

SOR/77-140
Feb 11, 1977

B.C.R. # 276

Approved at Council Meeting

October 18, 1976

By-Law # 5

REGULATIONS RELATING
TO
GENERAL MANAGEMENT
OF THE
BATCHEWANA BAND

These Regulations shall be referred to as the Batchewana Band Management Regulations and will come into force upon the passing of a Resolution of the Council of the Batchewana Band, and having received the approval of the Regional Director.

1. Definitions

- (a) "Band" shall have the same meaning ascribed to it by the Indian Act;
- (b) "Chief" shall have the same meaning ascribed to it by the Indian Act;
- (c) "Council, Councillor" means the Council of the Band as defined in the Indian Act;
- (d) "Department" means the Department of Indian and Northern Affairs;
- (e) "Community Program" means any local community program or service financed in part or in whole by or from Department Grants, contributions, or subsidies, the administration of which, in whole or in part, is under the direction of a Council;
- (f) "Local Service" means any local service or program financed from any source other than Department grants, contributions, or subsidies, the administration of which, in whole or in part, is under the direction of a Council;

Definitions (cont'd)

- (g) "Regional Director" means the senior executive officer of the Indian - Eskimo Affairs Branch of the Department of Indian and Northern Affairs for the Departmental Administrative Region, in which the Band is located and;
- (h) "Reserve" shall have the meaning ascribed to it by the Indian Act and in addition shall include any community, settlement, or local area where a Band normally resides;
- (i) "Committee of the Whole Council" shall mean a special meeting set by council to deal with matters of personal nature or confidential matters, and shall be held in camera;
- (j) "Agreement" means any written contract or agreement between the Department and local government authority (as defined in (k) below) wherein the Department and the local government authority agree on specific terms and conditions under which Government of Canada funds will be made available to the local government authority for management and operation of one or more programs;

Definitions (cont'd)

(k) "Local government authority" means any body which administers one or more programs financed in part or in whole by the Department or other government agency or Department.

2. Regulations

These Regulations, where the resolution of the Council has been approved, shall apply to all financial and administrative transactions of the Band, its Council and Band Staff.

These Regulations when approved will not supercede any regulations of the Government of Canada or the regulations set by the Provincial Government of Ontario which may be applicable to the transactions of community programs involved.

These Regulations shall be amended or altered only with consultation and agreement of Band Council and the Regional Direction upon written request.

Failure to adhere to these Regulations may result in:

- (a) The Regional Director, after consultation with the Council, requiring the establishment of a joint Council - Department administration of the community program, programs, or parts thereof, as he may deem necessary and for the length of time he believes necessary to correct the situation,
- (b) The Regional Director may, as a last resort withdraw the administration of community programs from the Council for any length of time deemed necessary.

3. Management of Band Affairs

The Batchewana Band Council shall ensure the following:

- (a) That regular general meeting of Council shall be held at least monthly.
- (b) That proper notification shall be made to the general Band membership of all general meetings.
- (c) That an agenda for the general meeting shall be provided to include the following provisions:
 - (i) Recorded minutes of the previous meeting.
 - (ii) Allotment of time for public questions and requests.
 - (iii) All matters to be discussed at that particular meeting.
- (d) That special meetings of Council to discuss adoption of community programs involving Band Funds or Department Funds shall require a ten (10) day notification of such meetings to the general Band membership outlining the reasons for such meetings.

3. Management of Band Affairs (cont'd)

- (e) That the individual Band member will be allowed to appeal to the Band Council at a succeeding general meeting of any decision of Council that may affect that individual.

- (f) That Council in conjunction with the Regional Director shall establish, by resolution, an appeal Board consisting of Three (3) persons none of whom are members of the Council or its staff if requested.

- (g) Any Band member who believes himself to be personally aggrieved, or discriminated against by the actions or policies, or lack thereof, of the Council or members of its staff in respect to a community program or such other things that may be stated elsewhere in these regulations, may apply to the Appeal Board for a hearing of his case. An appeal will not be considered if the person requesting an appeal has not first availed himself the provision set out in Section 3 (e).

- (h) The Appeal Board having considered the matter shall give its decision to Council and Council shall carry out the decision of the Appeal Board and the decision shall be binding to all parties.

4. Management of Community Programs

The Batchewana Band Council shall ensure the following:

- (a) That, to adopt or implement a new community program the Council shall discuss aspects of the new Program at a general monthly meeting. The basic concepts of the particular program to be assumed must be discussed and the concurrence of the majority of Council at the meeting obtained.
- (b) That any community program to be adopted or implemented by Council shall be described by a Band Council Resolution allowing sufficient lead time in planning so that an orderly transition of program management from the Department to the Band may take place.
- (c) That all Band Council Resolutions requesting adoption of Community Programs shall be passed by quorum of Council at a properly convened meeting as required.

- (d) That all Band Council Resolutions requesting adoption of Community Programs shall be binding on the Council and individual members of the Band and to subsequent Councils of the Band; unless a written request by resolution to rescind previous agreements is mutually agreed to with the Regional Director and discussed at a general meeting of the Council.
- (e) That all directives and guidelines existing for individual community programs be applied under Band Council management.
- (f) That all records and financial documentation be subject to review and audit by Band Council and the Department during regular working hours.
- (g) That all community programs accepted by Band Council as their responsibility shall benefit primarily non-elected members of the Band.
- (h) That Band Council and employees of Council shall declare and reveal any conflict of interest matters where community program involves direct or indirect benefits to them, except with the approval of the Band members at a properly convened meeting of the Band Council.

- (i) No chief or Councillor during his term of office shall enter into agreements with the Band which confers a benefit upon him other than a benefit accorded to Band members generally.

5. Responsibilities of Chief and Council

The Batchewana Band Council shall designate as their responsibility the following:

- 5.1 The Chief and Council shall be responsible for implementing the policies and decisions of Council as duly authorized at regular Council meetings.
- 5.2 The Chief and Council shall oversee the conduct of all Band Staff employees through the senior administrator of the Band.
- 5.3 The Chief and Council shall report to the Council all such information and recommend such measures that would improve the finances, health, security, cleanliness, comfort and development of the Band and reserve.
- 5.4 The Chief and Council shall ensure that the regulations related to any program or service which is administered by The Council shall be followed through the senior administrator of the Band.

5.5 The Chief and Council shall ensure that the Band membership have opportunity to become familiar with:

- (a) All regulations and by-laws that apply to Council, Band Staff and to the reserve.
- (b) The organization of Band government.
- (c) The operation and procedures of Council.
- (d) The jurisdiction of Council.
- (e) All training programs which may be available to Band members, Councillors and Band Staff.

5.6 The Council of the Band shall ensure that Band Members will have access to information about the functioning of reserve government by allowing:

- (a) any Band member to inspect the minutes of any Council meeting, the Band By-laws, resolutions, Community Budgets and monthly financial statements for the current and previous years.
- (b) Copies of the Annual Audit as adopted by Council will be posted in at least Two (2) public places on the reserve.

5.7 Chief and Council are responsible for conducting investigations and laying of any necessary charges or informations in respect to the maladministration of funds and the taking of such other disciplinary action as may be required for the contravention, refusal or failure of an employee to comply with these conditions or other applicable regulations.

6. Responsibility of Personnel Mangement

The Batchewana Band Council shall adopt the following policy in the management of Band Staff personnel:

- 6.1 All positions of Band Staff employees shall have a job description and duties as outlined by Council and a salary shedule, including all fringe benefits and entitlements of position offered.
- 6.2 All vacant positions of Band Staff shall be advertised for competition within the reserve, or as directed by Council.
- 6.3 All applicants for an advertised position on Band staff shall be reviewed by Band Council.
- 6.4 Selection of successful applicants for a position on Band Staff shall be based on merit and ability to perform the duties of the position advertised.
- 6.5 All successful applicants for advertised positions on Band Staff shall be engaged by means of a Band Council Resolution outlining the duties of the employee and salary schedule.

- 6.6 All Band Staff personnel engaged by the Council shall have the right to appeal the decision of Band Council when employment has been or is about to be terminated or suspended.
- 6.7 All such appeals shall be placed before an Appeal Board independent of Council and the decision of the Appeal Board shall be binding on the Council of the Band.
- 6.8 All employees of the Band Council shall execute duties as described in job descriptions and such other duties the Council of the Band may direct from time to time.
- 6.9 Band Staff employees shall assume positions of responsibility as delegated or appointed by Council in cases of sudden vacancies or absences of other Band Staff personnel.
- 6.10 All employees of the Band entrusted with financial responsibilities shall be bonded.

- 6.11 All employees of the Band must be the full age of sixteen (16) unless authorized by Council for specific programs.
- 6.12 Any Band Employee who contravenes or fails to comply with the Regulations as approved by Council or an approved Policy of the Council shall be subject to disciplinary action by the Council, including suspension, dismissal, possible legal action, or all three.
- 6.13 Where an employee of the Band is suspended from duty, the matter shall be referred to Council within twenty-four (24) hours of the time of suspension, and the Council shall within fourteen (14) days continue the suspension for a stated period, dismiss or re-instate the employee.
- 6.14 All matters concerning discipline of Band Staff shall be discussed in Committee of the whole Council in conjunction with senior or acting senior staff.
- 6.15 No employee of the Band shall be dismissed or employment terminated in any way except for just cause and only by Ratification of Dismissal arising from Committee of the whole Council by resolution of the Band Council at a regular meeting.

- 6.16 All salaries of Band Staff employees shall be paid at regular intervals and no salary advances shall be issued except only in extreme emergencies.
- 6.17 The Band Council shall encourage and give appropriate leaves of absence with pay, to all employees attending or wishing to attend training sessions sponsored or approved by the Department and any other training sessions or courses mutually agreed upon.
- 6.18 No employee of the Band shall seek public office or take an active part in an election unless at the direction of Council or without first having obtained leave of absence by Band Council Resolution prior to nomination day.
- 6.19 No person employed as Band Staff shall hold an elected position on Band Council without the potential for conflict of interest being discussed with Council and Band members at a regular meeting of Band Council and all implications being fully realized.



BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

Chronological No. - Numéro consécutif

276

File Reference - N° de réf. du dossier

411B/3-1-3

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds

NOTA: Les mots "des fonds de notre bande "Capital" ou revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

Table with columns for Council details (Agency, District, Province, Place, Date) and Financials (Current Capital Balance, Committed, Current Revenue balance, Committed).

DO HEREBY RESOLVE:

DÉCIDE, PAR LES PRÉSENTES: to adopt the attached regulations relating to

General Management of the Batchewana Band, as per our Council Meeting of Monday, October 18, 1976.

This regulation will be known as By-Law # 5.

A quorum for this Band
Pour cette bande le quorum est
consists of
fixé à
Council Members
Membres du Conseil

John M. Corbiere
(Chief - Chef)

D.W. Lesage
(Councillor - conseiller)

Harry Jones
(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

Harvey Bell
(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

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(Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE

Form with 5 main sections: 1. Band Fund Code, 2. COMPUTER BALANCES, 3. Expenditure, 4. Authority, 5. Source of Funds, and 6. Recommended/Approved section with Date and Officer fields.