



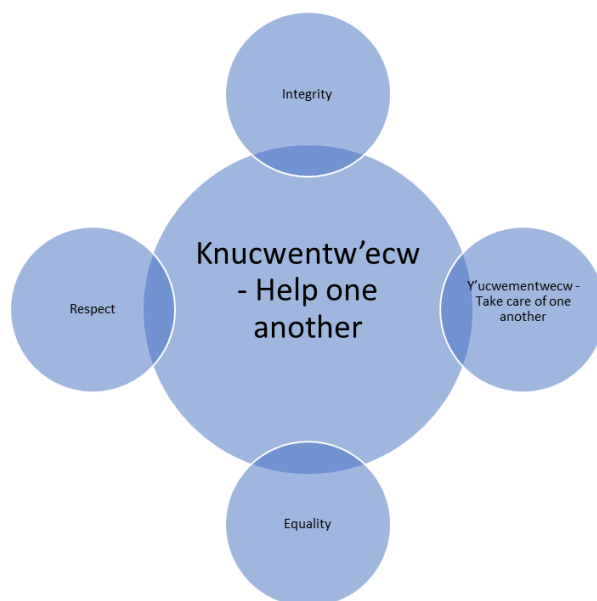
Bonapart First Nations (BFN) CHIEF AND COUNCIL TERMS OF REFERENCE

July 15, 2021

Mission Statement: To build a healthy and self-sustaining future for all our families by providing relevant and effective programs, services, and culturally appropriate governance.

Vision: To be a government that is unified and empowered by a foundation of tradition, culture, and language.

Values:







Preamble

As the Bonaparte First Nation's elected representatives, the Chief and Council are the authorized government and the ultimate legal authority of Bonaparte First Nation. To that end, the Council, and all it undertakes, shall move the Bonaparte First Nation toward **Self-Determination and Self-Government**.

The Chief and Council are responsible for setting Bonaparte First Nation laws, policies and strategic objectives and ensuring that the Bonaparte First Nation employees properly administer as the laws, policies and plans indicate.

As such, they promote and protect the Community's culture and customs, and have an important planning function.

Council will set goals and objectives for the Bonaparte First Nation, make, or adopt laws, policies and regulations, which provide direction to Bonaparte First Nation employees and also ensure that employees carry out their decisions.

They are responsible for local administration of Community services for residents on Bonaparte First Nation Lands including roads, housing, welfare, sanitation, school buses, and matters involving non-Bonaparte First Nation Members with respect to business and industrial interests, such as the regulation of land leases, lumber, tourism, etc.

The Chief and Council must also approve Bonaparte First Nation budgets and financial transactions.

They may set up Community committees to assist them with their work; however, the areas to be delegated must be clearly defined. **All actions and activities that the Council take shall move the Bonaparte First Nation toward Self-Determination and Self-Government.**

Mandate of Council Members:

The mandate of the Chief and Council will include the following:

- To promote, maintain and protect Bonaparte First Nation inherent rights and title on behalf of the Bonaparte First Nation Membership.
- To govern the Bonaparte First Nation with the best interest of the Membership and to take care of our homelands.
- To promote the culture and customs of the Membership;
- Ensure the economic and traditional sustainability of the future of Bonaparte First Nation;
- To create a transitional governance system;
- To learn and understand the operations, procedures, laws and by-laws, powers and jurisdictions related to Council and the administration of Bonaparte First Nation programs, and seek out other information which will assist Council to do their duties well.
- Define a clear separation of Elected Leaders and Administration;
- Practice pro-active leadership that emphasizes accountability and transparency;
- To foster progress in the economic development, education, social, recreational, and quality of life of the Bonaparte First Nation Membership.
- To co-operate and work with other governmental authorities in matters pertaining to Bonaparte First Nation interests.



Council Composition:

The Bonaparte First Nation is comprised of five. A Chief and four Council. Duly elected May

Council Election

Current Council term is May - 2021-May 2023.

Council Member Term:

Term of office for Council Members is 2 years. **This will change based on proposed Custom Election criteria.**

Guidelines Council Meetings

- Meetings shall be held as duly convened and from time to time special meetings for the business of the Council or the affairs of the Band.
- Meetings shall be scheduled at regular times and all Members shall be notified in advance of the meeting in writing.
- Emergency or special meetings may be called by the Chief, who shall summon a special meeting if requested to do so by a majority of the Council.
- The Chief, in conjunction with the Bonaparte First Nation Administrator, shall prepare an agenda for each meeting.

Meeting Chairperson:

The Bonaparte First Nation has adopted the Carver Model of Governance in a loose form. The CEO of the BFN will normally act as Chair of all Council Meetings, including Special Meetings. In the event that the CEO is unavailable, the duty of Chairperson will be delegated to a Chief or his designate.

The Chief and Chairperson duties include:

- Preparing agendas for meetings which will include a list of items to be discussed, reports to be presented, and resolutions or laws and by-laws to be passed.
- Ensuring that Council meetings are conducted in an orderly and businesslike fashion and maintain order and decide all questions of procedure.
- The Chairperson may expel or exclude from a meeting any person who causes a disturbance.
- Chairing the meeting in as neutral manner as possible.
- Ensures that all meetings and deliberations involving Council and Members will be fair, open, thorough, and orderly.
- Allocate the appropriate amount of time keeping in mind the other matters before Council.
- Ensure that the meeting content will be limited to those issues that, according to Chief and Council Policy, clearly fall exclusively within Chief and Council's jurisdiction
- If the Chief is unable to carry out these responsibilities, she/he shall relinquish the chair to another Councillor at that meeting; In case of a conflict the Chief or Chair will declare that conflict and pass the chair.
- Delegate to another Councillor any of his/her roles and responsibilities if agreed to by a



valid Motion;

Decision Making:

All Decisions made on behalf of the Bonaparte First Nation are by the Council as a whole in the form of either an approved Council motion or Bonaparte First Nation Council Resolution.

All decisions must be voted on and approved by the majority of the Council Members.

Decisions impacting the overall Bonaparte First Nation Community Membership (i.e. Bylaws, Bylaw changes, new policies, expending OSR funds that exceed limits etc.) must have Community input via consultation meetings prior to Council votes or adoption.

From time to time, the Band CEO may need an Bonaparte First Nation Council Resolution (BCR) or a funding amendment from funding agencies signed outside a regular scheduled Chief and Council meeting.

In the event that a BCR or a funding amendment is needed, the Band Administrator will send an email with a request for use of Chief and Council electronic signature (e-signature), along with document to be signed, and supporting information. The use of DocuSign is the designated e-signing mechanism.

The Administrator will request that Chief and Council respond back to email within 48 hours of request, or a shorter amount of time if there is a time sensitive issue.

At the next regular scheduled Chief and Council meeting, a Briefing Note that will include a motion to approve use of electronic signatures will be provided.

Council Remuneration

The Bonaparte First Nation Chief and Council Members' remuneration is approved by BFN AGM, and Chief and Council in consultation with Senior Management will implement the Motion approved at the AGM and is approved in the Bonaparte First Nation Budget.

For Revenue Canada purposes, the Chief and the Councillors hold a Tenure of Office, where they hold these positions based on an election by popular vote and are entitled to a fixed stipend or remuneration.

The earnings for this tenure are considered pensionable: Council members are required to contribute to the Canada Pension Plan (CPP), and Bonaparte First Nation is required by law to deduct CPP contributions. Council members are entitled to CPP benefits.

Tenure of office remuneration is not insurable for Employment Insurance (EI), and no deductions will be made. Upon termination of the office, Council members are not eligible to claim EI benefits and will not receive a Record of Employment (ROE).

Remuneration for all Council members will be paid bi-weekly through the Band's Payroll system, calculated on the annualized set remuneration divided by 26 pay-periods.



Roles and Responsibilities of the Chief

The Chief is the elected head of the Bonaparte First Nation Government, and as such, is the officer responsible for governing the Bonaparte First Nation.

The Chief is responsible for providing leadership within the Council and ensuring the integrity of Council's internal processes is preserved and that Council behaves consistently with its own rules and those rules legitimately imposed upon it.

In addition to the Chiefs' role as an Bonaparte First Nation Council member, key responsibilities may include the following:

- Act as the Band's official spokesperson or representative at ceremonial and other special functions. The Chief may delegate to a designate.
- Be called upon to speak for and express the opinions of the Band, either personally or through a spokesperson, when dealing with matters of Bonaparte First Nation concern.
- Speak on behalf of Council or the Bonaparte First Nation consistent with the decisions, adopted motions and valid Bonaparte First Nation Council Resolutions;
- Sign documents on behalf of Council or the Bonaparte First Nation consistent with the decisions, adopted motions and valid Bonaparte First Nation Council Resolutions agreed to;
- Represent Bonaparte First Nation at ceremonial and special functions or may delegate this authority by way of a valid Motion;
- Make decisions for the Bonaparte First Nation Council in times of emergency, when a decision must be made quickly, and it is not possible to call the Council together.
- The Chief will report to the Bonaparte First Nation Council on these decisions at the Council's next meeting.
- Call emergency meetings of the Bonaparte First Nation Council to discuss important business, which cannot wait until the Council's next regular meeting if requested to do so by a majority of the Bonaparte First Nation Council.
- The Chief will act as the external authority on behalf of BFN. He/she will attend Tribal Council meetings, provincial and national meetings. Attend sub committees from time to time.
- The chief will be the designate to external and internal meetings and conferences pertaining to land claims, territorial boundaries, industry negotiations and other entities the Chief and Council deem necessary. The Chief will report back to the council decisions made during the external meetings.
- The Chief will maintain an office in the band office but will not direct staff or CEO without council.
- The Chief will advocate for increased funding, position, and recognition of BFN in all entities he/she is present.
- The Chief will be available when needed in the community.



Roles and Responsibilities of Council Members as a Whole

The Chief and Council's primary responsibility is to govern as one;

- Individual Councillors, including the Chief, cannot make decisions on their own on behalf of Council or on behalf of Bonaparte First Nation;
- The Bonaparte First Nation Administrator will follow the direction of Chief and Councils' direction and policies, not follow the direction of the Chief or an individual Councillor acting alone.

Chief and Council will govern with an emphasis on:

- Collaborative leadership.
- Acknowledgement of and appreciation for differing viewpoints.
- Respecting and understanding the separate roles and responsibilities of Chief and Council and the Administration.
- Sustainable development of the Bonaparte First Nation Community and Membership.
- Chief and Council is responsible for the interests of the Membership and the Community as a whole and not of any special interest groups.
- Chief and Council is responsible for the best interest of the Bonaparte First Nation Membership regarding matters affecting Bonaparte First Nation's rights and Bonaparte First Nation's monies.
- The Bonaparte First Nation's responsibility extends to Members who live away from the reserve territory.

Chief (in consultation with Council) will:

- provide orientation, transition sessions for new Council Members.
- Have a primary responsibility to make themselves available and accessible to all the Membership of the Band, the Staff and to fellow Council Members in the performance of their duties and obligations;
- Restrict their primary role to strategic planning and governance rather than day-to-day administrative matters;
- Direct, control and protect Bonaparte First Nation assets and Membership by carefully studying, reviewing and establishing Bonaparte First Nation policies;
- Ensure attendance at any meeting or event that expects the attendance of an elected official;
- Value the role of each member of Council;
- Treat each Member with dignity and respect;
- In public, speak with one voice, representing all Council members;
- Respect and comply with all Bonaparte First Nation laws and by-laws, codes, rules, regulations and policies;
- Enforce self-policing when any Member of Council strays from good governance and the Bonaparte First Nation policies.
- Act as a positive and professional representative of the Community.
- To appoint the Trustee/Shareholder to any Bonaparte First Nation owned corporation and or society by way of a valid Band Council Resolution (BCR);



- To provide the Trustee/Shareholder of any Bonaparte First Nation owned corporation or society with direction and to monitor their performance;
- Liaise with all levels of government officials, organizations and associations that impact growth and development of the Community.



Councillor (the full time Councillor position) general responsibilities include:

- Uphold the ethics of the position and political office and sign the Oath of Office
- Work in sensitive and confidential circumstances; be expected to maintain that confidence at work and out of work.
- To call and hold referendums when required;
- To schedule and conduct regular Bonaparte First Nation meetings;
- To notify fellow Council Members and/or the Bonaparte First Nation Administrator and if required, the manager of any Bonaparte First Nation owned entity or Shareholder of any meeting absences prior to meeting whenever possible;
- Work with Council on all NRT issues and consultations, negotiations and advocacy as well as be present on special projects as assigned by Council.
- Attend participate and report back to Council on all Boards and Committees as they relate to the Council and the Community.
- To create and approve and ensure implementation of laws and by-laws, policies, regulations, rules, codes, directives, guidelines or other authorizations, standards, declarations, notices, requirements and directions;
- To accept and approve funding agreements for programs and services as agreed upon during a duly convened council meeting;
- To approve new programs and services as agreed upon by a duly convened council meeting;
- To authorize the expenditure of Bonaparte First Nation program funds on behalf of and in the best interests of the Bonaparte First Nation Membership as per agreed upon budgets;
- To establish and maintain relationships with Community Membership;
- Establish an effective two-way communication with the Membership and interested groups.
- Act as a positive and professional representative of the Community.
- To appoint the Trustee/Shareholder to any Bonaparte First Nation owned corporation and or society by way of a valid Band Council Resolution (BCR);
- To provide the Trustee/Shareholder of any Bonaparte First Nation owned corporation or society with direction and to monitor their performance;
- Liaise with all levels of government officials, organizations and associations that impact growth and development of the Community.
- Ensure an understanding of relevant government agencies and services that can either provide or meet the Community's needs and desires.
- To communicate with the Bonaparte First Nation Administrator in accordance with these regulations and other applicable Bonaparte First Nation laws and policies;
- To hire, evaluate and dismiss (when necessary) the Bonaparte First Nation Administrator, according to the procedures described in the Personnel Policy;
- To support the Bonaparte First Nation Administrator in decisions made in accordance with approved Bonaparte First Nation policies;
- Ensure the Bonaparte First Nation is a drug and alcohol free workplace.



Councillor Role Description

Accountable to: BFN Chief and Council

Term: 2 years to align with Council Term

Remuneration:

This position(s) will receive remuneration as determined annually by Council through an term AGM and noted in the Council Approved Budget.

Any appropriate expenses incurred performing Bonaparte First Nation business will be reimbursed, including travel and accommodations as per approved policies and budgets.

The representative holding this position is **not** entitled to receive both the general remuneration paid to Chief and Council and the remuneration paid for the full-time Council position at the same time.

Introduction:

The Chief and Council, as elected representatives of the Bonaparte First Nation Members, are the authorized government and the legal authority on the reserve.

As such, they promote the community's culture and customs, and have important planning functions.

They set goals and objectives for the Bonaparte First Nation employees, through Senior Management.

The Chief and Council approve Bonaparte First Nation budgets and financial transactions in accordance with Financial Administrative Law and Governance Policy.

They may set up community committees to assist them with their work; however, the areas to be delegated must be clearly defined.

The Bonaparte First Nation Council sets policy and strategic directions and is also directly involved in major decisions that significantly affect the direction of the Band's programs and services, financial well-being and good standing;

In public, speak with one voice, representing all Council members;

Respect and comply with all Bonaparte First Nation laws and by-laws, codes, rules, regulations and policies;

Enforce self-policing when any Member of Council strays from good governance and the Bonaparte First Nation policies.

Duties

All other duties will include, and not be limited to, those noted in the full role description as approved by Council in _____.



Councillor Position Implementation Process

This is the summary of Full Time Employed Councillor expectations, installation process and terms of reference of that role. This position is deemed an internal community position and such the Councillor holding this position will be the prime representative for BFN community and will address community needs. The position will act as liaison to the council on community issues and advocate on behalf of the community with industry, government and committees.

1. Within twenty-one (21) days after a full election of Chief and Council, the position of the full-time council position must be filled.
2. The full-time council position is deemed an appointed position by Chief and Council and not to be considered a contractual position or position of employment with Bonaparte First Nation.
3. Any member of Council may apply for the full-time council position by way of submitting their resume with an attached cover letter to the Bonaparte First Nation Administrator within seven (7) days after the election; Should a councillor not apply the Chief and Council will appoint a Councillor at a duly convened Council meeting.
4. The Bonaparte First Nation Administrator will make copies of each applicants resume and cover letter for all members of Chief and Council.
5. At a duly convened Chief and Council meeting, during an "In-Camera" session, resumes for the position will be distributed and all applicants for the position will be interviewed individually by an interview panel made up of Council members;
6. Each applicant will be judged on the following criteria:
 - Prior experience on Chief and Council
 - Experience working in an Bonaparte First Nation Office or a First Nations Organization
 - Knowledge of Bonaparte First Nation Policies
 - Knowledge of First Nations business practices, Title and Rights and First Nations Governance
 - Communication skills, both oral and written.
6. Chief and Council will, after interviewing each applicant, make their selection for the successful candidate;
7. By way of a valid Motion, name the successful applicant;
8. The successful applicants' appointment to the position will begin as soon as agreed upon.
9. The successful BFN Council Representative will be responsible for all duties detailed in the job description.



10. The successful BFN Council Representative's performance of their duties will be evaluated by Chief and Council, with input from the Bonaparte First Nation Administrator, during an "In-Camera" session at a duly convened Chief and Council meeting every (12-months);
12. In the event the BFN Council Representative is not able to carry out their duties, due to
 - Illness or injury
 - Family emergency
 - Any penalty imposed upon the BFN Council Representative under section _____ of the Chief and Council Policy or
 - A valid motion of non-confidence is passed. The Position shall be deemed vacant and within twenty-one (21) days of the vacancy and the position(s) shall be filled again following the preceding section 2 through 7 inclusive.
13. The BFN Council Representative is entitled to receive remuneration at a rate to be established prior to the beginning of each fiscal year subject to the budgetary limits as set forth in the Chief and Council Remuneration Budget and subject to other provisions as specified in this policy;
14. There is **no** provision in this position for sick days or any other type of personal leave days;



Skills required for Chief and or Council Members

Possess:

- Proficient level of communication skills, verbal and written;
- Organizational and time-management skills;
- Human Relations/Public Relations skills;
- Conflict Management skills;
- Negotiation and mediation skills;
- Analytical and problem solving skills;
- Knowledge of Secwépemc laws and Colonial politics.

Be able to:

- Demonstrate accuracy
- Pay attention to detail;
- Prioritize tasks;
- Create strategic plans;
- Follow governance processes;
- Study, review and consider others points of view;
- Attend any meeting or event that expects the attendance of an elected official;
- Treat others with dignity and respect.
- Know how to carry through tasks and commitments to completion.
- Incorporate leadership training in their professional development.