

## Okanagan Indian Band – Personnel Policy & Procedures Manual

- 12.0.0 Council Policies & Procedures - Content
- 12.0.1 Policy of Conflict of Interest
  - 12.0.1.1 – Definitions
  - 12.0.1.2 – Purpose
  - 12.0.1.3 – Meetings of the Council
  - 12.0.1.4 – Rules of Conduct & Debate
- 12.0.2 General Meeting Regulations
- 12.0.3 Ethical Standards of Conduct – Council Members
- 12.0.4 Council Honorarium
- 12.0.5 Council Travel Procedures
- 12.0.6 Band Credit Cards – Chief and Band Manager
- 12.0.7 Council Credit Card Policy
- 12.0.8 Procedures for Making Policies – Chief and Council/Band Manager
- 12.0.9 Protocol for Internal/External Agreements

## 12.0.0 COUNCIL POLICIES & PROCEDURES - CONTENT

### 12.0.0.1 Policy of Conflict of Interest

This conflict of interest policy is designed to help the Okanagan Indian Band Council, employees of the Okanagan Indian Band, and the directors, officers, and employees of Band-owned companies or societies to identify conflict of interest situations or transactions, and to provide a procedure for the review and approval of conflict of interest situations or transactions.

### 12.0.0.2 DEFINITIONS

<b>“Band”</b>	means the Okanagan Indian Band
<b>“Benefit”</b>	means a direct or indirect pecuniary or non-pecuniary advantage and includes the avoidance of a detriment, but does not include participation in activities or programs of the Band, Company, or Society, which all members of the Band have an opportunity to participate.
<b>“Board”</b>	means the Board of Directors of a Company or a Society.
<b>“Chief”</b>	means the Chief of the Council.
<b>“Company”</b>	means a company incorporated under the laws of British Columbia or Canada whose shares are owned by or held for the benefit of the Band.
<b>“Confidential Information”</b>	means information that is acquired by a Responsible Person solely by reason of his or her employment or involvement with the Council, Company, or Society and which the council, company, or society are under an obligation to keep confidential.
<b>“Council”</b>	means the Chief and Councilors of the Band.
<b>“Councilor(s)”</b>	means member(s) of the council.
<b>“Director(s)”</b>	means director(s) of a Company or Society.
<b>“Policy”</b>	means this conflict of interest policy.
<b>“Related Person”</b>	means a person or corporation who has a family connection, business association or relationship with a Responsible Person such that

## Okanagan Indian Band – Personnel Policy & Procedures Manual

- a) Transaction between the Band, Company, or Society and the person or corporation would confer a Benefit upon the Responsible Person, or
- b) The relationship has the potential to affect, or give the appearance of affecting, the Responsible Person's ability to act impartially on behalf of the Band, Company, or Society.

### **"Immediate Family"**

shall mean the employee's spouse (including common-law spouse), daughter, son (in-law), foster child, stepchild, sister, brother (in-law), father-in-law, (including common law), mother-in-law, (including common-law), grandparent, grandchild, and any relative permanently residing in the employee's household or with whom the employee resides.

### **"Responsible Person"**

means any person who is employed by the Band, Council, a Company, or a Society and includes Chief, Councilor(s), and Director(s).

### **"Society"**

means a society created under the laws of British Columbia or Canada by or on behalf of the Band.

### **"Transaction"**

means an arrangement, other than a gift, under which:

- a) the Band, a Company, or Society and another person or corporation agree to exchange goods, services, or rights of any kind,
- b) the Band, Company, or Society confers a benefit on another person or corporation, or
- c) the Band, Company, or Society receives a benefit from another person or corporation.

12.0.0.3 Conflict of Interest

- a. For the purpose of this policy, a conflict of interest is deemed to arise in any situation where a Responsible Person's personal interests or those of a Related Person could influence the decisions of the Responsible Person and impair the Responsible Person's ability to act in the Band's, Company's, or Society's best interests or to represent the Band, Company, or Society fairly, impartially and without bias.
- b. Without limiting the generality of subsection 2.1., a conflict of interest is deemed to arise in the following circumstances:
  1. A Transaction between the Band, Company, Society, and a Responsible Person or Related Person;
  2. A Responsible Person or Related Person competing with the Band, Company, or Society in the rendering of services or products to Band Members or another party; and
  3. Where a Responsible Person or Related Person is seeking to receive a loan or grant from the Band, Company, or Society, or to secure other financial commitments from the Band, Company, or Society.

12.0.0.4 Authorization

- a. The Council, Company, Society may not enter into a Transaction that will Benefit a Responsible Person or Related Person unless the Council or the Board authorizes it in accordance with this section.
- b. The Council or Board may authorized a Transaction that will Benefit a Responsible Person or Related Person where:
  1. The Responsible Person has fully disclosed the details of the Transaction and Benefit to the Council or the Board;
  2. A quorum of the Council or the Board is present to make the decision regarding the Transaction.
  3. The Council's or board's resolution authorizing the Transaction is passed by a majority of a quorum of the Council or the Board present and entitled to vote at the meeting; and

## Okanagan Indian Band – Personnel Policy & Procedures Manual

4. The transaction satisfies condition(s) set out in subsections 3.4 or 3.6
- b. Where the Chief, Councilor, or Director is the Responsible Person or Related Person who will benefit from a Transaction, he or she may not:
1. Take part in the Council or Board decision on the Transaction
  2. Be counted as part of the quorum of the Council or Board making the decision; and
  3. Attempt to influence the outcome of the decision.
- c. A transaction involving a conflict of interest may not be authorized by the Council or Board unless:
1. Overall, the Transaction is fair and reasonable and unquestionably in the Band's, Company's or Society's best interests.
  2. The transaction is in keeping with public expectations about the conduct of the Band's, Company's, or Society's activities; and
  3. Tolerating the conflict of interest will not impair public confidence in the administration of the Band, Company, Society, or the application of public funds.
- d. Without limiting the generality of subsection 3.5, the presence of any of the following factors may suggest the Transaction is not in the Band's, Company's, or Society's best interests:
1. The Transaction wastes the Band's, Company's, or Society's resources;
  2. The sole reason for authorizing the Transaction is to accommodate the Responsible Person, or to confer an unjustified advantage or preference on the Responsible Person or Related Person;
  3. The Transaction favours or appears to favour the personal interests of the Responsible Person or Related Person over those of the Band, Company, or Society, members of the Society, or members of the public;

## Okanagan Indian Band – Personnel Policy & Procedures Manual

4. The Transactions compromises or appear to compromise the Responsible Person's integrity, independence and ability to act impartially on behalf of the Band, Company, or Society and in their best interests; or
  5. The Transaction compromises or appears to compromise the reputation of the Band, Company, or Society.
- e. Notwithstanding subsections 3.4 and 3.5, the Council or Board may authorize the Transaction if:
1. The Transaction provides no benefit or minimal benefit to the Responsible Person or Related Person (e.g. the Transaction has no economic significance, prestige, or other identifiable collateral advantage);
  2. The Transaction is a normal or necessary part of the relationship between the Band, Company, or Society and the Responsible Person (e.g. the Band, Company, or Society arranges insurance to protect the Council or Director's against liabilities incurred by reason of their holding office);
  3. The Transaction is with a Related Person that provides no financial advantage to the Responsible Person and there is no cause to believe that the Responsible Person intervened to influence the Council's or Board's decision regarding the Transaction;
  4. There is no reasonable alternative for accomplishing the objects of the Transaction which is not coloured by a conflict of interest; or
  5. The benefit to the Band, Company, or Society is such that the conflict should be tolerated, namely:
    - a. The Transaction is so advantageous to the Band, Company, or Society that no other decision makes economic sense; or
    - b. For practical reason, only the Responsible Person or Related Person can carry out the Transaction.
- f. The Council or Board that authorizes a Transaction under this section must record in the minutes of the Council's or Board's meeting:
1. Details of the conflict of interest; and

## Okanagan Indian Band – Personnel Policy & Procedures Manual

2. The condition(s) under subsection 3.4 or 3.6 relied upon by Council or board for the Authorization.

g. The Council or Board that authorizes a Transaction under this section may make the authorization contingent upon the Responsible Person taking steps or observing procedures that may be necessary in the circumstances to protect the Band, Company, or Society or to safeguard public confidence in the conduct of the Band's, Company's, or Society's activities.

### 12.0.0.5 Gifts

a. A gift to a Responsible Person will be deemed not to constitute a conflict of interest and does not require the approval of Council or Board in the following circumstances:

1. The gift has no more than a token value;
2. It is the normal exchange of hospitality or a customary gesture of courtesy between persons doing business together;
3. The exchange is lawful and in accordance with local ethical practice and standards; and
4. The gift could not be construed by an impartial observer as a bribe, pay off, or improper or illegal payment.

b. Any gift to a Responsible Person, which does not comply with subsection 4.1, constitutes a conflict of interest and must be disclosed and approved under Section 3.

c. A Responsible Person may not use Band, Company, or Society property to make a gift, charitable donation, or political contribution to anyone on behalf of the Band, Company, or Society without the authorization of the Council or Board or their designates.

d. An unconditional gift from a Responsible Person or Related Person to the Band, Company, or Society does not constitute a conflict of interest and does not require the approval of the Council or Board.

### 12.0.0.6 Obligation to Disclose

a. The failure by a Responsible Person to disclose fully the nature of the Benefit to the Responsible Person or Related Person in a Transaction under subsection 3.2 invalidates an authorization under section 3.

## Okanagan Indian Band – Personnel Policy & Procedures Manual

- b. A Responsible Person has an ongoing obligation to disclose to the Council or Board any potential conflict of interest Transaction, and must submit to the Council or board a statement disclosing fully the nature and extent of the Transaction and Benefit, supplying enough information to assess the nature of the Benefit and conflict of interest.
- c. A Responsible Person who Benefits from a Transaction with the Band, Company, or Society but failed to seek in advance the authorization of the Council or Board, as required under section 3, remains under an obligation to disclose fully and promptly the nature and extent of the Benefit to the Council or Board, supplying enough information to assess the nature of the Benefit and the conflict of interest.

### 12.0.0.7 Ratification

- a. Following disclosure under subsection 5.3, the Council or Board may by resolution ratify the Transaction if:
  - 1. The Transaction was reasonable and fair to the Band, Company, or Society at the time it was entered into; and
  - 2. The Transaction was one that could have been authorized by the Council or Board pursuant to this policy.

### 12.0.0.8 Disclosure and Use of Confidential Information

- a. A Responsible Person must protect Confidential Information from improper disclosure and must report to the Council or Board, or their designate, any incident of abuse of Confidential Information.
- b. Confidential Information may be divulged by a Responsible Person if authorized by the Council, Board, or their designate to release it and it is divulged to a person who has lawful right to the information.
- c. If there is any doubt about whether Confidential Information may be released, authority from the Council, Board, or their designate must be sought before releasing such information.
- d. A Responsible Person must use Confidential Information only for the purposes of the Band, Company, or Society, and shall not disclose or use confidential information for his or her personal profit or advantage, or the profit or advantage of a Related Person.

### 12.0.0.9 Use of Property

- a. A Responsible Person must not:

Okanagan Indian Band – Personnel Policy & Procedures Manual

1. Use property owned by the Band, Company, or Society for personal purposes without authorization from the Council or Board;
2. Purchase Band, Company, or Society property unless it is through usual channels of disposition equally available to the public.
3. Take personal advantage of an opportunity available to the Band, Company, or Society unless:
  - a. It is clear that the Band, Company, or Society has irrevocably decided against pursuing the opportunity; and
  - b. The opportunity is equally available to members of the public; and
4. Use his or her position with the Band, Company, or Society to solicit the Band's Company's, or Society's clients for a personal business or one operated by a Related Person or any other person if the Responsible Person or Related Person might derive a Benefit from such use.

12.0.0.10 Acknowledgments and Receipt of Policy

- b. A Responsible Person must review this policy and acknowledge receipt of a copy of this Policy by signing his or her name below.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_

12.0.1.1 DEFINITIONS

In this by-Law, unless the context otherwise requires:

Council:	The Chief and Council of the Okanagan Indian Band
Councilor:	Members of the Council of the Okanagan Indian Band and includes the Chief.
Meeting:	Include all Meetings of Council whether regular or otherwise;
Chairman:	Chief or a presiding Councilor appointed by those Councilors present;
Motion:	Formal proposal made by a member of the Council that the Council undertake or approve a specified course of action;
Question:	Subject matter of a proposal contained in a motion.

12.0.1.2 PURPOSE

Purpose of this by-law is to establish rules and regulations according to which the proceedings of the Council are to be governed and conducted.

12.0.1.3 MEETINGS OF THE COUNCIL

1. All meetings of the Council shall take place within the boundaries of the Reserve and the Municipality of Vernon, except when the Council has resolved to hold a meeting or meetings outside those boundaries.
2. Regular meetings of the Council shall be open to the public and no person shall be excluded except for improper conduct. If, in the opinion of the Council, the public interests so require, the Council may exclude persons other than its members and officers from a special meeting.
3. All acts whatsoever authorized or required by this Act to be done by the Council, and all other questions, including questions of adjournment that may come before the Council, shall, save when otherwise so expressed, be done and decided by the majority of the members of the Council who shall be present at a meeting.
4. The Chief, if present, shall preside at all meetings of the Council. In all cases where the votes of the members of the Council then present include the vote of

## Okanagan Indian Band – Personnel Policy & Procedures Manual

the Chief or other person presiding, are equal for and against a questions, the questions shall be negative, and it shall be the duty of the member presiding to so declare. When sitting in Committee-of-the-Whole, the same procedures shall apply, except that any member of the Council may preside.

5. The Council shall decide from time to time, by resolution when regular meetings shall be held.
6. A Special Meeting of the Council may be called at any time by the Chief:
  - a. Previous to a special meeting of the Council, being a meeting other than a statutory, or regular or adjourned meeting, a notice of the day, hour, and place of the special meeting shall be given at least twenty-four (24) hours before the time of the meeting, leaving one copy of the notice for each member of Council.
  - b. Council at the place to which he has directed such notices to be sent (Council Mailboxes at the Administration Office), unless all the members of the council being then and there present the notice is waived by the unanimous vote of all members of the Council. Each copy of the notice shall be signed by the Chief, and Chairman or by the Executive Director.
  - c. A notice shall be deemed to have been delivered if it is mailed forty-eight (48) hours before each meeting.
  - d. Two or more members of the Council may, in writing request the Chief and/or Executive Director to call a Special Meeting.
  - e. In case the Chief or Executive Director, within twenty-four (24) hours after receiving the request, refuses or neglects to call a special meeting to be held within seven (7) days upon which the request is received by him/her, or if the Chief or Executive Director is absent, then two or more members of the Council may call a Special Meeting.
  - f. Notice of any meeting called under sub-section (2) or (3) shall be given according to sub-section (1) except at a notice of a meeting called under sub-section (3) shall be signed by the said members.
  - g. In the event of an emergency the Council may choose to supersede a regular council meeting with an emergency meeting by an affirmative vote of two-thirds of the Council Members present. If the Council chooses to do this, it should be clearly specified when the regularly scheduled meeting will be held.
7. In the event of a wake or funeral of a band member, all meetings shall be automatically postponed.

## Okanagan Indian Band – Personnel Policy & Procedures Manual

8. The Chief may, on two clear working days, provide written notice, given through the Executive Director's office, postpone any regular meeting of the council to the day to be named in such notice.
9. Prior to each meeting, the Executive Director shall prepare an agenda of all business to be brought before the Council at such meetings.

To enable the Executive Director to do so, all documents intended to be submitted to the Council must be delivered to the Executive Director not later than Twelve Noon, four working days preceding the day, of the meeting of the Council.

The Agenda shall approved by the majority of the Council prior to the meeting.

10. The order of items of business of any meetings of the Council may be altered by an affirmative vote of two-thirds of full Council members present at such meeting.
11. In preparing the agenda, the Executive Director shall state the business for consideration of the Council in the following order:
  - a. Approval and Adoption of Agenda
  - b. Visitors and Delegations
  - c. Adoption of Minutes of previous meetings.
  - d. Business arising from previous meetings
  - e. Monthly Financial Report \*
  - f. Departmental Submissions
  - g. Correspondence
  - h. Committee Reports
  - i. Executive Directors Report
  - j. Chief and Council Submissions and Reports
  - k. Information Only
12. If the Chief desires to leave the Chair for the purpose of taking part in the debate, or otherwise, he/she shall call upon another Councilor or delegate to take his/her place until the Chair is resumed. The Council member or delegate may decline to Chair if they choose.
13. Chief is a member of Council and a quorum of the Council shall consist of a majority of the total Council.
14. As soon after the hour of the meeting as there is a quorum present, the Chief shall take the chair and call the council members to order.
15. In case the Chief does not attend within fifteen (15) minutes after time appointed for a meeting, the Executive Director, shall call the members to order, and if a quorum is present, the members shall choose a chairman who shall preside during the meeting or until the arrival of the Chief.

16. If a quorum is not present within thirty (30) minutes after the time fixed for a meeting, the Council Secretary shall record the names of the Council Members present and the Council shall stand adjourned until, the next regular meeting.

17. As soon as members of council are called to order the Chief shall call for change and/or additions to the Agenda, then shall call for a motion of adoption of the agenda.

The Chief shall then ask the Council if there are any objections to the minutes of previous meetings or any motion to correct, and shall forthwith ask Council to declare by motion the minutes adopted. Upon adoption the minutes shall be signed by the Chief/Chairman, one Council Member and the Council Secretary. Each page shall be initialed by the same three persons.

18. When a resolution is not put by reason of the Council breaking up for want of a quorum the resolution not so put shall be proceeded with and disposed of at the next meeting of the Council.

19. All regularly scheduled Band Council Meetings will be a maximum of four (4) hours in length, unless a majority of Council Members agrees to extend the meeting.

#### 12.0.1.4 RULES OF CONDUCT & DEBATE

##### 12.0.1.4.1

- i. Every member, on speaking to any question or motion, shall address himself/herself to the Chair;
- ii. No person shall be permitted to attend a Council Meeting while under the influence of alcohol and/or drugs.
- iii. Persons shall restrict discussions to pertinent issues related to the agenda item being discussed.
- iv. No member shall resist the rules of the Council or disobey the decision of the Council on points of order of practice, or upon interpretation of the rules of the Council.
- v. In any case any person shall so resist or disobey, the Chairperson may order him/her to leave the meeting, and in case of refusing to do so, the Chair may order the police to remove him/her.
- vi. However, in case of apology, being made by the person, the Council may, by a show of hands, permit the person to return to the meeting.

##### 12.0.1.4.2

## Okanagan Indian Band – Personnel Policy & Procedures Manual

- i. the Chairman or any Council member may call another person to order while the latter is speaking.
- ii. When such action is taken, the Chairman shall immediately suspend the debate and the member in question shall refrain from speaking until the point of order is determined.
- iii. Points of Order shall be determined by the Chair without debate.
- iv. Decisions of the chair may be appealed by a member of the Council and the appeal shall be decided without debate, by a majority of the Council, by a show of hands.

### 12.0.1.4.3

- i. When the Chair is putting the question, no Council Member shall leave the table.
- ii. When a Council Member is speaking, no other member shall interrupt the speaker, nor pass between the speaker and the chair except to raise a point of order.

### 12.0.1.4.4

- i. Any member of the Council may request the question under discussion to be read for his/her information at any period of the debate, but not so as to interrupt a person speaking.

### 12.0.1.4.5

- i. No Council Member shall speak more than twice to the same question without the leave of the chair, except in explanation of the material parts of his/her remarks, which may have been misunderstood, but in such cases he/she shall not be permitted to introduce any new matter.
- ii. All Council Members shall have the opportunity to speak to the question prior to any Council Member speaking on the question for a second time.
- iii. A reply shall be allowed by the Council Member who initiates the motion, but not to any member who has moved an amendment.

### 12.0.1.4.6

- i. No person shall speak to any resolution in reply for a longer time than five (5) minutes without leave of the Chair.

### 12.0.1.4.7

## Okanagan Indian Band – Personnel Policy & Procedures Manual

- i. After a resolution is finally put by the Chair, no Council Member shall speak to the Resolution nor shall any other motion be made until after the result of the vote has been declared.
- ii. The Chair will decide when the issue is ready for a proposed resolution.

### 12.0.1.4.8

- i. Whenever a decision of the Council is taken for any purpose, each member of the Council present and voting shall vote upon the resolution by raising of a hand, the Chair shall declare the results of the vote, and the Council Secretary shall record the same.

### 12.0.1.4.9

- i. Where a proposed resolution contains distinct propositions, any Council Member may request that the vote on each propositions to be taken separately and ruling on the request shall be made by the Chair.

### 12.0.1.4.10

- i. Whenever a proposed resolution is not carried unanimously the names of those Council Members voting in favor and against shall be recorded.

### 12.0.1.4.11

- i. The Chair will inform the Council Members who abstained that their vote will be deemed to have voted in favor before the vote is recorded.

## 12.0.2 GENERAL MEETING REGULATIONS

- 12.0.2.1 SHORT TITLE
  - Paragraph 1
  
- 12.0.2.2 INTERPRETATION
  - Paragraph 2 Definitions
  - Paragraph 3 Plurality and Gender
  - Paragraph 4 Headings
  
- 12.0.2.3 APPLICATION
  - Paragraph 5
  
- 12.0.2.4 NOTICE TO THE ELECTOR
  - Paragraph 6 Giving and Posting of Notice
  - Paragraph 7 Method of Giving Notice
  - Paragraph 8 Effect of Omission of Notice
  - Paragraph 9 Approval and Contents of Notice
  
- 12.0.2.5 CONVENING OF MEETINGS
  - Paragraph 10 Frequency of Meetings
  - Paragraph 11 Place and Time of Meetings
  - Paragraph 12 Electors may requests Meeting
  - Paragraph 13 Meetings not otherwise permitted
  - Paragraph 14 Persons responsible for Notice
  
- 12.0.2.6 PROCEEDINGS AT GENERAL MEETING
  - Paragraph 15 Persons permitted to attend.
  - Paragraph 16 Chairman
  - Paragraph 17 Quorum
  - Paragraph 18 Special Business
  - Paragraph 19 Moving and Seconding of Resolutions
  - Paragraph 20 Withdrawal and Amendment of Resolutions
  - Paragraph 21 Reading of Resolution
  - Paragraph 22 Call for the Vote
  - Paragraph 23 Voting on the Resolution
  - Paragraph 24 Passing of the Resolution
  - Paragraph 25 Postponement of the Vote
  - Paragraph 26 Order and Procedure
  - Paragraph 27 Elector may speak
  - Paragraph 28 Points of Order
  - Paragraph 29 Appeal of Decision of the Chairman

Okanagan Indian Band – Personnel Policy & Procedures Manual

- 12.0.2.7 DUTIES OF THE GENERAL MEETING CLERK
  - Paragraph 30 Appointments of General Meetings Clerk
  - Paragraph 31 Responsibilities of General Meetings Clerk
  
- 12.0.2.8 REVISIONS TO LIST OF THE ELECTORS
  - Paragraph 32
  
- 12.0.2.9 MINUTES OF THE GENERAL MEETINGS
  - Paragraph 33 Appointments of the Council Secretary
  - Paragraph 34 Minutes of the General Meeting
  
- 12.0.2.10 GENERAL
  - Paragraph 35 Prior Acts
  - Paragraph 36 Copies of Regulations

**12.0.2.1 Part 1 – Short Title**

Paragraph 1 These regulations may be cited as the “Okanagan Indian Band General Meeting Regulations”

**12.0.2.2 Part 2 - Interpretation**

Definitions

Paragraph 2 In these regulations, and in any resolution of Council, or of a General Meeting, relating to these regulations, unless the context otherwise requires:

Band:	Okanagan Band of Indians
Chairman:	In respect of a particular General Band Meetings, the person appointed pursuant to Section 16 to be Chairman of the General Meeting.
Chief:	The person elected to be and hold office as the Chief of the Band pursuant to the <u>Indian Act</u> .
Council:	Chief and Councilors of the Band.
Councilor:	Any person elected to be and holding office as a Councilor of the Band pursuant to the <u>Indian Act</u> .
Elector:	Any person who pursuant to the Indian Act would be eligible to vote for a person nominated to be Chief/Councilor.
Executive Director:	The Executive Director appointed from time to time by the Council and includes his delegated representatives.
Fiscal Year:	The year commencing April 1 <sup>st</sup> of a calendar year and ending March 31 <sup>st</sup> the next following calendar year.
General Meeting:	Any band meeting save and except: a) Any band meeting called for the purpose of a referendum being held pursuant to the Indian referendum regulations, or b) Any band meeting called pursuant to the Indian Election Regulations.
General Meetings	Person appointed from time to time by the Council to carry

## Okanagan Indian Band – Personnel Policy & Procedures Manual

Clerk:	out the duties prescribed in these regulations to be carried out by the General Meetings Clerk.
Indian Act	<ol style="list-style-type: none"><li>a) The Indian Act R.S., C.149,S.1 as amended from time to time including without limiting the generality of the foregoing as amended by Order-In-Council, which proclaims that paragraph 2(3)(a) of such Act shall not apply to the Band, together with:</li><li>b) All regulations made pursuant to the Indian Act, as amended from time to time.</li></ol>
Indian Band Election Regulations:	Indian Band Elections Regulations made pursuant to the Indian Act as amended from time to time.
Indian Referendum Regulations:	Indian Referendum Regulations made pursuant to the Indian Act, as amended from time to time.
List of Electors:	List of electors as updated from time to time by the General Meeting Clerk (Membership Clerk) as required under these regulations.
Council Secretary:	Person appointed from time to time by Council to carry out the duties prescribed in these regulations to be carried out by the Council Secretary or, in respect of any particular General Meeting, such person as is appointed pursuant to sub-section 23(2) to be the Council Secretary
Reserve:	Includes all reserves of the Band.
Special Business:	Any business transacted at a General Meeting except: <ol style="list-style-type: none"><li>a) Appointment of a Chairman;</li><li>b) Call to Order;</li><li>c) Adoption of Minutes;</li><li>d) Consideration of audited financial statements;</li><li>e) Any report given by Council, a Council Member in his capacity as such a Council Member, a Band Employee in his/her capacity as such an employee, or a Committee of Council</li><li>f) Adjournment of the meeting; and</li><li>g) Termination of the meeting.</li></ol>

### Plurality and Gender

Paragraph 3 In these regulations:

- a) Words importing the singular include the plural and vice-versa; and
- b) Words importing a male person include a female person.

## Headings

Paragraph 4 The headings of parts and sections in these regulations have been inserted as a matter of convenience and for reference only and in no way define, limit, or enlarge the scope of the meaning on these regulations or any provision thereof.

### **12.0.2.3 Part 3 - Application**

Paragraph 5

1. These regulations shall apply to all general meetings. Any power conferred on the Band, including without limiting the generality of the foregoing any power conferred upon a band pursuant to the Indian Act, shall be deemed not to be exercised unless it is exercised pursuant to these regulations save, and to the extent only that, the Indian Act, specifically provides a power shall be exercised by a band in another manner.
2. Without limiting, the generality of sub-section (2), anything to be done by the Band, including to be done by the Band pursuant to the Indian Act, shall be deemed not to be done unless it is done pursuant to these regulations save, and to the extent only that, the Indian Act specifically provides a thing shall be done by the band in another manner.

### **12.0.2.4 Part 3 – Notice to the Elector**

#### Giving and Posting of Notice

Paragraph 6

1. Notice of a General Meeting shall:
  - a. Be given no less than 14 clear days prior to the day on which the General Meeting is to be held:
    - i. To each person whose name appears on the List of Electors; and
    - ii. To each person that the Electors present at General Meeting by majority of vote decide to invite to a particular General Meeting, and
  - b. Be posted in at least one conspicuous place within the administration office of the Band no less than 14 clear days prior to the day on which the General Meeting is to be held.
2. No person other than those specified in paragraph 1(1) is entitled to receive a notice of general meeting.

#### Method of Giving Notice

Paragraph 7

1. A notice of a General Meeting may be given to:
  - a. An Elector either personally or by mail addressed to the address for the Elector shown on the list of Electors; and

## Okanagan Indian Band – Personnel Policy & Procedures Manual

- b. Any other person required pursuant to sub-paragraph 1(a) (ii) either personally or by mail addressed to the address for that person ascertained by the General Meetings clerk (Council Secretary).
2. Any notice of a General Meeting given by mail shall be deemed to have been given on the second day following that day on which the notice is mailed by regular mail.

### Effect of Omission of Notice

Paragraph 8 Notwithstanding anything to the contrary elsewhere contained in these regulations:

- a. Any accidental omission to give notice of a General Meeting to any person required to be given such notice under these regulations;
- b. The failure of any person to receive notice of a General Meeting; or
- c. Any accident failure of the General Meeting Clerk to post any notice as required under those regulations;

SHALL NOT invalidate any proceeding at any General Meeting.

### Approval and Contents of Notice

Paragraph 9 Notice of a General Meeting shall be approved by resolution of Council passed prior to notice of the General Meeting being given pursuant to Part 4 and shall:

- a. Commence with words “NOTICE OF OKANAGAN INDIAN BAND GENERAL MEETING” in capital letters;
- b. Specify the place, day, month, year, and hour of the meeting;
- c. If Special Business is to be transacted, including without limiting the generality of the foregoing any particular Special Business required to be included in the notice pursuant to sub-section 18(2), describe in general terms the nature of that business; and
- d. Contain such other information as Council approves.

Notwithstanding anything to the contrary contained in paragraph 6(1)(b) or 9(1)(d), a copy of a proposed budget of the Band shall not be posted by the General Meetings Clerk at any place either within, or outside, Reserve.

## **12.0.2.5 Convening of Meetings**

### Frequency of Meetings

Paragraph 10

## Okanagan Indian Band – Personnel Policy & Procedures Manual

1. A General Meeting shall be convened by the Council at least once in every 6 months and not more than 7 months after the date on which the last General Meeting was held.
2. The Council may convene a General Meeting whenever they think fit.

### Place and Time of Meetings

#### Paragraph 11

1. General Meetings shall be held at such place on Okanagan Indian Reserve No. 1 or on any other Reserve as is stated in the Notice of General Meetings being given pursuant to Part 4 and at such time as the Council or those Electors convening the General Meeting pursuant to subsection 12(2) think fit.

### Elector's May Request Meeting

#### Paragraph 12

1. The Council shall convene a General Meeting upon the Chief receiving written request:
  - a. Clearly identify by name the Elector request that General Meeting be convened.
  - b. Setting forth the objectives of the General Meeting being requested to be convened; and
  - c. That is signed by not less than 50 percent of those electors whose names appear on the List of Electors.
2. If the Council does not within 14 days of receipt of a written request that complies with paragraphs 1(a), (b), and (c) cause notice of a General Meeting to be given pursuant to Part 4, the Elector identified pursuant to paragraph 1(a) may, subject to sub-section (3) himself convene a General Meeting.
3. An Elector who convenes a General Meeting pursuant to this section shall comply with all provisions of Part 4 except that it shall not be necessary for the Elector to either:
  - a. Notwithstanding anything to the contrary contained in sub-section 9(1), seek approval of the notice of the General Meeting by a resolution of the Council as required by sub-section 9(1); or
  - b. Notwithstanding anything to the contrary contained in paragraph 9(1)(e), include the notice of the General Meeting such other information as Council approves as required by paragraph 9(1)( c).

4. Where an Elector prepares a written request for a General Meeting pursuant to sub-section (1) or convenes a General Meeting pursuant to this section, no person shall:
  - a. Be required to assist the Elector in preparation of such a written request or convening such a General Meeting; or
  - b. Be remunerate for any time spent or reimbursement for any expenses incurred in respect of the preparation of such a written request or convening such a General Meeting, unless payment of any such remuneration or reimbursement of any such expenses is approved by a resolution passed by the Electors present at a General Meeting.

#### Meetings Not Otherwise Permitted

Paragraph 13 Except as is specifically provided in these regulations no person is permitted to convene a General Meeting.

#### Persons Responsible for Notice

Paragraph 14

1. Subject to subsection (2), the General Meetings Clerk shall cause those notices required under Part 4 to be prepared, given and posted.
2. Without limiting the generality of sub-section 12(4), if an Elector determines to convene a General Meeting pursuant to Section 12, neither the Executive Director, General Meetings Clerk, Council Secretary, nor any other person shall be required to assist such Elector in the preparations, giving, or posting of notice of the General Meeting required to be prepared, given, and posted by the Elector pursuant to sub-section 12(3).

### **12.0.2.6 Proceedings at General Meetings**

#### Persons Permitted to Attend

1. Subject to sub-section (4), General Meetings shall be open to all Electors.
2. The Chairman may expel or exclude from any General Meeting any person for conduct considered in the opinion of the chairman to be improper and without limiting the generality of the foregoing, for the purpose of this sub-section (2), being intoxicated shall constitute conduct that is improper.
3. Subject to sub-section (4), no person other than an Elector is entitled to attend or speak at General Meetings.
4. A person who is not an Elector shall be entitled to attend and speak at a General Meeting:

## Okanagan Indian Band – Personnel Policy & Procedures Manual

- a. At the invitation of the Council
- b. On approval by resolution passed by those Electors present
- c. At the invitation of the Executive Director, or
- d. At the invitation of an elector if it is required that the non-elector PROVIDED THAT the elector has given not less than seven (7) days prior written notice to the Chief and Council of the non-Elector who will attend the General Meeting and the purpose for such attendance.

### Chairman

#### Paragraph 16

1. Subject to sub-section (2), the Chief, or in the absence of the Chief, a Councilor by a majority of the Councilors present, shall act as Chairman at a General Meeting.
2. If at a General Meeting within 15 minutes after the time for holding the General Meeting specified in the notice of the General Meeting given under Part 4;
  - a. There is no Chief or Councilor present; or
  - b. The Chief is unwilling to act as Chairman and a majority of those Councilors present fail to choose a Councilor to act as Chairman;

The electors present may appoint one of their numbers to be Chairman by passing a resolution so appointing one of the numbers, and such person shall act as Chairman of the duration of the General Meeting.

### Quorum

#### Paragraph 17

1. A quorum at a General Meeting is 30 percent of the numbers of those persons whose names appear on the list of Electors.
2. No business other than termination of the General Meeting shall be conducted at a General Meeting at any time when a quorum is not present.
3. If at any time during a General Meeting there ceases to be a quorum present, business then in progress shall be suspended until there is a quorum present or until the General Meeting is adjourned or terminated.

### Special Business

#### Paragraph 18

1. No Special Business shall be conducted at a General Meeting except that business specified in the notice of the General Meeting given under Part 4.

## Okanagan Indian Band – Personnel Policy & Procedures Manual

2. If at a General Meeting the Electors present pass a resolution that notice of particular Special Business be included in the notice of the following General Meeting it shall be included in such notice.

### Moving and Seconding of Resolutions

#### Paragraph 19

1. Each resolution proposed at a General Meeting shall be presented or read by the mover and seconded, and if duly moved and seconded shall be placed before the meeting by the Chairman and thereupon be open for consideration by the General Meeting.
2. Resolutions proposed at a General Meeting must be moved and seconded by different Electors.
3. The Chairman of a General Meeting may move or second any proposed resolution and may in his capacity as an Elector himself vote on any proposed resolution.

### Withdrawal and Amendment of Resolution

#### Paragraph 20

1. After a proposed resolution has been placed before the General Meeting by the Chairman, it shall be deemed to be in the possession of the Electors but may be withdrawn or amended by resolution passed by those Electors present.
2. A motion that is withdrawn is neither defeated nor carried.
3. a vote in favor of any amendment amending a proposed resolution shall not have the effect of passing the amended proposed resolution, and the amended proposed resolution shall be open for consideration.

### Reading of Resolution

#### Paragraph 21

1. Any Elector may require a proposed resolution under discussion may be read out for his information at any period of the debate but not so as to interrupt an elector speaking and not on more than one occasion with respect to the same proposed resolution.

### Call for the Vote

#### Paragraph 22

Notwithstanding anything to the contrary that may be contained elsewhere in these regulations but subject however to Section 29, the Chairman may after there has

been a reasonable period of consideration of a proposed resolution that as been place before the General Meeting, call for a vote on the proposed resolution.

#### Voting on the Resolution

##### Paragraph 23

1. No person other than an Elector shall be entitled or permitted to vote on a proposed resolution at a General Meeting.
2. Subject to Section 25, voting on a proposed resolution will be held at the same General Meeting where the proposed resolution was moved and seconded.
3. Voting on a proposed resolution shall be by show of hands of those in favor of the proposed resolution, and then of those against the proposed resolution, or in respect of any particular proposed resolution or in a resolutions in such other manner as a majority of the council members present may approve.
4. An Elector present at a General Meeting shall be entitled to one vote on each proposed resolution.
5. An Elector present at a General Meeting shall be entitled to one vote on each proposed resolution.
6. In the case of an equality of votes in favor of and against a proposed resolution the Chairman shall not have a casting vote in addition to the vote to which he is entitled in his capacity as an Elector and the proposed resolution shall not pass.

#### Passing of the Resolution

##### Paragraph 24

1. Subject to sub-section 29 (2) a proposed resolution before the Electors shall be deemed not to be passed unless:
  - a. It is voted in favor of by a majority of the Electors present;
  - b. And , the number of Electors who vote in favor of the proposed resolution is greater than 15% percent of the number of the those persons whose names appear on the List of Electors.

#### Postponement of the Vote

##### Paragraph 25

Where a proposed resolution has been duly moved and seconded at a General Meeting, before the Chairman has called for a vote on such resolution, any elector including without limiting the generality of the foregoing any Elector who is a Council Member, may request the Chairman to poll all Council Members present individually in order to determine if such Council members are in favor of postponing the vote on such resolution to the next General Meeting in order to give those electors not present at a General Meeting an opportunity to consider it

## Okanagan Indian Band – Personnel Policy & Procedures Manual

advisable to so postpone the vote the vote shall be so postponed, but may not be again postponed pursuant to this section at the next General Meeting.

### Order of Procedures

#### Paragraph 26

1. Subject to Section 29, the Chairman shall maintain order at a General Meeting and shall decide all questions of procedure.
2. All persons present at a General Meeting shall comply with all rules of conduct in respect of General Meetings established from time to time and at any time by the Chairman and approved by the Electors pursuant to these regulations.

### Elector May Speak

#### Paragraph 27

1. Any Elector shall be entitled to speak at a General Meeting.
2. When any Elector desires to speak, he shall address his remarks to the Chairman and confine himself to the question then before the General Meeting.
3. Notwithstanding anything to the contrary contained in Section 29, in the event of more than one Elector desiring to speak at one time, the Chairman shall determine who is entitled to speak and his decision shall be final.

### Points of Order

#### Paragraph 28

1. The Chairman or any elector may call an Elector to order while speaking and the debate shall then be suspended and the Elector shall not speak until the point of order is determined.
2. An Elector may speak only one in a point of order.

### Appeal of Decision of the Chairman

#### Paragraph 29

1. Any Elector may appeal any decision of the Chairman to the Electors present and all appeals shall be decided without debate by resolution passed by those Electors present.
2. Paragraph 24(1)(b) will not apply to any vote by the Electors on any proposed resolutions made pursuant to sub-section (1).

#### **12.0.2.7 Duties of the General Meeting Clerk**

Appointments of General Meetings Clerk

Paragraph 30

1. The General Meeting Clerk shall be responsible for:
  - a. Posting of notices for General Meeting in accordance with paragraph 6(1)(a);
  - b. Posting the List of Electors in at least one conspicuous place within each Reserve of the Band at which Electors reside no less than 7 full days prior to the day on which the General Meeting is to take place;
  - c. Preparing and thereafter updating once during each month on or before the 15<sup>th</sup> day thereof a List of Electors containing the names in alphabetical order, and the last known residential address, of each Elector;
  - d. Receiving applications from Electors to have the List of Electors revised and correcting such List if he is satisfied that it should be corrected; and
  - e. The conducting of voting and counting of votes at General Meetings.

**12.0.2.8 Revisions to the List of Electors**

Paragraph 32

1. Any Elector may apply to the General Meetings Clerk to have the List of Electors revised on the grounds that:
  - a. The name of the Elector has been omitted there from;
  - b. The name of an Elector is incorrectly set out therein;
  - c. The residential address of an Elector is incorrectly set out therein;  
or
  - d. The name of a person not qualified to vote is included therein.

**12.0.2.9 Minutes of the General Meeting**

Appointment of the Council Secretary

1. The Council Secretary shall keep minutes of each General Meeting and shall record therein:

## Okanagan Indian Band – Personnel Policy & Procedures Manual

- a. The place, day, month, year, and time at which the General Meeting was specified to commence in the notice thereof given under Part 4;
  - b. The time the General Meeting actually commenced;
  - c. The names of those Council Members present, those absent with cause and those absent without cause;
  - d. The names of those Band Employees present, those absent with cause, and those absent without cause;
  - e. The names of those persons acting as Chairman, General Meetings Clerk, and Council Secretary;
  - f. The names as they appear on the List of Electors, of all Electors present;
  - g. The name of each person present who is not an Elector and the reason for which the person is present;
  - h. Particulars of any written materials provided to the Electors present;
  - i. The text of each duly moved and seconded proposed resolution placed before the General Meeting by the Chairman regardless of whether such resolution was withdrawn, amended, defeated, or passed.
  - j. The name of the Elector who moved each proposed resolution and the name of the Elector who seconded each proposed resolution;
  - k. Where a duly moved and seconded proposed resolution is withdrawn, a statement that such resolution is withdrawn;
  - l. Where a duly moved and seconded proposed resolution is voted on:
    - i. The number of Electors present at the time of the vote;
    - ii. The number of votes cast in favor of, and the number of votes cast against, the proposed resolution; and
    - iii. A statement as to whether or not the proposed resolution was defeated to passed.
  - m. Where a duly moved and seconded proposed resolution is referred to the next General Meeting pursuant to Section 25, the names of those Council Members who voted in favor of, and those Council Members who voted against, delaying the vote on the proposed resolution to the next General Meeting;
  - n. The time that the General Meeting ended; and
  - o. Such other information as is reasonably necessary to identify all matters considered at the General Meeting.
2. The Council Secretary shall prepare the minutes of a General Meeting within 15 days thereof and immediately deliver such minutes to the Executive Director who shall place such minutes before the Council at the next regularly scheduled Council meeting.
  3. Council shall review the minutes of the General Meeting at the next regularly scheduled Council Meeting occurring after deliver of such

minutes to the Executive Director pursuant to sub-section (1) and may by resolution of Council direct the Council Secretary to make such additions and corrections to such minutes as are required and the Recording Secretary shall:

- a. Add to and correct such minutes as so directed; and
  - b. Within 15 days of such Council Meetings cause a true copy of the minutes so added to and corrected to be mailed by regular mail to each household at which an Elector resides.
4. Subject to these regulations, Council may from time to time by resolution of Council prescribe the form in which minutes of General Meetings are to be prepared.

#### **12.0.2.10 General**

##### Prior Acts

##### Paragraph 35

These regulations do not invalidate any prior act of the Band, the Council, or any Band Employee.

##### Copies of Resolutions

##### Paragraph 36

Upon making a request to the Executive Director an Elector shall be entitled to receive from him/her without charge true copies of any of the following, namely:

- a. These regulations;
- b. The minutes of any General meeting; and
- c. The List of Electors

### **12.0.3 ETHICAL STANDARDS OF CONDUCT – COUNCIL MEMBERS**

The proper operation of democratic local government requires that elected officials be independent, impartial, and duly responsible to the members of the band. To this end, it is imperative that:

1. Band decisions and policies may be made through the proper channels of government structures;
2. Public office not be used for personal gains;
3. the Band members have competence in the integrity of its Band Government.

Accordingly, it is the purpose of these standard of conduct to establish recommended rules and guidelines for all members of the Okanagan Indian Band Council so that they may carry out their duty with impartiality and equality of service to all, recognizing that the

## Okanagan Indian Band – Personnel Policy & Procedures Manual

basic functions of elected Council Members are at all times, service to the Band and Band Membership.

To further these objectives, certain ethical principles should govern the conduct of all members of Council in order that they shall maintain the highest standards of conduct in office and faithfully discharge the duties of their office without fear or favor.

Elected Council Members shall:

1. Carry out his/her duties with impartiality and equality of service to all;
2. Maintain the highest ideals of honor and integrity in public, and personal relationships and discharge faithfully the duties of office;
3. Avoid and situation which could impair his/her judgment in the performance of his/her duties or give that impression to others;
4. Not use confidential information for the personal profit of themselves or others nor shall he/she misuse public time in the pursuit of such objectives;
5. Declare his/her direct or indirect interest in any enterprise which proposes to transact business with the Okanagan Indian Band Council;
6. Continually strive to improve his/her professional ability and to encourage the development competence of his/her associates in serving the Band Members of the Okanagan Indian Band.
7. Report to the Chief any conflict of interest or potential conflict of interest of which he/she is aware of involving himself/herself or his/her family;
8. Not knowingly engage in any unlawful activity;
9. Not conduct themselves in any way that would detract from the image of integrity of professionalism of the Okanagan Indian Band;
10. For a period of twelve (12) months after leaving office, abide by those ethical standards of conflict listed above, except those related to confidential information that shall apply in perpetuity.

Council Members shall not assume that any unethical activities not covered by or specifically prohibited by these ethical standards of conduct, or by any legislation, are therefore condoned.

### **12.0.4 COUNCIL HONORARIUM**

- 12.0.4.1 Council members will be fully credited for any Council or Committee meetings missed because of illness or injury, which is substantiated by a physician's certificate or note.

## Okanagan Indian Band – Personnel Policy & Procedures Manual

- 12.0.4.2 The Council member will be given full credit for any Council or Committee Meeting during the period of time that is defined for bereavement leave for immediate family in accordance with the Okanagan Indian Band Policy.
- 12.0.4.3 If a Council member attends a scheduled Council or Committee meeting and had not been notified of the cancellation, the Council members will be given 50% credit for that meeting.
- 12.0.4.4 Each Council member will have a specific amount budgeted for travel per fiscal year. There will be no transfer of travel dollars to other council members. The amount remaining in each councilor's travel budget will be returned to the honorarium budget at the end of the fiscal year.

### **12.0.5 COUNCIL TRAVEL PROCEDURES**

- 12.0.5.1 Rationale:

Members of the Okanagan Indian Band Council are asked to attend meetings, Conferences, and other political events to represent the Okanagan Indian Band. Band Council members will receive an honorarium amount and travel to attend their functions. It is necessary to establish a policy covering the rules and procedures for travel, authorization, arrangements, and financial accountability.
- 12.0.5.2 When a Council Member is authorized to travel they shall receive an honorarium of \$135.00 a day or the prorated portion of the Band Support Honoraria for the month, plus travel, meals, and accommodation.
- 12.0.5.3 Meals, accommodations, and incidentals shall be paid according to the Treasury Board of Canada Council Members are to receive meals per diem regardless of the travel perks received at hotels and airlines.
- 12.0.5.4 Lowest Airfare rates is the priority for consideration for out of town travel, council members choosing to drive their own vehicles shall be paid a rate of 37.5 per kilometer, and must have business insurance coverage on their vehicle.
- 12.0.5.5 When a council member is traveling on Band business. It is permissible to charge telephone calls for business purposes. Upon the receipt of the hotel bill when a telephone charge is made to the room, the Band Councilor is responsible for making the personal calls, which will be deducted in the final reconciliation of the advance.
- 12.0.5.6 When a car rental is required the number of occupants to travel in the car is to be taking into consideration. Council Members comfort and safety should be a deciding factor in car rental.

## Okanagan Indian Band – Personnel Policy & Procedures Manual

- 12.0.5.7 The Council Member shall reconcile travel advances before another travel cheque is issued. In the event that this does not happen the Band Manager shall be notified to address this issue with Council Member.
- 12.0.5.8 Council Secretary is responsible for preparing the Council travel claim, and making travel arrangements, this must be done in consultation with the Council Member.
- 12.0.5.9 Cancellation & Change to Travel
- In the event that Council members cannot attend the meeting/conference for which travel arrangements have been made, the Band Manager must be notified immediately.
- 12.0.5.10 Changes to travel must be directed from the Council Member to the Band Manager. The Band Manager is responsible for directing staff to implement changes on behalf of council members. Staff members do not have the authority to make changes, amend, or question Council Travel. Staff is to bring the issue to the attention of the Band Manager, who is responsible for addressing the issue with the Council members.

### **12.0.6 BAND CREDIT CARDS – CHIEF AND BAND MANAGER**

- 12.0.6.1 Okanagan Band credit card(s) shall be used for the purchase of goods and services relating to Okanagan Band business. Personal purchases with the credit card will not be permitted.
- 12.0.6.2 The credit card may be utilized to hold or reserve products or services i.e. hotel accommodations. In the case of the credit card being used to hold travel cash advance is issued to cover expenses. In the reverse when the credit card is used to pay for accommodation there will not be a cash advance given for accommodation for council members.
- 12.0.6.3 As per guidelines established by credit lending institutions, a signed invoice indicates concurrence to purchase. The Council Member authorized to use the credit card must sign all invoices. Invoices must be submitted at the time of the travel reconciliation.
- 12.0.6.4 It is expected that Council Members, in being authorized the use of the Band Credit Card, would use discretionary judgment on purchases. In the event of an emergency or the happening of an unexpected cost incurred Band Council member in charge of the card should seek authority for use in agreement of all Council present. This must be reported to the next in camera session of the Council for authorization. In the event that the Council disagrees, the person authorizing the purchase is liable for repayment.

### **12.0.7 COUNCIL CREDIT CARD POLICY**

## Okanagan Indian Band – Personnel Policy & Procedures Manual

- 12.0.7.1 Okanagan Band Credit Card(s) shall be used for the purchase of goods or services relating to Okanagan Band business. Personal purchases with the credit card will not be permitted.
- 12.0.7.2 The credit card may be utilized to hold or reserve products or services, i.e. hotel accommodations. In the case of the credit card being used to hold, a travel cash advance is issued to cover expenses. In the reverse when the credit card is used to pay for accommodation there will not be a cash advance given for accommodation for Council Members.
- 12.0.7.3 As per guidelines established by credit lending institutions, a signed invoice indicates concurrence to purchase. The Council member authorized to use the credit card must sign all invoices. Invoices must be submitted at the time of the travel reconciliation.
- 12.0.7.4 It is expected that Council Members, being authorized the use of the Bank Credit Card, would use discretionary judgment on purchases. In the event of an emergency or the happening of an unexpected cost incurred, the Band Council member in charge of the card should seek authority for use in agreement of all Council present. This must be reported to the next in-camera session of Council for authorization. In the event that the Council disagree the person authorizing the purchase is liable for re-payment.

### **12.0.8 RATIONALE**

From time to time it will be necessary for the effective management and operation of the Okanagan Indian Band to establish specific policies and to be followed in the Band operations and in the program delivery. These policies and procedures will be developed using a standard process and involving specific Managers/Supervisors of the band. The purpose of this document is to outline that process.

#### 12.0.8.1 A. General

- i. The adoption of new policies and the amendment, revision, or deletions of existing policies are the responsibility of the Chief and Council.
- ii. The Okanagan Indian Band Council shall make all policy decisions, along with any guidelines, procedures, or regulations pertaining thereto. Formal adoption of policies shall be recorded in the minutes of the regular Okanagan Indian Band Council minutes, and a copy of the policy appended to the official minutes.
- iii. The Council delegates to the Band Manager the analysis of policy needs, the consideration of alternatives, and the initial drafting of policy proposals and amendments.

## Okanagan Indian Band – Personnel Policy & Procedures Manual

- iv. Policy needs may be indicated by any Band Council Member to the Band Manager.
- v. In instances where a policy proposal received is at the same time an item being negotiated, the Council will not normally act upon the policy item until the bargaining is completed. This provision does not limit the Band Council prerogative of approving a proposed policy for implementation on an interim basis before completion of negotiations.
- vi. The Band Manager shall provide the Chief and Council with a clear policy proposal to fulfill a recognized policy for comment and input.
- vii. Specific policies may delegate the formulation of regulations to senior staff or managers if the policy specifically establishes the delegation.
- viii. All policies will be organized and maintained in a Band Council Policies Manual, and in each case, the date of the Band Council approval or amendment will be shown.
- ix. Policies will be reviewed annually by the Band Manager or whoever is expressly authorized to do so under a specific policy. Policies will be revised, when necessary to meet changing needs, in accordance with the procedure outlined below.
- x. All policies shall be written, clearly defined, and based on the Okanagan Indian Band philosophy and goals, showing a thorough understanding and appreciation of local needs.

### B. Policy Adoption

The following procedures shall be followed for the adoption of new policies or revisions to existing ones:

- i. The Standing Committee or Band Manager shall submit proposed new policy or revisions to existing policy to the Band Council for its consideration.
- ii. The policy proposal or proposed revision shall be introduced on the Band Council agenda for the first time as first reading. If the Band Council approves first reading, the policy proposal shall be circulated as soon as possible to the staff, concerned individuals and groups, advising them of the date scheduled for further consideration by the Band Council and inviting comments and suggestions.
- iii. At a subsequent meeting, the Okanagan Indian Band shall consider the policy proposal for second reading. Comments received will be considered. The Band Council will hear directly any input on the policy from staff, and concerned individuals and groups. If the Band

## Okanagan Indian Band – Personnel Policy & Procedures Manual

Council approves second reading, the proposal, including any revisions, which have been approved at this stage, will be circulated as soon as possible to staff for further review and comment.

- iv. At a subsequent meeting, the policy is again open for discussion and amendment. Upon third reading, the Band Council may give the policy proposal or proposed revision final approval.
- v. Amendments to policy or regulations that do not substantially change the policy shall be described as technical amendments and shall be given one reading, followed by discussion and a vote on the amendment. If passed, this shall constitute an amendment to the policy. A policy being considered for first reading may also be adopted as interim policy if in the opinion of the Band Council this course of action is the most appropriate.

### C. Policy Dissemination

- i. Policies are passed at regular or special meeting of the Okanagan Indian Band Council.
- ii. The Band Manager will ensure that copies of all policies passed shall be inserted in all policy manuals and distributed to those that have expressed an interest in the policy.
- iii. The Band Manager is in charge with the responsibility of ensuring that appropriate policy is conveyed and interpreted to his/her staff, or other interested parties.

The Directors/Managers also have the responsibility of ensuring that all copies of the policy handbook in his/her department are:

- i. Easily accessible to all staff members.
- ii. Kept up to date with regard to the most recent additions and/or deletions.

All persons making use of this policy consolidation are reminded that it is provided to departments and to staff for their convenience of reference only. Should a question arise to the currency of any policy in this consideration, the Official Policy Manual located at the Band Office should be consulted.

### D. Policy Review and Evaluation

The Band Manager shall ensure that the policy handbook is reviewed on an annual basis, to identify areas of policy that:

## Okanagan Indian Band – Personnel Policy & Procedures Manual

- i. Need revision in the light of current goals, objectives and practices of the system
- ii. Need to be developed
- iii. Need to be amended or updated
- iv. Can be deleted

### E. Emergency Procedures

- i. When taking the time required to follow the procedures set out above could have an adverse effect on the Band, the Band Council may waive the consultation period and take immediate action to adopt new policies or revise existing ones. Where new policies are adopted or existing policies are revised in this manner, as soon as practicable, the policy changes will be reviewed in accordance with the full procedure for policy changes set out above.
- ii. The operation of any section or sections of Band policies duly established may be temporarily suspended by a two-thirds majority vote of Okanagan Indian Band Council members present at a regular or special meeting. Where a policy is suspended in this manner, the Band Council Resolution suspending the policy will indicate the length of the suspension.
- iii. In instances or on matters where no Band Council policy exists, the Band Manager or person designated to act in his absence is authorized to act in accordance with best established practice, subject to ratification by the Band Council. In doing so, the Band Manager shall use as a guide the following criteria; the position that is in keeping with the Band's philosophy; the position that best meets the legal requirements; the position that is most appropriate to the given situation; and/or the position that appears to be the most appropriate for the Department.
- iv. Where immediate action is required, the Band Manager shall request ratification of an action that involves the application of an interim policy at the next regular meeting of the Band Council.

#### 12.0.8.2 Duties of the Chief and Council

1. Each Council Member has legal obligations to act in the Okanagan Indian Band's best interests and these duties are defined in the Band's Act and Band's By-laws.
2. In order to be indemnified, the Chief and Council must:
  - i. Act honestly and in good faith and in the best interests of the Band; and

- ii. Exercise the care, diligence, and skill of a reasonably prudent person in exercising the powers, and performing the functions as a Council Member.

## 12.0.9      **PROTOCOL FOR INTERNAL/EXTERNAL AGREEMENTS**

### PROTOCOL AGREEMENT

Respecting Local Government to Government Working Relationship

Between

OKANAGAN INDIAN BAND

And

(Insert Name of Party Here)

#### A. GENERAL OUTLINE

##### 1. PURPOSE OF THE AGREEMENT

*Give a brief description of the overall purpose. Should be one to two paragraphs.*

##### 2. PARTIES TO THE AGREEMENT

*List the primary and any secondary parties to the agreement. Option: attach an appendix that lists contact details.*

##### 3. PRINCIPLES

*List the principles or values that drive the agreement.*

##### 4. OBJECTIVES OF OKANAGAN INDIAN BAND

*List the objectives of the Band as they relate to the specific agreement (these can be substantially different from the other parties' objectives that should show some overlap.)*

##### 5. OBJECTIVES OF THE SECOND PARTY

*List the other parties' objectives as they relate to the specific agreement (these can be substantially different from the Bands' objectives but should show some overlap.)*

6. MUTUAL OBJECTIVES

*List both parties' shared objectives.*

7. FOCUS AREAS OF THE AGREEMENT

*Describe the primary areas or issues that the agreement is intended to cover – these should satisfy the mutual objectives as stated in “f”. The parties may additionally wish to describe secondary issues.*

8. CHALLENGES/CONSTRAINTS (SHORT & LONG TERM)

*Identifies the major challenges or impediments to achieving specific objectives. May also describe the environment in which the parties must function.*

9. OPPORTUNITIES

*Identifies the key areas of opportunity, as this relates to the parties' shared objectives.*

10. TERM/AMENDING/TERMINATION

*Outlines the term of the agreement, how the agreement may be amended and a procedure for notices regarding intent to terminate.*

11. DECISION-MAKING > Roles/Responsibilities/Authorities

*Describes how decisions are made, the selection, and roles of various representatives, representatives' responsibilities, and authorities (e.g. the mandate of representatives).*

12. COMMUNICATIONS & REPORTING/ADMINISTRATIVE TASKS

*Describes the function and structure of meetings, recording, review, and distribution of minutes and other information, designation of*

*Contact-person(s), designation of spokesperson(s), the role and function of the work plan, how issue/actions are tracked.*

13. DISPUTES AND DISPUTE RESOLUTION

*Outlines practices for preventing disputes and procedures for resolving disputes.*