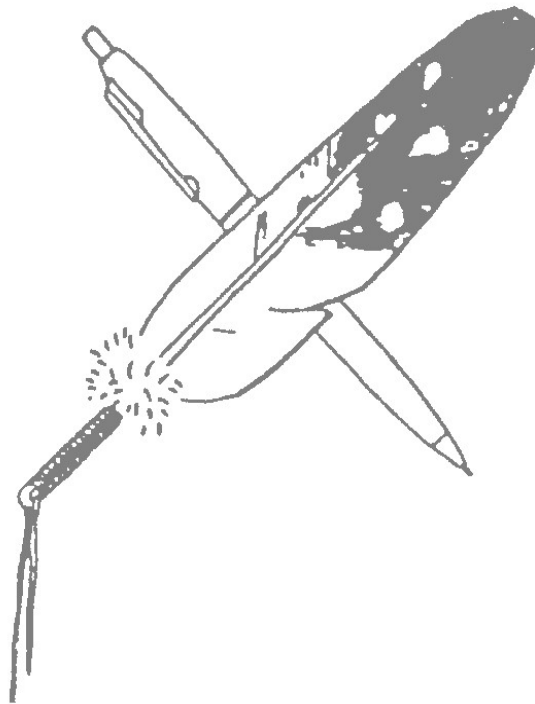


Beardy's & Okemasis' Cree Nation

Executive Act



Status of Legislation

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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 (kâmîscowêsit) and Chief Cutnose (saswêpiw) signed an adhesion to Treaty 6 on August 28, 1876, near Fort Carlton thereby entering Treaty with the Crown, exercising all powers of our Sovereignty and Nationhood.

With the teachings of our Elders in our hearts and minds, we will conduct ourselves in a positive manner. We will main a good path with future 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 the People of the Beardy's and Okemasis' Cree Nation for as long as the sun shines, the grass grows and the rivers flow.

This Act does not in any way abrogate or diminish the Aboriginal 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 Election Act, which is the basis of our government authority, our jurisdiction, our laws, our future laws and our traditions.

This Act is a framework for the implementation of our inherent and Treaty rights which extend to all our people regardless of their residency.

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 pimatisowin.

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 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.

1.5 TITLE

The following Act may be cited as "Beardy's and Okemasis' Cree Nation Executive Act."

1.6 DEFINITIONS

In this Act:

- a) "ACT" refers to the *Beardy 's and Okemasis' Cree Nation Executive Act*;
- b) "ADMINISTRATION" means those individuals hired by Beardy 's and Okemasis' Cree Nation who are responsible for the organization of public resources to achieve Council's directives for the benefit of Beardy 's and Okemasis' Cree Nation;
- c) "BAND MEETING" means either a Member's Assembly or an Informational Band Meeting held in accordance with the *Constitution*;
- d) "BAND MEMBER(S)" means an individual(s) registered as a member of the Beardy's and Okemasis' Cree Nation in accordance with the band list established and maintained according to Indigenous Service Canada until such time that the *Beardy's and Okemasis' Cree Nation Membership Act* is developed and adopted
- e) "BOCN" means Beardy's and Okemasis' Cree Nation
- f) "CHIEF" means an Elector who has been duly elected as Chief pursuant to the *Election Act*;
- g) "CHIEF EXECUTIVE OFFICER" means the Chief Executive Officer of BOCN;
- h) "CONFIDENTIAL INFORMATION" has the meaning ascribed to it in subsection 5.5;

Beardy's and Okemasis' Cree Nation Executive Act

- i) "CONFLICT OF INTEREST" means, with respect to an individual, any financial or personal gain or benefit received by the individual or their Immediate Family due to that individual's official capacity with BOCN;
- j) "CONSTITUTION" means the *Beardy's and Okemasis' Cree Nation Constitution*.
- k) "CONTROLLED DRUG AND SUBSTANCE ACT" means the *Controlled Drugs and Substances Act*, SC 1996, c 19;
- l) "COUNCIL" means the Chief and Councillors;
- m) "COUNCIL MEETINGS" means a duly convened meeting of Council;
- n) "COUNCILLOR(S)" means an Elector who has been duly elected as a Councillor pursuant to the Act;
- o) "CRIMINAL CODE" means the Criminal Code, RSC, 1985, c. C-46 and the Controlled Drugs and Substances Act, SC 1996, c 19;
- p) "CRIMINAL RECORD CHECK" means a criminal record check including a vulnerable sector check, for a particular person, from the police service having jurisdiction over the primary place of residence of said person dated not more than ninety (90) days prior to the nomination day;
- q) "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.
- r) "DISPUTES" means a disagreement, argument whereby outside intervention to seek resolution may be requested and/or required.
- s) "ELECTION ACT" means the *Beardy's and Okemasis' Cree Nation Election Act*;
- t) "ELECTOR" means a BOCN Band Member who has attained the age of eighteen (18) years
- u) "FIDUCIARY" means a person who holds a legal and/or ethical relationship of trust with one or more other parties.
- v) "IMMEDIATE FAMILY" means, with respect to an individual:
 - a. step, biological or adoptive
 - i. parents, children, grandparents, grandchildren, or siblings; or
 - b. spouse or common-law spouse; or
 - c. legal guardians or caregiver;
- w) "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*.

- x) "MEMBERS ASSEMBLY" means a meeting of Membership called for specific purposes as outlined in the *Beardy's and Okemasis' Cree Nation Constitution*.
- y) "RESERVE" means all those lands set aside for BOCN now and in the future pursuant to the *Indian Act*, RSC 1985 c I-5;
- z) "RESOLUTION" means a written resolution that has been approved by a majority of Council at a duly convened meeting of the Council;

1.7 APPLICATION

The provisions contained in this Act shall be applied consistently and equitably to all Council Members

1.8 COMING INTO EFFECT

This Act shall come into effect on the day it is ratified in accordance with Part 1.9 Amendments.

1.9 AMENDMENTS

This act may be amended in accordance with the amending provisions contained in the *Beardy 's and Okemasis' Cree Nation Constitution*.

Please refer to Appendix A – Amendment Procedures

1.10 INTERPRETATION

- a) Words importing the singular number shall include the plural number and vice versa, and words importing any gender shall include all genders and the neuter.
- b) Any reference to a statute shall include the statute and any regulations made pursuant thereto, all amendments to the statute or any such regulations in force from time to time and any statute or regulation which supplements or supersedes the statute or any such regulations.
- c) In the event of a dispute or disagreement arising from the interpretation or the application of any provisions stipulated in this Act, the issue may be referred to the BOCN Elder's Advisory Council for adjudication.

1.11 PUBLICATION

This Act shall be made available on the BOCN website and to all Band Members at the Band Office upon request.

ARTICLE 2: DUTIES AND RESPONSIBILITIES

2.1 DUTIES AND RESPONSIBILITIES OF COUNCIL

- a) Council, and individually the Council Members, stand in a fiduciary relationship with BOCN and the Band Members. This means Council Members are, by virtue of their office, in a position of trust and are

Beardy's and Okemasis' Cree Nation Executive Act

required to always fulfill their duties honestly, faithfully and in the best interests of BOCN and the Band Members. This standard of conduct applies to Council Members in respect of all of their official duties.

- b) Once elected to office, Council Members assume the duties of their office, which include the duties defined in this Article 2.
- c) Council is responsible for:
 - 1. Providing unified leadership to BOCN;
 - 2. The protection and implementation of inherent Indigenous and Treaty rights.
 - 3. The preservation and recognition of cultural protocols and practices of the Nehiyawak.
 - 4. Acknowledgement of and appreciation for differing perspectives.
 - 5. Respect for the separate roles and responsibilities of Council and the Administration.
 - 6. Fostering sustainable growth and good governance for BOCN.
- d) Council has a duty to:
 - 1. Being aware of and acting in accordance to all applicable laws;
 - 2. Taking reasonable care when making decisions;
 - 3. Ensuring transparency without violating privacy laws or breaching confidentiality;
 - 4. Honouring the Oath of Office;
 - 5. Working to obtain broad consensus by Electors when supporting the creation of legislation;
 - 6. Enforcing legislation in a fair and consistent manner;
 - 7. Acting in a manner that protects the integrity of BOCN; and
 - 8. Maintaining good communications with all Band Members.
 - 9. Act in a manner that protects the integrity of BOCN.

2.2 AUTHORITY OF COUNCIL

- a) General:
 - 1. Develop and approve laws, bylaws, regulations, rules, codes, directives, guidelines, or other authorizations, standards, declarations, notices, requirements, and directions in accordance with the *Beardy's & Okemasis' Cree Nation Constitution*.
 - 2. Authorize the expenditure of Nation program funds on behalf of, and in the best interest of BOCN.
 - 3. Call and conduct Council Meetings, Informational Band Meetings, and Members' Assemblies.
 - 4. Call and hold referenda on matters of significant importance to BOCN.
 - 5. Ensure that political direction is translated into administrative action.

6. Approve new BOCN initiatives and enter into agreements with third-parties
7. Enter into Nation-to-Nation relationships with other governments.
8. Establish Committees/Advisory Councils, as required.
9. Refer disputes to the Elder's Advisory Council for resolution
10. Ensure that Human Resource practices are carried out in accordance with the *Personnel Management Act* of BOCN

b) Strategic Planning:

1. Establish and review BOCN's Vision, Mission, long and short-term goals, and objectives.
2. Regularly reviewing, approving, and where necessary, revising BOCN's strategic plan, community development plan, and defining and updating specific long-term goals and objectives for BOCN programs and departments in consultation with program directors, committees and boards; and
3. Assigning portfolios to specific Councillors, as required.

c) Finance Oversight:

1. Approve BOCN's Operational Plan and budgets for all programs and services.
2. Negotiate funding arrangements with Indigenous Services Canada (ISC) as well as other funding sources to facilitate the effective operations of BOCN Programs and services.
3. Be fully accountable to BOCN membership and to funding agents.
4. Appoint an independent auditor on an annual basis to audit the finances of BOCN.

2.3 DUTIES AND RESPONSIBILITIES OF ALL COUNCIL MEMBERS

1. All Council Members have individual duties related to the governance and administration of BOCN in accordance with applicable laws, and corresponding duties to Band Members in respect of those governance and administration duties, including:
 - a. being a positive role model to BOCN;
 - b. participating in regular and special Council meetings, as and when such meetings may be scheduled or otherwise required;
 - c. participating in votes and other decision-making activities of Council where not prohibited by this Act;
 - d. participating in boards and committees established by Council from time to time;
 - e. participating in the development of laws and policies for BOCN, and enforcing those laws and policies;
 - f. complying with all applicable laws, including this Act;

- g. participating in the development of governance plans, operational plans, economic development plans and business plans;
 - h. providing high-level direction and advice to the Administration, and to other Council Members in respect of their operational duties;
 - i. performing administrative tasks associated with the office of Council Member;
 - j. consulting with Band Members and expert advisors to support decision-making that is in the best interests of BOCN; and
 - k. performing all other activities or tasks incidental to any of the above duties, or incidental to any such further political duties reasonably associated with the office of Council Member.
- 2. All Council Members have duties that relate to day-to-day operations of BOCN, including:
 - a. at the direction of Council;
 - b. planning management activities related to the Council Member's portfolio with the applicable director to ensure the efficient direction of the Administration toward meeting the objectives of such portfolio;
 - c. working with and providing direction to the Administration, as may be necessary and appropriate for meeting the objectives of the Council Members' portfolio;
 - d. performing administrative tasks associated with the portfolio of the Council Member; and
 - e. performing all other activities or tasks incidental to any of the above duties, or incidental to any such further operational duties reasonably associated with the portfolio of the Council Member.
 - f. committing such hours as and when required to perform operational duties in accordance with the standards set out in this Act; and
 - g. to the extent practicable, performing operational duties at BOCN's offices.

2.4 DUTIES AND RESPONSIBILITIES OF THE CHIEF

1. The Chief is the elected leader of BOCN and is generally responsible for providing overall leadership to the Council and ensuring the integrity of Council's internal processes. In addition to those duties outlined in section 2.3, the Chief is required to:
 - a. act as the chairperson at duly convened meetings of Council;
 - b. maintain order at meetings of Council and decide on all matters of procedure;
 - c. act as the BOCN's official spokesperson or representative at ceremonial functions;
 - d. ensure the Council conducts itself in a manner that is consistent with its own policies, customs, protocols, traditional values, and legislation; and
 - e. promote Council cooperation to address BOCN's short-term and long-term goals, Vision, and Mission.

2.5 PORTFOLIOS –

1. Council may establish portfolios and delegate specific responsibilities in a specified area to a specific Council Member.
2. Council Members are responsible for advising Council in relation to their portfolio and may direct those administering the portfolio only at the express direction of Council.

3. In addition to the assignment of portfolios, Council Members may be assigned to serve as a BOCN representative to external committees, associations, societies, or BOCN owned entities or boards.
4. Other areas of responsibility and portfolios may be delegated to Council Members on an as-needed basis from time to time.
5. Council Members may be appointed to portfolios such as, but not limited to: Elders, Disabled, Women, Men, Veterans, Youth, LGBTQIA2S+, Culture and Language Preservation, Urban Membership, Lands, Economic Development, Health & Wellness, Justice, Education, Sports, Culture, Youth & Recreation, Public Works & Housing, Social Development, Jordan's Principle, Prevention, QBOW, Employment and Training, Emergency Management, Community Development, Pemiska (Tourism), Finance, Governance, Committees, Associations, Societies, Business's owned by Nation, Boards outside BOCN, etc.
6. 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 HOURS AND EXPECTATIONS

1. Due to the nature of work for elected officials, hours may include regular daily hours, evenings, and weekends.
2. Council Members shall attend at all places as may be required to perform their duties. If a Council Member is not able to attend:
 - a. a duly convened Council meeting;
 - b. Informational Band Meetings and Special Assembly Meetings;
 - c. a board or committee meeting;
 - d. a meeting with a governmental authority, political organization or other third party;
 - e. a scheduled consultation with Band Members; or
 - f. for any portion of time committed to the performance of duties in accordance with section 2.3 and section 2.4, as applicable;then that Council Member must, as soon as possible, notify the Council and any other affected individual of the absence. In addition, the Council Member must promptly provide Council with the reasons for the absence.
3. At the next duly convened Council meeting following Council's receipt of a notice described in subsection 2; Council shall consider the reasons given for the absence and:
 - a. if Council is satisfied excusing the absence is permissible under this Act, then Council shall excuse the absence; or
 - b. if Council is not satisfied excusing the absence is permissible under this Act, then Council shall not excuse the absence.
- 4.
5. Council's decision to excuse or not excuse an absence of a Council Member shall be noted in the minutes of the Council meeting at which the decision was made.

3.2 REMUNERATION

1. Members of Council shall be paid an annual remuneration in an amount approved by the Chief Financial Officer and Chief Executive Officer, following the general Election.
2. All council members will be at the same level whether, new, or re-elected, the scale remains the same. The only increment will be an annual increment of 3% per term.

Chief

Year 1:	Year 2:	Year 3:
\$95,000	\$97,850.00	\$100,785.50

Councillor

Year 1:	Year 2:	Year 3:
\$70,000	\$72,100.00	\$74,263.00

3. If, in any given year, a Council Member does not serve a full year in office, that Council Member is entitled to receive remuneration only for the portion of the year during which they held office. For greater certainty, where a Council Member resigns or is removed from office, they are not entitled to any remuneration or Council-related benefits for any period following the date they cease to hold office.
4. In the event Council are not in agreement, the matter will be brought to the Elder's Advisory Council for resolution.

3.3 BENEFITS

- a) Members of Council shall be entitled to receive an established monthly benefit for travel and cell phone allowance by BOCN Chief Financial Officer and Chief Executive Officer.
 1. Monthly travel benefits include all travel within a 100-kilometre catchment area from the BOCN Band Office.
- 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.
- c) 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;
- b) The orientation to political leadership or the Beardy's and Okemasis' Cree Nation will include, but is not limited to:

1. An introduction to the Vision, Mission, and Values of BOCN.
2. Strategic Planning and Goal-Setting session.
3. Succession plan from previous Council.
4. Training:
 - i. Communications
 - ii. Treaty and Inherent Rights
 - iii. Introduction to Finance
5. In-depth meeting with Program Directors on:
 - i. Programs and services of BOCN
 - ii. Current Service and Economic Agreements
 - iii. Current Funding Agreements
6. Briefing on Council roles and responsibilities including organizational structure and the assignment of portfolios.
7. An update on current legal matters.
8. A meeting with the Indigenous Services Canada (ISC) Funding Services Officer and any other applicable departmental representative.
9. An overview of the *BOCN Constitution*, *BOCN Human Resource Policy*, the *Executive Act*, and any other applicable legislation of BOCN.
10. Overview of the *Canada Labour Code*, *Indian Act*, the *Canadian Human Rights Act*, and any other applicable federal government legislation.
11. Oath of office and swearing in ceremony.

4.2 CODE OF CONDUCT

- a) As an elected official with BOCN, members of Council shall:
 1. Uphold their obligations to our ancestors, the people, and the future generations of the BOCN.
 2. Serve the welfare and interests of BOCN as a whole, with a view to securing the mental, physical and spiritual well-being of current and future Band Members and shall perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;
 3. Provide professional, ethical, and responsible leadership to advance the Vision, Mission, and best interests of the BOCN;
 4. Execute the duties and responsibilities entrusted to them diligently and to the best of their ability;

5. Uphold and abide by the legislation and policies of the BOCN.
6. Advocate for the strengthening of the Nehiyawak Pimatisowin.
7. Work to protect the waters, resources, and environment for the future sustainability of the people of BOCN.
8. Encourage the improvement of health and well-being to members of the BOCN.
9. Support economic development and capacity building opportunities for members of BOCN.
10. Bring honour and credit to BOCN in all circumstances where they are called upon to represent the Nation in public matters.
11. Respect the enduring intent of community plans, policies, and legislation ratified and enacted by previous leadership and members of BOCN.
12. Due to the nature of work for elected officials, hours may include regular daily hours, evenings, and weekends.
13. Council Members are expected to conduct themselves in a way that reflects positively on BOCN and Council, whether on or off duty.
14. Council Members shall not post images or information on social media that:
 - i. is Confidential Information; or
 - ii. unreasonably disparages, defames, embarrasses, harasses or otherwise compromises the reputation of any person or other entity including:
 - iii. BOCN;
 - iv. a Band Member;
 - v. Council;
 - vi. a Council Member;
 - vii. the Administration;
 - viii. a BOCN owned entity; or
 - ix. any employee, contractor, supplier, client or partner of any of the foregoing.
15. Council Members shall not use BOCN-provided Internet or electronic devices:
 - i. for, or in furtherance of, illegal or criminal purposes; or
 - ii. to do any other thing that may be reasonably viewed as indecent, abusive or otherwise inconsistent with this Act.
16. Council Members have no expectation of privacy in their use of BOCN-provided Internet or electronic devices, including all BOCN-provided computers, mobile phones and tablets. These services and devices may be subject to regular monitoring for purposes of ensuring compliance with this Act.
17. Seek to understand the intention of previous Councils prior to amending community plans, policies, or legislation enacted by such previous Councils;

18. Members of Council will be expected to fulfill their duties in a consistent manner. Failure to attend three consecutive duly convened council meetings will be dealt with in accordance with Article 8.

4.3 WORKPLACE WELLNESS

- a) Adhering to the Mission of BOCN 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 BOCN 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.

4.4 DRUG TESTING

- a) The Council may from time-to-time be subject to random drug testing by an independent agency
- b) The cost of the drug test will be covered by BOCN.
- c) 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 Elder's Advisory Council.
- d) A plan may include an unpaid leave of absence for the Member of Council while they are seeking treatment.
- e) If a problem persists the matter will be referred to Article 8 of this Act.

4.5 COMMUNICATION & REPORTING

- a) Members of Council shall:
 - 1. Make every effort to communicate openly and honestly with members of BOCN on major issues or initiatives and utilize any and all available methods.
 - 2. Provide regular oral or written reports to members of BOCN on the state of their portfolio(s).

ARTICLE 5: COUNCIL MEETINGS

5.1 MEETINGS OF COUNCIL

- a) General meetings of Council shall:

1. Be conducted in accordance with established Council meeting procedures.
2. Be conducted at a minimum of twice per month on established dates.
3. Be open to the public, with the exceptions of
 - i. In-Camera, discussions of Confidential Information,
 - ii. Issues that involve Human Resources,
 - iii. Issues that involve the health and safety of Children.
4. 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 from three (3) consecutive duly convened Council meetings may be referred to the Elders' Advisory Council for appropriate disciplinary measures as detailed in Article 8.
- c) Special/emergency council meetings can be called by providing twenty-Four (24) hour notice. These meetings will not affect absenteeism outlined in Article 5.2 (b) Notice may be provided via email, text message or in-person.

5.3 DECISIONS OF COUNCIL

- a) All decisions of Council shall be made by a motion or Resolution passed by a majority vote at a duly convened meeting of Council.
- b) Council shall make all decisions and take all actions collectively and cooperatively with Council as a whole, provided that Council may, in a manner that is not inconsistent with any law, delegate all or any of their duties or functions to an individual Council Member, and further provided that:
 1. the terms of such delegation shall be recorded in a Resolution; and
 2. such delegation shall not relieve Council as a whole from ensuring that such duty or function is carried out and discharged properly.
- c) Council Members shall only use the authority and powers associated with their office to perform their official duties and, unless authorized in accordance with subsection 5.3(a), shall not have any individual authority to make any decision on behalf of Council or BOCN, or to bind Council or BOCN to any agreement, document, instrument, certificate or course of action.

CONFIDENTIAL INFORMATION

5.4 WHAT IS CONFIDENTIAL INFORMATION

- a) Notwithstanding that Council shall endeavor to maintain transparency, certain information that belongs to BOCN shall be kept confidential in accordance with this Act.
 1. In this Act, "Confidential Information" means:

2. all information, in any form, that belongs to or is in the possession of BOCN or any BOCN owned entity and that a reasonable person would recognize as being confidential or sensitive in nature;
3. Confidential Information does not include:
 - i. information that Council has decided to make public;
 - ii. information that is made public without violating this Act; or
 - iii. information that is otherwise lawfully made public.

5.5 PROTECTION OF CONFIDENTIAL INFORMATION

- a) Council Members will learn or come to possess Confidential Information while serving in the role of a Council Member. All such Confidential Information is and shall remain the property of BOCN and shall be kept in the strictest of confidence. Any unauthorized disclosure of Confidential Information could result in irreparable harm to BOCN and may represent a breach of the Council Member's fiduciary duty.
- b) Council may decide to move in-camera and restrict public access to a Council meeting if Confidential Information forms part of the subject matter of the Council meeting. For greater certainty, Council may decide to invite advisors, experts or other members of the public to participate in any meeting, regardless of whether the meeting is open to the general public.
- c) No Council Member may use or disclose any Confidential Information unless that use or disclosure is expressly permitted by this Act and in the event a Council Member is required to disclose Confidential Information, they shall ensure such disclosure is in accordance with this Act and as is necessary to carry out their duties, or as required by law.

5.6 RETURN OR DESTRUCTION OF CONFIDENTIAL INFORMATION

- a) When a Council Member ceases to hold office, the former Council Member must:
 1. seek and follow direction from Council for the return or secure destruction of Confidential Information that may then be in the former Council Member's possession; and
 2. not use or disclose any Confidential Information that was learned by the former Council Member during their term in office, or that may remain in their possession thereafter.

5.7 DISCLOSURE OF CONFIDENTIAL INFORMATION

- a) Council Members may, at an in-camera session at a duly convened Council meeting, question Council about whether specific information that is then treated as Confidential Information should remain confidential. In such case, Council shall consider whether it is lawful and in the best interests of BOCN to disclose the subject information to the public and may consult advisors or experts on the proposed disclosure as may be necessary or appropriate. Council shall, as soon as possible, vote on the proposed disclosure of Confidential Information, and:
 1. if Council decides the specific information should be disclosed to the public, that information shall be disclosed and is no longer Confidential Information; or
 2. if Council decides the specific information should not be disclosed to the public, that information shall remain Confidential Information.

ARTICLE 6: CONFLICT OF INTEREST

6.1 PHILOSOPHY

- a) Council Members must avoid circumstances where their conduct may result in a Conflict of Interest.
- b) Council Members shall arrange their private affairs and conduct themselves in a matter to avoid Conflicts of Interest.
- c) Council Members are expected to adhere to the highest standards of personal and professional integrity and shall protect the interests of BOCN and the Band Members.
- d) Council Members recognize the importance of protecting BOCN while preserving the rights of employees, Council, committee members, and Band Members to participate as private citizens in the life and livelihood of BOCN. We recognize and value the close personal and family relationships in BOCN.

6.2 WHEN CONFLICT OF INTEREST ARISES

- a) For the purposes of this act, a "Conflict of Interest" will arise when:
 - 1. A member of Council exercises or perceives to exercise an official power performs in the execution of their office, and at the same time knows (or ought to know) there is an opportunity to receive a benefit for themselves or an immediate family member.
 - 2. A Council member's personal interest supersedes or competes with their dedication to the best interests of the BOCN.

6.3 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, or the matter maybe referred to the Elders' Advisory Council

6.4 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) When a member of Council is provided directly or indirectly a fee or gift, that fee or gift becomes the property of BOCN, unless the offering is a result of cultural protocol
- c) When a member of Council is gifted an offering as a result of cultural protocol.

6.5 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:
1. Disclose the general nature of the conflict of interest.
 2. Immediately remove themselves from the meeting or the part of the meeting during which the matter is under consideration.
 3. Not sign a Band Council Resolution, motion, or letter with respect to the matter.
 4. 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.

6.6 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 BOCN Values of respect for family, fairness and good governance, accountability, and professionalism in any decision.

ARTICLE 7: TRANSPARENCY AND ACCOUNTABILITY

7.1 GUIDING PRINCIPLES

- a) Members of BOCN expect open, accessible leadership, and good government.
- b) Council Members are accountable to BOCN 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 and Informational Band Meetings shall:
 1. be called by a quorum of Council;
 2. be conducted a minimum of once per year;
 3. be open and accessible to all Band Members;
 4. when possible, be conducted at a time that is convenient for Band Members including evenings and weekends; and
 5. if possible, be live broadcast over the internet to ensure greatest accessibility and reach.
- b) Council shall provide notice of Band Meetings in accordance with the Constitution.
- c) Council will ensure that there are opportunities for membership to provide feedback to leadership in addition to Band Meetings.

- d) Members of Council shall:
 - 1. make every effort to communicate openly and honestly with Band Members on major issues or initiatives; and
 - 2. provide regular verbal or written reports to Band Members on the state of their portfolios.

7.3 TRANSPARENCY PROVISIONS

- a) Council shall provide an annual report to the Band Members at an annual Informational Band Meeting which shall contain:
 - 1. audited Financial Statements;
 - 2. remuneration schedule of Council;
 - 3. portfolio reports with performance metrics included; and
 - 4. any additional information the Council deems appropriate.
- b) The information referred to in paragraph a)2 shall include all Council Members' remuneration including expenses and disbursements for travel, per diem, and any other financial benefit received from BOCN and any BOCN owned entity.
- c) All information provided at an Informational Band Meeting in accordance with subsection a) shall be available for Band Members to view at the Band Office upon request and be posted on the BOCN's website.
- d) All Council Meeting Minutes and Band Council Resolutions shall:
 - 1. be available for Band Members to view at the Band Office upon request; and
 - 2. when provided in accordance with paragraph a)1, have all Confidential Information redacted.

ARTICLE 8: COUNCIL DISCIPLINE AND APPEALS

8.1 APPLICABLE CONDUCT

- a) Council may initiate appropriate disciplinary measures if a Council Member:
 - 1. has been absent from three (3) consecutive duly convened Council meetings without such absence being authorized by a quorum of the Council;
 - 2. conducted, engaged in or contributed to, directly or indirectly, Improper Conduct that materially affected the outcome of an Election, the evidence of which was discovered after the appeal period;
 - 3. materially fails to perform any of their duties under this Act;
 - 4. materially violated or contravenes this Act or any other BOCN law; or
 - 5. is charged or convicted with an offence under the Criminal Code,
 - 6. provided such disciplinary measure is reasonable and proportionate to the conduct of the applicable Council Member.
- b) The requirement with respect to debt set out in subsection 4.11(f) of the Election Act shall not be considered applicable conduct pursuant to paragraph **Error! Reference source not found..**

8.2 DISCIPLINARY MEASURES

- a) Disciplinary measures may include:

1. imposing appropriate corrective actions to be completed by the applicable Council Member;
2. withholding any portion of the offending Council Member's remuneration, provided such withholding is reasonable and proportionate to the failure, and in such case the amount of remuneration so withheld is deemed forfeited by the offending Council Member;
3. suspension of the Council Member, either with or without remuneration, for a period not exceeding three (3) months; or
4. removal of the Council Member.

8.3 DISCIPLINARY PROCESS

- a) Council, prior to deciding on any disciplinary measures, shall:
 1. give written notice to the applicable Council Member including:
 - i. a description of the applicable conduct referred to in section 0;
 - ii. an indication that the Council Member's continued conduct will result in disciplinary measures;
 - iii. a description of the specific disciplinary measures proposed; and
 - iv. except for conduct under paragraph 1.5, an indication that the applicable Council Member has thirty (30) days, or such other period as may be reasonable in the circumstances (the "**Cure Period**"), to correct the applicable conduct;
 2. invite the applicable Council Member to address the Council about the applicable conduct;
 3. provide reasonable assistance to the offending Council Member if that Council Member requests it; and
 4. if the applicable Council Member has not corrected the conduct within the Cure Period, if applicable, notify the applicable Council Member in writing that Council will commence the applicable disciplinary measure.
- b) If a Cure Period is applicable and such Cure Period has expired and Council:
 1. is satisfied that the applicable Council Member has corrected their conduct, then Council shall notify the applicable Council Member of the same, and no disciplinary action shall be taken in respect of that conduct; or
 2. has determined the applicable Council Member has not corrected their conduct, then Council shall proceed with the appropriate disciplinary action.
- c) If a Councillor is charged or convicted with an offence under the Criminal Code, Council shall, following the procedure outlined in subsection a) and following a meeting held pursuant to paragraph a)2, proceed with the disciplinary action that Council deems appropriate. Council shall notify the Council Member in writing that Council will commence the applicable disciplinary measure.

8.4 APPEALS

- a) A Council Member may appeal any disciplinary measure imposed in accordance with section 0 by providing a notice of appeal to the chair of the Elders' Advisory Council within fourteen (14) days of receiving the notification pursuant to paragraph a)4 or subsection c).
- b) A notice of appeal must contain the information required pursuant to the *Elders' Advisory Council Act*, once the *Elders' Advisory Council Act* is passed into Law.

- c) The Council Member shall follow the process provided for appeals in the *Elders' Advisory Council Act*, once the *Elders' Advisory Council Act* is passed into Law.

8.5 DECISION

- a) The Elders' Advisory Council shall render its decision in writing to the appellant and to the Council within the timeframe set out in the *Elders' Advisory Council Act*, once the *Elders' Advisory Council Act* is passed into Law.
- b) A decision of the Elders' Advisory Council is final and binding and shall not be subject to appeal.

APPENDIX A – AMENDMENTS AND REPEALS

Amendments as outlined in the *Beardy's and Okemasis' Cree Nation Constitution* Article 11

11.1 AMENDING THIS CONSTITUTION

This Constitution may be reviewed and amended from time to time by the Members' Assembly of the Beardy's and Okemasis' Cree Nation as set out in Article 7: Law Making Process.

11.2 ERRORS AND MISTAKES

This Constitution may be amended or modified from time to time without the approval of the members to:

- a) Correct any typographical or clerical errors or mistakes; or
- b) Correct any manifest errors or mistakes

11.3 AMBIGUITIES, ADMINISTRATIVE OR PROCEDURAL AMENDMENTS AND CHANGES IN LAW

This Constitution may be amended or modified from time to time without the approval of the members to:

- a) Address any ambiguity arising from defective or inconsistent provisions
- b) Make amendment of an administrative or procedural nature; or
- c) Address any changes in the law that may have an adverse impact on the Nation's Acts, Laws and Policies or the rights, obligations and interests of the Beardy's and Okemasis' Cree Nation.

11.4 PUBLICATION AND ACCESS

Notice will be given for all amendments made under Article 11.2 and 11.3 at the annual Member's Assembly. Notices will be posted online and made available to the Membership.

APPENDIX B – OATH OF OFFICE

Oath of Office

I, _____ do solemnly swear and affirm that I will support and defend the laws, values and policies of the Beardy's and Okemasis' Cree Nation; that I will bear true faith and allegiance to the same; and that:

1. I will faithfully, honestly and consistently perform the duties of my office to the best of my judgment and ability, remembering that my primary duty is to serve the Beardy's and Okemasis' Cree Nation;
2. I will honour and respect the spiritual and cultural traditions of our Cree Nation;
3. I shall abstain from alcohol and psychoactive drugs and substances during my elected term unless disclosed and prescribed during emergency situations. Shall I be under the influence, I will not make decisions on behalf of the Nation;
4. I will promote and uphold the integrity and dignity of the Beardy's and Okemasis' Cree Nation and its programs and employees;
5. I will not allow any private interest to influence my conduct in public matters of the Beardy's and Okemasis' Cree Nation. I will promptly disclose any "conflict of interest", direct or indirect financial interest I have in a matter; and I will not participate in the discussion of the matter and will not vote in respect of the matter;
6. I will honor, respect and support the Elders of the Beardy's and Okemasis' Cree Nation;
7. I will show respect for the authority of the government (Chief and Council) and other governance structures of the Nation;
8. I will discharge my duties and responsibilities in a manner becoming my position;
9. I will be prompt, courteous and temperate in the performance of my duties;
10. I will maintain respect for my colleagues, the managers and employees of the Nation;
11. I will demonstrate and practice honesty, fairness, respect, justice and objectivity in my involvement in the governance affairs of the Nation;
12. I will continually work toward self-improvement and professional development.
13. I will not publicly criticize the laws or policies of the Cree Nation. If I feel that changes would be advisable, I will provide constructive criticism or suggestion through the proper channels of law making or amending processes of the First Nation;
14. I will use information obtained on the job for the intended purpose only. I will give out official, classified or confidential information only when the release of such information has been authorized by the First Nation;
15. I will be accountable to the Beardy's and Okemasis' Cree Nation membership including reporting to the electorate on a regular basis;
16. I am qualified to hold the position of in accordance with the provisions for candidate eligibility under the Beardy's and Okemasis' Cree Nation Election Act;
17. I have not, by myself or any other person, knowingly contravened the Election Act in relation to my election to office; and

I do further affirm that I take this Oath of Office freely, without any mental reservation or purpose of evasion. By the Grace of our Creator I do swear!

Name of Elected Official

Witness/ Elder

Date

Date