

1. Citizenship

- 1.1 For the purpose of selecting the Chief and Council of the West Moberly First Nations the assent of the band membership in general, a citizen shall be any member of the band who has achieved the full age of nineteen years;

2. Voting

- 2.1 All Band members on the most current band list will have voting privileges irrespective of residency;
- 2.2 Off-reserve band members will be given adequate notice and may vote by written proxy that specifies the issues for which the proxy is given;
- 2.3 The services of local notaries will be secured to enable off-reserve members to participate in elections.

3. Membership Code

- 3.1 Until such time as the West Moberly First Nations adopts its own membership code, a member of the Band shall continue to be defined by the Indian Act.¹

4. Family Councilors

- 4.1 West Moberly First Nations Council will be comprised of four councilors:
 - Brown
 - Desjarlais
 - Dokkie
 - Miller

¹The committee recommends a review of the existing membership policy and the development of a paper identifying options for presentation at a community general meeting.

4.2 Family Representation on Council

- 4.2.1 It is expected that the individuals appointed for the position of the councilor will be of high moral and ethical conduct. As the intermediary to the family in the nation's government, the Councilor is the public image of the family and therefore should reflect the highest standard of personal and professional deportment;
- 4.2.2 Individuals who have overcome personal obstacles and wish to serve in an official capacity should not be penalized for their past. Individuals wishing to serve in an official capacity must present council with documented support from the constituency they wish to serve prior to seeking the position.
- 4.2.3 Councilors must represent a family of a reasonable number. The position may be subject to challenge and review from the membership;
- 4.2.4 A family may request family representation on Council by presenting a written petition signed by the majority of family members of the voting age to the community. Each petition and the circumstances under which each of the requests occur will, be considered individually;
- 4.2.5 Petitions will be presented at a band general meeting for acceptance or rejection by the majority of the community members that are of a voting age;
- 4.2.5 Each family will be represented on the Council by a family representative excluding the Chief's position;
- 4.2.5 Each family is entitled to one vote in council matters;
- 4.2.6 It will be incumbent of the families that are small in number to affiliate themselves with a family represented on Council to ensure that their interests are represented.

4.3 Responsibilities of Family Councilors

Each Councilor is expected to:

- 4.3.1 Represent the interests and concerns of family on the council without compromise to communal interests;
- 4.3.2 Inform family members of all matters relating to community affairs and council deliberations;
- 4.3.3 Perform tasks required to ensure community objectives are fulfilled;
- 4.3.4 Represent the interests of the community in communications with external agencies;
- 4.3.5 Make decisions and take actions which promote and ensure the common good of the community first and foremost;
- 4.3.6 Ensure the elders of his/her family have the means to obtain adequate accommodation, sustenance, medical attention, and access to benefits and entitlements with respect to the same;
- 4.3.7 Once selected, individuals holding the position of councilor must reside within a reasonable distance from the community to enable the councilor to fulfill his/her duties.

4.4 Alternate Family Representative on Council

- 4.4.1 Each family is entitled to designate an alternate who is also a band member on the most current band list, to participate in band affairs on behalf of the family councilor.
- 4.4.2 Each family is entitled to designate individuals other than the family representative or alternate to deal with non-governmental matters of the community (ie. housing committees).
- 4.4.3 Alternate Family Representatives and designates must provide documented evidence of that the majority of voting members in the represented family have endorsed their position;

4.5 Non-members can not represent the West Moberly First Nations in any official capacity.

4.6 Removal of Family Councilor

A family Councilor can be removed from his/her position by:

- 4.6.1 Independent resignation of the position;
- 4.6.2 By petition of the majority of family members of voting age;

If it is shown that the Councilor has engaged in dishonest or criminal practices, a family councilor may be removed from his/her position by:

- 4.6.3 Petition of the majority of voting members on the most current band list;
- 4.6.4 Petition by the majority of the Elders and Council jointly;
- 4.6.5 Upon sufficient proof of such practices, the individual will thereafter not be permitted to represent the community in any official capacity. [c]

5. Chief of West Moberly First Nation

5.1 Selection of the Chief

- 5.1.1 It is expected that individuals appointed to the position of Chief will be of a high moral and ethical conduct. As the Ambassador for the community, the Chief is the public image of the community and therefore should reflect the highest standards of personal and professional deportment.
- 5.1.2 Individuals who have overcome personal obstacles and wish to serve in an official capacity should not be penalized for their past. Individuals wishing to serve in an official capacity must present council with documented support from the constituency they wish to serve prior to seeking the position.
- 5.1.2 Once selected, community members holding the position of Chief must reside in the community for the duration of his/her tenure or;
- 5.1.3 The Chief must reside within a reasonable distance to enable him/her to fulfill the duties of the position.

5.2 Nomination of Chief

- 5.2.1 The position of Chief will be open to all members of the West Moberly First Nations on the most current band membership list;
- 5.2.2 No more than one person from each family, chosen by his or her respective family, may be nominated for the position;
- 5.2.3 Individuals nominated for the position of the Chief will be required to outline their positions regarding band related issues in writing and /or at a nominees forum;
- 5.2.4 From the nominees, the Chief will be selected by majority vote held by secret ballot at an annual general assembly.

5.3 Chief's Term of Office

- 5.3.1 The elected Chief will serve for a term of three years. Upon completion of the term, a new elections will be held for the position at an annual general assembly;
- 5.3.2 If there is a concern regarding the Chief's professional conduct or there is a reason to believe he/she is not fulfilling his/her duties of office, the position may be subject to annual review by community members at an annual general assembly.

5.4 Responsibilities of the Chief

The Chief is entrusted to;

- 5.4.1 Represent, promote and work toward the social, economic and physical advancement of the community and its membership in a principled manner without bias;
- 5.4.2 Perform the primary role of ambassador and spokesperson for the community in all issues with external agencies;
- 5.4.3 Be accessible and communicate regularly with his/her constituents;
- 5.4.4 Communications and decisions made regarding the advancement of common interests must be presented to council at the next duly convened meeting of Council;
- 5.4.5 The Chief must have full documented evidence of consultation and assent with the majority of council before representing community interests regarding rights and resources;
- 5.4.6 Prior to entering into any agreement or negotiations regarding West Moberly First Nations rights or resources; the Chief must present all pertinent information to the band membership for comment and direction at a duly convened band general meeting;
- 5.4.7 The Chief will not possess voting privileges on council;
- 5.4.8 In the event that council is tied on a decision or can not reach consensus, the ruling of the majority of the Elder Council shall stand.

5.5 Removal of Chief

The Chief may be removed from his/her position if:

- 5.5.1 He/she continually fails to perform the duties of office in a responsible manner and in accordance with the will of the citizens of the band or;
- 5.5.2 It is shown that the Chief does not perform the duties of office with professional conduct, or;
- 5.5.3 The Chief is convicted of a criminal offense during his/her term in office, or;
- 5.5.4 It is shown that the Chief has engaged in dishonest or criminal practices.
- 5.5.5 Upon sufficient proof of dishonest or criminal practice, the individual will not be permitted to represent the community in any official capacity.

- 5.5.6 The process by which a Chief may be removed from office is;
 - 5.5.5.1 By petition of the majority of the Elders Council and Council jointly or;
 - 5.5.5.2 By petition of the majority of voting members registered on the most current band list;

6. Annual General Assembly

The Chief and Council will be responsible for holding an annual general assembly at which Council will:

- 6.1 Provide a full financial accounting of the previous fiscal year's funds;
- 6.2 A review of all agreements entered into on the community's behalf;
- 6.3 Obtain from the membership, a mandate and objectives for the coming year;
- 6.4 Provide a full accounting of how the previous year's mandate and objectives were fulfilled.
- 6.5 The Annual General Assembly must be held within ninety days after the end of the fiscal year. Agreed for inclusion in custom with the recommendation that an interpreter be provided annual general assemblies and band general meetings.

7. Chief and Council Responsibilities in Severalty

It is the responsibility of Chief and Council to:

- 7.1 Translate the mandate and direction provided by the membership annually into actions that will fulfill the membership's objectives;
- 7.2 Institute laws that provide for the social, economic, and physical, well being of the community;
- 7.3 Apprise the membership of proposed laws in order to allow for membership comment and direction at a duly convened band general meeting;
- 7.4 The protection of communal rights and wisely manage community resources;
- 7.5 Ensure the proper administration and utilization of West Moberly First Nations finances, resources and assets;
- 7.6 Ensure the proper administration and function of the band office;
- 7.7 Ensure that band members have access to financial and political documents pertaining to community assets, finances and rights except those documents which are of a personal and confidential nature;
- 7.8 Ensure his/her family elders have the means to obtain adequate accommodation, sustenance, medical attention, and access to benefits and entitlements with respect to the same;
- 7.9 The position of Chief, family representative, Elders councilor or alternate may not be held jointly by a single individual.

7.10 Functions of the Council

Council is expected to effectively oversee the affairs of the West Moberly First Nations in the areas of:

- 7.10.1 Administration (policy, accountability, legal);
- 7.10.2 Finance (fiscal planning, reporting, development);
- 7.10.3 Personnel (recruitment, development, organization);
- 7.10.4 Community Development (requirements, goals, evaluations);
- 7.10.5 Programs and Services (education, social services, health, Land use, resource development, capital).

8. Elders Council

- 8.1 It is expected that individuals appointed to the position of Elders Councilor will be of high moral and ethical conduct. As the representative for the family in the nation's government, the Elder is the public image of the family and should therefore reflect the highest standards of personal and professional deportment;
- 8.2 Individuals who have overcome personal obstacles and wish to serve in an official capacity should not be penalized for their past. Individuals who wish to serve in an official capacity must present council with documented support from the constituency they wish to serve prior to seeking the position.
- 8.3 The Elders Council will consist of one individual from each family represented on council over the age of 50 designated by his/her respective family;
- 8.4 It is the responsibility of the Elders Council to:
 - 8.3.1 Serve in an advisory capacity to the Chief and Council in matters regarding communal rights and resources;
 - 8.3.2 Serve as the teachers and keepers of the community's culture, language and traditions;
 - 8.3.3 Assist the Chief and Council in matters of a traditional or ceremonial nature;
 - 8.3.4 Have tie-breaking authority in Council decisions regarding rights and resource matters of West Moberly First Nations;
- 8.4 Alternate Elder Family Representative on Elders Council
 - 8.4.1 Each family is entitled to designate an alternate Elder family member who is on the most current band list to participate in community affairs on behalf of the family when the family Elder Councilor is unable to do so;
 - 8.4.2 The designated alternate Elder family representative must provide documented evidence of the endorsement by the majority of his/her family members that are of the voting age on the most current band list.

9. Amendment to Custom

- 9.1 Custom can be amended by a written resolutions signed by 75 percent of all members of voting age on and off reserve.

DEFINITIONS

Elder

Individuals on the most current band list who are over the age of 60.

Majority

With exception to 9.1 Amendment to Custom, majority is defined as 50 percent plus one.

Recommendations

- That Council acquire training in the roles and responsibilities of their mandate .
- That Council acquires training for the Elders Council in the roles and responsibilities of their mandate.
- That Council acquires training in proper procedures for meetings.
- Identify who will be responsible for minute taking and ensure that the person be adequately trained in minute taking and meeting procedures.
- That Council familiarize band members regarding the proper procedures for meetings.
- That an address list of all voting members be developed and updated on a continual basis.
- That meeting procedures be reviewed in six months and recommendations for revision be tabled at the following band general meeting for ratification.
- Job descriptions of staff, council and Elders Council should revised to reflect the following recommendations if accepted.

Functions of Council

It is expected that Council meetings will reflect the function of council. Specifically:

1. Administration (policy, accountability, legal)
2. Finance (fiscal planning, reporting, development)
3. Personnel (recruitment, development, organization)
4. Community Development (requirements, goals, evaluation)
5. Programs and Services (education, social services, health, capital, land use, resources)

Order of Council Meetings

- a) On a regular, consistent schedule at least once weekly.
- b) To be held at a time and location which will allow for community participation.
- c) Council Meeting will be open to member observation and participation within the parameters outlined in the agenda.
- d) There will be a consistent outline for the agenda
- e) Agendas for upcoming council meetings will be available to the membership at the band office at least 48 hours in advance.
- f) An agenda will be provided for every meeting following the attached format.
- g) The preparation of the agenda will be the responsibility of the Chief or the designated individual.

Emergency Meetings of Council or Elders Council

- a) When an emergency exists that requires the immediate attention of council and / or Elders Council, an emergency meeting of council may be called by;
 - a) 1. The Chief
 - a) 2. The majority of Elders Council
 - a) 3. The majority of Council
- b) Notice will be given in writing or verbally stating the date, time, location and agenda.
- c) To the extent that it is possible, band members will be notified of the emergency meeting.
- d) Notice must be given at least 24 hours prior to the meeting.
- e) If after reasonable diligence, it is not possible to notify all Council and/ or Elders Council within at least 24 hours the methods by which decisions were reached must be recorded.
- f) Emergency meetings of Council and Elders Council must have a quorum for the meeting to take place;
 - f) 1. Quorum may be obtained by tele-conference or written proxy specifying the issue being discussed.
- g) No other business will be dealt with at an emergency meeting
- h) Minutes of the emergency meeting must be available for public review at the band office within 48 hours of the date the emergency meeting was held.

Agenda for Council Meetings

Agenda must be available for public distribution at the band office at least 48 hours in advance of meetings. The meeting announcement must include:

- Commencement Time
 - Estimated Adjournment Time
 - Location
 - Date
 - Action Required for each item is required
 - Chair- Chief
1. Call to Order
 2. In Camera Session if Required
 - Not open to general membership
 - Only agenda items which are of a personal and confidential nature will be held in camera
 - Open to General Membership**
 - Agenda Item
 - Action Requested
 3. Review minutes of previous meeting
 4. Reports
 - 4.1 Chief
 - 4.2 Program Review
 - Financial Statements
 - Work plan
 - Review
 - Recommendations
 - Issues
 - 4.2.1 Elders Care
 - 4.2.2 Education
 - 4.2.3 Capital
 - 4.2.4 Social Assistance
 - 4.3 Family Representative Reports
 - Care of Elders
 - Concerns
 - Recommendations
 - Communications Update
 - 4.3.1 Brown Family Representative
 - 4.3.2 Desjarlais Family Representative
 - 4.3.3 Dokkie Family Representative
 - 4.3.4 Miller Family Representative
 - 4.4 Comments and Recommendations from Elders Council
 5. Personnel Matters
 6. Other Business
 - 6.1 Elders Council decision on previous tie vote
 - 6.2 Unfinished Business
 - 6.3 Community Member Issues
 - 6.3.1 Council decision on issues raised at previous meeting
 - 6.3.2 Presentation of member issues to Council and Elders Council:
 - Issue
 - Relevant data,
 - Options for resolution
 - Response and recommendations from Elders Council
 - Response and comments from Council
 7. Announcements
 8. Round Table evaluation of Meeting
 9. Review of actions and responsibilities from the meeting
 10. Adjournment

Band General Meetings

- a) Band General Meetings will be held at least quarterly on the last Sunday of January, April, July and October.
- b) If the meeting date falls on a statutory holiday, the meeting will be held on the following Sunday.
- c) Band general meetings must have a quorum of 50 percent plus one for the meeting to take place.
 - c) 1. Quorum may be obtained by tele-conference or written proxy specify to the issue being discussed.
- d) Notification of upcoming meetings and an agenda will be posted to all members of voting age on the most current band list at least three weeks prior to the date of the meeting.

Special Band General Meetings

- e) Special Band General meetings may be called by:
 - e) 1. The majority of band members of voting age on the most current band list,
 - e) 1. The majority of Band council, or
 - e) 1. The majority of Elders council.
- f) All voting members on the most current band list must be notified of the date, hour, location and purpose of the meeting at least 4 days in advance of the meeting.
- g) At least 48 hours must elapse between the time the members receive notice and the time the meeting is held.
- h) Special Band General Meetings must have a quorum of 50 percent plus one for the meeting to take place.
 - h) 1. Quorum may be obtained by tele-conference or written proxy specifying the issue being discussed.
- i) No other business will be transacted at a special meeting.
- j) Minutes of the Special Band General Meeting will be made available at the band office for distribution to band members within 48 hours.

Agenda for Band General Meetings

Agenda must be available for public distribution at the band office at least three weeks in advance of meetings.

Notification of Meeting must include:

- Commencement time
- Estimated Adjournment time
- Location, date and time
- Action requested for each agenda item if required
- Chair- Chief

1. Call to Order
2. Review minutes of previous meeting
3. Reports
 - 3.1 Elders Council
 - 3.1.1 Comments and recommendations from membership
 - 3.2 Chief
 - 3.2.1 Comments and recommendations from membership
 - 3.3 Family Representative Reports
 - 3.3.1 Brown
 - 3.3.1.1 Comments and recommendations from Elders
 - 3.3.1.2 Comments and recommendations from membership
 - 3.3.2 Desjarlais
 - 3.3.2.1 Comments and recommendations from Elders
 - 3.3.2.2 Comments and recommendations from membership
 - 3.3.3 Dokkie
 - 3.3.3.1 Comments and recommendations from Elders
 - 3.3.3.2 Comments and recommendations from membership
 - 3.3.4 Miller
 - 3.3.4.1 Comments and recommendations from Elders
 - 3.3.4.2 Comments and recommendations from membership
4. Program Reviews
Financial reports, Work Plan Review
 - 4.1 Education
 - 4.1.1 Comments and recommendations from Elders
 - 4.1.2 Comments and recommendations from membership
 - 4.2 Capital
 - 4.2.1 Comments and recommendations from Elders
 - 4.2.2 Comments and recommendations from membership
 - 4.3 Social Services
 - 4.3.1 Comments and recommendations from Elders
 - 4.3.2 Comments and recommendations from membership
5. Review of Agreements negotiated on behalf of community
 - 5.1 Comments and recommendations from Elders
 - 5.2 Comments and recommendations from membership
6. Other Business
 - 6.1 Unfinished Business
 - 6.2 Community Member Issues
7. Announcements
8. Round Table evaluation of Meeting
9. Review of actions and responsibilities from the meeting
10. Adjournment

Agenda for Elders Council Meetings

Agenda must be made available for public distribution at the band office at least 48 hours in advance of the meeting.

Notification of the meeting must include:

- Commencement Time
- Estimated Adjournment Time
- Location
- Date
- Action requested for each agenda item is required
- Chair- Chief

Order of Elders Council Meeting

Elders Council Meeting to proceed as determined by the Elders Council.

Meeting Minutes

It should be noted that minutes are legal documents, therefore the maintenance of accurate and concise records is paramount.

Minutes of Band Council, Elders Council, and band general meetings will be formatted as follows

- Month, date, year, location
- Commencement and adjournment times
- Attendance
- Name of chair
- Main points raised by participants.
- All motions made
- How decisions were made (ie. show of hands, secret ballot, consensus, etc)
- Conflicts of interest
- Abstentions
- Name of individual who submitted minutes
- Meeting minutes will be completed and available at the band office for review by band membership within 48 hours of the meeting date.
- Minutes of previous meetings must be sent to eligible meeting participants within 72 hours of the meeting date (ie. Emergency meetings, Council meetings, Elders Meetings, etc).
- A new version of amended minutes of previous meetings must be sent to eligible meeting participants within 24 hours of the date amendments were made.
- Copies of meeting minutes for the current fiscal year will be available at the band office for membership review during regular office hours.