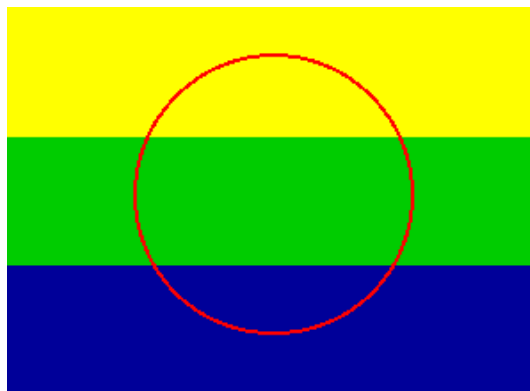


# **COUNCIL PROCEDURES**

## **PEGUIS FIRST NATION**



**Adopted: August 13, 2009**

## PEGUIS FIRST NATION

### Council Procedures

#### INTRODUCTION

Accordingly, the Peguis First Nation Council has adopted these procedures titled “Peguis First Nation Council Procedures” to clarify and formalize procedures that are not currently in the Indian Band Council Procedure Regulations, and which are based on our inherent right to govern ourselves. These procedures are intended as interim and will serve PFN until such time as a decision to revert to custom rules of governance are adopted (i.e. until PFN opts out of the Indian Act).

#### TITLE OF THESE PROCEDURES

- 1 These procedures are called the Peguis First Nation Council Procedures.

#### DEFINITIONS

- 2 The following definitions apply:
  - (a) “**Chief Operating Officer**” (hereinafter COO) means the person appointed by the Council to be the head of administration.
  - (b) “**Council**” means the Council of Peguis First Nation;
  - (c) “**secretary**” means the person appointed by the Council to record the minutes of the Council or committee meetings.
  - (d) “**regular Council meeting**” means a meeting that is identified by the Council as a meeting held every second Tuesday of each month or other period identified by the Council;
  - (e) “**special meeting**” is a meeting called by Chief or quorum of council that is not a regular meeting.

#### CRITERIA FOR OFFICE

- 3 To be eligible to run for office, a band member must satisfy the following criteria:
  - (a) the individual cannot have been convicted of an indictable offense or have or had his/her name appear on the Child Abuse Registry;
- 4 Individuals who are running for office must show proof of the above criteria within five (5) working days following the close of nominations.

## COUNCIL OATH OF OFFICE AND TRANSITION

- 5 Following each election of Council, a swearing in and oath of office ceremony shall be conducted within 30 days at which each member of Council shall swear an oath of office as set out in Appendix 1.
- 6 No monies for salary, travel expenses or honoraria, or other monies due to a member of Council shall be paid to a Council member for the last two weeks before the expiry of their term of office due to an election unless and until the meeting referred to Section 5 of these procedures have been held and the Council member has complied with that subsection.
- 7 Within five (5) working days following an election and prior to any settling of accounts including salary, travel and honoraria due to former Council members who is no longer in office, a meeting shall be held of former and new council members at which the following shall occur:
- (a) The former members of Council shall make an oral report and deliver any information in respect of their office and portfolio responsibilities to members of the new Council.
  - (b) Where cooperation is not forthcoming from former members of Council, they shall be deemed to have forfeited any claim to outstanding salaries, travel, honoraria and severance due to them while engaged as a member of Council.

## RESPONSIBILITIES OF MEMBERS OF COUNCIL

- 8 Council is the governing body of the First Nation and makes its decisions at duly convened meetings of Council.
- 9 At its first meeting following an election, or in the case of a member elected through a by election, at the first Council meeting of the new member, the Council shall discuss the roles and responsibilities of each member of Council and assign duties to each member as appropriate depending on such factors as experience and education.
- 10 Where Council is not able to agree on the duties to be exercised by a member, the matter shall be decided by the Chief who shall assign duties to each member as appropriate.
- 11 Each member is responsible for:
- (a) overseeing and providing guidance such as interpretation of policy to their respective department managers but not usurping the role of managers who report to the Chief Operating Officer;
  - (b) reporting to Council at each Council meeting on the status of programs and matters assigned to them; and
  - (c) co-operating and acting in the best interests of Council's role as the government of the First Nation accountable to the people.
- 12 The members of Council must attend meetings unless excused by the Chief or a quorum of Council.

- 13 No member of a council may be absent from meetings of the council for three consecutive meetings without being authorized to do so by the chief or with the consent of the majority of the Councillors of the band.
- 14 Any member of Council who is absent for three consecutive meetings without authorization shall be deemed to have abandoned their office and a by election shall be called to replace the council member as soon as practicable.

**MEETINGS OF THE COUNCIL**

- 15 The Chief Operating Officer shall notify each member of the council of the day, hour and place of the meeting.
- 16 The Chief Operating Officer shall give public notice of a special meeting by posting a notice at the Peguis Mall Bulletin Board at least 24 hours before the date of the meeting.
- 17 The Chief Operating Officer shall prepare an annual schedule of regular Council meetings and post this at public locations in Peguis.
- 18 At the first meeting of Council following an election, or at the first meeting of a Council member elected through a by election, the responsibilities, duties and authorities of each member shall be put on the agenda for discussion.

**AGENDA**

- 19 Prior to each regular Council meeting, the Chief Operating Officer shall prepare an agenda of all business to be brought before the Council at such meeting.
- 20 The order of business at each regular meeting shall be as follows:
  - (a) reading (correction if any) and adoption of the minutes of the previous meeting;
  - (b) unfinished business;
  - (c) presentation and reading of correspondence and petitions;
  - (d) presentation and consideration of reports of committees;
  - (e) new business;
  - (f) deputations;
  - (g) adjournment.

**MINUTES**

- 21 The Council shall ensure that written minutes are taken of the proceedings of all meetings of the Council and General Assemblies and that the minutes are kept in a secure location.
- 22 The minutes shall be approved by Council.

- 23 The minutes shall be made available to band members who request them or posted at public places so band members can know their contents.

**HEARING DEPUTATIONS (BAND MEMBER QUESTIONS AND SUBMISSIONS)**

- 24 Any Band member in attendance may ask a question of Council.
- 25 A member may present a submission at a regular meeting provided that he or she has arranged with the secretary to have the matter put on the agenda for that meeting.
- 26 Where a member has been put on the agenda to present a submission at a regular meeting, he or she shall have ten (10) minutes to do so.

**COMMITTEES AND OTHER ENTITIES**

- 27 A Band Council Resolution establishing Boards, corporations and other entities must provide for:
- (a) the mandate or duties;
  - (b) reporting procedures;
  - (c) membership; and
  - (d) termination.
- 28 The general duties of standing and special committees are:
- (a) to report to the council from time to time as often as the interests of the band may require, all matters connected with the duties imposed on them respectively and to recommend such action by the council in relation thereto as they may deem necessary and expedient; and
  - (b) to consider and report upon all matters referred to them by the Council or by the Chief of the band.

**COMMITTEE MINUTES**

- 29 The chairperson of each committee shall appoint a secretary for each meeting who shall record the minutes of the meeting.
- 30 The committee secretary shall transmit the minutes of each meeting to the Chief Operating Officer within five working days of committee meeting.

**GENERAL ASSEMBLIES**

- 31 At least semi-annually, the Council shall call a general assembly of the First Nation at which the Council may report on matters of public interest and to gain the input of Band members on initiatives.

- 32 Within sixty days of the council receiving the annual audited financial statements from the First Nation Auditor, the Council shall call a general assembly of the First Nation at which the item “Annual Audited Financial Statements” shall be on the agenda.
- 33 At the general assembly referred to in section 32 above, the Auditor of the First Nation shall be invited to attend and shall present the financial statements to the members and answer any questions raised by band members pertaining to the audit.

**PEGUIS FIRST NATION ANNUAL FINANCIAL STATEMENTS**

- 34 Following 30 days after receiving the annual financial statements from the First Nation auditor, the financial statements shall be released by the COO or any member of Council to any Peguis Band member who requests them.

**FIRST NATION LAWS**

- 35 Other than a bylaw, a law of the First Nation may be adopted by Council that is in the best interest of the First Nation.
- 36 Three readings of the law must be given and may be conducted on the same day.
- 37 At first reading only the title and intended object of the Bylaw shall be read by the chair and a copy of the results of the first reading shall be posted at posting locations.
- 38 A second reading of the law shall consist of debate on the general principles, the results of which shall be recorded in the Council minutes for public notice.
- 39 A third reading of the bylaw shall be conducted at a special First Nation Assembly called for the purpose and to which the Peguis First Nation Referendum Procedures shall apply.
- 40 The actual text of the bylaw shall be provided to members as provided in the Peguis First Nation Referendum Procedures.
- 41 A law may be amended at any time up until the moment that citizens have approved it.



## **PEGUIS FIRST NATION**

### **CHIEF & COUNCIL OATH OF OFFICE**

**We promise that we will perform the duties of Chief & Council to the best of our abilities, with honesty and respect.**

**We promise that we will carry out our duties carefully and loyally, remembering that our main objective is to serve all citizens of the Peguis First Nation.**

**At your direction, we will set clear goals and dedicate ourselves to achieving them through personal commitment, discipline and consistency.**

**In accordance with the ways of our people, the Ojibwe and Cree, we will work together as a team to ensure that the future of our Nation will be economically, socially and culturally stable.**

**With the teachings of our elders in our hearts & minds, we will conduct ourselves in a positive manner. We will maintain a good path for our youth, so they carry on in such a way that the future of our grandchildren remains protected.**

**We will encourage an atmosphere of caring and sharing amongst all people of the Peguis First Nation.**

**We will promise mutual respect, trust, and understanding amongst ourselves and with all members of our community.**

**We will encourage balance and harmony. We will build trust and confidence.**

**We will communicate openly with our people and keep them informed of any & all business that is related to the well-being of our Nation.**

**We promise that we will fulfill our duties in a manner where our entire Nation enjoys progress and prosperity.**

