



**Model Governance Policies
For
Chief and Council**

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About Patterson Creek Consulting Inc.

John Graham is the President of Patterson Creek Consulting Inc., which specializes in issues relating to Aboriginal Governance. Services include facilitation, policy research, evaluation, professional development courses, and governance workshops. These workshops focus on a variety of topics ranging from strategic planning to board governance to policy development.

Mr. Graham defines governance as the structure and processes that determine how families, organizations, governments and global entities make critical decisions. Governance determines who the decision makers are, whom they engage, and how they are held to account.

Good governance is a journey not a destination and revolves around five principles: legitimacy and voice, strategic direction, accountability, fairness, and performance. These principles are neither absolute nor watertight and are shaped by history, culture and technology in particular contexts.

Using these principles and linking them to day to day practice, Mr. Graham has conducted over 350 governance projects for a wide variety of clients including

- Inuit, Métis and First Nations organizations and governments
- federal, provincial and territorial governments
- industry associations
- school boards, and
- not for profit organizations

He has over 40 years of experience working in the public, private and not for profit sectors. He is a graduate of Queen's University with a honours degree in mathematics and economics and holds an MBA from York University.

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A SHORT NOTE ON THE ROLE OF POLICY

For the purposes of this publication, policy is goal-oriented document that provides direction for future action of Chief and Council, staff and members of the First Nation on an issue of importance for the well-being of the Nation.

It is useful to distinguish three types of policies:

- governance policies which provide a framework for how Chief and Council and their senior staff will operate
- administrative policies which encompass such topics as human resource management and financial management and which provide the administrative framework for the First Nation government, and
- program policies which provide a framework for each of the major programs or activities for which the First Nation government has responsibility.

This publication concerns itself primarily with governance policies. Nonetheless it is critical that any well-governed First Nation to have a set of comprehensive policies for all three of the above policy areas.

There are a number of reasons why policies are an essential element to any First Nation. Among the benefits of well-crafted policies are these: policies help

- Ensure fairness
- Avoid litigation
- Ensure fiscal responsibility
- Provide stability
- Clarify responsibilities
- Communicate Council's approach to key matters, and
- Provide a framework to evaluate progress

What follows are a number of model governance policies for First Nation governments. They are meant to provide a basis for further review and modification to fit the particular context of a First Nation. Prior to enacting these or other policies, Chief and Council should consult legal counsel so as to ensure that the policies are consistent with any First Nation by-laws and relevant First Nation, provincial or federal laws.

Given that a First Nation requires a large number of policies and given the cost and challenges of developing effective policies, each First Nation should develop a 'policy on policies' – the focus of the first model.

FIRST NATION MODEL GOVERNANCE POLICY

DEVELOPING, APPROVING & COMMUNICATING FIRST NATION POLICIES

1. OBJECTIVE

The objective of this policy is to ensure that First Nation has a well-defined process for developing, approving and communicating policies.

2. DEFINITIONS

First Nation refers to the xxx First Nation

Council refers to the Chief and Councilors of the First Nation

Staff refers to the staff of the First Nation

Band Administrator refers to the senior staff person of the First Nation, sometimes called the Executive Director or Chief Operating Officer or Band Manager

Policy is a goal-oriented document that provides direction for future action of the Council, staff of the First Nation and Nation members on an issue of importance for the well-being of the Nation

Governance Policy is a policy that addresses an important element of the decision-making processes of the Council of the First Nation

Program Policy is a policy that addresses how a program or service of the First Nation for the direct benefit of Nation citizens will be managed

Administrative Policy is a policy that addresses how a function related to the internal administration of the First Nation will be managed

3. POLICY STATEMENT

3.1 The First Nation believes that policies are an essential tool in their governance. Policies properly conceived will, among other things:

- Ensure fairness
- Avoid litigation
- Ensure fiscal responsibility

- Provide stability
- Clarify responsibilities
- Communicate Council's approach to key matters
- Provide a framework to evaluate progress

3.2 The First Nation will adopt three kinds of policies: governance policies, program policies and administrative policies.

3.3 To ensure an orderly tracking system for First Nation policies, each policy will be given a distinct number to be followed by the year in which the policy was either adopted or last modified.

- Governance policies will start at 1000
- Program policies will start at 2000
- Administrative policies will start at 3000

3.4 A policy will adopt the following template:

Title Number
Objective
Definitions
Policy Statement
Roles & Responsibilities
Process for addressing complaints
Communicating the Policy
Review & Evaluation
Date of Enactment and Signatures

3.5 All policies will be available in a manual for review by any Nation member at the First Nation's and Nation's administrative offices during business hours. All policies will also be posted on the section of the Nation web site with limited access to Nation members.

4. ROLES & RESPONSIBILITIES

4.1 The Council, recognizing the constraints imposed by funding arrangements and relevant federal laws, will:

- Decide what policies will be developed, who will be responsible for developing each policy; the resources necessary to develop each policy; and how Nation citizens will be engaged in developing each policy
- Approve, modify or rescind all policies
- Decide how policies will be communicated
- Monitor the implementation of policies

4.2 The Band Administrator will:

- Present a plan to the Council each fiscal year outlining the policies to be developed or reviewed over a two year period
- At the request of Council prepare a plan for their approval on the development or review of a specific policy
- Unless otherwise specified in the approved policy, ensure the effective implementation of the policy

4.3 Nations Citizens will:

- Have the opportunity to review and offer comments on a draft of each proposed policy before formal approval by the Council

5. PROCESS FOR ADDRESSING COMPLAINTS

5.1 Any Nation member who believes that the Council or staff are not following this policy can direct his or her concerns to the Band Administrator in writing or recorded at the First Nation's administrative offices. The Band Administrator will respond to the complainant within 30 days.

5.2 If the member is still not satisfied following the response of the Band Administrator, he or she may direct his or her concerns in writing to the Chief of the First Nation. The Chief will respond within 30 days.

6. COMMUNICATING THIS POLICY

6.1 This policy requires no special communication procedures other than what is set out in 3.5.

7. REVIEW & EVALUATION OF THIS POLICY

7.1 The Council will review this policy within 5 years of its adoption and decide whether further evaluative work is necessary. A record of the review will be recorded in writing and attached to the policy.

8. DATE OF ENACTMENT AND SIGNATURES

This policy was adopted by the Council of the First Nation at a duly constituted meeting on this ____ day of _____ 2011.

Signed:

Chief and Councilors

Band Administrator

FIRST NATION MODEL GOVERNANCE POLICY

MANAGEMENT OF COUNCIL MEETINGS

1. OBJECTIVE

The objective of this policy is to ensure that the meetings of the Council are run in an effective and timely manner.

2. DEFINITIONS

Council refers to Chief and Councilors of the First Nation

Staff refers to the staff of the First Nation

Band Administrator refers to the Chief Operating Officer of the First Nation

Members refers to all members of the Nation

Nation refers to the First Nation

3. POLICY STATEMENT

3.1 The Council will establish a regular meeting time and review its meeting schedule every quarter. Council members will arrive no later than 10 minutes before the meeting is scheduled to start.

3.2 The Council meetings will be open to members of the Nation, save for items that are confidential in nature (e.g. personnel issues).

3.3 Council members will receive a meeting agenda at least 24 hours before the start of the meeting.

3.4 A quorum will consist of 8 members of the Council. If no quorum is present within ½ hour after the scheduled start of the meeting, that meeting will be deferred to another date and time.

3.5 The Chief or his or her designate will chair the meetings.

3.6 The Council will strive to reach decisions by consensus. If such a consensus does not appear possible on a particular issue, then the Council will deal with the issue by a majority vote of members present, provided that a quorum is still present.

3.7 The Band Administrator will ensure that minutes are developed for each meeting of The Council. These minutes will record among other things significant decisions reached by the Council and will be available within five working days of the Council meeting.

3.8 Members of the Council will have three “floaters” per year to be used for absenteeism from regularly scheduled the Council meetings. In the event that a member of the Council uses the three floaters and incurs further absenteeism without a valid reason, the First Nation will deduct \$200 from his or her honoraria for each additional meeting missed.

3.9 The Band Administrator, with the assistance of staff, will organize for newly appointed Council members an orientation session as soon as is feasible following their appointment. This session will include among other things: an overview of their legal responsibilities, the current set of policies and by-laws, the First Nation’s major programs, how the First Nation is organized, and the current array of issues facing the First Nation.

3.10 The Council will review on a regular basis the effectiveness of its meeting using the attached evaluation form.

4. ROLES & RESPONSIBILITIES

4.1 The Chief, in addition to being a member of the Council, will be responsible for:

- Chairing the Council meetings or appointing a designate to do so
- Setting the agenda of the Council meetings in consultation with the Band Administrator
- Managing the Council business by ensuring a meeting schedule is in place; calling emergency meetings; assisting individual members of the Council; helping the Council be an effective team; ensuring meeting rules are established and followed; and ensuring that the Council focuses on the longer term needs of the First Nation
- Communicating the relevant business of the Council, through the Band Administrator to staff.

4.2 Council members are responsible for:

- Proposing agenda items in advance of the meeting
- Preparing for the meetings in an adequate manner
- Being punctual so that meetings can begin on time
- Showing respect for their fellow members of the Council
- Striving to deal with disagreements in a creative and respectful manner
- Demonstrating loyalty to the Nation at all times

4.3 The Band Administrator is responsible for:

- Assisting the Chief or his or her designate in preparing and distributing the meeting agendas
- Preparing decision minutes for each meeting

- Assisting the Council in having adequate information to reach well-informed decisions
- Arranging an orientation session for newly elected Council members
- Advising staff if they are required at the Council meetings with adequate notice to prepare

5. PROCESS FOR ADDRESSING COMPLAINTS

5.1 Any Nation Member who believes that the Council or staff is not following this policy can direct his or her concerns to the Band Administrator in writing or recorded at the First Nation's offices. The Band Administrator will respond to the complainant within 30 days

5.2 If the Member is still not satisfied following the response of the Band Administrator, he or she may direct his or her concerns to the Chief in writing or recorded at one of the administrative offices. The Chief will respond within 30 days.

6. COMMUNICATING THIS POLICY

6.1 This policy requires no special communication procedures other than what is set out in section xxx of the First Nation's communications policy.

7. REVIEW & EVALUATION OF THIS POLICY

7.1 The Council will review this policy within 5 years of its adoption and decide whether further evaluative work is necessary. A record of the review will be recorded in writing and attached to the policy.

8. DATE OF ENACTMENT AND SIGNATURES

This policy was adopted by the Council at a duly constituted meeting on this ____ day of _____ 2011

Signed:

Chief of the Councilors

Band Administrator

Tool for Evaluating Meetings of Chief and Council and Its Committees

Meeting Date:

Rating scale				
Terrible	Poor	So-So	Good	Excellent
1	2	3	4	5

1. My overall rating for the meeting. 1 2 3 4 5

2. Please rate each of the following:

- | | | | | | |
|--|---|---|---|---|---|
| • Consistent with traditional cultural values | 1 | 2 | 3 | 4 | 5 |
| • Positive, respectful atmosphere | 1 | 2 | 3 | 4 | 5 |
| • Agenda items were consistent with Council role | 1 | 2 | 3 | 4 | 5 |
| • Role of the Chair | 1 | 2 | 3 | 4 | 5 |
| • Contribution of other members | 1 | 2 | 3 | 4 | 5 |
| • Our time was well managed | 1 | 2 | 3 | 4 | 5 |
| • Clarity of the agenda; goals were clear | 1 | 2 | 3 | 4 | 5 |
| • We achieved our goals | 1 | 2 | 3 | 4 | 5 |
| • Quality of the meeting materials | 1 | 2 | 3 | 4 | 5 |
| • Quality of staff-Council relations | 1 | 2 | 3 | 4 | 5 |
| • Clear follow-up identified | 1 | 2 | 3 | 4 | 5 |
| • I was able to participate effectively | 1 | 2 | 3 | 4 | 5 |

Comments:

3. Most valuable aspect of the meeting:

4. How could the meeting be improved:

FIRST NATION MODEL GOVERNANCE POLICY

CODE OF CONDUCT

1. OBJECTIVE

The objective of this policy is to ensure that all members of the First Nations, in the conduct of public business related to the Nation, act in a manner that promotes the best interests of the Nation. This policy follows from the Nation's mission to enhance the Nation's cultural values through respect, equality and harmony for all.

2. DEFINITIONS

Council refers to Chief and Councilors of the First Nation

Staff refers to the staff of the First Nation, whether full or part time

Members refers to all members of the First Nation, including Chief, Councilors, and staff, who are members of the Nation

Nation refers to the First Nation

Immediate Family refers to husband and wife (including common law relationships), children (including adoptees), brothers, sisters, parents, grandparents, brothers-in-law, sisters-in-law, aunts, uncles, nieces and nephews

First Nation Resources and Facilities refers to such things as office supplies and equipment, phone and e-mail access and First Nation-owned buildings

Indictable Offense is a serious criminal offense, the punishment for which can be from 2 years to life imprisonment

3. POLICY STATEMENT

3.1 General Standards of Conduct

All Members in the conduct of public business affecting the First Nation will endeavour to follow the "Golden Rule" of treating others as they would have them treat you. Another standard is provided by the mission of the Nation itself, which strives to enhance cultural values through respect, equality and harmony for all. Specific ethical standards that will apply to all Members include:

- Honesty

- Integrity
- Fairness and
- Respect

The remaining sections in this Code apply to Council members and staff, where specified, of the First Nation.

3.2 Loyalty

All Council members and staff must be loyal to the interests of the First Nation and all Nation members. This loyalty supersedes any personal interest or interests stemming from their immediate family or from membership on other groups or organizations.

3.3 Duty of Care

Members of the Council, in discharging their duties, shall exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances

Examples of a breach of this duty of care include, but are not limited to, being inebriated at official Nation functions; missing three or more consecutive meetings of Council without a valid reason; and attending Council meetings unprepared to discuss agenda items.

3.4 Conflict of Interest and Gifts

All Council members and staff must not be involved in any activity in which their duty to the Nation comes into conflict with their private or personal interests or those of their immediate family. For greater clarity, a member of the Council cannot benefit directly or indirectly from a person or organization contracting with the First Nation.

When an individual is in a potential conflict of interest position he or she must declare the conflict of interest and withdraw from the discussion or activity. In withdrawing from the discussion and subsequent decision, the individual will still be considered present at the meeting for purposes of determining quorum.

The chair of Council meetings, Board meetings and Committee meetings will begin each meeting by asking members if they wish to declare a conflict of interest on any items of the meeting agenda. At any time during the conduct of a meeting a member may raise a question about a potential conflict of interest involving other members.

Staff cannot be members of Council.

Because of the unusual conflicts of interest possible in the community, not more than two members from the same immediate family may be members of a board, committee or other body dealing with any matter relating to the Nation. The Council is not included in this rule.

Under no circumstances will a staff or Council member accept a gift or favour that is a bribe or reflects to a reasonable person an effort to improperly influence the Council member or staff. Under no circumstances will a staff or Council member give a gift or favour that is a bribe or reflects to a reasonable person an effort to improperly influence another Council member, member of staff or Member of the First Nation.

Should a member of Council or staff receive a gift for his or her work on behalf of the First Nation, the individual will remit the gift to the First Nation.

3.5 Supervision

The Council and staff will attempt to avoid a situation where an individual supervises either directly or indirectly a member of his or her immediate family. Should this not prove feasible, the supervisor will take appropriate steps approved by the Council to avoid potential situations of a conflict of interest.

3.6 Political campaigning

Members of the Nation, including staff and Council members will not have access to First Nation's resources or facilities for political campaigning. Staff cannot campaign during regular hours of work, unless on approved leave.

3.7 Use of the First Nation's resources or facilities

Members, Staff and Council members will not make use of the First Nation's resources or facilities in pursuit of private or personal interests or those of their immediate family.

3.8 Confidentiality

Staff and Council members will not use confidential Nation information for their own direct benefit or advantage. Further they will not disclose confidential information about any Nation member, unless specifically authorized by policy, law or regulation.

3.9 Harassment

The First Nation is committed to providing a safe and respectful work environment for all staff, members of Council, Members and visitors. No one has to put up with harassment for any reason. Likewise no one has the right to harass anyone else at work or in any situation related to work.

Harassment is any behaviour that demeans, humiliates or embarrasses a person and that a reasonable person should have known would be unwelcome. It includes actions (e.g. touching, pushing); comments (e.g. jokes, name-calling); or displays (e.g. posters, cartoons). It may be a

single incident or continue overtime and could relate to a person's race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, or sexual orientation.

4. ROLES & RESPONSIBILITIES

4.1 The Council will:

- Ensure that all new staff and Council members are aware of this policy and sign a declaration that they will honour it
- Apply appropriate sanctions, if necessary, for Council members and staff who do not adhere to this policy as set out in Section 5 of this policy
- Monitor the implementation of this policy

4.2 The Band Administrator will:

- Bring to the attention of the Council information pertaining to serious breaches of this policy
- Ensure that the complaints process as set out in Section 5 of this policy is implemented with effectiveness and integrity

5. PROCESS FOR ADDRESSING COMPLAINTS

5.1 Any member who believes that the Council or staff are not following this policy can direct his or her concerns to the Band Administrator or to the Chair of the Council.

5.2 If the complaint concerns the conduct of one or more staff other than the Band Administrator, the Band Administrator will ensure that the matter is dealt with according to procedures laid out in the First Nation's Personnel Policy. The Band Administrator will ensure that the Council is informed of the complaint and how it was dealt with.

5.3 If the complaint concerns the conduct of the Band Administrator or member or members of the Council, either the Band Administrator or the Chair will convene a committee of the Council of no less than three members to decide whether the complaint has merit and, if so, to recommend appropriate sanctions to the Council.

5.4 The committee of the Council established pursuant to 5.3 may:

- Determine that the complaint is frivolous or without grounds and so inform the complainant
- Investigate the complaint by gathering additional information
- Consult Elders and other members of the community
- Consult the Council's legal counsel
- Hear directly from the complainant
- Request those individuals to whom the complaint is directed to appear before it
- Undertake any other actions, which in its view, will help resolve the matter in a fair manner

- Recommend to the Council one or more of the following sanctions:
 - o Oral or written reprimand
 - o Monetary fines
 - o Suspension of the member or members of the Council for a specified time period with conditions
 - o Dismissal of the Council member or members
 - o Suspension of the Band Administrator for a specified time period with conditions
 - o Dismissal of the Band Administrator
 - o Any other action which in its view will resolve the matter in a fair manner

5.5 Grounds for suspending membership on the Council would include:

- Being charged with an indictable offence or
- Actions which cause serious embarrassment to the Council

5.6 Grounds for removing a member from the Council would include:

- Being convicted of an indictable offence or
- Actions which bring the Council and the Nation under serious disrepute

5.7 In considering the recommendation of the Council committee, the Council, less any member of members of the Council involved in the complaint, will provide an opportunity to those individuals to whom the proposed sanctions will apply to address the Council.

5.8 Should the Council, less any member or members involved in the complaint, decide by majority vote to recommend dismissal of a Council member or members, then the Council will suspend the members in question until a special meeting of the Members of the Nation is convened, at which time the motion to dismiss will be dealt with.

6. COMMUNICATING THIS POLICY

Due to the fundamental nature of this policy, the Chief of the Council will mail a copy of to every Nation household on passage of the policy and will post a copy in all of the Nation's administration offices.

7. REVIEW & EVALUATION OF THIS POLICY

The Council will review this policy within 5 years of its adoption and decide whether further evaluative work is necessary. A record of the review will be recorded in writing and attached to the policy.

8. DATE OF ENACTMENT AND SIGNATURES

This policy was adopted by the Council at a duly constituted meeting on this ____ day of _____ 2011.

Chief and Councilors

Band Administrator

FIRST NATION MODEL GOVERNANCE POLICY

ROLES AND RESPONSIBILITIES COUNCIL & STAFF

1. OBJECTIVE

The objective of this policy is to ensure that roles and responsibilities of the Council and staff are as clear as possible so as to promote good governance in the conduct of the Nation's affairs.

Additional policies, especially those related to programs and administrative matters, will provide further clarification of these roles.

2. DEFINITIONS

Council refers to the Chief and Councilors of the First Nation.

Staff refers to the staff of the First Nation

Band Administrator refers to the Chief Operating Officer of the First Nation

Members refer to all Members of the First Nation, including Councilors and staff.

Nation refers to the First Nation.

3. POLICY STATEMENT

3.1 The Council, Band Administrator and staff of the Nation will endeavour to operate as a partnership, recognizing their distinct but overlapping roles. Like all important partnerships, this one will require continued efforts of both parties to discuss problems and make adjustments. Consequently, the partnership will not remain static but will evolve as circumstances and personalities change.

3.2 The Council acts as a collectivity; no member of Council, including the Chief, can make an important decision affecting the well-being of the Nation acting as an individual unless otherwise authorized by Council. Furthermore no member of Council can direct a member of staff, including the Band Administrator unless authorized by Council. A member of Council can ask a staff member to provide information or perform a simple service on a matter affecting the Nation. Should such a request entail a significant time commitment (over one hour) this should be done through the Band Administrator.

3.3 When a member of Council receive a complaint from a Member or Members to which he or she is unable to respond in a manner satisfactory to the complainant or complainants, he or she

will forward the complaint in writing to the Band Administrator for reply. The Band Administrator will reply within 30 days of receiving the complaint and will send a copy of the reply to the member of Council who received the initial complaint. If the member of Council is not satisfied with the response, he or she can raise the matter at a meeting of Council.

3.4 Any work-related complaints of staff should always be referred to the head of the human resources function or the Band Administrator, according to the established grievance policy.

3.5 The Council may decide to establish Committees or other bodies. In doing so, the Council will establish written mandates and time frames for their existence. These committees will be advisory in nature unless specifically directed by the Council.

3.6 No member of staff can be a member of Council.

4. ROLES & RESPONSIBILITIES

4.1 The Council's responsibilities include approving:

- All mission statements and strategic plans
- Accountability measures directed at Members and funding agencies
- Yearly and multi-year budgets including all major capital expenditures and any major adjustments
- New program initiatives
- All funding agreements over \$100,000
- All contracts over a certain amount as specified in the financial management policy
- All policies
- The establishment of complaints and redress procedures
- All significant organizational changes
- The hiring and evaluation of the Band Administrator
- The conduct of relationships with external organizations
- Responsibilities assigned to various Committees
- The Nation's Annual Report to Members

4.2 The Council will monitor and take corrective action, when appropriate, on:

- The implementation of policies, plans and programs
- Budget variances
- Major contracts and funding agreements
- Major capital expenditures
- The work of Council Committees

4.3 The Chief, in addition to being a member of Council, will be responsible for:

- Chairing Council meetings
- Providing leadership to the Council through, among other things, guiding the evaluation of the Council with respect to achievement of its long-term plans and policies

- Managing Council business by ensuring a meeting schedule is in place; calling emergency meetings; assisting individual Council members; helping the Council be an effective team; ensuring meeting rules are established and followed; ensuring that duties are equitably distributed among Council members; and ensuring the Council focuses on the longer term needs of the First Nation
- Managing critical external relationships of the First Nation as designated by Council
- Managing media relations as designated by Council
- In concert with the Band Administrator, ensuring harmonious relationships between council members and staff through, among other things, organizing regular meetings (at least two per year) of the Council and senior staff as well as team building activities

4.4 The Band Administrator will assist the Council in meeting its responsibilities in 4.1 and the Chief's' responsibilities under 4.3 and in addition will be responsible for:

- The implementation of policies, programs and plans
- The appointment of all staff
- Managing the Nation's staff
- Ensuring, in concert with the Chief, harmonious relationships between Council members and staff
- Organizing, in concert with the Chief, regular meetings (at least two per year) of the Council and senior staff

5. PROCESS FOR ADDRESSING COMPLAINTS

5.1 Any member who believes that Council or staff is not following this policy can direct his or her concerns to the Band Administrator in writing or recorded at the administrative offices. The Band Administrator will respond to the complainant within 30 days.

5.2 If the member is still not satisfied following the response of the Band Administrator, he or she may direct his or her concerns in writing or recorded at the administrative offices to the Chief, who will respond within 30 days.

6. COMMUNICATING THIS POLICY

6.1 This policy requires no special communication procedures other than what is set out in section 3.5 of Governance Policy , "Developing, Approving and Communicating First Nation Policies".

7. REVIEW & EVALUATION OF THIS POLICY

7.1 The Board will review this policy within 5 years of its adoption and decide whether further evaluative work is necessary. A record of the review will be recorded in writing and attached to the policy.

8. DATE OF ENACTMENT AND SIGNATURES

This policy was adopted by the Board of Directors of the Corporation at a duly constituted meeting on this ____ day of _____ 2011.

Signed:

Chief and Councilors

Band Administrator

FIRST NATION MODEL GOVERNANCE POLICY

RELATIONSHIP OF COUNCIL TO THE FIRST NATION CORPORATION

1. OBJECTIVE

The objective of this policy is to ensure that the relationship of Council to the First Nation Corporation is as clear as possible so as to promote good governance in the conduct of the First Nation's affairs.

2. DEFINITIONS

Council refers to the Chief and Councilors of the First Nation

Staff refers to the staff of the First Nations Corporation

Band Administrator refers to the Chief Operating Officer of the First Nation

Members refers to all citizens including Councilors, Board members and staff, who are members of the First Nation

Corporation refers to the First Nation Corporation

Board refers to the Board of Directors of the First Nation Corporation

Nation refers to the XX First Nation

3. POLICY STATEMENT

3.1 The Nation has established the Corporation as a sustainable, semi-independent structure in keeping with the strategic direction of the Nation.

3.2 The intent of this policy is to ensure that responsibility for the overall direction of the functions of the Corporation remains with Council but that Council should not direct day to day operations of the Board of the Corporation or its staff

3.3 While the Board operates at arms-length on a day-to-day basis, it must remain accountable to the Council and ultimately to the citizens of the Nation. Further, it must operate in a manner consistent with the longer term direction established by the Nation and must be always cognizant of the need to co-ordinate its activities with those of other entities established by Council or reporting to Council.

3.4 The Board will give preference to hiring Members of the Nation so long as these Members meet all the qualifications of the job.

3.5 The Board may include members who are not Members of the Nation when it is important to enhance expertise not available in the Nation.

4. ROLES & RESPONSIBILITIES

4.1 Council's responsibilities include:

- Approving appointments to the Board, based on recommendations from the Board
- Approving the appointment of the Executive Director of the Corporation on the recommendation of the Board
- Approving the Corporation's annual budget and subsequent changes of substance to the annual budget
- Approving changes to the legal structure of the Corporation
- Reviewing and approving the annual and strategic plans of the Board
- Monitoring progress of the Board in meeting its objectives as set out in the plans
- Reviewing and approving the annual report of the Board to funders
- Reviewing the Annual Report of the Board to the Members
- Approving any major acquisitions or capital expenditures of the Corporation
- Ensuring that the Board remains accountable to the Members of the Nation

4.2 The Board's responsibilities include:

- Assisting the Council in meeting its responsibilities as laid out in 4.1 above
- Proposing to the Council the appointment of the Executive Director and evaluating his or her performance
- Appointing all other staff of the Board (this may be delegated to the Executive Director)
- Developing a yearly plan and strategic plan for the Corporation
- Monitoring the ongoing performance of the Corporation and taking corrective action, where appropriate
- Ensuring the financial sustainability of the Corporation
- Developing and approving appropriate policies for managing the Corporation
- Developing an Annual Report outlining the Corporation's progress in meeting its goals

5. PROCESS FOR ADDRESSING COMPLAINTS

5.1 Any citizen who believes that Council or the Board are not following this policy can direct his or her concerns to the Band Administrator in writing or recorded at the Administration office. The Administrator will respond to the complainant within 30 days.

5.2 If the member is still not satisfied following the response of the Band Administrator, he or she may direct his or her concerns in writing to the Chief and Council, who will respond within 30 days.

6. COMMUNICATING THIS POLICY

6.1 This policy requires no special communication procedures other than what is set out in the policy on policies.

7. REVIEW & EVALUATION OF THIS POLICY

7.1 Council will review this policy within 5 years of its adoption and decide whether further evaluative work is necessary. A record of the review will be recorded in writing and attached to the policy.

DATE OF ENACTMENT AND SIGNATURES

This policy was adopted by the Council at a duly constituted meeting on this ____ day of _____ 2011

Signed:

Chief and Councilors

Band Administrator

FIRST NATION MODEL GOVERNANCE POLICY

RELATIONSHIP OF COUNCIL TO ITS ADVISORY COMMITTEES

1. OBJECTIVE

The objective of this policy is to ensure that relationship of Council to its Advisory Committees is as clear as possible so as to promote good governance in the conduct of the First Nation's affairs.

2. DEFINITIONS

Council refers to the Chief and Councilors of the First Nation

Staff refers to the staff of the First Nation

Band Administrator refers to the Chief Operating Officer of the First Nation

Members refers to all members including Councilors, Board members and staff, who are members of the First Nation

Nation refers to the First Nation

Committees refers to the Nation's Advisory Committees

3. POLICY STATEMENT

3.1 Council has established various Advisory Committees: i) to broaden the participation of First Nations members in the governance of the First Nation; ii) to receive high quality advice and assistance in dealing with complex issues from well-qualified individuals; and iii) to ensure that in certain cases decision-making is 'localized' within the community.

3.2 The Council will appoint members to the Committees. At least one member of Council will be on each Committee.

3.3 Other members of the Committees will serve for a minimum of three year terms. The terms of members will be staggered to ensure on-going continuity of the Committees. Members of the Committees need not be Members of the Nation. Council may decide to appoint one or more youth members to the Committees.

3.4 Council will establish an appropriate and transparent process for advertising vacancies on

these Committees and will encourage individuals who meet the qualifications required by each of the Committees to apply. Appointments to the Committees will be on the basis of merit.

3.5 Should Council decide to provide honoraria to Committee members, there will be no “double dipping”. That is, staff in full time positions or members of Council will not be eligible to receive honoraria if their responsibilities on Committees can be met in their regular working hours.

3.6 Members of the Health Advisory Committee, with the exception of youth members, should meet most, if not all, of the following qualifications:

- Possess some formal training in a health-related field
- Be aware of traditional approaches to holistic health
- Have experience serving on a Board
- Be familiar with the Nation’s health-related programs
- Be aware and respectful of the Nation’s conflict of interest policies
- Possess good written and oral communication skills
- Be well-regarded and respected in the community
- Be honest, fair and respectful and possess integrity
- Be able to contribute meaningfully to the Committee

4. ROLES & RESPONSIBILITIES

4.1 Council’s responsibilities include:

- Establishing the mandate, member qualifications, honoraria, term of service and reporting requirements of the Advisory Committees
- Establishing a transparent process for choosing members of the Committees
- Reviewing and approving the annual plan of the Committees
- Reviewing and approving the Committees’ annual reports
- Monitoring the Committees’ activities

4.2 Each of the Committee’s responsibilities include:

- Ensuring that the Committee functions in an efficient and effective manner
- Developing a yearly work plan and strategic plan, where feasible and appropriate
- Implementing the yearly plan, once approved by Council
- Accounting for any resources assigned to it by Council
- Developing a yearly report on its activities and presenting this to Council
- Assisting the Council in meeting its responsibilities as laid out in 4.1 above.

5. PROCESS FOR ADDRESSING COMPLAINTS

5.1 Any citizen who believes that Council or the Committees are not following this policy can direct his or her concerns to the Band Administrator in writing or recorded at the Administration office. The Band Administrator will respond to the complainant within 30 days.

5.2 If the member is still not satisfied following the response of the Band Administrator, he or she may direct his or her concerns in writing to the Council, who will respond within 30 days.

6. COMMUNICATING THIS POLICY

6.1 This policy requires no special communication procedures beyond what is set out in the First Nation's policy on policies.

7. REVIEW & EVALUATION OF THIS POLICY

7.1 Council will review this policy within 5 years of its adoption and decide whether further evaluative work is necessary. A record of the review will be recorded in writing and attached to the policy.

8. DATE OF ENACTMENT AND SIGNATURES

This policy was adopted by the Council at a duly constituted meeting on this ____ day of _____ 2011.

Signed:

Chief and Councilors

Band Administrator