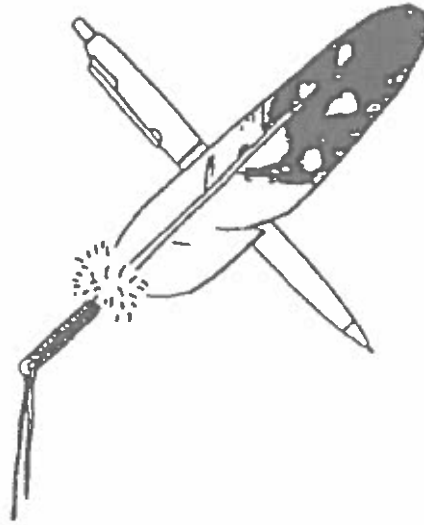


BEARDY'S AND OKEMASIS' CREE NATION

EXECUTIVE ACT



EXECUTIVE ACT – BEARDY’S AND OKEMASIS’ CREE NATION

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ARTICLE 1: GENERAL

1.1 PREAMBLE

We, the Beardy's and Okemasis' Cree Nation have the inherent right to govern ourselves according to our customs, traditions and natural laws of the nehiyawak. We declare these are our truths;

We are a Nation of many Nations. Chief Beardy (Kamiyistowesit) and Chief Cutnose (Saswapew) signed an adhesion to Treaty #6 on August 28, 1876 near Fort Carlton thereby entering into Treaty with the Crown, exercising all the powers of our Sovereignty and Nationhood.

With the teachings of our elders in our hearts & minds, we will conduct ourselves in a positive manner. We will maintain a good path with the next seven generations always in mind, so they carry on in such a way that our inherent rights remain protected.

Beardy's and Okemasis' Cree Nation has always had a special relationship with the Crown, a relationship that was recognized in the Royal Proclamation of 1763, Treaty 6 and in the Constitution Act, 1982; Under this special relationship, the Crown has special obligations to all of the People of the Beardy's and Okemasis' Cree Nation current and future members for as long as the sun shines, the grass grows and the rivers flow.

This Act does not in any way abrogate or diminish from Indigenous and Treaty Rights of the Beardy's and Okemasis' Cree Nation and its citizens protected under Section 35 of the Constitution Act of Canada; and the fiduciary responsibility of Canada to Beardy's and Okemasis' Cree Nation and its members.

It is upon this foundation that we, the members of the Beardy's and Okemasis' Cree Nation, put into place this Executive Act, which is the basis for our government authority, our jurisdiction, our laws, our future laws and our traditions.

NOW THEREFORE, by virtue of our rights and freedoms as an autonomous First Nation in an historical relationship with the Crown, we do hereby declare and institute the "Beardy's and Okemasis' Cree Nation Executive Act."

1.2 VISION

The Beardy's and Okemasis' Cree Nation is a thriving Nation rooted in cultural values, traditional knowledge, and *nehiyaw pamisowin*.

1.3 MISSION

The Beardy's and Okemasis' Cree Nation is a sovereign and vibrant nation that is dedicated to improving the holistic well-being of our people. Through reviving and returning to traditional values, teachings, and knowledge, we will strengthen the foundation for future generations.

1.4 TITLE

This act may be cited as the "*Beardy's and Okemasis' Cree Nation Executive Act*".

1.5 PURPOSE

The purpose of the *Beardy's and Okemasis' Cree Nation Executive Act* is to establish rules of conduct for members of the Council in order that all members of the Council will maintain a high degree of fairness, fiduciary responsibility, impartiality, and objectivity in the execution of their duties and responsibilities.

1.6 DEFINITIONS

In this Act:

- a) "ACT" refers to the *Beardy's and Okemasis' Cree Nation Executive Act*;
- b) "ANNUAL LEAVE" means paid time-off granted to members of Council.
- c) "BENEFIT" means but is not limited to:
 - i. training and professional development, medical and pension;
 - ii. Salary and perdiems;
 - iii. travel and cell phone allowance.
- d) "BEARDY'S AND OKEMASIS' CREE NATION" means the Beardy's and Okemasis First Nation.
- e) "CHIEF" means the person elected as Chief pursuant to the provisions contained in the Beardy's and Okemasis' Cree Nation Election Act.
- f) "COUNCIL" means the Chief and Councillors of the Beardy's and Okemasis' Cree Nation duly elected pursuant to the provisions contained in the Beardy's and Okemasis' Cree Nation Election Act.

Beardy's and Okemasis' Cree Nation Executive Act

- g) "COUNCILLOR" means the person elected as a Councillor pursuant to the provisions contained in the Beardy's and Okemasis' Cree Nation Election Act.
- h) "CRIMINAL RECORD CHECK" a process that verifies whether an individual has a criminal history and provides the applicant with the detailed information that can be legally disclosed.
- i) "DISCLOSURE" means the reporting on the discharge of political, fiscal, and program responsibilities in a public, and consistent manner to allow for comparison between planned and actual performance and outcomes.
- j) "DISPUTES" means a disagreement, argument whereby outside intervention to seek resolution may be requested and/or required.
- k) "ELECTION ACT" means the Beardy's and Okemasis' Cree Nation Election Act as ratified by the membership of the Beardy's and Okemasis' Cree Nation.
- l) "FIDUCIARY" means a person who holds a legal and/or ethical relationship of trust with one or more other parties.
- m) "ILLEGAL SUBSTANCE" means banned drugs as in the Controlled Drugs and Substances Act, S.C. 1996, C.19.
- n) "IMMEDIATE FAMILY" means the following:
 - i) the Council Member's spouse or common-law partner;
 - ii) the Council Member's father or mother and the spouse or partner's mother or father;
 - iii) the Council Member's children and the children of the employee's spouse or partner, or someone under the age of eighteen (18) with whom the Council Member or their spouse is acting in parental capacity/guardian for;
 - iv) the Council Member's grandchildren;
 - v) the Council Member's brothers and sisters;
 - vi) the Council Member's step-brothers and step-sisters;
 - vii) the grandfather and grandmother of the Council Member's;
 - viii) immediate family members who have been adopted by Indian custom;
 - ix) any relative of the Council Members who resides permanently with the Council members;
 - x) a person, other than an employee, who is financially dependent upon the individual or the individual's spouse or on whom the individual is financially dependent.

- o) "INDIGENOUS and TREATY RIGHTS" includes those Aboriginal rights guaranteed under section 35 of the Canadian Constitution and in the *United Nations Declaration on the Rights of Indigenous Peoples*.
- p) "INFORMATIONAL BAND MEETINGS" general meeting of Membership for the purpose of providing information only. As outlined in the *Beardy's and Okemasis' Cree Nation Constitution*.
- q) "MEMBERSHIP" means the registered members of the Beardy's and Okemasis' Cree Nation.
- r) "MEMBERS ASSEMBLY" means a meeting of Membership called for specific purposes as outlined in the *Beardy's and Okemasis' Cree Nation Constitution*.

1.7 APPLICATION

The provisions contained in the Executive Act shall be applied consistently and equitably to all members of Council of the Beardy's and Okemasis' Cree Nation.

1.8 COMING INTO EFFECT

This Law shall come into effect on the day it is ratified by a majority of the electors voting in a referendum in which the majority of the electors voted in favour. In the event that the number of voters that turn out is not sufficient to meet the threshold a second or subsequent ratification meeting or referendum shall be called on a 30-day notification basis. At the second meeting or referendum, 50% plus one (1) or more to those electors present at the second meeting or referendum may ratify this law.

1.9 AMENDMENTS

- a) This act may be amended in accordance with the amending provisions contained in the *Beardy's and Okemasis' Cree Nation Constitution*.
- b) Amendments can be submitted by members of the Beardy's and Okemasis' Cree Nation in writing to Chief and Council. Chief and Council will call a special meeting of the members to review and address proposed changes to the Act. A committee will be created to review the amendments.
- c) Notice of the special meeting will be thirty (30) days in advance of meeting and will set out the location, date and time of meeting. It will also include the proposed changes to the Act.
- d) Amendments or repeals are approved if a simple majority (50% + 1) of members attending the special meeting vote in favour of the amendments and that there be a minimum of 100 people in attendance of any special meeting in order for the meeting to proceed. The vote will be by a show of hands.

1.10 INTERPRETATION

In the event of a dispute or disagreement arising from the interpretation or the application of any provisions stipulated in this act, the issue at dispute may be referred to the Beardy's and Okemasis' Cree Nation Tribunal for adjudication.

1.11 DISTRIBUTION

An accurate and current copy of this act shall be available to the membership of the Beardy's and Okemasis' Cree Nation and its agents designated to carry out the provisions of these policies. Further, the most recent copy of these policies shall be made available at all Beardy's and Okemasis' Cree Nation Administrative offices.

ARTICLE 2: DUTIES AND RESPONSIBILITIES

2.1 DUTIES AND RESPONSIBILITIES OF COUNCIL

- a) The functional, fiduciary, and political representative roles and responsibilities of the Council as a whole are as follows, but not limited to:
- i. Collective leadership (Govern as one).
 - ii. The protection and implementation of Inherent and Treaty rights.
 - iii. The preservation and recognition of cultural protocols and practices of the Cree people.
 - iv. Acknowledgement of and appreciation for differing perspectives.
 - v. Respect for the separate roles and responsibilities of Council and the administration.
 - vi. Sustainable growth, and good governance of the Beardy's and Okemasis' Cree Nation.

Council has the authority to:

- b) General:
- i. Develop and approve bylaws, regulations, rules, codes, directives, guidelines, or other authorizations, standards, declarations, notices, requirements, and directions; laws in accordance with law making stated in Constitution.
 - ii. Authorize the expenditure of Nation program funds on behalf of, and in the best interest of the Nation Membership.
 - iii. Call and conduct Council, Beardy's and Okemasis' Cree Nation General Band Meetings, and Members Assemblies.
 - iv. Call and hold referenda on matters of significant importance.
 - v. Approve policies and objectives and ensure that political direction is translated into administrative action.
 - vi. Approve new Nation initiatives and enter into legally binding agreements/contracts.
 - vii. Enter into Nation to Nation relationships with other governments.
 - viii. Establish Committees/Advisory Councils.
 - ix. Establish and maintain positive relationships with the Membership.

- x. Refer disputes to the Tribunal for resolution.
 - xi. To ensure that human resources practices are carried out in accordance with the Personnel Management Act of the Beardy's and Okemasis' Cree Nation
- c) Strategic Planning:
- i. Establish and review the Nation vision, long and short term goals, and objectives.
 - ii. Define specific goals and objectives for Nation programs and departments in consultation with program directors and Committees/Boards where applicable and revised as appropriate.
 - iii. Regularly review, approve, and where necessary, revise the Nation Strategic Plan and Community Development Plan.
- d) Finance:
- i. Approve the Nation Operational Plan and budgets for all programs and services.
 - ii. Negotiate funding arrangements with Indigenous and Northern Affairs Canada as well as other funding sources that fall within the Nation area of responsibility or jurisdiction.
 - iii. Be fully accountable to the Nation membership and to funding agents, and establish such policies that may be necessary to ensure financial accountability and good governance.
 - iv. Appoint an independent auditor on an annual basis to audit the finances of the Beardy's and Okemasis' Cree Nation.
- e) Fiduciary:
- i. Act in the best interests of all members.
 - ii. Be aware of and act according to all applicable laws.
 - iii. Take reasonable care when making decisions.
 - iv. Ensure transparency without violating privacy laws.
 - v. Honour the Oath of Office.
 - vi. Work to obtain broad consensus by members when supporting the creation of legislation.
 - vii. Enforce legislation in a fair and consistent manner.
 - viii. Act in a manner that protects the integrity of the Beardy's and Okemasis' Cree Nation.

- ix. Maintain good communications with all members of the Beardy's and Okemasis' Cree Nation.

2.2 ADDITIONAL DUTIES AND RESPONSIBILITIES OF THE CHIEF

- a) The Chief is the elected leader of the Beardy's and Okemasis' Cree Nation and is generally responsible for providing overall leadership to the Council and ensuring the integrity of Council's internal processes. Specifically, the Chief is responsible to:
 - i. Be a positive role model to the community.
 - ii. Act as the Chairperson at regular meetings of Council; In absence delegate responsibility to a Councillor.
 - iii. Maintain order at meetings of Council and decide on all matters of procedure;
 - iv. Act as the Beardy's and Okemasis' Cree Nation official spokesperson or representative at ceremonial functions (or delegate that responsibility when required).
 - v. Ensure the Council conducts itself in a manner that is consistent with its own policies, customs, protocols, traditional values, and legislation.
 - vi. Ensure the policies and decisions of Council are implemented
 - vii. Promote Council cooperation to address common short-term and long-term goals, Vision, and Mission of the Nation.
 - viii. Consult with Council to assign portfolio holders.

2.3 ADDITIONAL DUTIES AND RESPONSIBILITIES OF A COUNCILLOR

- a) Councillors are also responsible to:
 - i. Be a positive role model to the community.
 - ii. Assume all of the duties and obligations of a portfolio holder as assigned by Council.
 - iii. Be the official political representative for the Nation in the specific portfolio area for public relations purposes unless advised otherwise.

2.4 PORTFOLIOS

- a) Council may establish portfolios whereby member(s) of Council may be delegated specific responsibilities in a specified area of Council's jurisdiction. Portfolio holders will be advisors to Council and will not direct staff.

- b) Members of Council may be appointed to the following portfolios with the general duties outlined therein:

Advocacy:

- i. Elders – The Councillor acts as a liaison between the Beardy's and Okemasis' Cree Nation administration and advocates for the fair treatment and equitable access to Nation programs and services for Elders in the community.
- ii. Disabled – The Councillor acts as a liaison between the Beardy's and Okemasis' Cree Nation administration and advocates the fair treatment and equitable access to Nation programs and services for Disabled community members.
- iii. Women – The Councillor acts as a liaison between the Beardy's and Okemasis' Cree Nation administration and advocates for the fair treatment and equitable access to Nation programs and services for Women in the community.
- iv. Veterans – The Councillor acts as a liaison between the Beardy's and Okemasis' Cree Nation administration and advocates for the fair treatment and equitable access to Nation programs and services for Veterans in the community.
- v. Youth - The Councillor acts as a liaison between the Beardy's and Okemasis' Cree Nation administration and advocates for the fair treatment and equitable access to Nation programs and services for Youth in the community.
- vi. Two-Spirit – The Councillor acts as a liaison between the Beardy's and Okemasis' Cree Nation administration and advocates for the fair treatment and equitable access to Nation programs and services for Two-Spirit (LGBT - Lesbian, Gay, Bi-Sexual, and/or Transgendered) members in the community.
- vii. Culture and Language Preservation - The Councillor acts as a liaison between the Beardy's and Okemasis' Cree Nation administration and advocates for cultural awareness and inclusion in all Nation programs and services.

Economy:

- viii. Lands – The Councillor in charge of Lands is responsible to oversee the effective economic development and environmental protection of the traditional and surveyed lands of the Beardy's and Okemasis' Cree Nation and to liaise with appropriate jurisdictions in the achievement of this aim.
- ix. Economic Development – The Councillor in charge of Economic Development is responsible to provide information to band members on the effective development of on-reserve business and industry to increase employment and generate economic growth for the Beardy's and Okemasis' Cree Nation.

Social:

- x. Health & Wellness – The Councillor in charge of Health & Wellness is responsible to ensure the effective delivery of community health services and

programs, and the promotion of a holistic way of life to the residents of the Beardy's and Okemasis' Cree Nation.

- xi. **Justice** – The Councillor in charge of Justice is responsible to ensure ease of access to a fair justice system and the equitable application of the justice system to those currently undergoing legal matters.
- xii. **Education & Training** – The Councillor in charge of Education is responsible to promote the principle of First Nations Control of First Nations Education in all matters and to liaise with educational institutions to ensure the effective delivery of educational services to members of the Beardy's and Okemasis' Cree Nation and to promote the attainment of higher education.
- xiii. **Sports & Recreation** – The Councillor in charge of Sports & Recreation is responsible for the promotion of healthy living through sport and recreation activities, and to provide adequate opportunities for access to members of the Beardy's and Okemasis' Cree Nation.
- xiv. **Public Works & Housing** – The Councillor in charge of Public Works & Housing is responsible for the oversight of the Public Works and Housing programs in accordance with established legislation and policy and to ensure fair and equitable access to Public Works programs and services for all Beardy's and Okemasis' Cree Nation members.

Administration:

- xv. **Finance** – The Councillor in charge of Finance is responsible for the oversight of financial matters in accordance with the Beardy's and Okemasis' Cree Nation Financial Management Act.
- xvi. **Governance** – The Councillor in charge of Governance is responsible to work with appropriate stakeholders in the development of the legislative, planning, and developmental framework that governs the Beardy's and Okemasis' Cree Nation.

External

- xvii. **Committees, Associations, Societies, Business's owned by Nation, Boards** outside the Nation etc.
- c) Other areas of responsibility and/or portfolios may be delegated to members of Council on an as needed basis from time to time.

ARTICLE 3: REMUNERATION

3.1 SALARY GRID

a) Members of Council shall be entitled to receive the following annual remuneration:

i. Chief:

Year 1:	Year 2:	Year 3:	Year 4:	Year 5:
\$60,000	\$61,500	\$63,037.50	\$64,613.44	\$66,228.78

ii. Councillor:

Year 1:	Year 2:	Year 3:	Year 4:	Year 5:
\$50,000	\$51,250	\$52,531.25	\$53,844.53	\$55,190.64

iii. For greater clarity, Council shall receive a 2.5% increase each year, up to a maximum of 5 years. If there is a break in terms, then scale starts back at Year 1.

iv. Remuneration is not retroactive, it is prorated at the time they enter office.

v. In the event of a resignation or removal of office they are not entitled to receive any of the benefits of a Council member.

3.2 BENEFITS

a) Members of Council shall be entitled to receive the following monthly benefits:

i. Chief:

Travel:	Cell Phone:
\$1,500 monthly	\$75 monthly

ii. Councillor:

Travel:	Cell Phone:
\$1,000 monthly	\$75 monthly

iii. Monthly travel benefits include all travel within a 100 kilometre catchment area from the Beardy's and Okemasis' Cree Nation.

b) Members of Council may be entitled to receive additional benefits, including accommodations, parking, meals, and incidentals on an as required basis. Rates based on Government of Canada Rates set by the National Treasury Board.

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- c) Benefits paid for travel and duties outside the 100 kilometre catchment area shall have the appropriate - return trip, 200 kilometre rate - deducted from submitted travel claims.
- d) All out of province travel must be reviewed and approved by quorum of Council.

ARTICLE 4: CONDUCT

4.1 COUNCIL ORIENTATION

- a) The purpose of Council's orientation is to acquaint each member of Council to their obligations and responsibilities and to develop positive relations among Council and staff members;
- b) The orientation to political leadership of the Beardy's and Okemasis' Cree Nation will include, but is not limited to:
 - i. An introduction to the Vision, Mission, and Values of the Beardy's and Okemasis' Cree Nation.
 - ii. Meet & Greet with program Directors.
 - iii. Strategic Planning and Goal-Setting session.
 - iv. In-depth update on programs and services of the Beardy's and Okemasis' Cree Nation.
 - v. Briefing on Council roles and responsibilities including organizational structure and the assignment of portfolios.
 - vi. Briefing on current Service and Economic agreements; Update on current legal matters.
 - vii. In-depth financial update from the Department of Finance.
 - viii. A meeting with the Indigenous and Northern Affairs Canada (INAC) Funding Services Officer and any other applicable departmental representative.
 - ix. An overview of the Indian Act, the Executive Act, and any other applicable legislation of the Beardy's and Okemasis' Cree Nation.
 - x. Overview of the Canada Labour code and the Personnel Management Act and Canadian Human Rights Act and any other applicable legislation.
- c) The Council Orientation shall be conducted beginning the day they take office, which is at the end of the previous Council's term and last for 10 working days;
- d) The last day of the Council Orientation shall consist of an Oath of Office and Swearing-In Ceremony to be presided over by the Elders' Advisory Council.
- e) Council's first day of work shall be in accordance with the Election Act of the Beardy's and Okemasis' Cree Nation.

4.2 CODE OF CONDUCT

- a) As an elected official with the Beardy's & Okemasis' Cree Nation, members of Council shall:
 - i. Uphold their obligations to our ancestors, the people, and next seven (7) generations of the Beardy's and Okemasis' Cree Nation.
 - ii. Provide professional, ethical, and responsible leadership to advance the Vision, Mission, and best interests of the Beardy's and Okemasis' Cree Nation;
 - iii. Execute the duties and responsibilities entrusted to them diligently and to the best of their ability;
 - iv. Uphold and abide by the legislation and policies of the Beardy's and Okemasis' Cree Nation.
 - v. Advocate for the strengthening of the Cree culture and language.
 - vi. Work to protect the waters, resources, and environment for the future sustainability of the people of the Beardy's and Okemasis' Cree Nation.
 - vii. Encourage the improvement of health and well-being to members of the Beardy's and Okemasis' Cree Nation.
 - viii. Support economic development and capacity building opportunities for members of the Beardy's and Okemasis' Cree Nation.
 - ix. Bring honour and credit to the Beardy's and Okemasis' Cree Nation in all circumstances where they are called upon to represent the Nation in public matters.
 - x. Respect the enduring intent of community plans, policies, and legislation ratified and enacted by previous leadership and members of the Beardy's and Okemasis' Cree Nation.

4.3 HOURS OF WORK

- a) The regular hours of work for members of Council are Monday to Friday, 9:00am to 5:00pm.
- b) Due to the nature of work for public officials, additional hours including evenings and weekends will be required.

4.4 ABSENTEEISM

Members of Council will be expected to fulfill their duties on a daily basis and in a consistent manner. Situations involving members of Council and chronic absenteeism will be dealt with in accordance with section 8.

4.5 ANNUAL LEAVE

- a) Members of Council shall be entitled to Annual Leave credits in the amount of thirty (30) days per year; and
- b) Carry-over of Annual Leave credits to the next fiscal year is not permitted.
- c) No payout of annual leave

4.6 WORKPLACE WELLNESS

- a) Adhering to the Mission of Beardy's and Okemasis' Cree Nation and promoting the lifestyle of holistic wellbeing, it is encouraged that Council reflect on this and the values in *Beardy's and Okemasis' Cree Nation Constitution* when allocating work and portfolios.
- b) Council are encouraged to maintain wellness and balance in their lives.
- c) All members of Council are entitled to a working environment which is professional, pleasant and free of all forms of harassment and violence;
- d) The Council of the Beardy's and Okemasis' Cree Nation will neither condone nor tolerate any inappropriate or irresponsible conduct including any form of behaviour which creates an intimidating, hostile, or offensive work environment.
- e) All members of Council and employees (regardless of supervisory function) shall familiarize themselves with their rights and responsibilities for preventing all forms of violence in the workplace.
- f) If any time a member of Council is concerned about another Council Members well-being it will be brought to the attention of Council which may turn to the Elders Advisory Council for direction, to ensure the health and well-being of all Council.

4.7 VOLUNTARY DRUG TESTING

- a) The Council may from time-to-time via Council Motion, set a date and time for voluntary drug testing.
- b) The cost of the voluntary drug test will be covered by the Nation.
- c) The test will be conducted to show the absence of illegal drugs.
- d) If an individual test returns positive results for illegal drugs, support and accommodations will be made, which may include a treatment program. A plan will be created with the support of Council and the Elders Advisory Council.
- e) If a problem persists the matter will be referred to Section 8 of this Act.

4.8 COMMUNICATION & REPORTING

- a) Members of Council shall:
 - i. Make every effort to communicate openly and honestly with members of the Beardy's and Okemasis' Cree Nation on major issues or initiatives and utilize any and all available methods.
 - ii. Be provided with Communications training.
 - iii. Provide regular oral or written reports to members of the Beardy's and Okemasis' Cree Nation on the state of their portfolio and their actions to date.

ARTICLE 5: COUNCIL MEETINGS

5.1 MEETINGS OF COUNCIL

- a) General meetings of Council shall:
 - i. Be conducted in accordance with established Council meeting procedures.
 - ii. Be conducted at a minimum of twice per month on established dates.
 - iii. Be open to the public, with the exceptions of
 - a. In-Camera, held with no management in attendance.
 - b. Issues that involve Human Resources,
 - c. Issues that involve the health and safety of Children.
 - iv. Special and Emergency Council meetings may be called at the request of any member of Council.

5.2 ATTENDANCE AT COUNCIL MEETINGS

- a) Attendance at meetings of Council is mandatory for Council members.
- b) Members of Council who are absent without reasonable notice to attend three (3) Council meetings may be referred to the Elders Advisory Council for appropriate disciplinary measures as detailed in Article 8.
- c) Twenty Four (24) hour notice must be provided to council when meetings are called. Notice may be provided via email/text/in-person. This notice may be waived upon motion of Council.

ARTICLE 6: CONFLICT OF INTEREST

6.1 PHILOSOPHY

All members of Council must avoid circumstances that may result in actual or perceived conflict of interest.

Members of the Beardy's and Okemasis' Cree Nation Council are expected to adhere to the highest standards of personal and professional integrity and shall protect the interests of the Nation and its members. Personal gain shall not conflict with duty to the Nation and its members.

Council members recognize the importance of protecting the Nation while preserving the rights of employees, Council, Committee members, and Band Members to participate as private citizens in the life and livelihood of the Nation. We recognize and value the close personal and family relationships in Beardy's and Okemasis' Cree Nation.

This policy is not intended to preclude any member from fair and equitable opportunities to employment or business opportunities.

6.2 WHEN CONFLICT OF INTEREST ARISES

- a) For the purposes of this act, a "Conflict of Interest" will arise when:
 - i. a member of Council exercises an official power or performs an official duty or function in the execution of their office, and at the same time knows (or ought to know) that in the performance of the duty or functions, or in the exercise of the power there is an opportunity to receive a benefit for themselves or to provide a benefit to an immediate family member or to otherwise create an advantage for them or member of their Immediate Family over and above any other member of the public; and
 - ii. A Council member's personal interest supersedes or competes with their dedication to the best interests of the Beardy's and Okemasis' Cree Nation.

6.3 PERCEIVED CONFLICT

For the purposes of this act, a member of Council has a perceived conflict of interest if there is a reasonable perception, which a reasonably informed person might have, that in the Council member's exercise of an official power or performance of an official duty or function must have been affected by their private interest.

6.4 UNCERTAINTY

Where a member of Council is uncertain whether a conflict of interest may exist, the situation must be disclosed to Council, and Council will decide whether a conflict of interest exists.

6.5 DUTY TO REPORT

- a) In the event a member of Council believes the Chief or another Councillor to be in an actual or perceived conflict of interest, such person shall immediately report the matter to Council to initiate appropriate measures contained in Article 8 of this act.
- b) A member of Council will not, directly or indirectly, accept a fee, gift, or personal benefit that is connected with their performance of duties unless the gift or personal benefit is a result of cultural protocol, in which case, it will be disclosed to Council, or the fee is authorized compensation.

6.6 INFLUENCE

A member of Council must not use their position to attempt to influence in any way a decision taken at a meeting or by the staff if the member of Council has a financial interest or other private interest in the matter to which the decision or action relates.

6.7 AVOIDING CONFLICT OF INTEREST

All members of Council shall arrange their private affairs and conduct themselves in a matter to avoid a conflict of interest under these rules.

6.8 PROCEDURE

- a) A member of Council with an actual or perceived conflict of interest will, without delay, declare the conflict immediately to Council;
- b) Council shall advise of the appropriate action in each case;
- c) A member of Council who attends a meeting and has reasonable grounds to believe that they have an actual or perceived conflict of interest in a matter that is being considered, shall:
 - i. Disclose the general nature of the conflict of interest.
 - ii. Not participate in any discussion or decision or vote on any question with respect to the matter.
 - iii. Immediately remove themselves from the meeting or the part of the meeting during which the matter is under consideration.
 - iv. Not sign a Band Council Resolution, motion, or letter with respect to the matter.
 - v. Not attempt in any way, whether before, during, or after the meeting, to influence the opinion or vote of the Council, committee, or board on any question with respect to the matter.

6.9 EXCEPTION

Notwithstanding and without limiting the generality of these rules, in circumstances where it is not possible for a member of Council to avoid the appearance of preferential treatment to an immediate family member, the member of Council will be guided by the Beardy's and Okemasis' Cree Nation values of respect for family, fairness, good governance, accountability, and professionalism in any decision.

ARTICLE 7: TRANSPARENCY AND ACCOUNTABILITY

7.1 GUIDING PRINCIPLES

- a) Members of the Beardy's and Okemasis' Cree Nation expect open, accessible leadership, and good government.
- b) Members of Council are accountable to the Beardy's and Okemasis' Cree Nation membership for the performance of their duties.
- c) Council members, as fiduciaries, must execute their duties in good faith and with due diligence.
- d) Proactive disclosure of and access to information, while respecting existing privacy legislation, shall be a normal practice.

7.2 ACCOUNTABILITY PROVISIONS

- a) The Members Assembly shall:
 - i. Be called by a quorum of Council.
 - ii. Be conducted a minimum of once per year.
 - iii. Be open and accessible to all membership of the Beardy's and Okemasis' Cree Nation;
 - iv. When possible, be conducted at a time that is convenient for membership of the Beardy's and Okemasis' Cree Nation including evenings and weekends.
 - v. If possible be live broadcast over the internet to ensure greatest accessibility and reach.
 - vi. There will be a thirty (30) day notice to membership for each Members Assembly.
- b) Membership Feedback
 - i. Council will ensure that there are opportunities for membership to provide feedback to leadership which can be conducted but not limited to surveys, suggestion box and/or general email.

7.3 TRANSPARENCY PROVISIONS

- a) Beardy's and Okemasis' Cree Nation Annual Report shall contain:

Beardy's and Okemasis' Cree Nation Executive Act

- i. Notwithstanding provisions contained in the Financial Management Act, Audited Financial Statements be made immediately available to members of the Beardy's and Okemasis' Cree Nation upon ratification by Council to members;
 - ii. Include salaries and expenses of members of Council.
 - iii. Portfolio reports with performance metrics included.
 - iv. Copies be made available on to members upon request and posted on Nation website.
- b) Council Meeting Minutes shall:
 - i. Be made available to the band membership upon written request.
 - ii. When given out, they will not include personal, identifying information that may infringe upon a member's right to privacy.
- c) Budgets shall:
 - i. Notwithstanding provisions contained in the Financial Management Act, be posted in public places where they may be readily accessible including at the Band Office and on the Nation website.
- d) Band Council Resolutions shall:
 - i. Be made available to the band membership upon written request and readily accessible including at the Band Office.
 - ii. When given out, they will not include personal, identifying information that may infringe upon a member's right to privacy.
 - iii. When regarding an economic development venture, not include information that may be considered privileged, confidential, or would be detrimental to the competitive operation of the venture.
- e) Expense Reports shall:
 - i. Notwithstanding provisions contained in the Financial Management Act, include all Council members' expenses and disbursements including travel, per diem, and any other financial benefit(s) received from the Beardy's and Okemasis' Cree Nation or other affiliated entity.
 - ii. Accessible including at the Band Office and on the website.
 - iii. When posted, not include personal, protected information such as account or identification numbers.
 - iv. Be administered by the Chief Financial Officer or their designate.

ARTICLE 8: CONTRAVENTION OF COUNCIL POLICY AND APPEALS

8.1 INITIATION

- a) Any member of Council may make recommendation to the Council to initiate appropriate remedial measures if in the execution of their duties, another member of Council is found to be in contravention of the articles in this act (or any other Nation policy or legislation), or whose actions give rise to criminal charges or behavior contravening Oath of Office.
- b) Only a quorum of Council may initiate disciplinary measures against another member of Council.
- c) For the first occurrence, Council may opt to send a letter to the offending member of Council outlining the circumstances and the corrective actions required to be taken by the Council Member.
- d) Continued contravention of the articles contained in this act by members of Council, Council may vote to either:
 - i. Seek legal advice and/or contact the RCMP; or
 - ii. Revoke honoraria and/or travel benefits/entitlements; or
 - iii. Suspend with/without honoraria or benefits.
 - iv. Suspension will be posted in the administration building outlining the section of legislation that is in contravention.
 - v. Refer the matter to the Elders Advisory Council for further remedial action up to and including removal from office.
 - vi. Refer the matter to the Special Members Assembly with recommendation for it to be forwarded to a Tribunal.

8.2 APPEALS

- a) A member of Council may appeal any action relating to their conduct if they:
 - i. Provide written notice of the appeal (either via mail or hand delivered) to the Chair of the Elders Advisory Council or Council of the Nation within 10 business days of receiving the action.
 - ii. If Council receives an appeal they will inform the Elder's Advisory Council and provide them with all sufficient information.
 - iii. The notice must contain sufficient information to enable the Elders' Council to adjudicate the appeal. (Appeals not containing sufficient information may be rejected).

- iv. The Elders Advisory Council shall initiate the Appeals process within three (3) working days of receiving the appeal.
- v. In order to arrive at a decision on the appeal submission, the Elders' Advisory Council shall inform themselves of all matters relating to the appeal. In doing so, the Elders Advisory Council may, at its discretion, entertain personal submissions from anyone involved in the matter.

8.3 DECISION

- a) If the Elders Advisory Council decides that the matter is in breach of the Beardy's and Okemasis' Cree Nation Constitution they can refer the matter to the Members Assembly for direction.
- b) The Elder's Advisory Council can recommend the matter to the Member's Assembly with recommendation for it to be heard by Tribunal.
- c) The Elders Advisory Council shall render its decision in writing to the appellant and to the Council of the Beardy's and Okemasis' Cree Nation within eleven (11) working days of receiving the appeal.
- d) The decision of the Elders Advisory Council is final and shall be binding on the Council of the Beardy's and Okemasis' Cree Nation and the appellant.

This Executive Act has been duly ratified by the Government of the Nation on February 14, 2017, and shall be effective upon ratification vote by the membership.



Chief Richard J.N. Gamble



Councillor Leighanne Gardipy-Bill



Councillor Jeremy Seesequasis



Councillor D. Kevin Seesequasis



Councillor Candace Scott



Councillor Barb Mosquito



Councillor Kurt Seesequasis



Councillor C. Roy Petit

Councillor Ruby Eyahpaise