

**AN ACT RESPECTING THE GOVERNANCE
AND ACCOUNTABILITY
OF THE JAMES SMITH BAND COUNCIL**

January 4, 2018

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STATUS OF LEGISLATION

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PREAMBLE

The history and foundation of Indian Nations is rooted in faith and knowledge of who we are and why. It is therefore essential to declare as follows:

- 1) the Creator put us here as First People;
- 2) the Creator gave us laws that govern all our relationships to live in harmony with nature and mankind;
- 3) the laws of the Creator defined our rights and responsibilities;
- 4) the Creator gave us our spiritual beliefs, language, culture, and a place on earth, which provides us with all our needs and aspirations;
- 5) we have maintained our freedom, our language and our traditions since creation;
- 6) we will continue to exercise our rights and fulfill the responsibilities and obligations given us by the Creator from the land on which we were placed;
- 7) the Creator has given us the right to govern ourselves and the right to self-determination; and
- 8) the rights and responsibilities given us by the Creator cannot be altered or taken away by other Nations.

The role of any government elected leader is to understand the above declaration and diligently practice the principles inherent in our history. The Okemow and Headpersons are heirs and successors of our past, rights, beliefs, Treaties and governing structures.

They are also the keepers of our culture, language obligations and trusts. They are elected to protect our Treaties, lands and the people of the James Smith Band.

The people look to and rely on the leaders' ability to resolve issues and problems.

The people, youth and children follow or copy the examples of their leaders. Accordingly, the Okemow and Headpersons must promote and practice trust, fairness, good governance, accountability and transparency.

I. SHORT TITLE

1. This Act shall be referred to as the James Smith Band Governance and Accountability Act.

II. RULES OF CONSTRUCTION

2. The Preamble shall be read as part of the Act intended to assist in explaining the purpose and intent of the Act.
3. Where an interpretation of this Act is subject to more than one understanding, it shall be interpreted in a fair and generous manner in accordance with the spirit and intent of the membership.
4. Records of meetings and the development and ratification process may be used to facilitate the interpretation of this Act.
5. The expression “shall” means it is imperative or compulsory, and the expression “may” means it is permissive or authorized.
6. Where the “word ”he” is used to describe a person, it is also intended to include “she” and vice versa.
7. Words expressed in singular include the plural and words in the plural include the singular.

III. INTERPRETATION

8. For the purposes of this Act:
 - a) “**Accountability**” means the acknowledgment and assumption of responsibility for actions, decisions and legislation and encompassing the obligation to report, explain and be answerable for resulting consequences;
 - b) “**Act**” means the James Smith Band Governance and Accountability Act;
 - c) “**Band**” means the James Smith Band #100 & #100A of the Cree Nation;
 - d) “**Band Members**” means any registered band member of the James Smith Band #100 & #100A who has the original last name of one of the eleven (11) families/clans identified as Burns, Constant, Daniels, Marion, McKay, McLean, McLeod, Moostoos, Turner, Twist, and Walker and shall exclude those individuals identified as members of the Chakastapasin Band or Peter Chapman Band;

- e) **“Conflict of Interest”** means the situation that arises when the leadership makes a decision or participates in making a decision and at the same time knows that there is an opportunity to further his private interest, his family’s interest or the private interest of an associate;
- f) **“Council”** means the Okemow and Headpersons of the James Smith Band;
- g) **“Legislation”** means acts, regulations, by-laws, codes, policies and procedures of the Band;
- h) **“Okemow”** means the Chief of the James Smith Band;
- i) **“Quorum”** means the minimum number of people required to conduct business; and
- j) **“Transparency”** means disclosure and discussion by ensuring substantive and procedural information is available to, and broadly understandable by the membership, subject to reasonable limits protecting security and privacy.

IV. **PRINCIPLES AND PURPOSE**

9. The principles upheld in this Act are as follows:

Jurisdiction over Governance

- a) to confirm that the Band has the sole jurisdiction over governance for the James Smith Band;

Inherent Right to Self Government

- b) to confirm that the Band has the right to govern itself as bestowed upon the Band by the Creator;

Self-Determination in the International Community of Nations

- c) to confirm that the Band, as a political unit of the Cree Nation, are distinct peoples with a common history, culture, territory and government, and in the continuing process of self-determination as recognized in the international community of nations;

Affirmation of Band Custom and Traditions

- d) to affirm that the Band continues to organize the Band’s form of government with laws which establish institutions of self-government under band custom and traditions;

Treaties

- e) in enacting the James Smith Band Governance and Accountability Act, the Government of the Band recognizes that the Band entered into the international Treaties affirming the Treaty making and lawmaking powers of a sovereign nation; and

Democratic Process of Lawmaking

- f) the Band affirms an acceptable and democratic process of lawmaking by enacting and ratification of this Act at Band Assemblies.

- 10. The purposes of this Act are to:
 - a) recognize that the oral customs and traditions of the Band respecting Band governance and accountability supercede this Act, and are declared to be still in force and effect, if acceptable to the Band Members;
 - b) establish the process and procedures that will govern the leadership;
 - c) be accountable to the Band membership on all matters relating to Band matters;
 - d) establish standards for the government of the Band based on identified Band needs and aspirations; and
 - e) establish the processes under which the Council will conduct its business.

V. JURISDICTION

- 11. This Act is made under the authority and jurisdiction of the James Smith Band based on the Band's right to govern itself as bestowed upon the Band by the Creator.

VI. DATE OF COMING INTO FORCE

- 12. The James Smith Band Governance and Accountability Act will come into force and effect as of the date of ratification of third reading by the Band Assembly.

VII. APPLICATION

- 13. This Act applies to the Okemow and Headpersons comprising the James Smith Band Council.

VIII. COMPOSITION OF THE GOVERNMENT OF THE JAMES SMITH BAND #100 & #100A

14. The elected Government of the James Smith Band will consist of the Okemow and four (4) Headpersons.

IX. VICE-OKEMOW

15. The Headperson who receives the most votes at a General Election shall also be known as the Vice-Okemow.
16. The Vice-Okemow shall represent the Okemow for external activities in the event of the Okemow's absence.
17. If the position of Okemow becomes vacant for any reason prior to the end of his term, the Vice-Okemow shall assume the role and responsibilities of the Okemow until the position can be filled through a by-election under the Election Act.

X. TERM OF OFFICE

18. The term of office shall commence upon being elected to the position of Okemow or Headperson and conclude at 12:00 noon on Nomination Day.

XI. STANDARD OF CONDUCT

19. The Band Council are trustees of the inherent rights of the First Nations, including the government, territory, culture, language and have a sacred trust responsibility for the international Treaties entered into by the forefathers of our Treaty Band membership.
20. The Okemow and Headpersons shall uphold the following standards of conduct:
- a) uphold the Oath of Office administered to him upon entering office;
 - b) enhance and safeguard First Nation laws, Inherent and Treaty rights;
 - c) respect and follow all James Smith laws, policies or regulations as ratified by the Band Assembly;
 - d) provide credible and strong leadership which a majority of Band Members of the James Smith Band #100 & #100A can respect and support;
 - e) uphold the political trust bestowed upon him by the Band membership;
 - f) communicate, consult with and hear the concerns of the Band Members in matters which affect said Band Members;

- g) demonstrate and practice honour, respect, fairness and acceptable conduct at all times;
- h) uphold honesty and consistently work towards the elimination of rumour, deceit, distortion, and conflict while holding elected office;
- i) demonstrate and promote respect, co-operation and open communication within the Band Council;
- j) work in harmony with Band Council, Director of Operations and staff;
- k) refrain from asking a Band employee or member to do something contrary to law or to any authorized Band policy, procedure, bylaw or BCR;
- l) protect all confidential matters concerning the Band;
- m) shall not consume alcohol or drugs during the performance of duties on behalf of the Band;
- n) shall be required to undertake a drug test when directed by motion of the membership at a Band Assembly;
- o) shall attend all Band Assemblies and Council Meetings;
- p) shall not bring disrespect or dishonour upon themselves, their office or Band Members or the Band through actions which have been attributed to them;
- q) shall not be convicted of an indictable fraudulent or criminal offense during their term of office;
- r) uphold responsibilities of their assigned duties;
- s) protect or promote the interests of the Band as a first priority at all times;
- t) be held accountable by the Band Assembly and membership at all times; and
- u) shall not be in a personal conflict of interest on any matter being considered by the Council.

XII. ACCOUNTABILITY AND TRANSPARENCY

21. As leaders and representatives of the Band membership, the Okemow and Headpersons are required to ensure accountability and transparency to the membership in the performance of their duties and responsibilities, and decisions made affecting the Band.
22. To facilitate accountability and transparency, the Okemow and Headpersons shall:
 - a) provide understandable processes and outcomes that contain visible results, clear standards for success or failure and clear lines of responsibility;
 - b) communicate, consult with and hear the concerns of the Band Members in matters which affect said Band Members;
 - c) provide ways for membership to find and view information including the website;
 - d) have regular Band Assemblies to ensure membership is informed about key issues allowing for open discussion and consultation that encourages innovation in pursuing desired outcomes and decision-making;
 - e) in the absence of Band Assemblies, provide reports or a newsletter on a regular basis providing a status on issues, any changes in policies or legislation of INAC, provincial or federal governments that will affect them;
 - f) be individually accountable for spending and availability at office to deal with concerns of membership; and
 - g) provide financial reporting.

XIII. AUTHORITY AND RESPONSIBILITY

Okemow

23. The Okemow serves as the political head of the Band and is responsible for the overall operations of the Band.
24. The authority, role and responsibility of the Okemow shall include, but not limited to:
 - a) acting as the official representative and spokesperson for all internal and external matters;
 - b) scheduling Council and Band Assembly meetings in consultation with the Headpersons;

- c) establishing and assigning portfolios;
- d) ensuring that each Headperson is undertaking his duties and responsibilities; and
- e) ensuring that he is informed on all portfolio matters and decisions of the Headpersons.

Headpersons

25. The authority, role and responsibilities of the Headpersons shall include, but not limited to:
- a) acting as the Band's spokesperson and representative only when delegated by the Okemow or a quorum of Council;
 - b) updating the Okemow on portfolio responsibilities and providing periodic reports to Council;
 - c) providing a weekly schedule to the Okemow of meetings and/or events that will be attended; and
 - d) advise the Okemow and/or Council, as the case may be, when taking leave to ensure all portfolio areas are covered during absence.

Band Council

26. The authority, role and responsibilities of the Band Council shall include, but not limited to:
- a) ensuring the safeguarding of Inherent and Treaty rights;
 - b) pursuing the protection, preservation and reclamation of First Nation traditional homelands and resources;
 - c) holding Canada accountable for its obligations and responsibilities to the Band Members;
 - d) ensuring the safety and protection of the community's members and property;
 - e) ensuring there is no abuse of office such that the conduct negatively affects the dignity and integrity of the community or of Council;
 - f) maintaining a system of accountability to the Band Members through legislation and reporting ensuring transparency, disclosure and redress;

- g) complying with all legislation enacted by the Band membership;
- h) developing, enacting and revising legislation for approval by the Band membership;
- i) establishing standards for the government of the Band based on identified Band needs and aspirations;
- j) maintaining positive relations with Band Members;
- k) attending all Band Assemblies and Council meetings on time and for the duration of the meeting;
- l) providing leadership during Council meetings by participating in discussions and voting on motions unless a conflict of interest has been identified;
- m) providing portfolio reports and a written report on meetings to include who, when and outcome of the meeting;
- n) faithfully represent the direction and decisions of the Council;
- o) understanding that the resources provided to the Band is a First Nations public trust and that his responsibility is to ensure that such resources are utilized for the greater good of the Band and in the most objective, efficient and effective manner possible;
- p) ensuring the proper administrative and financial management of the Band by:
 - (i) implementing financial policies and procedures;
 - (ii) program planning, budgeting, implementation, monitoring and enhancement relating to the provision of services and programming;
 - (iii) administer programs according to signed program funding agreement requirements and budgets;
 - (iv) take corrective action to avoid deficit;
 - (v) presentation of each fiscal year financial audit for approval by the membership at a scheduled Band Assembly; and
- q) promoting communication and exchange with other First Nations provincially, nationally and internationally.

XIV. COUNCIL MEETINGS

Calling of Meetings

27. The Okemow shall call meetings of the Council and approve the agenda.

Chairperson

28. The Okemow shall act as the Chairperson of the Council meetings and has the authority to delegate this function to other members of the Council. When the position of Clerk of the Council is established duties as Chairperson shall be the responsibility of the Clerk of the Council.

Duties of Chairperson

29. The Chairperson shall be responsible for:

- (a) ensuring the procedures and processes contained in this section are followed;
- (b) calling meetings of the Council where a regular meeting schedule has not been established;
- (c) ensuring meetings are conducted in a respectful and productive manner;
- (d) establishing the agenda in consultation with the Band Council;
- (e) identifying who may be present for any discussions and who shall be entitled to speak;
- (f) ensuring minutes of the meeting are accurate and the appropriate documentation is available for the meeting;
- (g) casting a vote in the event of a tie only in situations where an elected member is chairing the meeting; and
- (h) faithfully represent the direction and decisions of the Council.

Attendance

30. Headpersons are required to attend all Council Meetings and are required to plan their itineraries accordingly.

Meeting Times and Agenda

31. The Council shall meet on the first working Monday of each month.

32. In the event that an emergency meeting has been called and where the Okemow or Headpersons is unable to attend a Council meeting in person, he may participate in the meeting by telephone, teleconference or video conference and his participation shall be considered the same as if he/she was attending in person.

33. Council Members shall arrive no later than ten (10) minutes before the meeting is scheduled to start.
34. Council Members shall advise the Okemow and/or the Clerk of the Council of any issues they would like included on the agenda by noon the day before the meeting.
35. The Okemow and/or the Clerk of the Council shall distribute a copy of the agenda by 3:00 p.m. the day before the meeting.
36. The agenda shall be prepared in advance using the following format:
 - a) Calling the Meeting to Order (when quorum is achieved)
 - b) Opening Prayer
 - c) Review and Adoption of Agenda
 - d) Reading, Correction of Errors and Approval of Minutes of Last Meeting
 - e) Business arising from Minutes (report on identified follow up)
 - f) Unfinished Business From the Previous Meeting (including tabled motions tabled agenda items)
 - g) New Business
 - h) Date and Time for the Next Meeting
 - i) Closing Comments by the Chairperson (if required or applicable)
 - j) Closing Prayer
 - k) Adjournment

Reporting

37. At every Band Council meeting, each Council Member shall provide a portfolio report on the status of priority issues and a written report on meetings to include who, when and outcome of the meeting.

Quorum

38. A quorum of the Council shall consist of the Okemow and two (2) Headpersons.
39. A quorum of the Council is required:
 - a) for the chairperson to call the meeting to order;
 - b) to achieve consensus;
 - c) to pass motions or resolutions; and
 - d) to conduct business, make decisions and maintain the agenda.

40. The Council shall be provided meeting material and reports for information purposes only:
 - a) where quorum cannot be obtained to formally call the meeting to order; and/or
 - b) at the point where quorum cannot be maintained after the meeting has been called to order.

Voting

41. The goal of the Council is to make consensus-based decisions.
42. The Council shall make a motion and vote on the motion where:
 - a) consensus cannot be achieved; or
 - b) a decision requires a formal motion and vote to be recorded.
43. Only in the event that the vote of the Council results in a tie, and an elected member is chairing the meeting, shall the Chairperson be allowed to cast a vote.
44. A Council Member who moves a motion or seconds a motion does not restrict his right to vote against a motion.
45. Although it is the duty of every member on the Council to express it by his vote, he can abstain, since he cannot be compelled to vote.
46. Where a Council Member abstains from voting on a motion, his abstention shall:
 - a) be considered a non-vote;
 - b) not be counted in a vote that requires a majority of the voting members to vote in favour for the motion to be adopted;
 - c) be recorded as an abstention; and
 - d) be given the option to speak to his/her abstention.
47. The vote for each motion shall be recorded and include the following information:
 - a) the number that voted in favour of the motion;
 - b) the number that abstained from voting on the motion;
 - c) the number that voted against the motion;
 - d) whether the motion was carried or defeated; and

- e) when determining whether there is a majority, abstentions are not counted.

Process for Motions/Resolutions

48. Where a motion or resolution is presented to the Council, the procedure for its review and approval shall be as follows:
- a) the wording for the motion shall be read;
 - b) a request for a mover for the motion or resolution shall be called;
 - c) a request for a seconder for the motion or resolution shall be called;
 - d) discussion on the motion or resolution shall be called;
 - e) where, during discussion of the motion or resolution there are amendments to the wording, these shall be read;
 - f) where applicable, the mover and seconder shall be requested for his approval of any amendments to the motion or resolution wording;
 - g) call for question shall be requested; and
 - h) call for a vote on the motion or resolution for which the results of the vote shall be recorded.

Minutes of Meetings

49. The Okemow and/or the Clerk of the Council shall ensure that minutes are developed for each meeting of Council, which shall record all decisions and follow up directed by Council.
50. The minutes of the meetings shall be provided to the Okemow and Headpersons.

XV. CLERK OF THE COUNCIL

51. The Okemow and Headpersons may appoint a Clerk of the Council who shall be deemed a political appointment.
52. This position will be on a contractual basis that will expire on Nomination Day.
53. The duties and responsibilities of the Clerk of the Council shall include, but not limited to:
- a) providing advice and support to the Council on all issues that may affect the Council and/or membership from an objective policy perspective;

- b) assisting with implementation of Council decisions in a timely and effective way;
- c) act as Chairperson for Council and Band Assembly meetings including:
 - i) preparing agenda, in consultation with Okemow and Headpersons;
 - ii) ensuring appropriate documentation is available for meetings;
 - iii) ensuring minutes of Council and Band Assemblies accurately reflect the discussions and decisions made;
 - iv) providing copies of minutes to ensure follow up is completed;
- d) maintain records of all James Smith Band legislation, policies, etc. and any amendments thereto; and
- e) ensure compliance with James Smith Band legislation, policies, etc.

XVI. BAND ASSEMBLY

- 54. There shall be four (4) Band Assemblies held on a quarterly basis as determined by the Okemow and Headpersons.
- 55. The Council shall set the date(s) for the Band Assembly and be required to be present at all such meetings.
- 56. The Okemow or the Clerk of the Council shall chair the Band Assembly and be responsible for:
 - a) providing at least two (2) weeks notice to the membership; and
 - b) preparing the agenda in consultation with the Headpersons.
- 57. At each Band Assembly, the agenda shall include the topic - Band Membership Concerns. In addressing concerns, the Band Members are requested to provide recommendations or solutions to deal with their concerns. Confidential issues are to be brought forward at Band Council meetings.
- 58. At each Band Assembly, the Okemow and Headpersons must report to the membership, at a minimum, on:
 - a) the status of priority issues within their portfolios; and
 - b) meetings including who, when and outcome of the meetings provided in written form.
- 59. The Band Council, working with their managers, shall provide:
 - a) a written report at each Band Assembly; and

- b) an annual report, in document form, covering all the issues, departments and activities of the James Smith Band at the end of each fiscal year.
60. Where a motion or resolution is presented to the Band Assembly, the procedure for its review and approval shall be as follows:
- a) the wording for the motion shall be read;
 - b) a request for a mover for the motion or resolution shall be called;
 - c) a request for a seconder for the motion or resolution shall be called;
 - d) discussion on the motion or resolution shall be called;
 - e) where, during discussion of the motion or resolution there are amendments to the wording, these shall be read;
 - f) where applicable, the mover and seconder shall be requested for his approval of any amendments to the motion or resolution wording;
 - g) call for question shall be requested; and
 - h) call for a vote on the motion or resolution for which the results of the vote shall be recorded.
61. The Okemow or Clerk of the Council shall ensure that minutes are developed for each Band Assembly, which shall record all decisions and follow up directed by the membership.
62. The minutes of the Band Assemblies shall be provided to the Okemow and Headpersons and be available to the membership.
63. The Okemow and Headpersons, working with their managers, shall provide a written status report to the membership, within one month after the Band Assembly, on decision implementation and follow up directed by the membership.

XVII. COMPLAINTS

64. As part of their ongoing responsibilities, the Council are subject to receiving complaints from Band Members about services. To strive for responsiveness to Band Members while ensuring both effective government and respect for the proper channels of authority, the following complaints procedure shall apply:
- a) when a complaint is received the issue shall be forwarded to the appropriate portfolio Council Member with notification provided to the Okemow;

- b) the Council Member, in consultation with the Director of Operations and the appropriate Director, shall respond to the complaint taking into consideration any policies or procedures on the issue;
- c) where appropriate, the complaint shall be brought before the Council for discussion and resolution; and
- d) any work related complaints of staff shall always be referred to the Director of Operations to be dealt with according to the established personnel policies and procedures.

XVIII. CONFLICT OF INTEREST

- 65. The Council Members shall maintain transparency and openness in exercising their powers and discharging their duties by declaring any conflict of interest on a matter before the Band.
- 66. Where a conflict of interest situation occurs on the part of a Council Member with respect to a matter before the Band, the Council Member shall:
 - a) immediately disclose to the Council, where appropriate, his conflict of interest before the agenda item is to be discussed; and
 - b) leave the meeting while the agenda item is dealt with.
- 67. Where a conflict of interest is later revealed or identified, but not disclosed by the Council Member, the decision or action taken by the Council shall be deemed null and void.
- 68. Where a Council Member identifies a potential or perceived conflict of interest on the part of either himself or another member of the Council, the potential or perceived conflict shall be addressed by the Council as a whole who shall decide by a vote whether the issue represents a conflict of interest.
- 69. A Council Member shall not use information gained, but not available to the Band Members, to further his or his family's interest.

XIX. DISCONTINUATION OF AUTHORITY

- 70. The powers and authority of the Okemow and Headpersons shall be suspended effective 12:00 noon on Nomination Day.

71. A Council Member seeking re-election shall:
- a) be ineligible to use any Band office equipment, facilities and human resources;
 - b) have no authority to commit any resources that belong to the Band; and
 - c) shall not attend any meetings or events as a representative of the Band.

XX. RESIGNATION FROM OTHER POSITIONS

72. Within seventy-two (72) hours of being elected, a Council Member must resign from all current elected or remunerated positions unless such appointment is approved by the Council taking into consideration the benefit to the Band.

XXI. VACANCY OF OFFICE

73. A Council position becomes vacant when the person holding office:
- a) no longer meets eligibility requirements;
 - b) resigns in writing of their own accord;
 - c) has reached the expiry date of his term of office;
 - d) has been absent from two (2) consecutive meetings of the Council for reasons other than severe illness;
 - e) has been absent from any of the Band Assemblies for reasons other than severe illness;
 - f) is subject to a successful motion of removal from office; or
 - g) is subject to a successful election appeal as outlined in the *James Smith Election Act*.
74. Where a Council Member vacates his position according to section 71 above:
- a) he shall return all Band equipment within two (2) days; and
 - b) where such equipment is not returned, he shall be personally responsible for paying to the Band the replacement costs of all equipment that is not returned, the costs of which shall be deducted from his final payment.

XXII. RESIGNATION

75. A Council Member seeking elected office at Prince Albert Grand Council, Federation of Saskatchewan Indigenous Nations or the Assembly of First Nations shall:
- a) submit written notification to the Council not less than thirty (30) calendar days before his/her resignation date; and
 - b) submit his written resignation effective nomination day.
76. Where a Council Member resigns his position for reasons other than that of section 1 above, he shall provide written resignation of not less than forty-five (45) calendar days to the Council unless a shorter time period has been approved by the Council.
77. A resignation from a Headpersons shall be accepted, in writing, by the Okemow within five (5) business days of receipt of the resignation.
78. A resignation from the Okemow shall be accepted, in writing, by the Vice-Okemow within five (5) business days of receipt of the resignation
79. Upon issuing a written acceptance of a resignation, the resignation shall immediately become final and binding.
80. Within twenty-four (24) hours of issuing a written acceptance of the resignation, the Council shall notify the Band Members in writing and shall attach the acceptance of resignation letter.
81. When a Headperson has resigned, the Okemow shall re-assign the Council Member's portfolio(s) amongst the remaining Headpersons until the position has been filled through an election or by-election.
82. When the Okemow has resigned, the Vice-Okemow shall assume the role of Okemow and be designated as Acting Okemow until the position has been filled through an election or a by-election.

XXIII. COMPENSATION AND BENEFITS

Salary

83. The salary rate to be paid to the Okemow and Headpersons shall be according to the rates established by motion of the Band Council based on budget availability.

Travel

84. Costs for travel on Band business shall be paid according to the financial policies.

85. Travel costs shall not be paid for attendance at meetings and/or events where another party is covering such costs.

Payment Upon Termination

86. All compensation owed to a Council Member upon his termination of office shall be payable within fourteen (14) calendar days of termination. Such payment shall be subject to statutory deductions and other costs to be deducted from his final payment.
87. Any dispute on the amount of final payment shall be brought before a Council meeting for a decision that is final and binding on all parties

XXIV. PROCEDURES FOR REMOVAL FROM OFFICE

88. Grounds for removal from office of the Okemow or Headpersons are restricted to:
- a) a violation of this Act;
 - b) a violation of the Oath of Office;
 - c) a breach of the Code of Conduct; or
 - d) charged with an indictable offence.
89. A written petition from Band members calling for removal from office of the Okemow or Headperson shall be submitted to the Band Council and must contain:
- a) grounds for removal from office; and
 - b) signatures of a minimum of fifty plus one of total ballots cast in the Election with their Treaty numbers identified; and
90. The Band Council shall call for a Band Assembly no later than two (2) weeks of such notification by Band Members.
91. The following procedures shall govern a Band Assembly called for the purposes of dealing with the petition for removal from office:
- a) an independent chairperson shall be selected from amongst the Band Membership present and ratified by motion of the Band Assembly;
 - b) an Elder shall be requested to say an Opening Prayer;
 - c) a designated spokesperson from amongst the Band Membership petitioning shall issue a written report of offenses committed by the

Okemow or Headpersons to the Band Assembly, and witnesses to the offenses shall issue evidence of such offenses to the Band Assembly;

- d) the Okemow or Headpersons, alleged to have committed the offense, must be in attendance to present their case, including any written defense or evidence of their actions;
- e) if the leader is not in attendance his position becomes vacant and a by-election shall be called at the same assembly;
- f) any Band Member can speak to the issues contained in the petition;
- g) the chairperson shall call for a vote, by secret ballot, to remove the Okemow or Headman from office or not;
- h) no less than one hundred (100) Band Members shall be present to vote in these proceedings;
- i) the majority vote of Band Members present will decide whether there is just cause for removal or not;
- j) a minimum of one hour shall be allowed for the voting to occur;
- k) the chairperson shall, with assistance of Band Employees, count the ballots once voting is closed;
- l) the results of the vote shall be conveyed to the Band Assembly; and
- m) if the results of the vote are to remove the Okemow and/or Headman, the provisions of the Election Act will prevail.

XXV. AMENDMENTS

92. Amendments may be made to this Act from time to time by resolution read and passed by a majority of those present at three (3) Band Assemblies.