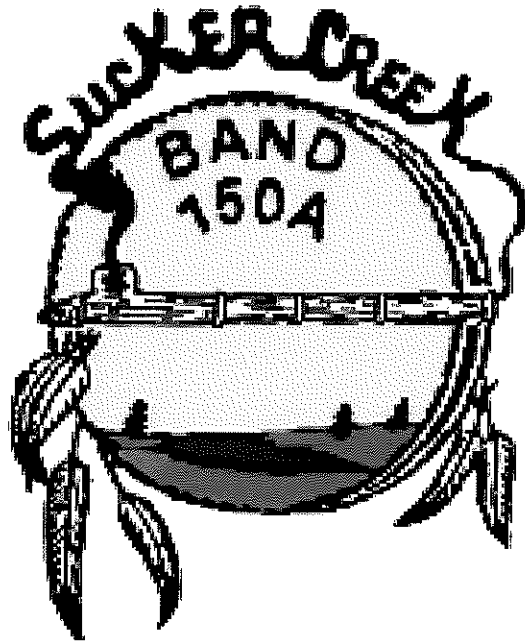


SUCKER CREEK FIRST NATION

**COUNCIL CODE OF CONDUCT, ETHICS and
PROCEDURES**



February 7, 2018

SUCKER CREEK FIRST NATION
COUNCIL CODE OF CONDUCT, ETHICS and PROCEDURES

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DEFINITIONS

First Nation Council – means appropriately elected Chief and Council of the Sucker Creek First Nation 150A accordance with the First Nation’s Customary Election Code, (1987).

“Chief” means a person elected in the office of Chief pursuant to the Customary Election Code, Regulations (1987)

“Councillor” means a person elected in the office of Councillor pursuant to the Customary Election Code, Regulations (1987)

Nation Manager – means a paid employee of the Sucker Creek First Nation

Directors, Staff – means a paid employee of the Sucker Creek First Nation

Executive Assistant – means the Executive Assistant of the Sucker Creek First Nation

First Nation/Nation – refers to the Sucker Creek First Nation 150A

Committee – refers to a person or group of persons elected or appointed to perform some service or function, as to investigate, report on, or act upon a particular manner

“Quorum of Council” means at least 4 (four) members of the Council.

Eligible Voter - means a Sucker Creek First Nation 150A Member who is eligible to vote under the Sucker Creek First Nation 150A Custom Election Code.

Honorarium – means the amount received by elected officials for services tax exempt as per CRA (Revenue Canada Agency)

Criminal Code – refers to the Criminal Code of Canada

Pledging of Funds – Funds or monies borrowed from a financial institution.

Regular Council Meeting – Chief & Councils’ once per month meeting.

PART 1 INTRODUCTION

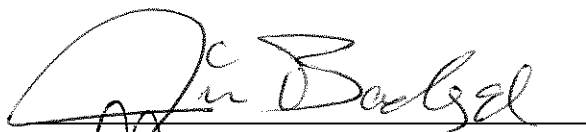
- 1.0 The purpose of this Council Code of Conduct, Ethics and Procedures document is to enhance public confidence in the integrity and decision-making processes of the Sucker Creek First Nation leadership. This document describes responsibilities, ethical principles and rules of conduct for all members of Council. It outlines procedures for disclosing and resolving conflicts of interest, prohibitions on post-employment contracts and processes for dealing with complaints against Council members.

The Chief and the Council Members will sign the Council Statement for Oath of Office no later than 14 days at an official signing.

PART 2 APPROVALS

- 2.0 These *Council Code of Conduct, Ethics and Procedures* will be made available to the Membership of the Sucker Creek First Nation.
- 2.1 These *Council Code of Conduct, Ethics and Procedures* have been reviewed and accepted by the Chief and Councillors of the Sucker Creek First Nation.

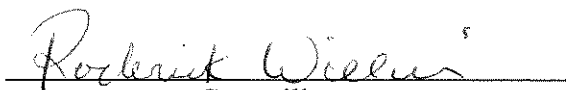
Reviewed and accepted this 7th day of February, 2018.



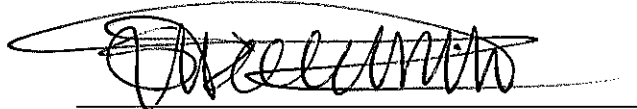
Chief



Councillor



Councillor

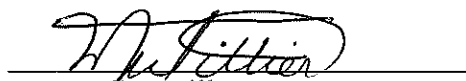


Councillor

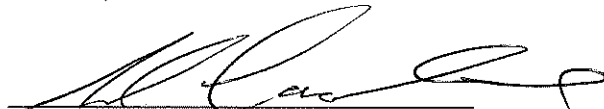
Sandra L. Willier



Councillor
STEVE A. WILLIER



Councillor



Councillor

PART 3 COMPOSITION AND DUTIES OF COUNCIL

- 3.0 The Council shall consist of the Chief and six Councillors. The Chief and Councillors shall be elected according to the processes and procedures outlined in the *Sucker Creek First Nation Election Code*. The Chief and Councillors collectively are responsible for effective governance of the Sucker Creek First Nation, including:
 - 3.1 Reporting to the membership of the Sucker Creek First Nation.
 - 3.2 Representing the Sucker Creek First Nation to external partners and stakeholders, including governments, industry, academia, non-government organizations, other First Nations and other stakeholders.
 - 3.3 Hiring and supervising a Nation Manager for the Sucker Creek First Nation administration.
 - 3.4 Approving policies and procedures for effective financial and program management.
 - 3.5 Providing overall policy and advice for administration of programs and services to the Nation Manager.
 - 3.6 Ensuring responsible management of the Sucker Creek First Nation's financial and other resources.
 - 3.7 Working collectively and with membership and external partners to improve the economic and social well-being of the Sucker Creek First Nation and its members.
 - 3.8 Adopt and monitor the annual fiscal year budgets.

PART 4 RESPONSIBILITIES OF COUNCIL

- 4.0 To ensure effective governance, Chief and Councillors commit to becoming good communicators and decision-makers. Good communicators listen and learn before speaking. Chief and Councillors commit to listening to each other, members, staff, external advisors, agencies, and other partners to learn more about issues, opportunities, programs and services in the Sucker Creek First Nation. Listening and learning will give Chief and Councillors the power to give good information and advice when asked by members, staff or external parties.

Good decision-makers, make sure they have all the information they can get prior to making a decision. They make sure they are present when decisions are being made. They have the pride to speak for what they feel is right, to make firm decisions and to communicate those decisions to members. Good decision-makers have the strength to listen to other points of view and to accept disagreements.

They also have the strength to stick to decisions as long as they look like the right decision and to change a decision if it looks like it might be a wrong one.

Chief and Council of the Sucker Creek First Nation agree to the following responsibilities:

- 4.1 Attending all scheduled meetings of the Sucker Creek First Nation, unless otherwise excused or unavoidably detained.
- 4.2 Meeting with Sucker Creek First Nation members on a regular basis to discuss their concerns.
- 4.3 Allocating time each week for reviewing correspondence, briefings and other background material in preparation for upcoming meetings, and signing documents and cheques.
- 4.4 Chief and Council members are required to provide a written monthly activity report and written summaries of meetings attended.
- 4.5 Providing the Executive Assistant with a copy of their monthly itinerary, detailing the assignments set out for them by the Chief and Council.
- 4.6 Contributing to the decision-making process in a constructive manner.
- 4.7 Providing specific and consistent support and guidance to the Nation Manager and as required, to committees created by Chief and Council.
- 4.8 Maintain confidentiality on contract and membership issues.
- 4.9 Chief and Council shall appoint/remove and have an annual review of each portfolio holder as per section 10 of the Customary Election Code.

PART 5 ETHICAL PRINCIPLES FOR COUNCIL MEMBERS

Chief and Council members agree to the following ethical principles:

- 5.0 **Ethical Standards:** Chief and Council members shall act with honesty and uphold high ethical standards in order to maintain and enhance public confidence in the leadership of the Sucker Creek First Nation.
- 5.1 **Public Scrutiny:** Chief and Council members shall endeavor to perform their official duties and arrange their private affairs in a manner that will bear close public scrutiny. This obligation is not fully discharged by simply acting within the law.
- 5.2 **Decision Making:** Chief and Council members shall be open about all decisions and actions that they take. Chief and Council members, in fulfilling their official duties and responsibilities, shall make decisions in the interests of the First Nation and membership, with due regard to the merits of each case.
- 5.3 **Pledging of Funds:** No Chief or Councillor may authorize or pledge funds on behalf of the Council or the Nation, except by a decision of a Quorum of Council

made at a regular or duly convened Council meeting. This means that at least four Councillors (or three Councillors and the Chief) must vote in favour of a decision to authorize or pledge funds.

- 5.4 **Band Council Resolution (BCR):** All documentation related to the Band Council Resolution is to be submitted to Chief and Council members of Sucker Creek First Nation and receipt acknowledged. BCR will be discussed and decided by a Quorum of Council. All final decisions are to be brought back to the duly convened Chief and Council members meeting for their ratification and signature of the Quorum of Council.
- 5.5 **Private Interests:** Chief and Council members shall divest themselves of their business interests within ninety (90) days of election to the position of Chief or Councillor, according to the Customary Election Regulations.
- 5.6 Chief and Council members shall not seek to further their own private interests or the private interests of their immediate family or friends. If the Council participates in decisions that may influence a Councillor's private or business affairs, the Councillor in question shall not participate in the discussion or decision-making (see 6.2 below). Chief and Council members shall not use their positions to assist private entities or persons where this would result in preferential treatment to any person.
- 5.7 **Public Interest:** Upon appointment to office, Chief and Council members shall arrange their private affairs in a manner that will prevent real, potential or apparent conflicts of interest from arising. If a conflict does arise between the private interests of a Chief and Council member and the official duties and responsibilities of that Council member, the conflict shall be resolved in favour of the public interest.
- 5.8 **Insider Information:** Chief and Council members shall not knowingly take advantage or benefit from information that is obtained in the course of their official duties and responsibilities and that is not generally available to the public. This includes, but is not limited to, business or contracting opportunities.
- 5.9 **Gifts, Hospitality and Benefits:** Chief and Council members and their families shall not request or accept transfers of economic benefits, other than incidental gifts, customary hospitality, or other benefits of nominal value, unless the transfer is carrying out an enforceable contract or property right of the Chief or Council member. Any gift valued at \$200.00 or more belongs to the Nation.
- 5.10 **Fundraising:** Chief and Council members shall not personally request funds from any individual, group, organization or corporation where such fundraising could place them in a position of obligation incompatible with their public duties.
- 5.11 **Nation Property:** Chief and Council members shall not directly or indirectly use, or allow the use of, nation property of any kind, including property leased to the nation, for anything other than officially approved activities.

- 5.12 **Respect for Administration of the Code:** Chief and Council members shall respect the provisions of this Code, and shall exercise appropriate restraint when commenting upon any matters under review.

PART 6 CODE OF CONDUCT FOR COUNCIL

- 6.0 Chief and Council members agree to abide by the following rules of conduct.

Conflict of Interest

- 6.1 A Chief or Councillor shall not, without the unanimous consent of the rest of Council, take part in any discussion or decision relating to any issue which has the potential of directly or indirectly benefiting him/herself or any member of his/her immediate family.
- 6.2 *Process or declaration of conflict – person having the ability to speak to the issue but not vote*

Disclosure

- 6.3 If a disagreement arises as to whether a Chief or Councillor has a conflict of interest in a matter before the Council, the Chief and Council members must decide by vote whether the Chief or Councillor has a conflict of interest, and the Councillor in question cannot take part in that vote, but is bound by it.
- 6.4 If there is no resolution as per section 6.3, the Chief and Council members may select an independent third party for the purpose of determining whether a Chief or Councillor has a conflict of interest. The selection of the independent third party requires a unanimous vote.
- 6.5 The official minutes of the meeting must note a Chief or Councillor's declaration of a conflict of interest and withdrawal from the meeting.

Prohibited Activities

- 6.6 Chief and Council members shall not participate in activities outside of the official duties and responsibilities of the Chief and Council of the Sucker Creek First Nation, where such participation would call into question the ability of the Chief or Council members to uphold their official duties and responsibilities objectively, and/or where these activities lead to absence interfering with their duties.
- 6.7 Chief and Council members shall not engage in disorderly or irresponsible conduct at

Council meetings, community meetings, or at other public forums or functions which would bring the Chief or Council into disrepute.

- 6.8 Chief and Council members shall not act in a manner that results in personal gain as a result of their Office.
- 6.9 Chief and Council members shall not be convicted of an indictable offence under the *Criminal Code* while in office.

Preferential Treatment

- 6.10 Chief and Council members shall take care to avoid being placed, or to appear to be placed, under an obligation to any persons that could profit from preferential treatment by the Council member.
- 6.11 Chief and Council members shall not hire or contract with immediate family members, unless the decision is made by quorum of Chief & Council, unless the Council member abstains from voting on matters affecting immediate family members.

Post-Employment Prohibitions

- 6.12 A former member of the Chief and Council members of the Sucker Creek First Nation shall not seek to benefit from contracts or employment opportunities within the Sucker Creek First Nation for three months after leaving office, if they have accepted the severance package.

PART 7 GRIEVANCES, SUSPENSIONS AND APPEAL

- 7.0 Twenty-five percent (25%) of eligible electors of the Sucker Creek First Nation may launch an inquiry into any member of Council regarding any matter where impropriety has been alleged. Such actions may trigger an independent examination of the incident in question and a report on the findings of this matter shall be made by the Council to the membership.

Grounds for Suspension

- 7.1 Chief and/or any Councillor may be suspended from office, when, in the quorum of Chief & Council opinion of the other Council, it is determined that the Council in question has failed to perform his/her official duties to the best of his/her ability or has acted in a manner detrimental or contrary to the best interests of the Sucker Creek First Nation.

- 7.2 Without limiting the generality of section 7.1, the circumstances under which a review of the conduct of a Councillor may be undertaken include the following:
- a) Failure to attend three (3) consecutive regular Nation Council meetings without being excused or having a valid reason; or
 - b) Political interference by Council received in writing made by a Director/staff.
 - c) Misappropriating Nation monies or other Nation property; or
 - d) As a representative for the Nation engaging in unacceptable social behaviour at public activities; or
 - e) Failure to perform duties as a Council as set out herein to the best of their ability; or
 - f) Having misused or abused the powers and duties associated with the office of Councillor.

Penalties upon Suspension

7.3 Penalties upon suspension are as follows:

- a) First Offence – Suspension with pay for one (1) week.
- b) Second Offence — Suspension **without pay for 30 days**. Such suspension shall not exceed a period of thirty (30) days from the date that notice in writing informing the Council member of the suspension has been delivered personally to him/her or to another adult member residing at the same residence.
- c) Third Offence — Suspension **without pay for 60 days**. When a member of Council has been previously suspended during the current term of office, or the current and the immediately preceding terms of office, such Council member may be suspended for a period not to exceed sixty (60) days from the date that notice in writing informing the Council member of the suspension has been delivered personally to him/her or to another adult member residing at the same residence.

7.4 Chief and/or any Councillor who has been suspended from office (with the exception of a first offence) shall not, during the period of his/her suspension:

- a) receive an honorarium or honorarium specifically relating to his/her office or any other benefit of the said office whatsoever and, without limiting the generality of the foregoing, shall not receive, use or remain in possession of credit cards, keys and other property which are the property of the Sucker Creek First Nation; or
- b) be entitled to attend Council or Committee meetings, vote at meetings or

otherwise act in any manner as a representative of the Sucker Creek First Nation.

- c) Has broken any of the provisions of this code of conduct and such act is considered to be detrimental to the Nation or its members.

Appeal of Suspension Decision

- 7.5 Any Chief or Councillor suspended as a result of section PART 7 may, by notice in writing delivered personally to the Chief or acting Chief within five (5) days of receiving notice in writing of suspension, appeal the decision of Council and request a hearing before the Chief and Council.
- 7.6 The Chief and Council shall hear the appeal as soon as possible and at least within fifteen (15) calendar days of receipt of notice of appeal from the suspended Council member.
- 7.7 The Chief and Council shall provide to the suspended Council member, at least five (5) days prior to the hearing, directions as to the manner in which the hearing is to be conducted and the evidence that may be presented there at.
- 7.8 The Council member shall remain suspended until the appeal hearing is held.
- 7.9 The decision of the Chief and Council at the hearing shall be final.

PART 8 PAYMENT FOR COUNCIL

- 8.0 The Sucker Creek First Nation will establish the following payment rates for members of Chief and Council.

Honorarium

- 8.1 Chief and Council members shall be paid an honorarium in an amount to be determined through the Nation budget process.
- 8.2 No Chief or Council member shall receive additional payment from the funds of the Nation, other than an honorarium as provided in the Nation budget and benefits that may accumulate by virtue of being a member of the Sucker Creek First Nation.
- 8.3 Any Chief or Councillor who is defeated in an election or decides not to run for re-election at the completion of a term in office shall be entitled to receive the equivalent of three (3) month's transition pay.

Travel and Hospitality Expenses

- 8.4 The Chief and Council shall establish and maintain Financial Management Policy governing allowable travel and hospitality expenses to be updated on a regular basis in accordance with the annual budget.
- 8.5 The issuance of expense honorariums and the use of Nation credit cards shall be governed in accordance with the Sucker Creek First Nation Financial Management Policy.
- 8.6 Out-of-province travel on Nation business shall be undertaken only with the prior approval of Chief and Council, as recorded in the Council minutes.
- 8.7 Chief or any Council member required to travel out of-province on Nation business shall be entitled to receive advance payment of travel based upon the estimated duration of the trip and as set out in the Nation budget. If the actual duration of the trip (in days) is less than what was estimated, a proportionate amount of travel shall be repaid by the Chief or Councillor within two (2) weeks of his/her return. If the amount is not repaid, it shall be deducted from the Chief or Council member's next travel.
- 8.8 When Chief or Council receives a travel allowance and doesn't attend the meeting, the Chief or Council member has to pay back the travel allowance immediately. If not, it will be deducted from the next travel payment, unless a payment arrangement has been made to pay for the next travel out of pocket.

Vacation Pay

- 8.9 Chief and Council members shall be entitled to an annual paid vacation period, to be taken at such time or times as may be agreed upon by Quorum of Council.
- 8.10 The length of the vacation period referred to in section 8.9 shall be for a period of three weeks annually.
- 8.11 The Chief shall, prior to taking his/her vacation time, appoint one Councillor to serve as Acting Chief during his/her absence.

Council Development

- 8.12 Chief and Council members shall be allowed to take professional training on-line. This funding shall not be taken from the Education funding.

PART 9 COUNCIL MEETING PROCEDURES

- 9.0 Regular meetings of the Sucker Creek First Nation Council will be held at least once per month. Chief and Council may establish consistent meeting times (e.g.,

every second Tuesday of the month for Nation Intake; every second Wednesday of the month for Council and unfinished business). Meetings may be rescheduled from time to time due to unforeseen circumstances.

- 9.1 All regular Council Meetings will be open to all members of the Sucker Creek First Nation.
- 9.2 A Council Executive Assistant will be appointed to be responsible for preparing a written Agenda for regular Council meetings. The Council Executive Assistant will be responsible for meeting minutes and for maintaining a record of each Council member's attendance and documenting reasoning for leaving.
- 9.3 The Council Executive Assistant will be responsible for distributing the Agenda and any required background materials to all Councillors, at least three (3) business days in advance of regular Council meetings. The Council Executive Assistant will also advise Council of existing regulations, policies or decisions which might have bearing upon agenda items being discussed.
- 9.4 Emergency or disaster situations may require a need for an all Council meeting to address the matters at hand, this meeting is to be called by the Chief or acting Chief. All Councillors are to be notified and receipt of notification acknowledged.
- 9.5 Special additional meetings of the Sucker Creek First Nation Council may be convened by the Chief at any time, provided Councillors are given at least 24 hours' notice.
- 9.6 The notice referred to in section 9.5 shall be considered sufficient if it is in writing and delivered in person to the Councillors or to their respective mailboxes at the Sucker Creek First Nation Administration Offices and electronically. This notice must clearly identify the purpose for the meeting.
- 9.7 Chief and Council can discuss and make decisions on only the matters outlined in the meeting notice referred to in section 9.5, unless Chief and Council members are present and agree to discuss additional matters.
- 9.8 Chief and Council may invite Directors from the Sucker Creek First Nation administration to attend Council meetings to provide information on program activities.
- 9.9 Chief and Council may invite special guests, including representatives of industry or government, to attend Council meetings.
- 9.10 Chief and Council may convene in-camera sessions when required to discuss matters of a sensitive nature.
- 9.11 In an event of an emergency, if the Chief is not available, a quorum of Council can address the emergency matter in the meeting and all Council must be notified.

COMMITTEES

- 9.12 Chief and Council may, from time to time, establish Committees and appoint committee members, including Chief and Council members and staff, Nation members, and/or an external advisor, to assist with policy advice and guidance of the affairs of the Nation.
- 9.13 Chief and Council shall establish written Terms of Reference and payment for each Committee. The Terms of Reference will include outlining the Committee's roles and responsibilities, as well as the duration of time that the Committee shall exist, which should not exceed beyond the term of the current Chief and Council.
- 9.14 Committees shall have the power to make recommendations only and shall not participate in managerial or political decisions.
- 9.15 Committees that have completed their tasks shall be promptly disbanded.

PART 10 AMENDING THE CODE OF CONDUCT

- 10.0 These *Council Code of Conduct, Ethics and Procedures* shall be signed within fourteen (14) days following each election of Chief and/or Councillors. Each Council member shall sign the "Approvals" section of this document to acknowledge that they have read and understood the Sucker Creek First Nation *Council Code of Conduct, Ethics and Procedures* and agree to abide by them during their term in office.