final approval;
3. The Council may engage an ad hoc committee or a third party to develop the recommended policies to present to Council for approval; and
4. Each policy and procedure document presented to Council for approval will include a list of the persons affected by the policy and a documented record of the review and recommendation.

Policy Revision

1. Any Council member may recommend the revision of an issued policy and procedure following steps under "Policy Creation" as noted above.
2. Periodically, but at least every two years, the Council will review issued policies and procedures for completeness, accuracy, relevancy to revise or nullify accordingly.

Policy Invalidation

1. Council may nullify an issued policy and procedure if the policy is outdated or inaccurate and approval is obtained in a duly convened Council meeting; and
2. The request to formally nullify an issued policy should be documented and provide the details of why the policy should be nullified.

Policy Approval

1. Once approved by Council, a new or revised policy must be communicated and accessible to the all affected departments and persons.

For the purposes of this Policy Manual, policies and procedures will generally follow a standard format to include:

1. **Policy** – clear statement that indicates the protocol or rule affecting the specific area;
2. **Procedures** – Describes the steps, details, or methods to be used to implement and maintain the policy and procedures;
3. **References** (optional) – List of applicable documents, policies, laws and regulations; and
4. **Attachments** (optional) - forms, reports, or records that are generated from the policy.

2.11 DISQUALIFICATION AND REMOVAL (G02.12)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.12
Section:	Leading	Issued:	March 15, 2017
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Policy

1. A Chief or a Councillor will be disqualified from holding his/her office and will immediately relinquish his/her position as Chief or Councillor, if the Chief or Councillor:
 - a. Is absent from three consecutive Council meetings without prior authorization;
 - b. Contravenes applicable conflict of interest rules pursuant to the Conflict of Interest Policy as outlined in Appendix E of this Policy Manual;
 - c. Accepts gifts in contravention of section 2.20 of the honoraria, gifts and hospitality on how to handle gifts while in office;
 - d. Contravenes applicable sections within the Conflict of Interest Policy as it pertains to influence and using power to influence decisions;
 - e. Uses confidential information for his/her or other benefit in contravention of section 2.21 on handling confidential information;
 - f. Is convicted of an indictable offence;
 - g. Dies or resigns;
 - h. Is found to be a mentally incompetent person or becomes of unsound mind; and
 - i. Is disqualified under Section 78 (b) of the Indian Act whereby the Minister has the authority to declare that the Councillor no longer holds office subject to being identified as unfit, absence from three consecutive meetings without authorization, or guilty of a corrupt practice or accepting a bribe.
2. A Chief or Councillor may be disqualified if he/she becomes aware that a Chief or a Councillor is acting or has acted in a manner that constitutes grounds for disqualifications and has failed to notify the Council of such actions within a practical period of time.
3. If it appears that a Chief or a Councillor is disqualified under section 1.2 on undertaking strategic planning, and is continuing to act in his/her capacity as a Chief or a Councillor, in addition to all available remedies, any member may file a complaint on procedures for dealing with complaints and dispute.
4. If a Chief or Councillor is disqualified under this policy, he/she will be ineligible to run for Council in the next election.

2.12 VACANCY IN THE ROLE OF CHIEF AND COUNCILLOR (G02.13)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.13
Section:	Leading	Issued:	March 15, 2017
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Policy

The Office of Chief:

Where a vacancy of the Chief's position occurs:

1. The Deputy Chief will immediately assume the role of interim Chief;
2. The Council will then determine whether or not a by-election will be called to re-elect a Chief. The Council will practice discretion in calling a by-election considering the amount of time left in the Council term i.e. if there is only six months left in the Council term then Council may choose not to call a by-election; and
3. Notwithstanding the aforementioned, the Council will then appoint the role of interim Chief from amongst the Council members. The Council may choose to appoint up to two Councillors to fill the role of interim Chief and in which case will clearly identify the roles and responsibilities of each interim Chief.

The Office of Councillor:

In circumstances in which a Councillor seat becomes vacant, by way of resignation, serious illness, death or removal from office, and other reasons, Council will undertake the following:

- 1) The remaining Chief and Councillors may continue to exercise all the powers of the Council until a new Councillor is elected, so long as a quorum of Council remains in office.

2.13 COUNCIL MEETINGS (G02.14)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.14
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Policy

Council will conduct its meetings in accordance with the procedures in Appendix B of this Governance Policy Manual, while also incorporating other Gitsegukla laws and policies.

2.14 COMMITTEES (G02.15)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.15
Section:	Leading	Issued:	March 15, 2017
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Issued by:	Chief and Council	Issued:	

Policy

Council will support its duties through the development of Standing Committees and Ad Hoc Committees. On an annual basis, Council will review its set of committees and may discontinue or revise based on the needs of Council at that time.

1. Act as a formal advisory body to Chief and Council by preparing policy alternatives and implications for Council deliberation and decision-making;
2. Committees of GBC Council include:
 - Administration Committee
 - Health Committee
 - Education Committee

Composition

Committees are to be comprised of three members of Council and the Band Manager. Committee members must not be employed by any department of which the Committee represents.

Reporting Procedures

1. Department directors and managers' report to the Band Manager on issues related to day-to-day operations. The Band Manager is responsible for administering performance reviews of directors and managers and reporting to Chief and Council.
2. The Band Manager, Health Director and Education Director are each responsible for reporting to their respective Committee on a monthly basis. Committees are responsible for reporting to Chief and Council.

2.15 COUNCIL ORIENTATION (G02.16)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.16
Section:	Leading	Issued:	March 15, 2017
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Orientation to the Gitsegukla Band Council

The purpose of orientation is to acquaint newly elected Chiefs and Councillors, as a Council, to its role and responsibility as it pertains to Council's political, functional, and legal role on behalf of GBC. Chief and Council, as trustees of GBC, have a fiduciary responsibility to act in the best interests of all GBC members.

In this spirit, orientation to the Nation will include the following:

1. The broad general scope of GBC, including Council's purpose, vision, values, history, as well as programs and services, and portfolios of Council;
2. A review of all of the Nation's laws, bylaws, and policies in effect;
3. A review of the roles and responsibilities, relationships, and structure of all levels of operations, including that of Council;
4. An overview presentation of the community's overarching plans;
5. An overview of the Nation's budget;
6. An overview presentation of each of the Nation's departments, which includes the department's strategic direction and operational work plans; and
7. An overview of the Nation's inter-governmental service agreements.

An initial orientation should be conducted before the first meeting after election. An appointed leader (i.e. the Chief, a Councillor, or trusted third party) will lead a review of Council specific information, while the Band Manager will review information pertaining to GBC's administration.

Outgoing Chief or Councillors will act honestly and in the best interests of the Nation for the purpose of assisting the new Council in the orientation process and to facilitate the transition between Councils and Chief or Councillors.

Orientation to Council

Orientation to Council will be conducted before or at the first meeting of new Council members. A discussion of relevant topics will help re-orient incumbent Chief and Councillors and introduce newly elected Chief and Councillors to the Council's Governance Policy Manual.

Orientation will utilize this Policy Manual and focus on the following areas that includes:

1. The role of Council members as a governing unit;
2. The importance of Council and its contribution to meeting the needs of GBC members;
3. A review of Council's governance model, governance policies, and basic values underlying the work of Council to promote accountability and transparency;
4. An introduction to the annual agenda of Council; and
5. Council's relationship with the Band Manager, other organizations, groups, and government.

To assist in the orientation process, outgoing portfolio holders will ensure that current briefing notes, meeting summaries and reports are up to date as it relates to their portfolios. This information is to be filed and maintained by the Band Manager.

Orientation to the Individual Role of Councillor

Orientation to the role of individual Councillor will also be conducted before or at the first meeting of new Council members. Within this orientation includes:

1. The specific responsibilities, expectations, and benefits of the Council position;
2. The level of authority and accountability of individual Councillors;
3. The roles of committees and the resources available to Committee Members;
4. How information is communicated and reported within Council and between Councillors; and
5. Performance expectations for individual Councillors.

2.16 ORGANIZATION CHART (G02.17)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.17
Section:	Leading	Issued:	March 15, 2017
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Policy

Council recognizes the importance of maintaining an organizational structure which serves the best interest of GBC members.

Procedures

Accordingly, Council will lead development of an organizational structure, which includes to:

1. Review the organizational chart during the orientation session of the newly elected Council;
2. Communicate successes and issues to the Band Manager;
3. Task the Band Manager with research and recommendations to improve organizational effectiveness;
4. Review suggested recommendations made by the Band Manager at a duly convened meeting;
5. After discussion, accept changes and formalize through a Band Council Resolution (BCR); and
6. Ensure the Band Manager distributes the approved Organizational Chart to management and staff.

Refer to Appendix 1-A of the Gitsegukla HR Policy Manual.

2.17 AUTHORITY (G02.18)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.18
Section:	Leading	Issued:	March 15, 2017
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Issued by:	Chief and Council	Issued:	

Policy

Chief and Council have the collective authority to govern the Gitsegukla Band Council. Unless stated otherwise in any other law or policy passed by Council, Council will only exercise its authority as a collective governing body and not as individuals.

Procedures

1. Council must speak with one voice. Only Chief and Council as a whole have the authority to direct the Band Manager, except as noted in this policy and subject to other applicable policies or laws;
2. Council has the authority to discuss communication issues and appoint the Chief or a delegated spokesperson to interact with the public, media, or other entities on behalf of Council regarding an issue or issues that affects or may affect GBC.
3. Council has the authority to assess performance of the Band Manager to ensure that performance is assessed against explicit Council goals and processes;
4. Council will respect all documents and instruments signed and approved by authorities acting on behalf of the Nation, including and without limitation: Band Council Resolutions, contracts, purchases, and payments. Council will also respect all approval procedures for such documents as established from time to time; and
5. Council will ensure that it does not advise, instruct, consult, direct, discipline or otherwise interact with staff, except through the Band Manager.

2.18 LOYALTY (G02.19)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.19
Section:	Leading	Issued:	March 15, 2017
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Policy

Council's ultimate loyalty is to the Gitsegukla Band Council and its members.

Procedures

Therefore, the Councillors must:

1. Treat fellow Councillors, elected and appointed officials, staff and the public with patience, courtesy and civility at all times, even when disagreeing on what is best for the community;
2. Work towards consensus building and gain value from diverse opinions;
3. Make decisions based on the merits of the issue;
4. Make unpopular decisions when the Nation's best interest requires it;
5. Not promise what cannot be delivered or communicate unrealistic results;
6. Share with the whole of Chief and Council substantive information from sources outside the public decision-making process that is relevant to a matter under consideration;
7. Respect that the Nation's public interest supersedes loyalty to any advocacy or special groups, and membership with other groups;
8. Respect that the Nation's public interest supersedes the personal and private interest of any Councillor;
9. Refrain from making defamatory, inflammatory or otherwise false statements. Such statements made by Chief and Council or a Councillor about the Nation or its operations will not be tolerated and will be subject to disciplinary processes;
10. Not undertake activities or make comments in public forums or through social media that he or she knows, or ought to have known, may adversely affect the Nation's reputation, public image or credibility;
11. Safeguard the ability to make independent, objective, fair, and impartial judgments by avoiding financial and social relationships and transactions that may compromise, or give the appearance of compromising, objectivity, independence, and honesty; and
12. At all times, avoid behavior that may be considered abusive or threatening, including harassment of any kind (i.e. verbal, physical, or sexual).

2.19 HONORARIA, GIFTS AND HOSPITALITY (G02.20)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.20
Section:	Leading	Issued:	January 7, 2016
Issue to:	All Manual Holders	Page:	1 of 1
		Replaces:	
Issued by:	Chief and Council	Issued:	

Policy

Chief and Council will remain impartial and act in the best interests of the Nation and its members at all times. To avoid the appearance of bias, Council members must not accept personal gifts, fees, honoraria, or a personal benefit that is connected with the Councillor's performance of his/her duties from any outside parties.

Procedures

Councillors must:

1. Use their best judgment to avoid situations of real, apparent or potential conflict of interest with respect to honoraria or other fees, gifts, hospitality, and other benefits;
2. Decline any honoraria or other fees, gifts, hospitality or other benefits (except as set out in item 3 below) that may have a real, apparent, or potential influence on their objectivity in carrying out their official duties and responsibilities, or that may place them under obligation to the donor(s), or that may appear to be contrary to the Nation's commitment to deal fairly and openly with outside parties. This includes activities such as free or discounted admission to sporting and other events, expensive meals, travel, or conferences;
3. Be permitted to accept gifts, hospitality and other benefits, if they are infrequent and of minimal value (under \$100); or within the normal standards of courtesy or traditional protocols (such as a blanket during a ceremony); or arise out of activities or events not related to the official duties of the Councillor concerned; and do not compromise or appear to compromise the integrity of the Councillor, Chief and Council, or the Nation;
4. Seek written direction from Council as a whole where it is impossible to decline gifts, hospitality or other benefits that do not meet the principles set out above, or where it is believed that there is sufficient benefit to the nation to warrant acceptance of certain types of hospitality. An example would be a significant gift from a visiting dignitary, or an invitation to discuss relevant business at an event such as a hockey game or a golf tournament. Chief and Council will determine whether gifts in this category will be retained within the Nation, or whether they should be donated to an agreed-upon cause.

2.20 CONFIDENTIALITY (G02.21)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.21
Section:	Leading	Issued:	March 15, 2017
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Policy

From time to time, Councillors must deal with strictly confidential matters in their official capacities and discharge of their duties.

Confidential information includes personal information, and information that Council as a whole deems confidential for strategic reasons (which may include proprietary information, business interests, litigation, or government negotiations). Councillors are expected to respect and protect the personal information of individuals, to comply with the law as it applies to confidentiality, and to comply with the decisions of Council where matters have been deemed confidential.

Procedures

Therefore:

1. Councillors will not use or divulge to anyone personal information about individuals acquired as result of his/her role as Councillor;
2. Councillors will not divulge any confidential information as determined by Council that is acquired as a result of his/her position as a Councillor, including discussions and documents marked "confidential";
3. The minutes, records or proceedings of any in camera Council meeting or Committee meeting will be kept in confidence in accordance with this policy; and
4. As part of delivery of services and administration, some staff members may have access to personal information, which must remain confidential by law. Councillors must not ask for, or expect that an employee will share this information.

Refer to Appendix D: Code of Conduct

2.21 ACCOUNTABILITY (G02.22)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.22
Section:	Leading	Issued:	March 15, 2017
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Issued by:	Chief and Council	Issued:	

Policy

Council is accountable to GBC members in the performance of Council duties and obligations. The Chief and Councillors must carry out their duties in good faith and with diligence, care, and skill.

Procedures

1. All major decision making for Gitsegukla Band Council shall be made at a duly convened meeting of Council with a full quorum present. In the event that Council requires community approval, this process shall be done at the annual general assembly meeting of band members or at a special assembly of community members.
2. A member may appeal a decision of the Council or Band administrator which adversely affects the member within 30 days by providing Council with a written letter to appeal decision and the reasons of their appeal. Upon receipt of a written notice to appeal from a member, Council will hear the member's appeal within 30 days of the date of the notice. Appeals shall be dealt with at the next scheduled meeting of Council.
3. In the event of a dispute between Council and membership in respect of the guideline, the dispute may be resolved by either mediation or arbitration if membership at a general meeting resolve to settle the dispute through this process.

2.22 ENFORCEMENT (G02.23)

STATEMENT OF POLICY AND PROCEDURE			
Council Roles and Responsibilities		No:	G02.23
Section:	Leading	Issued:	March 15, 2017
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Issued by:	Chief and Council	Issued:	

Policy

Council has the authority to make and enforce its own rules and penalties for the Chief and Councillors who are found negligent in carrying out (or failing to carry out) their duties or are otherwise in contravention with these policies.

Procedures

Within the provisions of the manual, a Councillor may be disciplined, if the Councillor:

1. Is absent from three consecutive Council meetings without good cause and proper authorization from the Chief (i.e. missed meetings without requesting and receiving written approval from the Chief with a reasonable amount of notice);
2. Contravenes applicable Code of Conduct rules;
3. Fails to comply with applicable clauses of the Conflict of Interest Policy, including failure to disclose actual or perceived conflicts;
4. Uses or discloses confidential information in contravention of this code and manual;
5. Is convicted of an indictable offence while in public office; or
6. Any other breach under this Policy Manual.

Councillor Disciplinary Process

In the event of a contravention of these policies by a Councillor, the following steps will be taken:

- **Step 1** –The Chief is responsible for conducting an informal investigation and for talking privately with the individual in question to see if the problem can be resolved.
- **Step 2** – If there is no resolution to the concern, or if the problem repeats or persists, the Chief may choose to appoint an independent mediator to attempt to resolve the situation.
- **Step 3** – If after the mediation process, the independent mediator is not successful in remedying the problem or concern, the Chief may recommend certain disciplinary measures based on the nature of the infraction. The Council is responsible for approving the final disciplinary measures by vote.

Disciplinary Measures

Disciplinary measures may include formal warning, censure or suspension. These disciplinary measures may be combined and are outlined as follows:

- **Formal Warning** – a written or verbal warning setting out the nature of the infraction and directing that the behavior will cease immediately.
- **Censure** – a strong written rebuke stressing the deep disappointment of the Council that the individual Councillor has tarnished the reputation of the Nation.
- **Suspension** – in matters of serious breach of conduct, Councillors may choose to suspend a fellow member for a period of a minimum of one week and no more than the remainder of the Council term. Council may, while a disciplinary review is taking place, suspend a fellow Councillor with remuneration. Suspension without remuneration happens after the review is concluded and the Council by vote has advised that suspension without remuneration is appropriate.

3. ORGANIZING

3.1 UNITY OF CONTROL (G03.01)

STATEMENT OF POLICY AND PROCEDURE			
Unity of Control		No:	G03.01
Section:	Organizing	Issued:	March 15, 2017
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Policy

Direction from Council to the Band Manager must reflect the opinion of majority of a quorum of Council.

Procedures

Accordingly,

1. Decisions or instructions from the Chief, individual Councillors, or Committees are not binding on the Band Manager, unless authorized by Council resolution.
2. All requests for personal information must be made in writing. Personal information about Gitsegukla members will not be disclosed except in accordance with the Nation's privacy laws and policies and, in the absence of which, standard protection of privacy measures will apply;
3. Except as provided in this Governance Policy Manual or other Gitsegukla policies or laws, the Band Manager is the Council's only link to administrative activities and conduct of the staff. Therefore,
 - a. Council will never give instructions to persons who report directly or indirectly to the Band Manager;
 - b. Council will refrain from evaluation, either formally or informally, of any staff other than the Band Manager; and
 - c. Council will review the Band Manager's performance based on the accomplishment of Council goals.
4. With respect to the treatment of paid and volunteer staff, Council and the Band Manager will operate within the guidelines in the *Gitsegukla Human Resource Policy Manual*.

3.2 HIRING, SUPERVISING, AND EVALUATING THE BAND MANAGER (G03.02)

STATEMENT OF POLICY AND PROCEDURE			
Hiring/Supervising/Evaluating the Band		No:	G03.02
Section:	Organizing	Issued:	January 7, 2016
Issue to:	All Manual Holders	Page:	1 of 2
		Replaces:	
Issued by:	Chief and Council	Issued:	

Policy

Council is responsible for the hiring and supervision of the Band Manager, who is Council's only employee. The duties of the Band Manager are clearly laid out in *Section 4 - Controlling* of this Manual.

The Council will oversee activities of the Band Manager through written policies that describe the goals to be achieved (Planning policies) as well as situations and actions to be avoided (Controlling policies). The Chief will work closely with the Band Manager and will serve as the main link between the Band Manager and Council.

Council policy will be broad enough to allow the Band Manager the room to exercise discretion to manage the Nation's administration. With these policies in place and that of the Planning policies, the Band Manager will have clarity to make decisions based on a reasonable interpretation of these policies.

Procedure

1. The Band Manager will report to the whole Council not less than once monthly regarding the status of Gitsegukla Band Council operations, including its financial position and any significant achievements, issues or problems identified or encountered by department managers;
2. The Council will respect the Band Manager's choices and decisions if a policy is absent. By adding to its policies, Council may rescind areas of the Band Manager's authority;
3. When the Band Manager violates any Council policy the Band Manager will:
 - a. Report the violation to the Chief in writing, as soon as possible after becoming aware of the violation;
 - b. Report to Council at the first regularly scheduled Council meeting; and
 - c. Following a violation of a Council policy, Council may make judgments regarding the actions of the Band Manager and take the appropriate steps to remedy the situation or discipline the Band Manager.

-
4. The Council will view the Band Manager's performance as identical to the Council's performance in meeting its fiduciary duty, so that accomplishment of the Council's goals will be viewed as successful Band Manager's performance. A template for evaluating the Band Manager is included in Appendix G of this Policy Manual.

3.3 DELEGATION TO THE BAND MANAGER (G03.03)

STATEMENT OF POLICY AND PROCEDURE			
Delegation to The Band Manager		No:	G03.03
Section:	Organizing	Issued:	March 15, 2017
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Policy

While Council is ultimately accountable for operational performance of the Nation, it must, to the greatest extent possible, avoid being involved in day-to-day activities. Therefore, Council must delegate operations to the Band Manager and hold this person accountable.

Council will instruct the Band Manager through written policies that describe the goals to be achieved and situations and actions to be avoided. The Band Manager will interpret these policies in a prudent, ethical and reasonable manner consistent with the Gitsegukla Nation vision, values, and strategic plan.

Procedures

Therefore,

1. The Band Manager will take all actions and develop all activities that are consistent with Council's governance policies;
2. Council will respect the Band Manager's choices and decisions if a policy is absent, provided that the Band Manager acts in accordance with this Governance Policy Manual. Through policy, the Council may rescind areas of the Band Manager's authority at any time;
3. The Band Manager, by reporting contraventions to the Council, guarantees that no contravention is intentionally kept from Council or a Committee;
4. The Band Manager will also report contraventions of policy to the Council as part of his or her normal reporting; and
5. The Council may discipline the Band Manager appropriately for contravention of policy. The Band Manager may delegate his/her responsibilities with the consent of the Council.

For more details, refer to Gitsegukla Finance Policy Manual, policy No. F01.01.

3.4 REPORTING AND ACCESS TO INFORMATION (G03.04)

STATEMENT OF POLICY AND PROCEDURE			
Reporting and Access to Information		No:	G03.04
Section:	Organizing	Issued:	March 15, 2017
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Policy

Council will report, on an annual basis or with such greater frequency as may be reasonably required, to the membership on the Nation's financial statements as well as administered programs and services.

Subject to these policies, Council will permit Band members access, at all reasonable times, to the non-confidential minutes of Council meetings, Band laws, by-laws and resolutions, annual budget, monthly financial statements, audited reports, and administrative policies.

Personal information about members will not be disclosed to any person except in accordance with the Nation's privacy laws and policies and, in the absence thereof, standard privacy principles.

Procedures

1. The Gitsegukla Band Council will hold two annual general meetings of the Band membership advising of programs and services.
2. Once a year, all staff will report to membership on their past year's activities and proposed new initiatives.
3. Each year, membership will have access to a copy of the band audit and the Band's annual budget.
4. Any requests for copies of Band Council minutes, financial statements, Band by-laws and program policies, must be in writing and be formally approved by quorum of Council before it is released to Band member.
5. Copies for viewing of all Council minutes shall be made available at the receptionist desk, in a binder for any Band member to view. Minutes of Council meetings held in-camera will not be disclosed to members.
6. Third party disclosures of a members financial information to another government body may only be done upon consent to release information and when required to determine if member is eligible for financial benefits from Band programs.

For more details about financial reporting, refer to Gitsegukla Finance Policy Manual, policy No. F01.01.

4. CONTROLLING

4.1 OPERATIONAL PRACTICES (G04.01)

STATEMENT OF POLICY AND PROCEDURE			
Band Manager Responsibilities		No:	G04.01
Section:	Controlling	Issued:	March 15, 2017
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The Band Manager will be responsible for the day-to-day operations of Gitsegukla Band Office including:

The implementation of Gitsegukla Band Council laws, policies, programs and services;

Hiring and managing staff; and

All other responsibilities specified or delegated by the Council.

Policy

When performing his or her duties, the Band Manager will not engage in, cause or allow any practice, activity, decision or organization situation which is unlawful, imprudent, violates the commonly accepted business and professional ethics of the Nation or adversely impacts the reputation of Gitsegukla.

The Band Manager and staff will not use or divulge to any person information acquired as a result of his/her role as Band Manager for his/her own benefits or advantage or for the benefit or advantage of any Person.

4.2 COMPLAINTS AND DISPUTE RESOLUTION (G04.05)

STATEMENT OF POLICY AND PROCEDURE			
Band Manager Responsibilities		No:	G04.05
Section:	Controlling	Issued:	March 15, 2017
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Complaints Concerning Council

1. Any member who believes that the Council or an individual Chief or Councillor are not following policies contained in this Governance Policy Manual and any other policies, laws and bylaws of GBC can direct his/her concerns in writing to the Band Manager;
2. The Band Manager will report the complaint to Council for consideration, upon which a response to the complaint will be provided within 30 days; and
3. The complaints and dispute resolution procedures referred to in this manual do not have the authority to hear human rights complaints as per the Canadian Human Rights Act. Individuals who wish to address human rights issues should appeal the appropriate local human rights tribunal in their region or to the Provincial or Canadian Human Rights Commissions.

Complaints Concerning Administration

1. Any member who believes that the Band Manager or other staff are not following the policies contained in this Governance Policy Manual and any other policies, laws and bylaws of Gitsegukla can direct his or her concerns in writing (and in person if she/he so requests) to the appropriate departmental director (if applicable) for consideration upon which a response to the complaint will be provided within 30 days;
2. If the member is unsatisfied following the response of the departmental director, s/he may direct his/her reasons and concerns in writing to the Band Manager for consideration and written response within 30 days; and
3. If the Member is unsatisfied following the response of the Band Manager, she/he may direct his/her reasons and concerns in writing to Council for consideration, upon which a written response will be provided within 30 days.

Whistleblower Protection

1. Employees who report instances of misconduct through observation will have some protection by Council, such as:
 - (a) The identity of individuals who report misconduct will be protected from disclosure to the extent possible, in each applicable circumstance.
 - (b) Individuals who report in good faith will be protected from reprisals; and
 - (c) Persons against whom an allegation of misconduct is made will be treated fairly and allegations of misconduct will be fully investigated as efficiently as possible and resolved as appropriate.

APPENDICES

APPENDIX A: TERMS OF REFERENCE FOR ESTABLISHING A COMMITTEE

General Principles for Establishing Council Committees

1. Council will create Committees for specific and time-limited purposes with terms of reference established in accordance to the terms and references for establishing a Committee outlined below;
2. Consistent with the broader focus of the GBC Council, Committees will not deal directly with administration;
3. Council Committees will be created to help Council do its job. Committees commonly help Council by preparing policy alternatives and implications for deliberation. Examples include a special Committee to draft a Citizenship Law, or oversee a Request for Proposal (RFP) process for financial services;
4. Council will complete a terms of reference for Committees that are in existence at the time of this Governance Policy Manual's initial date of execution;
5. Council will review all Committees at least annually to decide on continuance or dissolution of any Committee. Committee serving no useful purpose should be dissolved;
6. Council Committees do not speak or act for Council. Council must carefully define the Committee's terms of reference so as not to conflict with the responsibilities delegated to the Band Manager;
7. Council Committees must not exercise authority over the GBC Band Manager or staff;
8. The use of Staff resources, if required for any Council Committee, must be discussed with and approved by the Band Manager. The use of staff and associated time must be clearly outlined in the Committee's terms of reference; and
9. The names of Council Committees should be obvious, based on their form and function. An example is the GBC Housing Committee.

Terms of Reference

A terms of reference must be created for each Committee formed with a clear mandate, representation by Councillors, and designation of a Committee Chair. The developed terms of reference are to be developed by the Committee, and must be brought to Chief and Council for approval.

Following is a list of the standard elements and definitions of the elements that should comprise a Committee Terms of Reference:

- Name and Type
- General Purpose and Mandate
- Key Duties and Responsibilities
- Appointed Members
- Meetings

- Resources Needed – Financial and Human Resources
- Specific Annual Objectives
- Reports and Target Dates
- Review and Evaluation Process
- Approval and Review Date

Name and Type

- What type of Committee is this (Ad Hoc or Standing)?
- What will this Committee/Board be named?
- Give a general overview of how and why the Committee was established.

General Purpose and Mandate

- Direction given by Council to the Committee to carry out specific tasks on its behalf. – what are the outcome and deliverables?
- The Committee will be provided with copies of Gitsegukla Mission Statement and relevant bylaws, program and policy manuals, meeting minutes, Band Council Resolution specific to this issue, with timelines and expectations as reference materials. This will ensure the Committee/Board is oriented to the same goals as the Council.
- What is their tenure?

Key Duties and Responsibilities

- What are the objectives of the Committee?
- What are its limitations?
- What are the specific tasks of the Committee?
- How will it work towards accomplishing these tasks?
- Conflict of Interest Guidelines will apply.

Appointed Members

- How long do members serve?
- Will there be alternate members and if so, how will they be identified?
- What is expected of members in the way of experience, ability, knowledge, etc.?

Meetings

- How often are meetings held?
- How are meetings scheduled?
- A requirement that all agendas be provided to the Committee members and Council in advance.
- Who organizes and notifies other members of meetings?
- Who takes the minutes?

- Can Community members attend some, all, or none of the meetings?
- How is this communicated?

Resources

Financial

- What funds are allocated to the Committee?
- What is the purpose of these funds (technical assistance)?
- Are there restrictions on expenditures?
- Approvals for expenditures are necessary.
- Are there timing considerations?

Staff

- Which staff will work with this Committee?
- How much staff time is allocated to the work of the Committee?
- What restrictions apply?
- How does the Committee obtain additional time?

Specific Annual Objectives

- What are the specific annual objectives that the Committee needs to accomplish?

Reports and Target Dates

- The Committee reports to Gitsegukla Council.
- How often does it report?
- What elements must the report contain?
- The Chairperson will provide the report with support from other appointed members.

Review and Evaluation Process

- How will this Committee be evaluated?
- What will be the mark of success?
- The Committee will be evaluated by Council.
- The Chief will initiate the evaluation process.
- Do the Terms of Reference require adjustment for the next term/period?
- What is necessary before adjustments can be made to the Terms of Reference?

Approval and Review Date

- How much time should elapse before Council reviews and approves the continuation of this Committee?
- When will the Council make a commitment to review and approve the continuation of this Committee again?

All Terms of Reference will be dated.

APPENDIX B: PROCEDURES AND REGULATIONS FOR COUNCIL MEETINGS

Meeting of Council

1. The Council meeting schedule is set by Council as a whole; generally, there is one Council meeting on the 4th Tuesday of the month. The Council may choose to add extra meetings at its discretion.
2. The Council will hold its first meeting within the month immediately following an election.
3. Each Councillor will receive adequate notice in writing of the date, time and location of all Council meetings and other meetings which Councillors are expected to attend.
4. Meetings will be held at the GBC Band office at 710 Ray Charles Avenue, RR 1, Gitsegukla, BC, but meetings may be held at other locations as determined by the Council.
5. Any Chief or Councillor may call an emergency meeting of the Council to discuss important matter concerning public safety which cannot wait until the Council's next regular meeting.
6. Each Chief and Councillor will attend all GBC community and Council meetings that are called by the Council and follow all approved meeting procedures.
7. Attendance at a Council meeting may be by way of personal attendance, or by way of telephone under special circumstances.
8. Council meetings will be guided by Robert's Rules of Order as amended from time to time regarding any proceedings not specifically covered by the provisions of these policies.
9. Councillors must conduct business efficiently, with decorum and with proper attention to the Nation's cultural traditions. They must treat each other and others with respect at all times. This means not using derogatory language towards others, respecting the rights of other people, and treating people with courtesy at all times.
10. In order to promote effective dialogue and decision making at meetings, participants should: insist that written and background information is provided in advance of meetings, read materials in advance of meetings, and consider if professional help may be required on particular decisions. Meetings are to be conducted in a respectful manner, part of which is supported by arriving organized and prepared for each meeting.
11. On occasion, the Council may decide to hold an in camera meeting to deal with what the Council consider subject matters requiring confidentiality. At in camera meetings, neither the public nor the media is permitted, and recording or broadcasting of any kind of the meeting subject matter by Councillors or staff is prohibited. Disclosure of confidential information or any part of the proceedings of an in camera Council meeting will be considered to constitute a prima facie breach of code of conduct, and may result in:
 - a. Criminal prosecution pursuant to *Section 122* of the Criminal Code "Breach of Trust by Public Officer";
 - b. Civil action based on the law of misfeasance in public; and
 - c. Sanctions by the Gitsegukla Chief and Council as set out in Section 2.14 of this manual.

Quorum

1. Quorum for Council meetings is a majority of Council (50 percent plus 1).
2. The practice of the Nation is that if a quorum is not present within 30 minutes of the scheduled time for the meeting, the names of the Councillor(s) present will be recorded and Council will adjourn all matters until the next meeting, or depending on the subject matter, continue to meet in Committee, without passing motions or resolutions. Those Councillors present will receive a full meeting honorarium for their attendance.
3. Motions and Band Council Resolutions are enacted by a majority of Councillors in attendance. In determining the result, abstentions are considered a “yes” vote.
4. In the event a Councillor resigns or lawfully vacates a Council seat, the requirement for quorum will continue pursuant to Section 2.13. If Council vacancies come open such that it would be difficult to meet quorum, Council may consider filling those vacancies through a by-election.

Council Decisions and Voting

1. There are two kinds of Council decisions: a Band Council Resolution and a motion. A Band Council Resolution requires signatures for legal and other purposes.
2. All Councillors present will vote unless they are excluded due to a conflict of interest.
3. Band Council Resolutions will be presented for the Council review and approved for signature at a duly convened Council meeting.
4. The Council decisions will only be effective upon a duly executed Band Council Resolution or motion.
5. All decisions to be made by the Council must be decided by a majority of the Councillors present at a duly convened.
6. All resolutions must be moved and seconded by a Councillor. If seconded the Chief will place the motion before Council for discussion and debate. The Chief will not allow discussion or debate on an issue unless a motion which has been properly moved and seconded is before Council.
7. Every Council member has the right to speak to every debatable motion before it is finally acted upon. A Council member who desires to speak in debate must first obtain the floor by signaling a request and receiving approval from the Chief. In the debate, each member has the right to speak twice on the same question on the same day, but may only speak a second time on the question in the same day if all others who wish to speak on it have had an opportunity to do so once. In the first address, no one may speak to a motion for longer than ten minutes. In the second address, no one may speak to a motion for longer than two minutes. This may be extended in special circumstances, at the discretion of the Chief.
8. Debate must be confined to the merits of the pending question. Council members must address their remarks to the Chief, maintain a courteous tone, and - especially in reference to any divergence of opinion – should avoid injecting a personal note into debate. To this end, they must never attack or make any allusion to the motives of fellow Council members.
9. In order to end the debate on a motion a member must move “that the question be called.”

10. Only Council members can cast a vote.
11. The Chief may vote if there is a tie.
12. In the case of a tie where a non-Council member is chairing the meeting, the question is lost.
13. On every vote taken, Councillors will announce their vote individually and openly, and each Councillor's vote will be registered and tracked through the meeting motion. If a person leaves the room without voting, this will be considered an abstention, which is an affirmative vote.
14. Under very limited circumstances, where an issue is time-sensitive and in the ordinary course of business, the Chief may take an electronic poll for the approval of a resolution and use of signature block, which will be read into the record at the next duly convened Council meeting. Therefore, it is of paramount importance that Councillors check their emails regularly and respond in a timely manner.
15. All Councillors will uphold the decisions made by a majority of the Council, regardless of the level of prior individual disagreement.

Point of Order and Questions of Privilege

1. The Chief is responsible for enforcing the rules and ensuring decorum. However, any Councillor may call the attention of the Chairperson to these issues through a Point of Order or a Question of Privilege.
2. Any Councillor may interrupt another Councillor to raise a Question of Privilege. Questions of Privilege must be urgent issues that are affecting the rights of Council or a Councillor (e.g. noise level, or the introduction of a confidential issue during an open session).
3. Any Councillor may interrupt a Councillor to raise a Point of Order. Points of Order must be related to a specific rule violation.
4. If a Councillor raises a Point of Order or a Question of Privilege, debate will stop and the Chief will recognize the Councillor. The Councillor will briefly explain their issue without addressing any other topic. The Chief will then make a ruling on the Point of Order or Question of Privilege.

Order of Business at Regular Meeting

1. Call to order;
2. Chief housekeeping;
3. Reading of agenda, which may include:
 - a. Record of decision, action items or business arising from previous meetings;
 - b. Unfinished business from the previous meeting;
 - c. Consideration for approval of departmental reports, requests and recommendations;
 - d. Presentations and information reports from departments;
 - e. Presentations from Gitsegukla members or groups for purposes of problem solving, mediating, and/or listening to grievances; and

f. New Business.

4. Adjournment.

Minutes

1. Minutes of all Council meetings will be retained;
2. Council will appoint a Council Secretary, from among the Councillors in attendance, to take the minutes at each such meeting;
3. A record of decision will be created to outline issues/discussion, outcomes and action items, and provided to the members of Council at the beginning of the following duly convened Council meeting;
4. Council minutes must record the mover and seconder, and the results of the votes on all resolutions and motions. The record of voting will also be read into the minutes, including how each person voted, and who abstained;
5. Gitsegukla members may make an appointment to come in and review Council minutes at the Band Office. Any kind of reproduction of Council minutes is prohibited;
6. Minutes approved by the Chief, including any minor corrections made, must be initialed by the Chief. The date of approval and name of the Chief will be noted on the cover page of the minutes;
7. Any notes or minutes (if any) of Council meetings held in camera will not be disclosed to members or to Councillors who have a conflict of interest regarding the subject matter;
8. Motions or resolutions made in camera should be read into the official record. If the motions or resolutions contain confidential information, that portion will not be read into the record until (or if) the confidentiality provisions are lifted;
9. Resolutions or motions that are confidential will not be disclosed to members until (or if) the confidentiality provisions are lifted;
10. Personal information about any individual, Gitsegukla member or other, will not be disclosed in accordance with legal requirements and privacy measures; and
11. All Council minutes and motions must be maintained in a secure location.

Members Attendance and Participation in Council Meetings

1. Council will provide one week's notice of Council and General Meetings to membership;
2. Meetings not declared in-Camera (or otherwise subject to privacy laws), will be open to Gitsegukla membership, and no member will be excluded except for improper conduct. The Chief may expel or exclude from any meeting any person who causes a disturbance at the meeting;
3. The Band Manager is expected to attend all Council meetings where they are responsible for a subject matter under discussion;
4. Despite any other rules, the Council may exclude the Band Manager from all or any part of a Council meeting; and

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5. The Chief and Band Manager should work collaboratively to determine which members of staff, consultants or guests will attend a meeting for a specific agenda item. The roles of staff, consultants, and guests should be clear at all times.

Agenda Development and Regular Meeting Materials

1. Having an agenda and adequate notice and materials available allows Council to operate efficiently and effectively, and make informed decisions. The Chief is responsible for developing a draft agenda based on consultation with the Band Manager and the Councillors. It is the responsibility of the Band Manager to ensure that all supporting documents and draft motions are supplied in a timely manner. The final draft agenda should be presented to the Chief for approval at least 24 hours in advance of the meeting, and after being approved, should be circulated to Councillors.
2. A Councillor may request a revision or inclusion to the Agenda of a regular meeting by making a written request to the Chief at least five business days before the scheduled date of the meeting, unless under extraordinary circumstance. If a Councillor is requesting an inclusion to the agenda, he/she must use a "Briefing Note" as contained in Appendix F and be prepared to discuss information contained within the Briefing Note, at the duly convened Council Meeting.
3. Agendas will list the order of items to be discussed and identify all resolutions to be considered. In addition, the Chief will determine which sections of the agenda (if any) will be in camera.
4. The Band Manager will ensure that all necessary documents and background materials for the Chief and Council in advance of a meeting, to allow them to contribute to the discussion and make an informed decision. This includes written opinions from legal counsel, accountants, financial advisors, and other professionals.
5. Under normal circumstances, the agenda and supporting materials will be distributed to Chief and Council within three days of the Council meeting to provide adequate time for Councillors to review and consider the materials. If written materials are not received in advance of the meeting, the Chief may remove the item from the agenda.
6. All materials distributed to Chief and Council for purposes of their meeting must be complete, concise and organized in a manner that focuses attention on critical issues requiring consideration and decision. All materials distributed to Chief and Council for purposes of their meeting become part of the official record of the Council and must be deposited with the Council Support Staff for maintenance, safekeeping, and access.
7. Under some circumstances, due to the confidential nature of matters to be discussed at a meeting, it would not be prudent or appropriate to distribute written materials in advance.
8. If the Chief gives the direction to treat documents as confidential, the Band Manager must ensure to clearly mark the documents as "Confidential" on every page, distribute them at the Council meeting, and collect the documents from Councillors after they have been considered at the meeting.
9. Any document marked "Confidential" under these rules form part of the official record of the Council, but the Band Manager must ensure not to distribute, publish, or allow any other person to access these documents without the express written permission of the Chief.

APPENDIX C: OATH OF SERVICE

I, _____ do solemnly declare as follows:

1. THAT I will be faithful and bear true allegiance to members of the Gitsegukla Band Council in the Office of Council of the Gitsegukla Band Council;
2. THAT I will thrive to advance the interests of all members of the Gitsegukla Band Council; that I will not allow any private interests to influence my conduct in public matters, and I will faithfully perform the duties of my office to the best of my ability; and
3. THAT I will exercise discretion and sound judgement in all matters of confidential nature that are disclosed to me by virtue of my Office.

I understand the above and agree to the terms outlines and in the presence of a witness I have hereunto affixed my signature, which is to be completed on an annual basis.

Declared before me on this _____ day of _____, 20_____

Signature

Witness

Name

Signature

APPENDIX D: CODE OF CONDUCT⁷

I hereby confirm that I am a Councillor of the Gitsegukla Band Council (GBC). I also certify that, before signing below, I have read and am familiar with the GBC Governance Policy Manual and I have been offered training and assistance in understanding the Code of Conduct, and I am aware of the provisions of the Code and its application to my responsibilities.

Consistent with the Code, I pledge to follow areas of principle to fulfill my elected duty to GBC. As outlined below, these areas are integrity, competence and skill, confidentiality, outside interests and affiliations, and the office of Chief and Council.

Integrity

As a Chief or Councillor of GBC, I will:

1. Discharge my official duties with integrity and display the values of sincerity, honesty, frankness, truth and fair dealing. I will strive for objectivity, honesty, and independence in my relationships and decision making;
2. Look upon myself as a community role model and treat my elected office with respect. I will discharge my duties without ill will toward any GBC member and refrain from dishonorable conduct;
3. Uphold the law;
4. Not seek or obtain special access to programs, funding, materials or property provided to GBC members, but to be eligible on the same basis;
5. Be prepared for Council meetings and discussions, recognizing that Council chambers or another designated area is a place where discussion and debate are encouraged;
6. Be prepared to make unpopular decisions to support my fiduciary duty and act in the best interests of GBC while treating fellow Councillors with courtesy, patience, and respect;
7. Not interfere as an individual in the management of programs of the Nation, for example, attempting to influence decisions that are made by program employees or attempting to influence program employees to do anything other than their duty to the Nation. The authority to intervene belongs to the Council as a whole. Therefore:
 - a. I recognize that I have limited authority to direct any Nation staff member except as delegated by Council as a whole or noted in accepted policies. I will not use my position on Council to harass, intimidate, or threaten any Councillors, staff members, or any other person;
 - b. Except for the authority granted to the Chief or as delegated by Council as a whole, I recognize that I have no authority to interact with the media, or other entities on behalf of Council;
 - c. I will make no judgement of any Nation staff member's performance unless that performance is assessed under policies and in accordance with an official process; and
 - d. I will respect approved signing authorities and approval process that, for example, relate to Band Council Resolutions, contracts, purchases, and payments.

⁷ Information within this section is adapted from *First Nation Leadership Practices and Tools for Success: Aboriginal Financial Officers Association Alberta Chapter*. Authored by Romeo Crow Chief, CAFM.

Competence and Skill

In this context, competence includes the ability to use knowledge and skill in the best interests of the Nation as well as the effort to become more knowledgeable and obtain the skills required to lead and govern effectively.

Therefore, as a Chief or Councillor of GBC, I will:

1. Discharge my official duties and responsibilities with competence and serve the Nation in a conscientious, diligent, and efficient manner while serving the best interests of the Nation as a whole.

Confidentiality

In this context, confidential information includes information acquired only as a result of holding of office; information that is not otherwise available to the general public. An example of this is how each Councillor voted on a particular issue or what a Councillor said about a particular issue during a meeting of Council.

Therefore, as a Chief or Councillor of GBC, I:

1. Will not disclose any information acquired during the course of Council meetings where matters have been deemed confidential. Further, I have the duty not to disclose any information required during my term in office or afterwards with respect to any matters that deal directly or indirectly to GBC members; and
2. Acknowledge that minutes of Council are considered public information, unless a session is held “in camera”. It is important for all of Council to identify sensitive or private issues and ensure that such information is not disclosed in the public minutes. Therefore, myself, all other Councillors, and any other person invited or permitted by Council to attend meetings will keep the minutes, records or proceedings of any “in camera” meeting in strict confidence. This also pertains to how individual Councillors voted on the particular issue.

Outside Interests and Affiliations

Each Councillor has the duty to disclose any outside interest or affiliations, apparent or real, to Chief and Council for approval. This rule is intended to cover the time that a Chief or Councillor might devote to an outside interest as well as dealing with a possible conflict of interest that may be generated from activities in an outside interest. A Chief and Councillor must not allow their participation in an outside interest to impair their fair judgement on behalf of the Nation. In this spirit, I will:

1. Keep information confidential for the best interests of GBC, with my own interests being secondary to that of the community. Therefore, I will not participate in self-dealing or any conduct of private business or personal services between any Councillor and GBC, unless the interest is disclosed, approved by Council, and controlled by procedures to ensure openness, competitive opportunity, and equal access to information; and
2. Either resign from my elected position or terminate my business, occupation or other interest if these activities interfere with my ability to fulfill my fiduciary duty as a Chief or Councillor. To be clear, “interfere” means any activity that causes me to miss meetings, be late for meetings, is in conflict with the Nation’s best interest, or in in competition with the Nation.

The Office of Chief and Council

Holding office as a Chief or Councillor of GBC is a privilege and requires great responsibility that demands respect from GBC members. As such, I commit to:

1. Show respect for my office by my conduct and communication with the public and will continuously strive to improve the image of the office that I hold;
2. Make myself available to members in an efficient and convenient manner that will create respect and confidence in Council; and
3. Do my best to ensure that I carry out the function of Chief and Council in a proper and effective way and that the office does not fail due to acts of omission or commission. I will not make slanderous or libelous comments that will bring the Council into disrepute or jeopardize the leadership entrusted through me by GBC members.

Further, I acknowledge that I may be ineligible to continue holding office if:

- I am in breach of eligibility requirements under the Election Code; or
- If I am in breach of this Code of Conduct whereby the breach is of such serious nature that removal from Office is necessary and appropriate.

Acknowledgement

I, _____, have reviewed the Gitsegukla Band Council **Code of Conduct Policy** (the "Policy") in detail. I understand this Policy, and I agree to abide by its terms and conditions.

I understand that if I breach this Policy I will be subject to disciplinary action, up to and including removal from elected Office.

Signature

Date

* Note: This is an annual declaration to be completed.

APPENDIX E: CONFLICT OF INTEREST

This policy is designed to:

1. Maintain and enhance membership confidence and trust in the integrity of Councillors as well as the respect and confidence that membership places in the Council as an institution;
2. Demonstrate to Nation members that Councillors are held to standards that place the Nation's interest ahead of their private interests and to provide a transparent system by which membership may judge this to be the case;
3. Provide for greater certainty and guidance for Councillors in how to reconcile their private interests with their Council duties and functions; and
4. Foster consensus among Councillors by establishing common standards and by providing the means by which questions relating to proper conduct may be answered by an independent adviser.

This policy is to be reviewed and signed on an annual basis.

Part 1 - Interpretation

Definition of Conflict of Interest

1. In this Policy, an individual has a "conflict of interest" when the individual exercises a power or performs a duty or function and at the same time knows or ought reasonably to have known that in the exercise of the power or performance of the duty or function there is an opportunity to benefit the individual's private interests.
2. In this Policy, an individual has an "apparent conflict of interest" if a reasonably well informed person would perceive that the individual's ability to exercise a power or perform a duty or function of their office or position shall be affected by the individual's private interests.
3. In this Policy, an individual's "private interests" mean the individual's personal and business interests and includes the personal and business interests of:
 - a. the individual's spouse;
 - b. a person under the age of 18 years in respect of whom the individual or the individual's spouse is a parent or acting in a parental capacity;
 - c. a person in respect of whom the individual or the individual's spouse is acting as guardian;
 - d. a person, other than an employee, who is financially dependent upon the individual or the individual's spouse or on whom the individual is financially dependent; and
 - e. an entity in which the individual or the individual in combination with any other person described in this subsection has a controlling interest.
4. Despite subsections (1) AND (2), an individual's private interests do not give rise to a conflict of interest if those interests:

- a. are the same as those of a broad class of members of the Gitsegukla Band Council (GBC) of which the individual is a member; or
- b. are so remote or insignificant that they could not be reasonably regarded as likely to influence the individual in the exercise of a power or performance of a duty or function.

Part 2 – Councillors

Application

1. This Part applies to the Chief and all Councillors of GBC.

General Obligations

1. Chief and Councillors shall avoid circumstances that could result in the Chief or Councillor having a conflict of interest or an apparent conflict of interest.
2. Chief and Councillors shall avoid placing themselves in circumstances where their ability to exercise a power or perform a duty or function could be influenced by the interests of any person to whom they owe a private obligation or who expects to receive some benefit or preferential treatment from them.
3. Chief and Councillors shall exercise the care, diligence and skill that a reasonably prudent individual would exercise in comparable circumstances.
4. Chief and Councillors shall comply with all GBC laws and with all policies, procedures and directions of the Governing Council, including this Policy.

Disclosure of Interests

1. "Real property" includes an interest held:
 - a. on reserve under a certificate of possession under the Indian Act or equivalent interest under the First Nations Land Management Act; or
 - b. in fee simple off reserve.
2. The Chief and Councillors shall file a written disclosure of the following information with GBC, through the Band Manager:
 - a. the names of the Chiefs or Councillor's spouse and any persons or entities;
 - b. the employer of the Chief or Councillor and the Chiefs or Councillor's spouse;
 - c. real property owned by the Chief or Councillor or the Chiefs or Councillor's spouse;
 - d. Business interests and material investments of the Chief or Councillor or the Chiefs or Councillor's spouse; and
 - e. a gift received.
3. Chief or Councillor shall file a written disclosure on the following occasions:
 - a. within 30 days of being elected to the Governing Council;
 - b. as soon as practical after a material change in the information previously disclosed; and

- c. on April 15 of each year that the Chief and Councillor holds office.
- 4. The GBC Band Manager shall establish and maintain a register of all information disclosed by the Chief or Councillor.
- 5. On the written request of a member of GBC or any person engaged in any aspect of the financial administration of GBC, the GBC Band Manager shall permit that member or person to view the register referred to in subsection (4).

Gifts and Benefits

- 1. The Chief or Councillors shall not accept a gift or benefit that might reasonably be seen to have been given to influence the Chief or Councillor in the exercise of the Chiefs or Councillor's powers or performance of the Chiefs or Councillor's duties or functions.
- 2. A gift or benefit may be accepted if the gift or benefit:
 - a. would be considered within:
 - i. normal protocol exchanges or social obligations associated with the Chief's or Councillor's office,
 - ii. normal exchanges common to business relationships, or
 - iii. normal exchanges common at public cultural events of GBC,
 - b. is of nominal value;
 - c. is given by a close friend or relative as an element of that relationship; or
 - d. is of a type that the policies or directions of the Governing Council have determined would be acceptable if offered by GBC to another person.
- 3. Where a gift with a value greater than \$500 (five hundred dollars) is given to the Chief or Councillor, the Chief or Councillor shall make a written disclosure of the gift to the GBC Band Manager and the gift shall be treated as the property of GBC.
- 4. Does not apply to a gift received during a public cultural event of GBC.

Confidential Information

- 1. The Chief and Councillors shall keep confidential all information that the Chief and Councillor receive while performing their duties or functions unless the information is generally available:
 - a. to members of the public; or
 - b. to members of GBC.
- 2. The Chief and Councillors shall only use confidential information for the specific purposes for which it was provided to the Chief or Councillor.
- 3. The Chief and Councillors shall not make use of any information received in the course of exercising their powers or performing their duties or functions to benefit the Chief's or Councillor's private interests or those of relatives, friends or associates.

Elected Officials Working as Employees

1. No Council may be hired as a member of staff of Gitsegukla Band Council except if a Council member is hired as an employee by Gitsegukla Band Council and he/she resign his/her seat immediately. No member of staff shall serve as a member of Council. If a staff member is elected to Council, that staff must resign his/her position. This will come into force in the 2017 election.

Procedure for Addressing Conflict of Interest

1. As soon as the Chief or a Councillor becomes aware of circumstances in which the Chief or Councillor has a conflict of interest, the Chief or Councillor has a duty to report the circumstances of the conflict of interest at the next Band Council meeting.
2. The Chief and Councillors shall leave any part of a Chief and Council meeting where the circumstances in which the Chief or Councillor has a conflict of interest are being discussed or voted on.
3. The minutes of a Band Council meeting shall record the Chief's or Councillor's disclosure under subsection (I) and note the Chief's or Councillor's absence from the Governing Council meeting when the circumstances in which the Chief or Councillor has a conflict of interest were being discussed or voted on.
4. The affected Chief and/or Councillor shall not take part in any discussions or vote on any decision respecting the circumstances in which the Chief or Councillor has a conflict of interest,
5. The affected Chief and/or Councillor shall not influence or attempt to influence in any way before, during or after a Band Council meeting any discussion or vote on any decision respecting the circumstances in which the Chief or Councillor has a conflict of interest.

Procedure for Undisclosed Conflict of Interest

1. If the Chief or Councillors have reason to believe that the Chief or another Councillor has a conflict of interest or an apparent conflict of interest in respect of a matter before the Governing Council, the Chief or Councillor may request clarification of the circumstances at a Band Council meeting.
2. If, as a result of a clarification discussion under Part 1, the Chief or Councillor is alleged to have a conflict of interest or an apparent conflict of interest and the Chief or Councillor does not acknowledge the conflict of interest or apparent conflict of interest and take the actions required under the previous section, the Governing Council shall determine whether the Chief or Councillor has a conflict of interest or an apparent conflict of interest before the Governing Council considers the matter referred to in Part 1.
3. The minutes of the Governing Council meeting shall record any determination made by the Governing Council.
4. If the Governing Council determines that the Chief or Councillor has a conflict of interest or an apparent conflict of interest, the Chief or Councillor shall comply with the *Procedure for Addressing Conflict of Interest* section.

Part 3 — Breach

Consequences of Breach

-
1. If a person breaches this Policy, the following actions may be taken:
 - a. The Chief and/or Councillor may be removed from the Governing Council, in accordance with article 13 of the Election Code;

Appeal

1. Decisions or orders made under this Policy may be appealed to the GBC Justice Tribunal referred to in the Election Code, in accordance with the procedures established by the GBC Justice Tribunal.

Acknowledgement

I, _____, have reviewed the Gitsegukla Band Council **Conflict of Interest Policy** (the "Policy") in detail. I understand this Policy, and I agree to abide by its terms and conditions.

I understand that if I breach this Policy I will be subject to disciplinary action, up to and including removal from elected Office.

Signature

Date

* Note: This is an annual declaration to be completed.

APPENDIX F: BRIEFING NOTE TEMPLATE

GITSEGUKLA BAND COUNCIL

REPORT TO CHIEF AND COUNCIL

Title:

Submitted by:

Date:



For consideration at meeting scheduled for ◆

Issue(s)

[Very briefly summarize the decision that Council is being asked to consider; Often useful to present as a question.]

Background/Discussion

[Provide the information needed to understand the options presented. If there is a significant amount of background material, provide attachments as required.]

Connection to Strategic Priorities

[Explain the connection(s) between the strategic priorities and the issue(s) raised.]

Options

[When direction is sought, a fairly significant discussion of the various options should be presented and variations proposed. The financial implications of each option must be discussed, if there are none, state that. Other implications, including for strategic priorities, should also be discussed here, as relevant.]

Implications

[Outline implications being faced if issue is not dealt with/passed. May be combined with previous section if appropriate. Any financial outcomes must be considered.]

Recommendation

[If you are recommending a particular option, what resolution do you recommend Council pass? Provide suggested wording if appropriate. You may provide suggested wording for more than one alternate recommendation.]

Outcomes

[This section may or may not be relevant depending on the nature of the options presented. If relevant, indicate what outcomes are required if the recommended motion(s) is passed.]

APPENDIX G: EVALUATION TEMPLATE FOR THE BAND MANAGER

SUBJECT: BAND MANAGER'S EVALUATION

The Chief and Council for the Gitsegukla Band Council (GBC) directs that:

Introduction:

The purpose of this evaluation of the Band Manager is threefold:

1. to set reasonable and attainable expectations for the role of the Band Manager;
2. to support and seek ways of improvement for the job of Band Manager in order to obtain a job well done; and
3. to foster and promote a healthy and productive working relationship between the Band Manager of GBC and Council.

Goals of Evaluation:

1. to improve Administrative performance;
2. to improve Administrative and Council relations;
3. to base a salary recommendation on its findings.

Procedure:

1. A formal evaluation shall take place once annually;
2. The Chief shall summarize the evaluations submitted by the GBC Council, in writing. The Chief will confer with Council to discuss the results at an in-camera meeting scheduled by the Chief; and
3. The Chief will schedule a subsequent meeting with the Band Manager to review the findings. The following is a summary of what the findings would include:
 - identification of strengths;
 - identification of areas needing improvement (action plan); and
 - recommendation for/against a salary increase as per applicable policy.

A meeting with the Band Manager and the Council may be arranged, at the request of either the Council, the Chief, or the Band Manager to discuss any concerns that may arise from this evaluation.

Instructions:

This form is designed to obtain your perceptions of the performance of our Band Manager. Your personal opinions and observations are important, so please respond candidly to each question. Should you be unable to respond to a given statement because you are not aware of the Band Manager's performance in relation to it - do not circle any number. This will not be taken as a negative rating.

Ratings of 1 require a comment. Please add any additional comment you might have.

APPROVED BY GITSEGUOLA COUNCIL:

Signature

Date

BAND MANAGER EVALUATION

Rarely Seldom Sometimes Often Consistently

Communication

1. Is effective as a communicator	1	2	3	4	5
2. Keeps Council members informed about important matters	1	2	3	4	5
3. Is accessible to me	1	2	3	4	5
4. Listens to me	1	2	3	4	5
5. Has fingers on the pulse of the organization	1	2	3	4	5
6. Speaks positively about the good things that can happen in this community	1	2	3	4	5
7. Prepares clean, concise, and complete reports	1	2	3	4	5
8. Responds effectively to concerns and issues in public forums and Council meetings	1	2	3	4	5
9. Communicates well with the public, individually and collectively	1	2	3	4	5

Comments:

Rarely Seldom Sometimes Often Consistently

Leadership

1. Makes efforts to make the administration work	1	2	3	4	5
2. Maintains a clean and consistent sense of direction	1	2	3	4	5
3. Develops enthusiasm among staff	1	2	3	4	5
4. Takes a stand on community issues	1	2	3	4	5
5. Fosters a climate of growth and development	1	2	3	4	5
6. Is obviously a leader	1	2	3	4	5
7. Sets a good example	1	2	3	4	5
8. Exhibits a clean philosophy of service to the community	1	2	3	4	5
9. Looks for better ways to do things	1	2	3	4	5

Comments:

Rarely Seldom Sometimes Often Consistently

Management Style

1. Provides clear roles and high expectations for staff	1	2	3	4	5
2. Handles the performance of senior staff effectively	1	2	3	4	5
3. Develops potential of senior staff	1	2	3	4	5
4. Handles tough situations well	1	2	3	4	5
5. Is orientated toward the organization's success	1	2	3	4	5
6. Is well organized	1	2	3	4	5
7. Manages difficult personnel issues successfully	1	2	3	4	5
8. Demonstrates both fairness and firmness	1	2	3	4	5
9. Is a successful problem solver	1	2	3	4	5

Comments:

Rarely Seldom Sometimes Often Consistently

Relationships

1. Helps Council members to be more effective	1	2	3	4	5
2. Unites people toward common goals	1	2	3	4	5
3. Encourages open, two-way interaction	1	2	3	4	5
4. Exhibits strong interpersonal skills	1	2	3	4	5
5. Establishes and maintains positive working relationships	1	2	3	4	5
6. Provides a supportive climate for people	1	2	3	4	5
7. Is diplomatic, yet forceful in expressing his views	1	2	3	4	5
8. Works effectively with other levels of government	1	2	3	4	5
9. Works effectively with other Council's Band Managers	1	2	3	4	5

Comments:

Rarely Seldom Sometimes Often Consistently

Perceptiveness

1. Uses excellent judgment	1	2	3	4	5
2. Is politically astute	1	2	3	4	5
3. Helps Council members make good decisions	1	2	3	4	5

Comments:

Rarely Seldom Sometimes Often Consistently

Personal Qualities

1.	Is trustworthy	1	2	3	4	5
2.	Has a high capacity for work	1	2	3	4	5
3.	Inspires confidence in his competence	1	2	3	4	5
4.	Is optimistic and proactive	1	2	3	4	5
5.	Performs well under pressure	1	2	3	4	5
6.	Maintains a balanced perspective	1	2	3	4	5
7.	Demonstrates personal strength of will	1	2	3	4	5
8.	Demonstrates a high commitment to the community and the needs of members	1	2	3	4	5
9.	Treats other Councillors with respect	1	2	3	4	5
10.	Maintains a good sense of humor	1	2	3	4	5
11.	Has a well-established value system and upholds guiding principles of the GBC community	1	2	3	4	5

Comments:

Rarely Seldom Sometimes Often Consistently

Resource Allocation

1. Emphasizes financial planning	1	2	3	4	5
2. Sets fiscal management goals	1	2	3	4	5
3. Sets realistic budget projects	1	2	3	4	5
4. Encourages regular and accurate financial reporting to Council	1	2	3	4	5
5. Exhibits sound management of buildings, information, equipment and other material resources	1	2	3	4	5
6. Within budgetary limits is able to allocate resources effectively and efficiently	1	2	3	4	5

Comments:

Rarely Seldom Sometimes Often Consistently

Goal Achievement

1. Sets clear, realistic goals	1	2	3	4	5
2. Communicates these goals clearly	1	2	3	4	5
3. Plans effectively to achieve personal and organizational goals	1	2	3	4	5
4. Achieves established goals	1	2	3	4	5
5. Regularly evaluates goal achievement	1	2	3	4	5
6. Is a strong proponent of determining needs and developing plans to meet needs	1	2	3	4	5

Comments:
