

# Cote First Nations Governance Policy Manual

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## **Part I Preamble**

Cote First Nation is an Ojibway nation located in Treaty 4 territory. Chief Cote signed Treaty in 1874. By virtue of the Treaty relationship with the Crown, Cote First Nation has the power of sovereignty and nationhood. It is upon this foundation that we, the Chief and Council of Cote First Nation, enact this Governance Policy, to exercise the authority and jurisdiction of our Nation, our government and our people.

This policy is a framework for the implementation of our inherent and treaty rights which extend to all of our people regardless of their residency. By virtue of our rights and freedoms as an autonomous Nation in an historical relationship with the Crown, we do hereby proclaim and institute the “*Governance Policy of the Cote First Nation*”.

## **Part II Inherent Rights**

The foundations of Cote First Nation are rooted in the sacred gifts from our Creator, our Elders’ teachings, and our knowledge of our inherent rights. It is therefore essential to declare:

- 2.1** We have been autonomous and connected to our lands since time immemorial. This is confirmed by our oral history, our Elder’s teachings, our traditions and customary practices.
- 2.2** Our inherent rights flow from the Creator and include, but are not limited to:
  - > Our spiritual beliefs and practices
  - > Our language
  - > Our culture, customs and traditions
  - > Our freedom, independence and self-determination
  - > Our love and respect for each other.
- 2.3** Our Inherent right to self-determination includes:
  - > The right to govern ourselves and to determine our own destiny; including the right to develop and amend our own constitution, laws and governance procedures based upon the will of our people;
  - > The right to establish and maintain our own form of government in order to provide for the well-being and prosperity of our people.
- 2.4** Our personal existence is defined by universal truths and natural Laws which guide us, honoring each individual’s right to life, liberty and wellness. We accept the responsibilities that go with our rights, knowing that we are responsible for our own destiny and that our government is accountable to our people.
- 2.5** Our Inherent and Treaty Rights are the basis of our social, cultural, political and economic systems. These rights guarantee our freedom to exercise and preserve our way of life forever. From generation to generation we will continue to exercise our inherent rights and fulfill the responsibilities and sacred obligations given to us by the Creator.

### Part III Governance Structure

The principle components of the Cote First Nation government are:

- 3.1 The Band Membership, who are the electors of the government (Chief and Council or Band Council) of Cote First Nation;
- 3.2 The Band Council (Chief and Council) who shall serve as the executive arm of our government.

However, the Band Council may appoint Boards and Committees within the governance structure who shall serve as so provided for by our laws and policies, with Articles of Incorporation or Terms of Reference that define each respective board or committee mandate and authority;

- 3.3 The civil service of the government, including all program an and administrative staff and contractors.

### Part IV Rights and Responsibilities

- 4.1 Our people, the Chief and Council, our duly appointed Boards and Committees and our civil service shall respect and abide by the laws and policies of Cote First Nation.
- 4.2 Our election act ensures that there shall be consultation with and input by our people, through the will of our voters, in our leadership selection processes.
- 4.3 Our people have the responsibility to understand and apply their privileges and obligations as set forth in our laws and policies.
- 4.4 Our people have the ultimate authority in making and amending Cote First Nation Laws.
- 4.5 Our government as represented by Chief and Council shall have the authority to develop and adopt policies.
- 4.6 Our civil service has the responsibility to research and recommend policies and to adhere to policies once enacted by Chief and Council.
- 4.7 Our people have the right and responsibility to participate in Band Membership meetings as duly provided for in our laws and policies, or as called by the Band Council or a petition of members.
- 4.8 The rights, freedoms, and socio-economic benefits flowing from the governance system shall, to the greatest extent possible, apply equally to all of the membership of Cote First Nation.
- 4.9 The membership shall enjoy, without hindrance, freedom of worship, culture, conscience, speech, assembly and association.

### Part V Roles of Each Component of the Governing Structure

The principle components of the Cote First Nation government are:

- 5.1 **Band Membership:** To ensure band membership awareness and participation, along with formal accountability of our government to our people, the following membership meetings shall be held:
  - 5.1.1. Band meetings will be held for interpretation, ratification or Amendment of the laws of the First Nation;

- 5.1.2 Band Meetings will be held for the presentation of the financial affairs of the First Nation and presentation of the audited financial statements of the First Nation;
- 5.1.3 Band Meetings will be held for the presentation of governance updates, program updates and portfolio reports by Chief and Council and program managers.
- 5.1.4 Band membership meeting will be open to all members of Cote First Nation who are 18 years of age or older and who are citizens of the First Nation in accordance with the Cote First Nation Membership Code or Citizenship Law;
- 5.1.5 Band membership, through Band Meetings, will provide advice and guidance to the Chief and Council;
- 5.1.6 General Band Meetings shall be held once per year in conjunction with the Band Annual General Meeting.

**5.2 Chief and Council:** The Chief and Council are the representatives of our government based on our culture and historic traditions.

- 5.2.2 The Chief is the spokesperson reflecting the decisions of Council. As our leader, the Chief is our voice in representing the interests, priorities and aspirations of our people.
- 5.2.3 The Chief and Councillors are elected and mandated in accordance with the Election Act. [Their term of office and performance standards may be identified in the Cote Election Act.]
- 5.2.4 The executive authority of our governance system is vested in the Chief and Councillors. Their primary function is to apply and follow the laws of Cote First Nation as set by the electors, and the policies of Cote First Nation as adopted by Chief and Council.
- 5.2.5 The Chief and Council shall, upon being elected to office, take an “Oath of Office” in the presence of the Elders of Cote First Nation. This establishes terms of reference for their activities and their performance of duties.
- 5.2.6 The Chief and Council shall fulfill the following roles and responsibilities that will represent and protect the Cote First Nation’s rights, culture and traditions:
  - > To promote and protect our inherent and Treaty rights
  - > To reflect and implement our people’s goals, priorities and primary interests
  - > To foster democratic processes and consensus decision-making
  - > To promote unity, harmony, fairness and respect among our people
  - > To establish and apply public policies for the general benefit of our people
  - > To oversee our economy and resources
  - > To ensure effective, efficient, and accountable government in consultation with our people through the band meetings

- > To effectively manage the fiscal and financial affairs of the First Nation including full and open accountability to our people
- > To provide for the fair reconciliation of grievances, appeals and dispute
- > To manage inter-governmental relations, negotiations and agreements,
- > To ensure that “conflict of interest” is managed
- > Other roles and responsibilities as identified in our First Nation Laws.

5.2.7 The Chief and Council of Cote First Nation, in the administration of their duties and performance, shall:

- 5.2.7.1 At the first duly convened meeting of Chief and Council following an election, establish a rate of pay for the position of Chief and a rate of pay for the position of Councillor based on an annual salary or honoraria schedule, which will be consistent with the funding available, and which will be identified by motion and available upon request to the Band Membership;
- 5.2.7.2 Attend to Cote First Nation business as a full-time responsibility and in the course of such business ensure attendance at the Band Office at minimum 3 days per week, with accountability for time away from the office being noted with the Band Office;
- 5.2.7.3 Be eligible for Employment Insurance (EI), Canada Pension Plan (CPP); Pension and Group Insurance benefits based on contribution to such Plans;
- 5.2.7.4 Attend all meetings of Chief and Council, Band Membership, and the respective Boards and Committees assigned to within one’s portfolio, and if unable to attend to notify the Chief, in the case of Council or the Chairperson of such Board or Committee of the reason for being absent;
- 5.2.7.5 In the event of missing 3 consecutive meetings of Chief and Council and/or Band Membership meetings without reason, shall be suspended from one’s duties until such time as a disciplinary review can be conducted by the Appeals Committee of Cote First Nation as set out by the Elders of Cote First Nation.

**5.3 Boards and Committees:** Boards and committees may be authorized within the governance structure by Cote First Nation Chief and Council to carry out activities related to good governance in areas of importance to the First Nation. This will be subject to availability of resources and will be governed by Articles of Incorporation or Terms of Reference for each such Board or committee.

**5.4 Civil Service:** The staff and contractors of Cote First Nation shall be governed and regulated by the Personnel Policies, Financial Management Policies, Program Policies and Operating Policies of Cote First Nation as adopted by Chief and Council.

5.4.1 The Chief and Council may delegate administrative matters to a Chief Administrative Officer or Band Manager in accordance with the organizational structure of Cote First Nation, and such person or persons shall carry out the duties of managing the human, financial and physical resources of the First Nation under the direction of Chief and Council and as outlined in the job description for such position.

## Part VI Law-Making

- 6.1 All Cote First Nation laws shall be officially ratified by a majority of electors who are in attendance at a Band Meeting duly convened by the Council or as provided for in Cote First Nation Laws.
- 6.2 The passage of new laws or the amendment of existing laws shall occur on the following basis:
- 6.2.1 The Council shall appoint a Committee to research and develop the recommended content for the new or amended law prior to public presentation.
  - 6.2.2 The Council or the designated Committee shall make the recommended new or amended law available to the people via Band Meetings and all such communications media available in order to reach as many of the electorate both on and off reserve as possible. Further, the Council or the designated Committee shall ensure that there is an information meeting for electors to review the proposed law or amendment and appoint a chair for such meeting (s).
  - 6.2.3 The electors shall review the new or amended law at a duly convened Band Meeting convened for the purpose of conducting a ‘reading’ of the proposed legislation or law. Electors may offer amendments on the proposed content from the floor during the Band Meeting.
  - 6.2.4 Laws will be forwarded for legal review prior to commencement of the required readings.
  - 6.2.5 There shall be 3 readings of proposed laws, each with a minimum of 14 days posted notice to the Band Membership, at locations to be recommended by the Committee delegated responsibility for the development of the law and endorsed by Chief and Council.
  - 6.2.6 Official passage of a new law is made through a Band Meeting duly convened for the purpose of ratifying the law where a simple majority of eligible voters present vote in favor the law. [should a minimum number of members present be included or does the band want a double majority where 50%+1 of eligible voters must vote?]
  - 6.2.7 Official passage of an amendment or the repeal of an existing law can be accomplished either through the process for enacting new laws as outlined above or can be done in conjunction with the electoral process as a plebiscite question accompanying the electoral ballot.
- 6.3 With regard to the laws and law-making processes of the Cote First Nation, it is important to clarify the distinction between major Legislative Matters and Policy Affairs which are issues of lesser or local importance. The following terms and references apply to this Governance Policy, and in particular, to the law-making and law-amending processes of Cote First Nation:
- > Major Legislative Affairs require the participation and ratification of a majority of electors and include the following matters:
  - > The ratification or amendment of major Cote First Nation laws in areas of Citizenship, Elections and Land Use; [the FN decides what is important to include]
  - > Ratification of By-Laws for Cote First Nation
  - > The disposition or designation of Cote First Nation lands.

## **Part VII Policy Governance**

Policy Affairs are those local band matters, which are separate from the major legislation affairs outlined above. They require only the approval of the Chief and Council. Policy governance refers to the operation of the government, programs, general operations and the provision of services to the people as may be developed from time to time.

Cote First Nation will develop policies to support sound governance, administration, financial and program management. Such policies will include:

- > Personnel (Human Resource Management) Policies
- > Financial Management Policies and Procedures
- > Program Management Policies (as may exist for federally funded program administration) or as may be developed by the First Nation, examples of which are: Education Policies; Housing Policies; Band Member Support Policies
- > Operating Policies

## **Part VII Shared Governance**

Shared Governance refers to the inclusion of Boards and Committees in the Governance Structure of Cote First Nation so as to expand the parameters of participation in local government through advisory and decision-making by the people, the authority of which shall be defined in Articles of Incorporation or Terms of Reference adopted by Chief and Council for each respective Board or Committee.

Boards or Committees shall:

- 8.1 Be appointed or elected by Chief and Council;
- 8.2 Have a defined term of office;
- 8.3 Take an Oath of Office and Confidentiality as adopted by Chief and Council;
- 8.4 Operate within the mandate as defined in Articles of Incorporation or Terms of Reference.

## **Part IX Intergovernmental Relations**

The Chief and Council of Cote First Nation, as the duly elected leadership, shall be the official representatives of the Nation in matters of an intergovernmental nature, including but not limited to:

Cote First Nation will develop policies to support sound governance, administration, financial and program management. Such policies will include:

- > Federal government
- > Provincial government(s)
- > First Nation governments
- > Municipal Relations
- > International affairs



Where intergovernmental affairs are mandated by Chief and Council, lines of communication and authority shall support our sovereignty as an autonomous Nation and respect our relationship with the Crown. The Chief shall be the official spokesperson in such matters and shall deal with such matters at the equivalent political level of the corresponding government (ie. Chief to Chief; Chief to Premier; Chief to Prime Minister).

## Part X Conflict of Interest

- 10.1 “Conflict of interest” means that an individual’s interests, whether personal or business, pecuniary or otherwise, conflict with his/her obligations to Cote First Nation, and may include any situation in which an individual, either for himself/herself or some other person, promotes or attempts to promote a personal or business interest that:
- > advances or enhances the individual’s position with the First Nation so as to circumvent the normal performance evaluation and promotion process;
  - > interferes with the objective exercise of the individual’s duties with the First Nation;
  - > contradicts the principle that the individual’s position with the First Nation is to maintain impartiality with the First Nations, any Tribal Agency, and the FSIN and its institutions;
  - > may arise as a result of an apparent, potential or real conflict of interest.
- 10.2 Chief and Council, members of Boards and Committees, employees and contractors of Cote First Nation are required to:
- > Undertake his/her duties, perform his/her professional functions or exercise his/her authority on a fair and equal basis that ensures the confidence and trust in his/her honesty and integrity, and that the good faith in Cote First Nation is preserved and enhanced;
  - > Not divulge confidential or restricted information;
  - > Take appropriate action to prevent conflict of interest arising;
  - > Not knowingly place himself/herself in a position where he/she is under, or appears to be under an obligation to any person or entity that may benefit from or seek to gain special consideration or favor;
  - > Not take advantage of, or appear to take advantage of his/her position, or of information obtained in the course of his/her duties with the Cote First Nation, unless the information is generally made available to the public; and
  - > Not directly or indirectly use, or allow the use of Cote First Nation property for any use other than authorized Cote First Nation activities, unless specifically authorized, in writing.

- 10.3** An individual who believes, or has reasonable grounds to believe, that he/she, or a fellow Councillor, Board or Committee members, staff or contractor, has a potential or real conflict of interest in a matter respecting Cote First Nation shall immediately:
- > Disclose the nature of the conflict of interest to the Chief, Chairperson, or Band Manager as the organizational structure dictates;
  - > Withdraw or request the withdrawal of the affected person from the matter that constitutes the conflict of interest;
  - > Withdrawal from such matters of real or perceived conflict of interest shall take the form of not participating in discussions and decisions related to the matter, with such noted in the minutes of such meetings;
- 10.4** Failure to abide by conflict of interest guidelines jeopardizes the integrity of the Cote First Nation governance process and is policed internally as a standard of good governance.

## Part XI Dispute Resolution

Cote First Nation shall make every effort to avoid disputes through good governance and the consistent and legal application of laws and policies. However, in such cases where a dispute does arise in the application or absence of policy or as a result of decision-making, the following process will be available to band members:

- 11.1 FILING OF COMPLAINT:** A band member of the Cote First Nation can initiate a complaint concerning a dispute by submitting the complaint in writing to the Band Manager.
- 11.2 RESPONSE IN WRITING:** The Band Manager will investigate the allegations in the complaint and provide the appellant with a written response within ten (10) days of receipt of the written complaint / dispute.
- 11.3 REQUEST OF MEETING:** If the appellant is not satisfied with the response of the Band Manager, the appellant may request a meeting with the Chief and Council.
- 11.4 MEETING:** The Chief and Council will schedule and conduct a meeting with the appellant within 14 days of receipt of the request.
- 11.5 SECOND RESPONSE:** Within five (5) days after the meeting, the Chief and Council will provide a response which either confirms or changes the outcome of the original decision.  
Should the matter be deemed to be of an interpersonal nature between two Band Members, unrelated to governance, policy interpretation or program delivery, there shall be no further recourse beyond this point.

**11.6 REQUEST FOR A HEARING:** Provided that the complaint / dispute pertains to governance decision, policy interpretation or program delivery, and if the appellant is not satisfied with the second response, the appellant, will name a representative to sit on a Dispute Resolution hearing panel. The Chief and Council will appoint a representative to sit on the hearing panel and the representative of each appoints a third representative. The three (3) appointees are the Dispute Resolution Panel.

At no time shall any of the parties be represented by legal council or by a current Cote Chief or Councilor.

The Band Manager will coordinate the hearing date, time and location. The appellant shall be given an opportunity to state his or her case.

The Dispute Resolution Panel has the right to request technical expertise either as part of the appeal hearing, prior to, or before making their final decision to aid in their ability to make an informed decision.

**11.7 DECISION:** The Dispute Resolution Hearing Panel makes the decision by a majority opinion of the Hearing Panel. A written decision is rendered within ten (10) working days of the hearing date. The Dispute Resolution Panel decision is final and binding on all parties, with no further right of appeal. All parties bear their own costs.

## **Part XII Enactment and Amendment**

This Governance Policy and any other policies of the Cote First Nation shall be ratified by the Chief and Council and will come into effect immediately. Any amendments to approved policies will be done in the same manner in which the policy was developed and approved.