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N'Quatqua

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GOVERNANCE POLICIES

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2.0 INTRODUCTION

This section contains Governance Policies of the N’Quatqua First Nation. These are based on the original policies with revisions and updates to emphasize governance mandates.

The Governance Policies outline the role of the Leadership of N’Quatqua First Nation (Chief and Council), Elders, Spiritual Leaders, Committees and related governance business. These policies also clarify the leadership’s position on title and rights, statutory relationships, legislative obligations and consultation processes.

Staff of the N’Quatqua Administration report to the Band Administrator, who reports to the Chief and Council. Administrative and staff policies are contained in the Personnel Section of this Manual.

2.1 CLARIFICATION OF THE USE OF THE TERM ‘FIRST NATION’

The term ‘First Nation’ has two meanings:

1. In relation to our traditions, the term First Nation refers to traditional governance systems that include spiritual leaders and elders. They make decisions and/or activities regarding tradition.
2. In relation to Canada’s political/legal arrangements, an “Indian Act Band” established according to the Indian Act who prefer to self-identify separate from Indian Act labels while having to work in its system, also identify as “First Nation” rather than as ‘Indian Band’

The N’Quatqua formally changed its name from Anderson Lake Indian Band to N’Quatqua First Nation.

2.2 TITLE & RIGHTS

Our position remains unchanged from our historic struggle:

“Recognition by Canada of our Title and Rights” is the basis for co-operative relationships to emerge and this is our primary goal.

Decisions respecting the use of N’Quatqua lands, infringement of N’Quatqua rights or interests regarding our resources may include, upon recommendation from the N’Quatqua Lands and Resource Committee to the N’Quatqua Chief and Council:

1. An Assembly of the N’Quatqua People.
2. A process whereby all information is available and presented to the N’Quatqua in understandable language.

3. A process of decision and ratification which takes into account a majority of the people giving or withholding their consent.
4. A report to the membership on referrals sent to N'Quatqua.

2.3 N'QUATQUA MEMBERSHIP: N'QUATQUA-IN-ASSEMBLY

2.3.1 Authority

The N'Quatqua membership is the final authority regarding Direction to N'Quatqua Governing Council and this includes:

1. All laws and by-laws required for proper administration.
2. Issues related directly to our land and resource base.
3. Issues related to our rights as N'Quatqua.
4. Undertakings which affect the community-at-large.
5. Referendum on major issues.

2.3.2 Appeals

Appeals for decisions may be taken to:

1. Chief & Council for discussion and they may take the decision back to Assembly.
2. Petition with a majority of voting members signatures.
3. Chief & Council may establish a Committee to review the decision and make recommendation after Hearings with the community membership.

2.3.3 Meetings

1. N'Quatqua-in-Assembly must meet at least once every calendar year to hear Reports of the traditional and elected leadership regarding activities of the year. The leadership will seek new mandates where required on new developments. seek authority to close out old business and report on the financial position of the administration for the year. The Agenda must be sent to membership thirty (30) days prior to the Annual General Meeting.
2. Should Extraordinary business arise, N'Quatqua members may petition for an Assembly or the leadership, traditional or elected, may call for an Extraordinary Assembly.
3. All meetings of Council are open to N'Quatqua members.
4. Regular Band Meetings are held on the fourth (4) Thursday of every month.
5. No members, individual or by family, may dictate decisions on behalf of the whole band, or, demand rights and benefits not available to all N'Quatqua members equally.

2.4 ROLE OF ELDERS & SPIRITUAL LEADERS

1. We recognize the importance of including our Elders in decision making.
2. Spiritual leaders are chosen, not by the people, but by their own gifts that are acknowledged and recognized by Elders in our community.
3. Our customs and traditional spiritual values dictate the authority of spiritual leaders and elders.
4. Their role is to serve the spiritual needs of the people, to guide the elected leaders in the decision-making when there is conflict in interests or in future considerations.
5. Spiritual leaders inform the people and leaders of sacred lands and sacred ways that may be affected by decisions. They are the ultimate protectors of our lands, our culture and resources.
6. Traditional leaders confer with N'Quatqua membership through Spiritual Gatherings. Ceremonies and Cultural activities which enhance our overall well-being.

2.5 N'QUATQUA ELECTED CHIEF & COUNCIL

Created by Statute, the Anderson Lake Indian Band (now called the N'Quatqua First Nation) was formed under the authority of the Indian Act. Under this law:

1. The N'Quatqua First Nation Elected Council is a legal entity of the Government of Canada.
2. The Powers and authority the elected Council exercises comes from the Indian Act which is limited to N'Quatqua reserve lands, and, to requiring consent of the Minister of Indian Affairs for acceptance of its by-laws.
3. By-law powers are limited in a manner similar to municipal-type status of Provincial governments.

2.5.1 Roles & Responsibilities of Chief and Council

The N'Quatqua elected Chief and Council is:

1. The interface between the N'Quatqua people and the Government of Canada.
2. Responsible for the development and implementation of by-laws and policies for N'Quatqua.
3. Provided mandates from N'Quatqua members in meetings, including the Annual General Meeting, Band Meetings and/or traditional Gatherings.

4. Accountable to its members regarding all Resolutions & Minutes of meetings outlining direction on general or specific matters related to community maintenance and future goals, administration, program service & delivery.
5. Accountable to membership and funders for financial control, by way of annually audited statements, areas may include: Administration, Education, Health, Social, Economic Development, Community Infrastructure, Maintenance, and Housing.
6. To represent the N'Quatqua people's needs to the Agencies of the Crown by meetings, correspondence, position papers, proposals and supporting other First Nations.
7. Accountable to the N'Quatqua members during monthly membership meetings respecting each program area including activities and financial position.
8. Accountable to membership through a clearly defined Disclosure Process within the administration which allows access to information regarding Programs & Services in areas that include: Workplans, Priorities, Goals/Objectives, Accomplishments, Policies & Procedures, Annual Budgets & Expenditures.
9. To meet every week in Council to deliberate, discuss issues brought forward regarding day-to-day operations, approve workplans, budgets and policy.
10. To meet monthly, the fourth (4) Thursday, to report to membership at a regular Band Meeting.
11. To meet and direct the Administrator on matters affecting management of human resources and financial resources.
12. To resolve disputes or assist with issues arising between:
 - a) Administration staff member(s) and/or management and a community member or members.
 - b) Between community members.
 - c) Between community member(s) and a family or families.
 - d) Between families.
 - e) Between an external agency and community member(s).
 - f) And between management and staff member(s) when no other process resolves the dispute.
13. The form of the resolution process is developed at the discretion of the Chief and Councilors and is intended to address public disputes such as:
 - a) improper or inadequate services
 - i. Financial
 - ii. Political
 - iii. Professional

- b) behavioral
 - i. Offensive/unruly conduct
 - ii. Racial/discriminatory conduct
 - iii. Unprofessional

2.5.2 Decision-Making Authority

The Decision-making Authority of Chief & Council extends to:

1. Establishing the basis upon which N'Quatqua Policies are implemented.
2. Authorizing the financial management on behalf of the N'Quatqua.
3. Determining the strategies and setting limits on activities of the Administration annually.
4. Setting priorities, objectives, plans, and long-term goals based on the overall Mandate.
5. Establishing proper procedures to protect against corrupt and abusive political, financial, administrative, and, program/services practices.
6. Authorizing systems, policies and procedures which enhance safety and protection.
7. Establishing appropriate Technical & Working Committees to carry out specific tasks on behalf of, and making recommendations to Chief & Council.
8. Authorizing initiatives in research & development to enhance the capacity of the N'Quatqua to become self-sufficient: Including, but not limited to, economic development, partnerships, and lands and resource management.
9. Retaining Professional Experts in any field when required.
10. Formalizing working and political relationships with other First Nations, Governmental Agencies, Non-Governmental Agencies and Financial Institutions.
11. Lobbying on behalf of the N'Quatqua.
12. Authorizing individuals and members to speak on behalf of N'Quatqua when requested.
13. Enforcement of the N'Quatqua Policy.

2.6 CONSULTATION

2.6.1 Values

1. Council has an obligation to their members and to the Stl'atl'imx Nation to respect Aboriginal Title and Rights.

2. Council have an obligation to consult with N'Quatqua members and representatives of the St'at'imc Nation on any decision by Council that could affect Aboriginal Title and Rights.
3. Companies that are owned by N'Quatqua or controlled by N'Quatqua Council (a "N'Quatqua Company") shall be treated as third parties for the purposes of consultation regarding potential infringement of Aboriginal Title and Rights, and must adopt a policy of consultation that is of the highest possible standard.
4. Council will consult with the members on major decisions involving Band Administration and Band assets, including the creation of N'Quatqua Companies.
5. Council requires the consent of the members for any decision, action or agreement by Council that may extinguish, surrender or significantly alter Aboriginal Title or Rights.
6. Council must consult with N'Quatqua members on any decision, action or agreement by Council that releases a claim that N'Quatqua may have against the Crown or a third party for infringing Aboriginal Title or Rights.
7. Council may, and in some situations must, obtain the consent of N'Quatqua members for any decision, action or agreement by Council that releases a claim that N'Quatqua may have against the Crown or a third party for infringing Aboriginal Title or Rights.

2.6.2 Process of Consultation

1. In consulting with N'Quatqua members, Council and N'Quatqua Companies must:
 - a) Provide information to N'Quatqua members and, if relevant, St'at'imc representatives that is clear, unbiased, thorough and respectful.
 - b) Seek to identify Aboriginal Title and Rights issues and more general interests and concerns as far in advance as possible.
 - c) Gather and analyze information, seek advice from relevant Committees (if applicable), and prepare a brief report that summarizes the issues and options.
 - d) Provide reports from staff or consultants that are reasonably required for Council and/or members to understand the issues and options for decisions.
 - e) Consider information and advice from N'Quatqua members and, if relevant, St'at'imc representatives, and to minimize potential infringement of Aboriginal Title and Rights.
 - f) Confirm accommodation that must be provided if Aboriginal Title or Rights are to be infringed.
 - g) Report back to the members on what decisions have been made and how information and advice from the members was considered.
 - h) Keep proper records of consultation and decisions.

2. N'Quatqua Council and N'Quatqua Companies must provide reports on their activities at least semi-annually and more often as needed, and must identify upcoming decisions, actions or agreements that may require consultation with or consent of N'Quatqua members.
3. N'Quatqua Council shall:
 - a) use the monthly Band meetings as the primary time and place to review decisions, actions or agreements that require consultation with or consent of N'Quatqua members.
 - b) hold further meetings with N'Quatqua members if reasonably required to undertake proper and timely consultation.
 - c) make available to N'Quatqua members who live off-reserve copies of any written information available at the monthly Band meetings, and provide them with a reasonable opportunity to express their concerns or interests.

2.6.3 Process for Consultation with St'at'imc and its Representatives

N'Quatqua Council and N'Quatqua Companies must provide a written report to the St'at'imc Chiefs Council ("SCC") on any decision, action or agreement that may require consultation with the St'at'imc Nation, and provide a reasonable time for a response from the SCC or other St'at'imc communities that may be affected.

2.6.4 Process for Seeking Consent of N'Quatqua Members

1. For any decision, action or agreement that Council considers requires the consent of N'Quatqua members, Council shall:
 - a) declare a date to be held for a referendum, state the question to be asked, provide a written report that contains background information and analysis of the issue(s), and post detailed rules and regulations for the referendum, not less than 5 weeks in advance;
 - b) provide N'Quatqua members living off-reserve with the same notices and reports available to N'Quatqua members living on-reserve, by mailing such to the last known address of the off-reserve member, and provide an opportunity for off-reserve members to vote by mail-in ballots.
2. N'Quatqua members may require a referendum on a decision, action or agreement by Council that:
 - a) could significantly and negatively affect Aboriginal Title or Rights; or
 - b) could result in a financial liability to the Band that exceeds the assets of the Band, or which may last more than 3 years

2.7 ROLES & RESPONSIBILITIES OF COMMITTEES

This policy does not apply to administrative Committees created by Council to assist in the delivery of services and programs.

The roles and responsibilities of Committees are defined as follows:

1. Council may, by resolution, establish a Committee to inquire into and provide advice to Council on any matter.
2. Council may not delegate decision-making authority to a Committee.
3. The role of a Committee, unless Council states otherwise, is to provide advice to Council. Committees do not represent and may not claim to represent N'Quatqua or N'Quatqua Council.
4. Committees may distribute information to N'Quatqua members or the public, or convene meetings with N'Quatqua members and the general public, upon approval by Council of a work plan for the Committee.
5. Unless Council otherwise provides in a resolution, a Committee shall:
 - a) continue in existence only until the end of the fiscal year in which it was established (i.e. March 31st);
 - b) meet as often as required, but at least once a month;
 - c) provide quarterly reports to Council on its activities;
 - d) Provide other reports on at least 15 days notice by Council.

2.7.1 Appointment of Committee Members

1. Council may, by Band Council Resolution, appoint persons who are not members of Council to sit on a Committee, but at least one member of a Committee must be a member of Council. Council may appoint a second Council member to a Committee as an alternate, in case the first Council member cannot attend.
2. A Committee member may be removed from the committee by resigning, by failing to attend three consecutive meetings, by council decision or by decision of the committee in accordance with the conflict of interest provisions of this policy.
3. When appointing persons to a Committee, Council should seek representatives with experience or skill in the topic, and ideally from different sections of the community (e.g. elders and youth, on and off-reserve, men and women).

4. Council will provide people (other than members of Council, staff or consultants) who are interested in serving on a Committee with a form that indicates contact information, availability and experience/skill in the subject of the Committee.
5. Council may create Administrative Committees composed solely of members of Council, staff and consultants, to assist Council in administering programs and services for the Band.

2.7.2 Compensation of Committee Members

Members of a Committee may be entitled for compensation for out-of-pocket expenses for participating in Committee meetings. Any additional compensation will be identified in the Committee's Terms of Reference.

2.7.3 Confidentiality

Committee members must keep confidential all information that they receive through their work on the committee, unless the information is already available to the public. Committee members may be required by Council to sign a confidentiality agreement to further clarify this policy.

2.7.4 Conflict of Interest

Committee members must disclose any conflict of interest that they may have which could possibly affect their work on the committee. The Committee members must vote on whether a Committee member may continue to serve on a Committee if that person has a conflict of interest.

2.7.5 Internal Organization of Committees

1. Council will appoint the chair person of the Committee.
2. At the first meeting of a Committee, its members shall:
 - a. appoint a secretary or may choose to rotate the secretary for its meetings; and
 - b. Discuss and confirm its mandate, goals, work plan and budget.
3. At each Committee meeting, the chair shall establish an agenda for the meeting and seek consensus on all decisions. Failing to reach consensus, the chair may seek to resolve decisions by majority vote. At the conclusion of the meeting, the chair should update the Committee's work plan and ensure that a copy is provided to committee members and Council within two weeks.
4. A Committee may propose a budget to Council. Committees may draw upon a budget by submitting cheque requisitions or petty cash requests, in accordance with the Band's financial management policies or procedures. No Committee member has the authority to sign contracts on behalf of the committee, N'Quatqua or N'Quatqua council.

5. At each Committee meeting, the secretary shall keep minutes which summarize the discussion and capture decisions and follow-up that may be required. The secretary shall provide the minutes to each member of the Committee and to the Band Council within two weeks of each meeting.
6. Committees should, on a regular basis, review whether they have sufficient time, budget, information, resources and training to meet their mandate and goals and shall submit written proposals to Council if the Committee concludes that it requires support for such matters.

2.7.6 Existing Committees

The following Committees are currently acknowledged:

1. Resource Allocation Committee: Health, Social Development, two Council Members and one Admin. Representative.
2. Education Committee: Department Head, Child Care Centre Director, two Council Members and one Admin. Representative.
3. N'Quatqua Economic and Employment Development Company: requires three (3) N'Quatqua members and (1) Council representative.
4. N'Quatqua Lands and Resource Committee: requires five (5) to seven (7) N'Quatqua members and one (1) Council representative.
5. Housing Committee: Housing Coordinator, three (3) N'Quatqua members and one (1) Council representative.

2.8 ROLES & RESPONSIBILITIES OF THE ADMINISTRATOR & ASSISTANT

Recognized by the traditional leadership as a necessary mechanism for meeting the basic needs of the N'Quatqua membership, the N'Quatqua Administration is established:

1. By the political and legal Authority of the Elected Chief & Council who set the limits of the administrative decision-making capacity.
2. As a centralized unit in order for the N'Quatqua membership to have one central place from which to seek services.
3. To be hired by the presiding Chief & Council through Posting of the position, and pursuant to N'Quatqua Hiring Policies & Procedures.

2.8.1 The Administrator

The Administrator is:

1. Accountable to the Chief & Council for all administrative and program decisions, and employee relations, through regular weekly written reports, quarterly and/or annually as determined by Chief & Council.
2. Accountable to the membership on issues that require the administrator's expertise in service delivery areas, capital management, community infrastructure, funding sources.

The decisions of the Administrator include the following:

1. Office administration, including financial systems of revenue and expenditure/reporting requirements, budgeting, ensuring that best accounting practices are used, annual audits, maintaining proper records.
2. Office management including office supplies & equipment purchases, receptionist and secretarial assistance, record-keeping storage & retrieval, communication and decision-making systems and maintenance, community involvement, health & safety of staff and community members participating in community services.
3. Programs & services administrative procedures, staffing, service delivery, financial resourcing, training & professional development.
4. Protection of community assets against abuse or corruption.
5. Protecting the administration against liability by ensuring sound policies, practices and a program of education which advises all staff, leaders and members of rights and benefits, as well as, limits on behavior which do harm.
6. Quality control and financial resourcing through lobbying, proposal development, fundraising, and community initiatives in fundraising.
7. Financial decisions and authority limits established by the Elected Chief & Council.
8. To ensure all members are treated and served equally and fairly.
9. To ensure all financial reports are completed in a timely manner.
10. To ensure all records and information are secure.