

KLAHOOSE FIRST NATION POLICY

Policy Name	Council Policy
Policy of:	Klahoose First Nation
Policy Application	Klahoose First Nation
Date Approved	May 10, 2021
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BACKGROUND

This Policy was developed to:

1. identify the legal and ethical duties and obligations of Council generally, and the members of Council individually, which will apply to them during their respective terms of office; and
2. ensure fair and equal treatment of all members of Council.

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Schedule A Draft Terms of Reference Portfolio

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1. Title

- (1) This Council Policy will be cited as the "*Klahoose First Nation Council Policy, 2021*".

2. Definitions and Interpretation

- (1) The following terms shall have the meanings as indicated below:

"Administration Office" means the main administration office for Klahoose;

"Administrator" means the person appointed by Council to be the senior manager of Klahoose pursuant to section 18(1) of FAB;

"BCR" means a resolution passed by a show of hands of Council, evidenced in writing, passed by a Majority of Council present at a meeting at which quorum is constituted;

"Chief" means the candidate elected to Council as Chief pursuant to the Election Code;

"Conflicts of Interest Schedule" means the schedule attached to the FAB titled *Schedule - Avoiding and Mitigating Conflicts of Interest*;

"Council" means all Councillors and includes the Chief unless the context requires otherwise;

"Councillor" means an individual elected to Council pursuant to the Election Code and includes the Chief unless indicated otherwise;

"Council Policy" means this *Klahoose First Nation Council Policy, 2021*;

"Election Code" means the *Custom Election Code of the Klahoose First Nation, 2020*;

"FAB" means the *Klahoose First Nation Financial Administration By-Law, 2018*;

"Indian Act" means the *Indian Act*, RSC 1985, c I-5;

"Klahoose" means the Klahoose First Nation, which is a "band" as defined under the *Indian Act*, RSC 1985, c I-5, as represented by Council;

"Klahoose Business Group" means any corporate entity, including a partnership, owned wholly or in part, directly or indirectly, by Klahoose;

"Klahoose employees and contractors" means all employees and contractors of Klahoose other than the Administrator;

"Klahoose law and policy" means all laws, policies, procedures and rules of Klahoose, including the Oath of Office;

“Majority” means at least 50% plus 1;

“Members” means all persons who are registered on the Membership List;

“Membership List” means:

- (a) if Indigenous Services Canada (or some successor agency of the Government of Canada) maintains control of the membership of Klahoose, the list of persons maintained by the agency as the membership list for Klahoose in accordance with section 8 of the *Indian Act*;
- (b) if Klahoose has assumed control of its own membership in accordance with section 10 of the *Indian Act*, the list of persons maintained by Klahoose as its membership list; or
- (c) if neither of the foregoing apply, the list identified by Council in a BCR as the “Membership List”;

“Oath of Office” means the Form 4 set out in Schedule “A” of the Election Code; and

“Respectful Workplace Policy” means the Klahoose First Nation *Respectful Workplace Policy*, dated April 11, 2019.

- (2) Wherever the singular, masculine or the term "person" is used in this Council Policy, it will be deemed to include the plural, feminine, body corporate, or other entity where the context so requires.
- (3) The headings and sub-headings within this Council Policy are for convenience only, do not form a substantive part of this Council Policy and are not to be used to define, limit, alter or enlarge the scope or meaning of any other provision of this Council Policy.
- (4) When used in this Council Policy, the word “day” or “days” mean calendar days.
- (5) Unless otherwise stated in this Council Policy, if the time for doing something in this Council Policy lands on a day that is a Saturday, Sunday or a statutory holiday in the province of British Columbia, the time for doing that thing will extend to the next business day.
- (6) The reference to any legislation, regulation, law, bylaw, policy or oath will be deemed to include a reference to “as amended or replaced from time-to-time”.
- (7) All Schedules to this Council Policy form part of the same.

3. Purpose and Effect of Policy

- (1) This Council Policy applies to and is binding on Council, the Administrator and any individual purporting to reply upon it.
- (2) Where a conflict exists between this Council Policy and the FAB or the Election Code, to the extent of any conflict, the FAB or the Election Code, as applicable, will prevail.
- (3) Council will ensure that this Council Policy is made available for review by Members by posting this Council Policy electronically and making a hard copy of this Council Policy available for Member review at the Administration Office.

4. Election and Orientation of Council

- (1) The election, composition and terms of office of Council are governed by the Election Code.
- (2) The Administrator, in consultation with the individual who is Chief immediately prior to each election of Councillors, must arrange an orientation workshop for all incoming Councillors.
- (3) The outgoing, re-elected or current Chief and the Administrator are responsible for ensuring that the orientation workshop takes place and is properly conducted.
- (4) The orientation workshop must take place within 30 days of all elections of new Councillors.
- (5) All incoming members of Council must attend the orientation workshop, regardless of whether they have previously attended such an orientation session.
- (6) Each member of Council must comply with the requirements to assume office set out in the Election Code prior to being eligible to attend the orientation workshop, including signing any Oath of Office required under that Code.
- (7) The orientation workshop must include, but is not limited to the following:
 - (a) Klahoose governance structure, Council roles and responsibilities and Council meeting conduct and procedure;
 - (b) a review of Klahoose laws and policies, any strategic or community plans and other applicable laws, policies and procedures;
 - (c) a review of at least the previous 12 months' Council minutes;

- (d) a briefing on major ongoing projects; and
- (e) site visits/tours of Klahoose departments and major development projects.

5. Councillors as Employees or Contractors

- (1) Subject to the Election Code and section 5(2), Councillors may be employees or service providers to Klahoose, provided that Councillors may only be given such positions based on merit and in compliance with Klahoose law and policy and, in particular, the requirements for hiring in the *Klahoose First Nation Personnel Policy*, adopted October 21, 2020..
- (2) Members of Council are restricted as follows:
 - (a) Councillors must remain eligible to hold office under the Election Code including with respect to any restrictions on employment set out in the Election Code; and
 - (b) While on Council, individual Councillors must not be hired to be a senior administrative officer of Klahoose, including as the Administrator or the senior financial manager of Klahoose.
- (3) Any agreement with a Councillor to be an employee of or service provider to Klahoose that is entered into after the date of this Council Policy must be in writing and signed by both parties and must include:
 - (a) a job description of that individual as employee or service provider; and
 - (b) a requirement on the individual to fulfill any hourly requirement of employment or service, independently of and in addition to any time spent on Council duties.

6. Delegation Powers

- (1) Council must not delegate any of its decision-making powers to any other body or individual, including the Chief, a single Councillor, the Administrator, or an employee or service provider.
- (2) Council may at any time delegate any of its operational obligations to any other body or individual, including the Chief, a single Councillor, the Administrator, or an employee or service provider, provided any expenditure associated with such delegation has been approved in accordance with the FAB.
- (3) The Chief may at any time delegate any of their operational obligations to the Administrator, an employee or service provided approved by the

Administrator, or another individual, provided any expenditure associated with such delegation has been approved in accordance with the FAB.

7. Roles and Responsibilities of Council as a Collective

- (1) The primary purpose of Council is to effectively govern Klahoose in order to develop and sustain a healthy, successful community with the goal of continuous improvement.
- (2) In furtherance of its primary purpose, Council will:
 - (a) strive to share workloads equally among the Councillors who are not the Chief, which may include sharing rotating shifts of being on call available to members on evenings and weekends;
 - (b) maximize existing skills, and give equal opportunity to each other to build new skills;
 - (c) strive towards consensus on all decisions of Council and ensure all members of Council are given an equal opportunity to participate in all discussions and voice their opinions;

Membership

- (d) provide effective governance to, and fair representation for, all Members;
- (e) be transparent and accountable to all Members;
- (f) provide leadership that is collective, united and pro-active;
- (g) ensure that all Klahoose business is conducted in a manner that is transparent, legal and ethical;

Law and Policy

- (h) focus on strategic leadership rather than administrative detail, and important policy rather than operational matters;
- (i) at all times, comply with applicable laws, policies and standards;
- (j) monitor, discuss, assess and review Council's compliance and performance;
- (k) continue to develop, monitor and maintain Klahoose laws, policies and standards;
- (l) monitor the development of other governments' laws, policies and standards that affect Klahoose, and advise such other governments

about potential or real impact of their laws, policies and standards on Klahoose;

- (m) set long and short-term goals and performance standards for Klahoose, and regularly review performance of same;
- (n) oversee the sound management of Klahoose finances;
- (o) practice, promote and respect Klahoose history and culture;

Klahoose Operations

- (p) not, under any circumstances, directly instruct, direct or discipline Klahoose employees and contractors;
 - (q) exercise care in addressing matters that arise in relation to operational matters, including the management and performance of Klahoose employees and contractors, by identifying issues of concern and discussing those concerns with the Administrator rather than directly with any Klahoose employees and contractors; and
 - (r) manage any overlap between Council's authorities and the authorities of the Administrator in a non-confrontational manner that fosters the development of a collegial, supportive and respectful working relationship between Council and the Administrator.
- (3) With respect to the Administrator, Council will ensure continuity of the effective and efficient management and administration of Klahoose by:
- (a) approving of the hiring, conditions of employment and termination of the Administrator;
 - (b) defining, in writing, the responsibilities assigned to the Administrator;
 - (c) annually evaluating the performance of and setting the level of compensation for the Administrator; and
 - (d) ensuring that the Administrator reports to Membership on future Klahoose plans, as well as the programs and services offered by Klahoose.

8. Role and Responsibilities of Chief

- (1) The primary role and responsibility of the Chief is to provide Council with effective leadership and to ensure the integrity of Council's function and procedure.

- (2) The Chief is the only Council member authorized to speak on behalf of Klahoose unless Council specifically delegates speaking authority to another Council member by BCR.
- (3) In furtherance of their primary role and responsibility, the Chief will:
 - (a) regularly communicate and seek direction from Council as a whole, and work on the basis of support from a Majority of Council at a duly held meeting for all significant issues that arise;
 - (b) ensure that Council's work is conducted fairly, ethically, efficiently and effectively;
 - (c) be the primary spokesperson on behalf of Council with the Members;
 - (d) be the primary representative of Council at all treaty negotiations;
 - (e) be the primary liaison between Klahoose and all other orders of government, including Indigenous, Crown and local governments;
 - (f) be the primary representative of Council for discussions with potential and existing business partners and investors, including if and when requested by any of the Klahoose Business Group;
 - (g) be the primary liaison between Council and the Administrator;
 - (h) represent Klahoose regularly at public events;
 - (i) act as Council's chair and ensure that all meetings of Council are conducted in a civil, respectful and orderly manner, including in compliance with this Council Policy; and
 - (j) ensure that all decisions of Council are documented and maintained.
- (4) In order to avoid a perceived conflict of interest, the office of the Chief must be located in the Administration Office only. At no time can the Chief office be located in any other building, including any building primarily owned/operated by any of the Klahoose Business Group.

9. Role and Responsibilities of Individual Council Members - Including Chief

- (1) For clarity, this section applies to all Council members including the Chief.
- (2) Every member of Council has a responsibility to be informed of the laws, policy and procedures governing Klahoose.

- (3) Every member of Council will keep generally informed about the activities of Klahoose, the community and general trends in the businesses in which Klahoose operates.
- (4) Every member of Council is expected to become an active participant in Klahoose governance and to contribute to a Council that functions effectively as a whole, including holding a portfolio and participating equally on committees and external appointments of Council.
- (5) In addition to and in furtherance of the roles and responsibilities of Council generally, every member of Council will:
 - (a) exercise due diligence in the performance of their duties;
 - (b) avoid conflicts of interest and comply with the requirements of the Conflicts of Interest Schedule, including compliance with all required disclosures of private interests in a vigilant manner;
 - (c) not divulge any personal or other confidential information that is acquired as a result of their office, except when authorized to do so in the performance of their duties or as they may be otherwise legally obligated to disclose, and take all steps that are reasonably necessary to ensure that any such information is kept confidential;
 - (d) become an active participant in Klahoose community life, including engaging in community and cultural events;
 - (e) contribute to a Council that functions effectively as a whole;
 - (f) attend all meetings of Council except in unavoidable and exceptional circumstances, and provide advance and reasonable notice to the Chief and the Administrator if unable to attend a meeting of Council;
 - (g) review minutes, reports, agendas, financial statements and any other documents that are provided in advance of meetings of Council to identify errors, omissions and actions that require follow-up and otherwise be prepared for meetings of Council;
 - (h) clearly and explicitly voice opinions at the time a decision is being considered by Council;
 - (i) learn and respect the distinction between the strategic role of Council, and the operational roles of the Administrator and Klahoose employees and contractors; and
 - (j) always comply with all Klahoose laws and policies, including the Klahoose First Nation *Respectful Workplace Policy*.

- (6) Every member of Council, during their term, is expected to acquire and/or develop:
 - (a) knowledge, skills and abilities in the areas of governance, policy development, finance, programs/service delivery, human resources, public relations and basic business fundamentals;
 - (b) knowledge of Klahoose territory, culture, language and history; and
 - (c) knowledge of Klahoose relationship with all other governments, including Indigenous, Crown and local governments.

10. Communication and Reporting to Members

- (1) In addition to all reporting and meeting requirements under other Klahoose laws and policies, Council will comply with this section.
- (2) Council will strive to hold 2 Members meetings per calendar year but must hold at least one such meeting per calendar year.
- (3) All members of Council are expected to attend all Members meetings, unless excepted in advance by BCR.
- (4) The Chief will act as chair for all Members meetings.
- (5) If the Chief is not present at a Members meeting a chair will be chosen from the Councillors present, by a Majority of the Councillors present, until the arrival of the Chief or, if the Chief is absent for the duration of the Members meeting, for the duration of the Members meeting.
- (6) At least once per calendar year, each member of Council will at a Members' meeting:
 - (a) provide Members with an oral and written report regarding the portfolio or portfolios they are responsible for, except any matters connected with the portfolio that are confidential;
 - (b) provide Members with an oral and written report regarding the Committee or Committees for which they are chair, except any matters connected with the duties imposed on the Committee or Committees are confidential; and
 - (c) answer any reasonable questions that may be asked by Members and, if unable to answer, take reasonable steps to determine an answer and subsequently provide an answer on same to the Members.

11. Council Portfolios

- (1) Council may establish portfolios for any or all members of Council, whereby such Councillor or Councillors will be delegated primary, first point of contact responsibility, including in relation to:
 - (a) one or more internal Klahoose administrative departments; and
 - (b) one or more areas of Klahoose jurisdiction involving external relations.

provided that Council must not delegate any of its decision-making authority to an individual Councillor under this section.

- (2) Unless the Chief is given other portfolios pursuant to section 11(3) of this Council Policy, the Chief will be deemed to have the portfolio responsibility for representing Klahoose on treaty, government-to-government and economic development matters.
- (3) Council may by BCR change the portfolio assignments to the Chief, and may add additional portfolio assignments to the Chief, provided that the Chief must carry a set of portfolio responsibilities that corresponds with their compensation.
- (4) Council may establish by portfolios of responsibility for Councillors that encompass the key areas of governance for Klahoose as those exist from time-to-time, which may include the following matters:
 - (a) culture and language;
 - (b) natural resources (fisheries, forestry);
 - (c) strategic planning including land use planning;
 - (d) health and social development;
 - (e) finance;
 - (f) housing; and
 - (g) education.
- (5) Council must approve all portfolio assignments by BCR.
- (6) If a Councillor is also employed or contracted as a senior manager, then:
 - (a) that Councillor cannot hold a portfolio over the same area for which they are a senior manager; and

- (b) a different Councillor may be given a portfolio over that area.
- (7) All appointments of individual Councillors to a portfolio will be deemed to be in accordance with the Council Portfolio Terms of Reference set out on Schedule A to this Council Policy.
- (8) The Administrator must maintain a list of Council portfolios and publish that list as follows:
 - (a) in a conspicuous and accessible place for public viewing in the Administration Office; and
 - (b) on the Klahoose website, if any.
- (9) Each Council member shall be deemed to resign from their assigned portfolios upon ceasing to be a member of Council.

12. Committees of Council

- (1) Council may establish committees of Council at any time provided the requirements of this section of the Council Policy are complied with.
- (2) Council must approve terms of reference for all committees of Council by BCR and, except for the Audit and Finance Committee established pursuant to the FAB, must use a template substantially in the form set out in Schedule B of this Council Policy unless Council determines using the terms of reference is inappropriate.
- (3) All committee terms of reference must indicate if the committee is either:
 - (a) a standing committee of Council that will not dissolve until Council approved dissolution by BCR; or
 - (b) an ad-hoc committee that Council will dissolve by BCR once the committee mandate is complete.
- (4) Council must not delegate any decision-making power of Council to a committee of Council and all committees of Council must be recommendation bodies only.
- (5) The mandate of a committee of Council may include any of the following:
 - (a) assist Council by considering matters referred to it in greater depth than Council;
 - (b) isolate key issues requiring Council consideration;
 - (c) preparing reports for Council review;

- (d) proposing actions, alternatives and identifying potential implications for Council; and
 - (e) considering, reporting upon and making recommendations to Council on all matters referred to them by Council.
- (6) The Chief may attend any and all meetings of Council committees even if they are not appointed to the committee and may take part in the discussion but will not be entitled to vote at meetings that they have not been appointed to.
- (7) All committees of Council will be deemed to be created in accordance with the Council Portfolio Terms of Reference set out on Schedule A to this Council Policy.

13. External Appointments

- (1) Council may by BCR appoint any of its members to represent Klahoose on external bodies, including businesses owned/operated by Klahoose.
- (2) Council may by BCR for any reason and at any time remove and replace a member of Council from an appointment to external bodies and if a Council member is reasonably demonstrated to have failed to meet their obligations under section 11(3), Council must give good faith consideration to removing and replacing that Council member from the appointment.
- (3) Any Council member who is appointed by BCR to an external representation position must:
 - (a) be prompt, professional, prepared for and (subject only to exceptional circumstances such as emergency) attend all meetings of the external body;
 - (b) perform all duties and obligations of the appointment to the same standard as would a reasonably prudent person;
 - (c) report to Council regularly and promptly, including by:
 - (i) providing a summary report about each meeting of the external body, at the subsequent Council meeting; and
 - (ii) submitting any approved meeting minutes of the external body to the Administrator for inclusion in the materials for the next Council meeting;
 - (d) ensure Council has access to the organization's founding and corporate documents;

- (e) consider Klahoose best interests in all decision making at the external body; and
- (f) be deemed to resign from the appointed position upon that Council member ceasing to be a Council member.

14. Compensation Generally

- (1) The provisions of this section apply to all members of Council, including the Chief.
- (2) All payments to members of Council by Klahoose must only be made in compliance with all laws, including the FAB, and any other applicable policies and procedures of Klahoose.
- (3) Payments to Councillors must only be for either:
 - (a) compensation for the work done as a Councillor; or
 - (b) reimbursement of an expense properly incurred while acting as a Councillor
- (4) All Council members are entitled to receive fair compensation for the work they must perform as Councillors but only for the period that they hold elected office.
- (5) Council compensation must only be set, at a rate established and set forth in the Klahoose annual budget approved in compliance with;
 - (a) the annual budget procedure set out in the FAB, including the required involvement of the Finance and Audit Committee under that FAB, and
 - (b) policies or procedures established, or directions given respecting the means by which members of Klahoose must be informed about or involved in consideration of the annual budget, including any amendments to the annual budget.
- (6) Councillors must not accept direct payments for any external appointments.
- (7) Payments to Councillors for any work done as a Councillor, including on appointments to external bodies, and must only come from the general revenue account of Klahoose.
- (8) Councillors will not get any additional compensation for participating on committees of Council as such participation is considered a requirement of all Council members under this Council Policy.

- (9) Councillors will not be entitled to any overtime or severance with respect to their time in office.
- (10) Each Councillor is required to attend work as many hours as necessary to complete their obligations under this Council Policy.
- (11) Council must annually prepare a document entitled "Schedule of Remuneration and Expenses" that sets out, separately, the remuneration paid and the expenses reimbursed to the Chief and each of the Councillors — acting in their capacity as such and in any other capacity, including their personal capacity — by Klahoose, any entity of the Klahoose Business Group, and by any entity that, in accordance with generally accepted accounting principles, is required to be consolidated with Klahoose.
- (12) The Schedule of Remuneration and Expenses must be prepared at the same time but separately from the annual audited consolidated financial statements of Klahoose.
- (13) The Schedule of Remuneration and Expenses must be disclosed to Members, including as follows:
 - (a) by giving a copy to any Member upon that individual's request; and
 - (b) on the website of Klahoose within 120 days after the end of each financial year.

15. Compensation Full Time Chief Position

- (1) The Chief is entitled to fair compensation for full time commitment during the time that they hold elected office.
- (2) The Chief is entitled to the same type and amount of leave as Klahoose employees under the Klahoose First Nation *Personnel Policy*, adopted October 21, 2020, including any qualification requirements and restrictions on such leave except for vacation entitlement, which is set out in section 15(3).
- (3) All individuals newly elected to the office of Chief after the date of this Council Policy are entitled to 4 weeks per calendar year of vacation during each term of office, subject to:
 - (a) vacation entitlement will not accumulate if the individual has held consecutive terms of office;
 - (b) there will be no pay in lieu of vacation;

- (c) vacation entitlement cannot be carried over from one calendar year to the next; and
- (d) vacation in the first year of term will be calculated *pro rata* if the Chief enters office after January 1 of the year.

For greater certainty, the entitlement to 4 weeks vacation in paragraph 15(3)(a) will not have retroactive effect on the current or subsequent terms of any Chief with more than 4 weeks vacation entitlement at the time of enactment of this Council Policy.

- (4) The Chief is not entitled to receive both the general compensation paid to Council members pursuant to Article 16 of this Council Policy and the compensation paid for the Chief position as a full time councillor in the same period.
- (5) Subject to leave entitlement, the Chief must at a minimum be available to work 40 hours per week on Klahoose matters.

16. Compensation for Councillors who are Not Chief

- (1) This section 16 applies to Council members who are not the Chief.
- (2) The provisions of this Council Policy on compensation apply to compensation of Councillors as elected officials and does not affect their compensation as employees or service providers to Klahoose.
- (3) Councillors are entitled to fair compensation for part time commitment during the time that they hold elected office.
- (4) Councillors who are not appointed to any external positions to represent Council (for example any boards of directors at the Klahoose Business Group) are entitled to a category of compensation for that work, at a rate to be established and set forth in the Klahoose annual budget approved under the FAB.
- (5) Councillors who are appointed to external positions to represent Council, including any boards of directors at the Klahoose Business Group, are entitled to a second category of compensation for that work, at a rate to be established and set forth in the Klahoose annual budget approved under the FAB. The following principles must apply to that second category of compensation:
 - (a) appointments to external bodies are a shared and expected part of the role and responsibilities of all Councillors pursuant to section 9(4) of this Council Policy;

- (b) all Councillors appointed to external bodies shall all receive the same rate of compensation, regardless of whether they are appointed to more than one external body and regardless of the number of hours worked;
 - (c) the second category of compensation will only be paid to Councillors who fulfill all duties of that appointment as set out in section 13(3) of this Council Policy;
 - (d) Councillors cannot be paid by an external body directly and compensation from any external body must be paid into general revenue of Klahoose; and
 - (e) nothing in this section prevents Klahoose from charging or collecting more than the budgeted expense amount for the Councillor remuneration.
- (6) Councillors are not entitled to any paid or unpaid leave, overtime or severance with respect to their time in office, except for:
- (a) such members of Council are entitled to the same type and amount of paid bereavement and funeral leave as Klahoose employees under the Klahoose First Nation *Personnel Policy*, adopted October 21, 2020, including any qualification requirements and restrictions on such leave; and
 - (b) such members of Council are entitled to 8 weeks of unpaid compassionate care leave in order to provide primary care to an immediate family member suffering from a serious medical condition with a significant risk of death. For the purpose of this section, "immediate family member" has the same meaning as set out in the Personnel Policy.

17. Compensation and Vacancy of Office

- (1) Compensation for Council members pursuant to this Council Policy must only be paid for time during which the individual is in office and must not be paid during any vacancy from office as set out in the Election Code.
- (2) If the office of Chief becomes vacant pursuant to the Election Code, then Council may by BCR:
 - (a) appoint another Councillor to perform the role of full-time Chief as set out in this Council Policy on an interim basis; and
 - (b) authorize payment of the equivalent compensation or less to the replacement Councillor.

18. Expenses

- (1) The reimbursement of any expense claims made by Councillors must be subject to and in compliance with the all laws, and any relevant Klahoose policies.

19. Donations and Gifts

- (1) Donations and gifts to Councillors are governed by the Conflict of Interest Schedule.

20. Meeting Procedures

- (1) Council will follow the meeting procedures set out in the Election Code and the additional procedures set out in this section of the Council Policy.
- (2) All items proposed for the agenda of Council meetings must be submitted to the Administrator a minimum of 5 days in advance of the meeting and must include:
 - (a) a written statement identifying what the issue is and how long the issue is expected to take;
 - (b) a written statement on whether the issue is being presented:
 - (i) for information only, in which case there will be no discussion of the matter;
 - (ii) for discussion, in which case the person presenting the material must be prepared to present on the issue; or
 - (iii) for decision, in which case the person presenting the material must include the proposed resolution and a written rationale for the recommended decision, and
 - (c) copies of any written materials necessary for Council to assess the recommended decision.
- (3) The Administrator will strive to distribute the agenda and meeting materials 3 days prior to the meeting.
- (4) Council may use the template agenda set out on Schedule "C".

21. Review and Amendment

- (1) Once every calendar year the Administrator must present this Council Policy at a Council meeting for review and discussion, for the purpose of Council to self-assess whether it is complying with the policy.

- (2) Every 4 years, Council will conduct an internal review of this Council Policy to identify whether it needs to be amended.
- (3) All amendments to this Council Policy must be approved by BCR passed by a Majority of Council and published pursuant to section 3(3) of this Council Policy.

22. Computation of Time

- (1) Unless otherwise stated in this Council Policy, the computation of time in this Council Policy will be in accordance with the *Interpretation Act*, RSC 1985, c I-21, as may be amended or replaced from time to time.

23. Enactment

- (2) This Council Policy approved by BCR on May 10, 2021, by Council of the Klahoose First Nation and will be effective on the first day after such approval.



Chief Kevin Peacey



Councillor Steven Brown



Councillor Michelle Robinson



Councillor William Barnes



Councillor Helen Hanson

Schedule A

Council Portfolio Terms of Reference

Capitalized terms used in these terms of reference are as defined in the *Klahoose First Nation Council Policy, 2021* unless otherwise expressly indicated.

A. Appointment

Council has by band council resolution number <@>, dated <@> appointed <@> [*insert Councillor name*] to hold the Council portfolio for the following areas of Klahoose government:

1. <@> [*list portfolio assignment, e.g. Finance, Health, Education...*]

B. Mandate

The mandate of the Portfolio Holder is to be the primary:

1. internal Klahoose government liaison between Council and the Administrator with respect to all Portfolio matters requiring Council consideration;
2. Klahoose government liaison between Council and the Klahoose Business Group; and
3. external Klahoose government representative with any outside stakeholders relevant to the Portfolio, if and when necessary.

B. Authority and Limits - Liaison and Recommendation Role

1. The primary role of the Portfolio Holder is to gather information for Council about the Portfolio matters and make recommendations to Council on decisions requiring Klahoose government approval.
2. Council cannot delegate authority to a Portfolio Holder to make decisions for Council. Therefore, Portfolio Holders are not permitted to make Klahoose government decisions relating to the Portfolio without BCR, including:
 - a. signing or verbally agreeing to any contracts that create liability on behalf of Klahoose; and
 - b. making any public statements on behalf of Klahoose.
3. The Portfolio Holder may attend government to government meetings on behalf of Klahoose for matters within the mandate, but must clearly state on the record at the outset, with regular reminders at subsequent meetings that they are not able to make decisions on behalf of Klahoose without Council consent and that their role is to gather information and make recommendations to Council.

4. The primary internal responsibility of a Portfolio Holder is to be a government liaison between Council and internal Klahoose administrative departments to which the Portfolio relates. Therefore the Portfolio Holder must not to manage or interfere with the proper functioning and day to day operations of the departments.

C. Building Knowledge

All Portfolio Holders must:

1. develop a sound working knowledge and understanding of the Portfolio, including through continuing self-education;
2. meet with staff to discuss key issues concerning the Portfolio; and
3. attend relevant stakeholder meetings with respect to the portfolio but only if/when Klahoose government representation is appropriate.

D. Reporting

1. At each regularly scheduled Council meeting, the Portfolio Holder will provide reports to and seek guidance from Council on the Portfolio and on any issues that may arise within the parameters of the mandate.
2. The Portfolio Holder may refer urgent matters that require advice between Council meetings to the Chief from time-to-time.

E. Administrative Support

The Portfolio holder does not have the independent authority to direct Klahoose employees and contractors or the Administrator. Accordingly the Portfolio Holder:

1. must refrain from directing employees and contractors with respect to the Portfolio;
2. must conduct their work on the Portfolio with a view to minimizing undue impact on Klahoose employees and contractors; and
3. may ask the Administrator to allocate administrative resources in support of Portfolio activities.

Schedule B Committee Terms of Reference

Capitalized terms used in these terms of reference are as defined in the *Klahoose First Nation Council Policy, 2021* unless otherwise expressly indicated.

A. Approval

Council approved the following committee terms of reference by band council resolution number <@>, dated <@>.

B. Mandate

The mandate of the <@> [*insert title*] committee (the “**Committee**”) is to:

1. <@> [*list description of mandate*].

C. Standing Committee or Ad-Hoc

The Committee will be:

- a standing committee that will exist until Council approves its dissolution by BCR; or
- an ad-hoc committee that will sunset on <@> [*insert date or “once the mandate is complete”*].

D. Authority and Limits - Recommendation Role

1. The Committee will have no independent decision making power but will be a recommendation body assisting Council to make a decision at a duly held Council meeting.
2. Any Committee spending or expenses must receive advance written approval from the Administrator.

E. Committee Membership

1. The membership of the Committee will be comprised of the Chief as an *ex officio* voting member and the following other members: <@> [*insert list of Committee member names*].
2. Any Councillor may attend meetings of the Committee.

F. Committee Meetings

1. A Majority of the appointed Committee members will constitute a quorum and all Committee meetings must have quorum present.

2. The Committee must appoint a chair from one of its own members and that person will be responsible for administering all Committee meetings.
3. All Committee votes will be made by a show of hands.
4. Committee decisions must be approved a Majority of those members present and voting, and the chair of the Committee does not have a tie-breaking vote.
5. The Chief as a voting member of the Committee.
6. Councillors who are not members of the Committee may, with the consent of the Committee, take part in the Committee's discussions. However, unless a Councillor is a member of the Committee they will not be entitled to vote.

G. Reporting and Communication

1. The chair must ensure that written minutes are kept of each committee meeting and that all such minutes are presented to the committee at the next meeting for review and approval of the committee.
2. The Committee chair must submit copies of all Committee meeting minutes to the Administrator for inclusion in the next regular Council meeting package and, if the Committee has not approved its minutes in time for the next Council meeting, the chair must submit a written summary report of the Committee meeting instead.
3. The Committee chair must seek guidance from Council as/when necessary on any issues that may arise within the parameters of the Committee mandate.
4. The Committee chair may refer urgent matters that require advice between Council meetings to the Chief from time-to-time.
5. The Committee chair must attend any Council meeting to report verbally to Council if/when invited to do so.
6. The Committee chair must attend at least one meeting per calendar year with Klahoose members, if invited to do so by Council.

H. Administrative Support

1. The Committee does not have the independent authority to direct Klahoose employees and contractors, although they may, through Council, ask the Administrator to allocate resources in support of Committee activities.
2. The Committee will conduct its work with a view to minimizing undue impact on Klahoose operations.

3. <@> [*insert list of supporting Klahoose employees and contractors*], with approval of the Administrator, can act as resources to support the Committee with appropriate information to ensure the Committee can effectively carry out its mandate. The Committee may seek external support, such as other community members with knowledge in this area, to carry out its mandate, provided any spending receives advance approval from the Administrator.

Schedule C Template Agenda for Council Meetings

Klahoose First Nation
[Open/In-Camera] Council Meeting Agenda, Date/Time
Klahoose Band Office, 1790 Tork Road, Room #<@>

1. CALL TO ORDER
2. DISCLOSURE OF CONFLICT OF INTEREST
3. CONFIDENTIALITY AND OATH OF OFFICE
4. APPROVAL OF AGENDA

Recommended Motion: THAT the Klahoose First Nation Council approve the agenda dated <@> [insert date].

5. APPROVAL OF MINUTES: MEETING HELD <@> [insert date]

Recommended Motion: THAT, the minutes of the meeting of the Klahoose First Nation Council held [date] be approved.

6. UNFINISHED BUSINESS
7. CORRESPONDENCE AND PETITIONS
8. COMMITTEE REPORTS [if any, list]
9. NEW BUSINESS
10. CHIEF'S VERBAL REPORT
11. COUNCILLOR PORTFOLIO REPORTS

10.1 <@> [list each portfolio]

12. EXTERNAL APPOINTMENT REPORTS [if any, list]

13. GUEST REPORTS [if any, list]

12.1 Klahoose Business Group - [General Manager or Chair]

12.2 <@>

14. OTHER BUSINESS
15. NEXT MEETING: [date]
16. ADJOURN