

KLUANE FIRST NATION

# COUNCIL GOVERNANCE POLICY



*Effective Date: March 19, 2008*

*Last Amended: January 24, 2019*



# Kluane First Nation Council Governance Policy

Effective Date: March 19, 2008  
Last Updated: January 24, 2019

Approved By: KFN Council

## Preamble

Kluane First Nation Council draws its authority from Article 8 of the KFN Constitution. This Article makes Council responsible for the overall operation of the First Nation government and administration and also makes Council accountable for all actions of government. Sections 8.1 through 8.11 identify the composition of Council, the qualifications required for a member of Council, how often Council shall meet and the term of Council. Section 8.12 gives specific responsibilities to Council, while sections 8.13-8.17 provide a process for undertaking those responsibilities. The *Uk'a Dàts'älay Act* (Rules for the People) further defines the authority and responsibilities of Council as do other Acts of KFN.

Section 8 of The *Uk'a Dàts'älay Act* (Rules for the People) authorizes Council to determine its procedures to manage its own operations effectively. Through strategic planning processes, a need has been identified to develop governance policies and procedures to guide not only Council in its operations, but also to guide Government operations as a whole.

Therefore Council has developed and enacted this *Council Governance Policy* to guide its actions, outline responsibilities, and ensure discipline and accountability. This policy also provides requirements for corrective actions that Council may be required to make with regard to their own authority.

This document provides such guidance to Council through the principles of **Planning, Leading, Organizing, Controlling and Reviewing**.

## **1. PLANNING**

Planning refers to the policies that state the Council purpose as well as the vision, mission and values for the First Nation that Council is expected to uphold. The high level planning, based on the guiding principles of the Constitution, shall remain constant. However, each Council shall engage in a planning process to determine its desired accomplishments.

In 2011 KFN underwent a visioning exercise and adopted the following statements:

**Purpose:** the purpose of Council is to provide overall guidance to government and administrative functions of KFN keeping in mind the inherent rights to self-determination of our peoples. Council shall provide programs and services to our people, ensure care and management of our lands and our traditional territory, and fulfill obligations to other governments.

**Vision Statement:** It is the vision of the Kluane First Nation to create a healthy, happy and economically stable community. Our ideal community would be free of crime and abuse of any kind and our people would go about their day to day activities in a spirit of



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gentleness and cooperation. In our ideal community, families would work together to help each other and our Culture would be shared with our children. We recognize we must live in a modern world as well and will prepare our youth to love and respect our heritage while at the same time gaining the skills to survive in a modern world.

**Mission Statement:** In order to achieve the long term vision, our mission is to build political and administrative systems of governance that will respect and value the past and still be able to communicate and participate with modern government structures.

**Principles:** The following key words guide Council's operations:

- Responsible management
- Realistic expectations
- Transparency
- Collaborative work ethic
- Informing citizens
- Respectful behaviors
- Fairness
- Teamwork
- Accountability
- Innovative solutions
- Due diligence
- Efficiency

## Long Term Outcomes of Council Planning

As a result of the planning processes Council has undertaken it has agreed upon the following long term outcome statements:

1. An enduring government foundation that is based on responsible management, realistic expectations, transparency, collaborative work ethic, information sharing, respectful behaviours, fairness, teamwork, accountability, innovative solutions, due diligence and efficiency, which includes ensuring that government administration, has the tools needed.
2. Sustained economic development that will allow for long term self-sufficiency and sustainability of KFN
3. Actively living our culture through heritage protocols, language revitalization programs, KFN language and literacy plans, citizens able to practice our culture, heritage camps, documented existing oral history, preservation of heritage resources and having a cultural art strategy



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- 4. Responsible, effective and efficient program and service delivery to our citizens
- 5. Fulfilling our obligations under the *Agreements* to other governments<sup>1</sup>

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<sup>1</sup> *Agreements*- Final Agreement Implementation Plan (FAIP), Self-Governing Agreement (SGA), Financial Transfer Agreements(FTA), Self-Government Agreement Implementation Plan (SGAIP) and Program and Services Transfer Agreement (PSTA)

## Achieving Outcomes

Council will ensure that outcomes are achieved by establishing an official strategic plan within the first six months of its term which will:

1. identify specific priority areas within the more broadly defined outcomes on which the First Nation will focus
2. identify how these priorities will be achieved through a work-planning and budgeting process in conjunction with departments
3. include estimates of revenues and expenditures over the period of the plan
4. establish a process for review and revision by Council
5. establish a process for informing the Assembly

## **2. LEADING**

Leading refers to the “rules” that Council follows to manage Council business and Council relationship with itself. This includes identifying the roles and responsibilities of Council, Council accountability, Council Conduct, Agenda and Calendar setting, reporting processes, discipline, expectations, and Council orientation. Some of these roles and responsibilities have been delegated to other governing bodies or the administration through delegation instruments such as Acts, Regulations or Policies.

### Responsibilities of Council

The following sections of the *Constitution* set out various roles and duties of Council:

Section 8.12 requires that Council

- a. direct activities of the Council and KFN
- b. stipulate the date for an election
- c. be accountable to the GA
- d. implement the directives and resolutions of the GA
- e. make recommendations to the GA
- f. represent KFN at meetings
- g. initiate, review, approve and update KFN polices as required
- h. enact and repeal laws as permitted under this Constitution
- i. represent and protect citizens and their rights, titles and interests
- j. ensure accountability through good management and reporting
- k. ensure that budgets are prepared and presented to the GA re: all activities
- l. protect, administer and manage monies, capital and other assets of KFN
- m. maintain up to date financial records and ensure the maintenance of strict financial accountability
- n. implement KFN laws
- o. provide for the establishment, registration and maintenance of registries
- p. publicize KFN laws and policies
- q. negotiate and conclude agreements on behalf of KFN
- r. establish committees and appoint or remove members of the committees
- s. encourage the resolution of internal disputes and conflicts within the KFN community
- t. encourage and guide KFN to respect the traditions of its ancestors
- u. call meetings of the GA
- v. call meetings of the Council

- w. make decisions pertaining to the creation of rights or interests in Kluane FN renewable and non-renewable resources
- x. subject to articles 17.2 make decisions pertaining to the creation of rights or interests in KFN settlement land
- y. such other matters that are ancillary to the foregoing or as directed by the GA

Section 8.14 gives Council the authority over any administrative task of government  
 Section 8.15 allows Council to delegate some of its administrative functions for a specified period of time, but cautions that it will remain ultimately accountable for the administration of those functions.

Section 8.17 encourages consensus.

#### The role of Council

The mandate of Council is to achieve its purpose, strive toward accomplishing its outcomes and fulfill its constitutional obligations in an ethical and prudent manner. The general job of Council is to:

1. Determine the appropriate organizational structure of KFN
2. Demand performance from its employees in accordance with KFN policies
3. Determine the political path of KFN in relation to KFN and other related legislation
4. Identify the opportunities available to KFN and determine priorities of Council
5. Ensure resources are committed to the priority areas of KFN
6. Fulfill KFN's obligations under its agreements
7. Actively pursue intergovernmental relations that will advance the well-being of KFN citizens
8. Provide the link between KFN administration and Citizens
9. Ensure the creation of policies that address the various categories of organizational decision making at the broadest level with which to inform the administration of KFN.
10. Be informed of the laws and policies of KFN and the issues related to KFN and the work of Council

Various sections of THE UK'A DÄTS'ÄLAY ACT (RULES FOR THE PEOPLE) set out the role and responsibilities of Council.

Section 5 includes the authority to do the following on behalf of KFN, some of which have been delegated:

- enter into contracts,
- acquire, hold and dispose of property,
- invest, expend and borrow money,
- create corporations or other legal entities,
- enact regulations and make policies, keep minutes/records of meetings and decisions,
- maintain financial records,

- abide by the conflict of interest procedures as set out in the *Act*
- create departments to assist with administration,
- maintain a registry,
- be responsible for the administration of financial affairs of KFN,
- specify the formation of funds, create and pass an annual budget etc.

Section 6 gives Council the authority to enact regulations, make policies and establish programs

Section 7 allows Council to act in the case of an emergency

Section 12 defines how Council shall keep records from all formal meetings, and how the records shall be filed and maintained

Section 16 allows Council to develop departments

Sections 20 to 24 require Council to establish and maintain a Register of Citizens a registry of Laws, and to provide notification of laws

Section 27 sets out the financial responsibilities of

Council Section 29 allows Council to managing monies

Sections 33 to 37 set out how Council may deal with revenue and create funds/accounts etc. Section 43 identifies that Council will cause a budget to be prepared and shall review, approve or reject said budget. This process is further delineated in the Finance Policy.

### Council Accountability

Each member of Council agrees to

1. be prepared to make informed decisions in the best interests of KFN and its citizens;
2. keep informed about the activities and affairs of KFN
3. attend the Annual Meeting and General Meetings of KFN and other meetings, activities and events relating to KFN
4. contribute to the work of the Council and be part of the Council's decision-making process;
5. communicate effectively with the other members of the Council in order to carry out their duties in a respectful manner and be available and respond promptly to communications
6. take further training, as necessary, to enhance his or her abilities and skills to carry out his or her duties as a member of the Council
7. hold, maintain and care for any property of KFN in his or her possession and return such property when it is no longer required or when he or she is no longer a member of the Council;
8. be independent and impartial;
9. not be influenced by self-interest, expectation of reward or fear of criticism, or reprisal.

10. act with honesty and integrity and conduct him or herself in a manner consistent with the nature and the responsibilities of the office, and the maintenance of public confidence in the conduct of the business of KFN;
11. freely debate any matter being considered by the Council;
12. maintain solidarity with fellow members of the Council in support of a decision that has been made in good faith in a legally constituted meeting by the Council in reasonably full possession of the facts;
13. ask the Council to review a decision, if he or she has reasonable grounds to believe that the Council has acted without full information or in a manner inconsistent with its obligations;
14. never use information received as a result of his or her position on Council for personal benefit;

### Council Conduct

Council recognizes that citizens have delegated to them the responsibility of governing the affairs of KFN Government. Further, each member of Council agrees to:

1. adhere to all conflict of interest and confidentiality clauses in existing legislation and act in accordance with their spirit and intent as set out in sections 9 and 10 of The Uk'a Dàts'älay Act (Rules for the People)
2. not allow impairment caused by alcohol or drugs to affect his or her duties
3. represent citizens appropriately
4. not act in any way that is detrimental to KFN

In addition, the general guidelines below apply to members of Council

1. A member of the Council will at all times conduct himself or herself in a manner that:
2. serves the overall best interests of KFN,
3. subordinates his or her personal interests, and those of any particular constituency, to the best interests of KFN,
4. brings credibility and creates goodwill to KFN,
5. demonstrates respect for individuals, fellow members of the Council and employees and contractors of KFN,
6. respects and gives fair consideration to diverse and opposing viewpoints;
7. demonstrates due diligence and dedication in preparation for and attendance at meetings, events and activities relating to KFN;
8. demonstrates good faith, prudent judgment, honesty, transparency and openness in his or her activities on behalf of KFN; and respects principles of fairness and due process

## Council Disciplinary Procedure

Article 14 of the *Constitution* provides that a Chief or Councillor can be removed from office if:

1. he or she misses three meetings without just cause
2. he or she is convicted of mismanagement of money or theft of KFN monies
3. he or she is convicted of a serious criminal offence during the time of office or
4. he or she is seen as unfit to hold office, based on the criteria below:

Further, under the procedure set out in section 8 of The *Uk'a Dàts'älay Act* (Rules for the People) each member of Council is subject to disciplinary procedures if:

- a. he or she fails to treat others with respect and dignity or fail to maintain proper decorum. Swearing, rudeness, intoxication or personal attacks during Council meetings will be deemed to be disrespectful.
- b. he or she acts in any manner that brings disgrace to the office of Council or brings the office into disrepute
- c. he or she speaks on behalf of the FN without authorization from Council
- d. he or she speaks publically regarding issues or differences debated within Council
- e. he or she fails to maintain confidentiality
- f. he or she uses inside information for personal gain
- g. he or she takes any action which is prohibited by sections 9 or 10 of The *Uk'a Dàts'älay Act* (Rules for the People) and is subject to the penalties set out in section 11 of The *Uk'a Dàts'älay Act* (Rules for the People).

Any removal of office shall be as set out in Article 14 of the *Constitution*.

### Discipline shall take the form of:

**First Reprimand:** Following a first offence the Council member will receive a reprimand in the form of a written reprimand from Council at a duly convened meeting

**Second Reprimand:** Following a second offence the Council, along with the Elders' and Youth Council will decide on a course of action to be carried out by the contravening Council member in a set timeframe.

**Third Reprimand:** Following a third offence, Council will initiate steps for immediate removal from office by:

- a. the recommendation that the Council member resign or,
- b. the recommendation to the Assembly that it replace the Council member as set out in Article 14 of the *Constitution*

## Governing Style

The governing style of Council is to focus on leadership that will emphasize the clear separation of the roles of Council and staff. It is agreed that:

1. Council will only direct as a body and through the Management Team / E.D.
2. The Chief will be the full time member of Council and shall be the link between Council and the Management Team / E.D. The Chief will work with the senior management to oversee the administration of government programs and services.
3. Individual members of Council (other than the Chief) will not attempt to direct any member of staff
4. The Chief will be the designated member of Council to provide direction to the Management Team / E.D. , with regard to issues facing the government
5. Working towards consensus is the preferred method for Council's decision making, but in order to provide timely direction, decisions must move to a vote if consensus is not reachable.

## Council as a whole will:

1. Make every effort to reach informed decisions which further the best interest of KFN in accordance with the purpose, values and outcomes identified by Council
2. Never abdicate its position of accountability for all actions of the government and administration
3. Act in a manner which provides long term direction and guidance and maintain a focus on the political needs of KFN
4. Show leadership and inspire loyalty from staff by establishing policies based on sound research and due diligence that are intended to further the goals of KFN
5. Enforce discipline on members of Council, when required, according to the disciplinary procedures set out in this document.

## Role of the Chief (Kwänathi inlj) (Kwänathi inlj)

The role of the Chief (Kwänathi inlj) is to ensure the integrity and dignity of Council governance. The Chief also represents the Council and KFN to outside parties. In addition to the responsibilities set out in article 9 of the Constitution the Chief (Kwänathi inlj) will:

1. be an *ex officio* member of all KFN committees
2. ensure that all directives and resolutions of the GA and Council are carried out
3. be a member of the leadership of CYFN or any successor to the Council for Yukon Indians;
4. provide general political leadership

5. and protect citizens' rights, titles and interests
6. be aware of the actions of all governing bodies
7. be the spokesperson for Kluane First Nation;
8. make recommendations to the GA or Council as the circumstances may require
9. respond to other matters that are ancillary to the foregoing or as directed by the GA

The Chief (Kwänathi inlj) shall also ensure that the Council conducts itself consistently with its own rules, thus:

1. the agenda and the content of Council meetings will be only on those issues which, according to Council Policy, clearly belong to Council and not to Management
2. Council deliberations will be fair, open, thorough, timely, orderly and kept to the point.
3. Council will have all the information it needs to ensure good decision making
4. Council may specifically delegate portions of the Chief (Kwänathi inlj)'s authority to others
5. the Chief (Kwänathi inlj), with the authority of Council, will direct and supervise the senior management of KFN and
  - a. ensure that senior management reports to Council at least monthly
  - b. ensure that direction from Council decisions is given to senior management in a timely and efficient manner, and specifically highlight issues of concern, and
  - c. ensure that annual performance evaluations are carried out on members of the Management Team / E.D.

#### Role of the Deputy Chief (Kwänathi inlj) (Article 10 KFN Constitution)

1. The Deputy Chief (Kwänathi inlj), upon approval of the Chief (Kwänathi inlj), shall assume all powers and duties of the Chief (Kwänathi inlj) upon his or her absence.
2. The Deputy Chief (Kwänathi inlj) must be a Citizen who is 22 years of age or older.
3. The Deputy Chief (Kwänathi inlj) shall be appointed by the Council after a duly called election.
4. The Deputy Chief (Kwänathi inlj) shall be one of the elected Councillors-at-large or the Elder

#### Role of the Elder Council (Article 11 Constitution)

1. There shall be an Elders Council made up of every Citizen who is 60 years of age and older.
2. The Elders Council shall assist and advise the Chief (Kwänathi inlj), Council, and Youth Council

in their functions.

3. The Elders Council shall recommend programs for Elders.
4. The Elders Council may provide advice on matters respecting the heritage, culture, language, justice and citizenship of the Kluane First Nation.
5. The Elders Council shall determine its quorum.
6. The Elders Council shall determine the procedure for the conduct of its meetings as per the Terms of Reference (Schedule E)

#### Role of the Youth Council (Article 12 Constitution)

1. There shall be a Youth Council consisting of all Youth Citizens who are 13 to 25 years of age inclusively.
2. The Youth Councillor shall chair the meetings of the Youth Council or delegate this responsibility, from time to time, to another Youth.
3. The Youth Council shall determine its quorum.
4. The Youth Council shall determine the procedure for the conduct of its meetings.
5. The Youth Council shall recommend programs for Youth.
6. The Youth Council will be Governed by the Terms of Reference (Schedule D)

#### Other Council Roles and Responsibilities:

##### **Council annual calendar**

Council shall establish an annual Calendar at the start of each fiscal year, which will include

1. Legislative agenda for the year
2. Scheduled Council meetings and summits, where possible
3. Budget schedule for the next fiscal year
4. Work planning schedule for the next fiscal year (due March 15)
5. Assembly dates
6. Obligations KFN must meet in order to comply with The *Uk'a Dàts'älay Act* (Rules for the People) and other intergovernmental agreements and contracts
7. A schedule to review outcomes identified in the strategic planning
8. Professional development to be undertaken by Council
9. Schedule of meetings with Management Team / E.D.

#### Council Time and Remuneration (wording)

Chief (Kwänathi inlj) (Kwänathi inlj) will be paid an annual salary as per (Schedule F). It will be reviewed annually by Council at the annual budget review. At that time, any

additional considerations for salary adjustments over and above cost of living allowance will be reviewed and approved.

Councillors will be paid an hourly rate as per (Schedule F) and will be reviewed annually and adjusted according to the Cost of Living Allowance as outlined in the KFN Employee Manual and approved by Council at the annual budget review.

### Hours of work

If a member of the Council is paid a salary or wage by KFN that member shall be attending to the business of KFN for the hours of that salary, unless otherwise directed by the Council.

### Communication

Council shall develop a records management system and will ensure that:

1. all communication from KFN is formatted consistently with the KFN logo
2. a quarterly newsletter will be developed and sent to all KFN members
3. a website of relevant information will be maintained.
4. social media avenues are used to communicate with citizens in a safe and efficient manner
5. Council meeting minutes as they are approved, will be made available for citizens
6. Council will host community meetings to inform citizens of Council issues, decisions and actions.

### Council Orientation

New Councils shall have a complete orientation package and corresponding orientation meetings subsequent to their election. They will be provided with a thorough understanding of the roles and responsibilities of Council. This orientation will be provided by the Management Team / E.D. as per the Team's Terms of Reference and shall include at a minimum:

1. One overlap meeting with incoming and outgoing Councils.
2. The general scope of the First Nation,
3. A review of the guiding documents of KFN (Agreements, *Constitution*, Acts and major policies)
4. A discussion of Council's purpose, vision, goals, mandates
5. A thorough discussion of the Council Governance Policy
6. KFN organizational structure
7. Budget and work plans for the preceding year
8. The previous Council's Strategic Plan
9. Major issues facing the First Nation (briefing papers)
10. Financial statements

11. A description of KFN relationships with other governments and any existing agreements with other governments
12. A briefing on the activities of KCDC and Kluane Corp, the economic development arms.

#### Gifts

If a member of the Council is offered a fee, gift, discount or special treatment, he or she must decline the offer and disclose it to Council.

If a gift is made to a member of the Council, and if the gift cannot respectfully be declined, he or she must deliver the gift to the Council to be kept as a gift to Kluane First Nation.

#### Reporting Responsibilities

The Council is to provide a written annual report to the Annual General Assembly.

#### Oath of Office/Declaration of Eligibility

Every person elected to be a Council Member is required to take an oath of office as per KFN legislation before exercising his/her duties as an official Council member. The original signed and dated copy shall be kept in KFN records.

### **3. ORGANIZING and CONTROLLING**

This section explains how the Council interacts with Administration and vice versa. It comprises an organization chart and authorizations (delegations) and general operating procedures. These ensure that proper organization and effective control measures are in place so that that business is conducted properly.

#### Instructions

The Administration is guided by written policies that describe the goals to be achieved and the situations and actions to be avoided. Council will develop and amend policies as required to ensure the effective functioning of Government. It may also develop regulations in keeping with legislative authorities under Acts and Agreements.

The First Nation shall be operated in accordance with the strategic goals that are in place.

Staff, in general, will be instructed through the KFN Employee Policy Manual

Financial Matters will be dealt with in accordance with the Däna Uk"ats"änata Act (Looking After the Money) and the Contracting Policy.

Program and Service delivery will be dealt with in accordance with the appropriate department policies.

#### Work planning and budgeting

Workplans will be developed on a departmental basis in the fall and provided to Council for their consideration by the Management Team / E.D. no later than January 31.

Workplans and the associated budgets will be approved by Council no later than March 15<sup>th</sup>.

Workplans and budgets will be reviewed mid-year review based on recommendations from the Management Team / E.D. and reallocation of resources made when necessary

#### Delegations of Authority

Council may delegate responsibilities to Council committees with appropriate Terms of Reference on roles and responsibilities and will keep a record of these terms.

Council may delegate responsibilities to the Kluane Community Development Corporation (KCDC) on terms and will keep a record of these terms.

Council may delegate authority to contractors or individuals that Council deems necessary on terms.

The primary delegated authority for administrative issues shall be to the Management Team / E.D. as per the attached TOR (**Schedule B**)

In general the relationship between Council and the Management Team / E.D. will be as follows:

Council will adopt a Carver model of Governance (Schedule C) whereby it sets goals and within prescribed limits, delegate authority to the Management Team / E.D. to decide upon and operationalize the objectives necessary to meet these goals. Council will provide decisions to the Management Team / E.D. through the person of the Chief (Kwänathi inlj) (or designate) or more formally through action items from the minutes of Council Meetings, resolutions and OIC's complete with time frame for action and an anticipated "turn around".

The Management Team / E.D. will attend Council meetings for the portion of the meeting that deals with administrative actions/briefings, etc. and will ensure that Council is made aware of progress towards goals and on emerging issues.

The Chief (Kwänathi inlj) will work with the Management Team / E.D. to ensure that suitable actions are taken with regard to Council decisions.

Council Governance Policy shall be broad enough to allow the Management Team / E.D. to carry out its work of meeting Council's goals within the bounds of accepted management principles. The Management Team / E.D. will use prudent, ethical, reasonable interpretations of these policies. Therefore:

1. The Management Team / E.D. will report to Council at least once a month in person, if required by Council, on the status of KFN, including its financial position and any significant achievements, issues or problems identified or encountered by any program managers.
2. Each manager will report on his or her departmental activities each month, report on actionable items from the previous meeting, and receive direction regarding issues that are identified at the current meeting.
3. The Management Team / E.D. will act in accordance with the generally accepted management and accounting principles
4. Communication will be clear and concise and done in the form of written and oral briefing notes, or statements of decisions (OIC's)
5. Council will adhere to the Carver model of governance and respect the delineation of Council's responsibility for goal setting from Administration's responsibility to decide upon and operationalize objectives to achieve Council's goals.
6. Council will set goals and clearly provide the Management Team / E.D. with the delegated authority to decide upon and implement objectives to operationalize Council's goals.

7. The Management Team / E.D. is responsible to contextualize the work plans and subsequent reports relative to Council's goals as delegated. With this feedback, Council may rescind areas of the Management Team / E.D. 's authority, re-emphasize, re-prioritize or refine its stated goals to ensure that its will is being carried out effectively.
8. If the Management Team / E.D. contravenes any Policy it will report the incident to the Chief (Kwänathi inli) and prepare a written report to Council for deliberation and remediation at their next meeting
9. Only decisions made by the Chief (Kwänathi inli) (or designee), on the appropriate authority of Council within the confines of Acts, Regulations and Policies, are binding on the Management Team / E.D. Other members of Council, Council Committees, or citizens will not attempt to direct, instruct or otherwise interfere with the authority of the Management Team / E.D.
10. If a Councillor or committee member requests information from the Management Team / E.D. without Council authorization it may refuse such a request if it requires a material degree of staff time or funds, or is disruptive.
11. The Management Team / E.D. have the full authority and accountability for all staff.
12. The members of the Management Team / E.D. will be evaluated by the Chief (Kwänathi inli) or designate in accordance with the evaluation procedures laid out in the Employee Policy Manual.

#### Internal and External Communications

The Management Team / E.D. shall be responsible for the internal communications as follows:

1. respond to concerns and needs of citizens re: programs and services
2. communicate any significant changes regarding administrative values
3. ensure Council is not "misinformed" or uninformed

#### Other Controls

Other controls exist within Acts, Regulations and Policies of KFN and should be referred to as required.

### **4. REVIEWING**

Each year of its term Council shall review the strategic plan. The Council Governance policy shall be reviewed at least once during a Council's term of office, for any required changes.

**(Schedule A)**  
**Kluane First Nation**

**OATH OF OFFICE and CONFIDENTIALITY AGREEMENT**

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I, \_\_\_\_\_, having been elected by the citizens of Kluane First Nation to the office of Council for Kluane First Nation solemnly swear and affirm that I have read, understood and agree to comply with the Council's Code of Conduct and other applicable rules and policies, and that in carrying out my duties as a Council member, I will:

1. accept my elected position and I will act faithfully and bear true allegiance to the ancestors, people and future generations of Kluane First Nation;
2. exercise the powers of my office and fulfill my duties and responsibilities honestly, in good faith and in the best interests of Kluane First Nation;
3. exercise these responsibilities, at all times, with due diligence, care and skill in a reasonable and prudent manner;
4. seek to bring honour and respect to Kluane First Nation in all circumstances in which I am called upon to represent Kluane First Nation;
5. respect and support the Constitution, Kluane First Nation laws, policies, including the Council's code of conduct and any requirements that govern conflicts of interest, and decisions of the Council and the General Assembly;
6. keep confidential all information unless the Council determines that such information is public and this shall include, but not be limited to, information about personnel, any personal information, and matters dealt with during in camera meetings of the Council;
7. not improperly disclose any matter that comes to my knowledge as a result of my office and I will not use any knowledge provided in confidence for my personal advantage or gain;
8. conduct myself in a spirit of collegiality and respect for the collective decisions of the Council and subordinate my personal interests to the best interests of the Council and Kluane First Nation;
9. not allow personal affairs to improperly influence my conduct in public office and I will immediately declare any personal conflict of interest that may come to my attention; and
10. immediately resign my position as a member of the Council in the event that I, or the Council or General Assembly have concluded that I have breached my oath of office or duties.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

## **Declaration of Eligibility to Hold Office as Councillor**

I, \_\_\_\_\_, hereby swear/affirm that I am eligible to hold the office of Councillor Kluane First Nation in accordance with the requirements under the *Kluane First Nation Constitution*.

SWORN (AFFIRMED) before me at )  
Burwash )  
Landing, in the Yukon Territory, on this )  
\_\_\_\_ day of \_\_\_\_\_, )  
20\_\_\_\_\_. )  
\_\_\_\_\_  
A Notary Public / Commissioner for Oaths )  
in and for the Yukon Territory )  
\_\_\_\_\_  
Councillor, Kluane First Nation

**(Schedule B)**

**Kluane First Nation  
Management Team / E.D. Terms of Reference**

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We, as members of the KFN Management Team / E.D., hereby agree to abide by the following terms of reference in the discharge of our duties as senior managers:

**Members:**

- Executive Director
- Director of Public Works and Municipal Services
- Director of Lands, Heritage and Resources
- Director of Governance
- Director of Finance
- Chief (Kwänathi inlj) of Kluane First Nation (ex-officio)

**Goals:**

1. Primary: To establish and ensure the ongoing stability of KFN's Administration by making decisions and recommendations in support of, and in response to direction provided by KFN Council; the political body elected by the membership for the task of governing the Nation.
2. Secondary: To minimize and systematize the requirements of ongoing administrative demands in order to have the appropriate capacity to respond effectively to and achieve the goals of Council as delegated.
3. Tertiary: To commit to developing a resilient team with the excess capacity and redundancy of knowledge necessary to remain responsive to Kluane First Nation in the face of inherent and emergent challenges.

**Meeting Schedule:**

The Management Team shall ideally meet weekly, but no less than once every two weeks on a fixed schedule. More meetings may be required, as needed. The Chair will be rotated between members of the team. Quorum shall consist of no less than 3 Management Team members.

**Deliverables:**

- Action Items of the meetings will be made available to the Council.
- Members of the Management Team / E.D. will provide written reports to Council monthly.

## **Scope/Jurisdiction:**

The Directors have the authority to:

1. Make financial decisions to a maximum of \$20,000., (Executive Director to a max of \$50k)
2. Hire/Dismiss
3. Decide upon funding allocations
4. Other functions as delegated by an order in council (OIC) or directive of the Chief (Kwänathi inlj)

The following decisions must go to Council or be reviewed with the Chief (Kwänathi inlj):

1. Any financial decisions in excess of \$50k
2. Entering into contractual obligations exceeding the \$50k financial limit.

## **Roles and Responsibilities:**

Administrative/Fiscal:

- Develop annual budgets and workplans for all departments for Council review no later than January 31st annually.
- Ensure that budgets and workplans are in place for each department and approved by Council no later than March 15 annually.
- Work within a triple bottom line of social, economic and environmental sustainability
- Recommend programs, services and systems/procedures, budgets and work plans
- Act consistently in accordance with KFN's efforts to implement the Agreements and achieve self-reliance
- Implement legislation, regulation and policy as duly passed by the Assembly or Council

Council:

- Implement Council direction and resolutions
- Provide technical "how to" advice and support by developing Council Briefing packages as required by KFN
- Provide orientation to new Council members
- Provide more extensive briefings/information sessions following elections

The Management Team/ E.D will carry out direction from KFN Council and or Chief (Kwänathi inlj) by

way of:

1. Council's Strategic Plan
2. Orders in Council (OIC)
3. KFN Constitution, laws, regulations and policies

## **Decision Making Process**

Decisions will be made in a timely fashion through consensus or a vote at the discretion of the Team.

## **Resources**

The Management Team / E.D. will be provided administrative assistance to facilitate meetings, generate minutes and track action items.

**(Schedule C)**  
**The Carver Model of Policy Governance**  
(source <http://www.carvergovernance.com/model.htm>)

Policy Governance®, an integrated board leadership paradigm created by Dr. John Carver, is a groundbreaking model of governance designed to empower boards of directors to fulfill their obligation of accountability for the organizations they govern. As a generic system, it is applicable to the governing body of any enterprise. The model enables the board to focus on the larger issues, to delegate with clarity, to control management's job without meddling, to rigorously evaluate the accomplishment of the organization; to truly lead its organization.

In contrast to the approaches typically used by boards, Policy Governance separates issues of organizational purpose (ENDS) from all other organizational issues (MEANS), placing primary importance on those Ends. Policy Governance boards demand accomplishment of purpose, and only limit the staff's available means to those which do not violate the board's pre-stated standards of prudence and ethics.

The board's own Means are defined in accordance with the roles of the board, its members, the chair and other officers, and any committees the board may need to help it accomplish its job. This includes the necessity to "speak with one voice". Dissent is expressed during the discussion preceding a vote. Once taken, the board's decisions may subsequently be changed, but are never to be undermined. The board's expectations for itself also set out self-imposed rules regarding the delegation of authority to the staff and the method by which board-stated criteria will be used for evaluation. Policy Governance boards delegate with care. There is no confusion about who is responsible to the board or for what board expectations they are responsible. Double delegation (for example, to a board committee as well as to the CEO) is eliminated. Furthermore, boards that decide to utilize a CEO function are able to hold this one position exclusively accountable.

Evaluation, with such carefully stated expectations, is nothing more than seeking an answer to the question, "Have our expectations been met?" The board, having clarified its expectations, can assess performance in that light. This focused approach reduces the mountains of paperwork boards often feel obliged to review.

Moreover, those boards which worry that they are only furnished the data management wants to give them find that, in stating their expectations and demanding a relevant and credible accounting of performance, they have effectively taken over control of their major information needs. Their staff no longer has to read their minds.

Policy Governance is a radical and effective change in the way boards conceive of and do their job. It allows greater accountability. Board leadership isn't just rhetoric. It's a reality.

**(Schedule D)**  
**Youth Council Terms of Reference**

**1.0 Background**

WE, THE YOUTH of the Kluane First Nation, desire to enhance and empower our role within the Kluane First Nation through the development of these terms of reference that will set out the purpose, scope and authority of the Youth Council.

Pursuant to Article 12 of the KFN Constitution there shall be a Youth Council consisting of all Kluane First Nation Youth between the ages of 13 to 25, who have the authority to determine their own quorum and conduct of its own meetings and at a minimum will provide recommendations for youth programming to the Kluane First Nation Council.

**2.0 Definitions**

“Youth Councillor” means an elected member of the Kluane First Nation Council that represents the Youth of Kluane First Nation.

“Youth Council member” means all Kluane First Nation youth from the ages of 13 to and including 25.

“Constitution” means the Kluane First Nation Constitution adopted by the Kluane First Nation General Assembly on July 16, 1995 and amended from time to time.

“KFN” means the Kluane First Nation.

**3.0 Vision statement**

We, the Youth of Kluane First Nation, would like to live in a community where Kluane First Nation youth have access to regular recreational activities, can realize (achieve) their own educational goals and can acquire the skills and knowledge to become self-sufficient in every aspect.

We, the Youth of the Kluane First Nation want to live in a community where Kluane First Nation families have access to good housing and have opportunities become economically stable and are learning the Southern Tutchone/Tlingit culture every day.

We the Youth of the Kluane First Nation want a community that is healthy and safe for everyone to live in.

**4.0 Mission statement**

We the Youth of KFN will strive to make good recommendations to the KFN government for the health and wellness of the whole community.

**5.0 Principles**

We, the Youth of Kluane First Nation, have established the following list of principles that will guide our conduct at meetings and gatherings. They are:

- 5.1 Respect
- 5.2 Accountability
- 5.3 Fairness
- 5.4 Teamwork
- 5.5 Equality
- 5.6 Supportive
- 5.7 Elders teachings

## **6.0 Youth Council Conduct**

Members of the Youth Council will at all times conduct him/herself as an Ambassador for Kluane First Nation in a manner that

- 6.1 serves the overall best interest of the Youth Council and the Kluane First Nation;
- 6.2 brings credibility and goodwill to the Youth Council and the Kluane First Nation;
- 6.3 demonstrates respect for individuals and fellow Youth Council members;
- 6.4 respects and gives fair consideration to diverse and opposing viewpoints;
- 6.5 demonstrates due diligence and dedication in the preparation for attendance at meetings, events and activities related to the Youth Council; and
- 6.6 demonstrates good faith, fair judgement, honesty, transparency, and openness in his or her activities on behalf of the Youth Council.<sup>2</sup>

## **7.0 Purpose of Youth Council**

The purpose of the Youth Council is to provide recommendations to the KFN government for the advancement of the interests and needs of Kluane First Nation youth and citizenship as a whole and to provide a positive role modeling environment for all youth.

## **8.0 Youth Council**

The Youth Council will have an executive that will consist of a Chair, a secretary and treasurer.

The Chair will be established in accordance with the Kluane First Nation Constitution. The secretary and treasurer will be selected amongst the Youth Council members and will serve for a period of 3 years.

## **9.0 Chair of meetings**

In accordance with article 12.2 of the Kluane First Nation Constitution the Youth Councillor shall be the Chair of the Youth Council or delegate this responsibility to another Youth from time to time.

The Chair of the Youth Council is responsible to:

- 9.1 set the agenda and call the meetings of the Youth Council and Executive;

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<sup>2</sup> Provision similar to the Code of Conduct of KFN Councillors under the *Uk'á Dàts'älay* (rules for the People) Act.

- 9.2 providing information, recommendations and direction to the KFN Council;
- 9.3 chairing the meetings of the Executive and the Youth Council; and
- 9.4 any other duties or direction set out in these rules of procedure or as directed by the Executive and Youth Council.

## **10.0 Responsibilities of Youth Council members**

Youth Council members will be required to:

- 10.1 attend all duly called Youth Council meetings;
- 10.2 support each other in a positive manner at all times;
- 10.3 bring forward recommendations as appropriate;
- 10.4 promote the appointment of Youth in areas of the community and government as they relate to: education, sports, recreation, language culture, public works, health & social matters, lands, resources, finance, fundraising, economic development and tourism.

## **11.0 Meetings**

The Youth of Kluane First Nation will have four meetings per year, at a minimum. These meetings will take place at the beginning of each season in September, December, March and June.

The meetings locations will take place in Southern Tutchone territories, being Burwash Landing, Haines Junction or Whitehorse, Yukon Territory. We will rotate the location of the meetings according to the time of the year. We feel this is important to rotate the location of the meetings because our Youth do not remain in in Burwash Landing all year.

Meeting dates will be determined at each Youth Council meeting.

We the Youth of the Kluane First Nation will hold and fund an Annual Youth Retreat at the end of each summer. The Annual Youth Retreat will also serve as an annual general meeting of the Youth Council.

## **12.0 Decisions**

Youth Council decisions will be introduced by motion. Any Council member can move or second a motion, but cannot do both.

Decisions will be made by consensus. If consensus cannot be reached, the decision will be passed by a majority vote.

Motions and Action items must be documented in the minutes.

## **13.0 Quorum**

Quorum for Youth Council meetings is seven Youth, inclusive of the Youth Councillor. Quorum is required to conduct business and make decisions on Youth Council matters.

## **14.0 Fundraising initiatives**

Kluane First Nation Youth Council will fundraise for Youth initiatives important to us.

The Youth Council will strive to fundraise at every community event.

The monies collected from the Youth Council fundraising initiatives will be used where the Youth Council sees appropriate, including the Annual Youth Retreat.

## **15.0 Financial accountability**

The Youth Council will develop an annual operating budget, based on monies provided by the Kluane First Nation and is accountable to Kluane First Nation Council for any monies provided by the First Nation government.

Additional monies raised at the fund raising activities will be expended outside of the Youth Council annual budget.

## **16.0 Conflict of Interest**

A member of the Youth Council shall disclose to the Youth Council any perceived or real conflict involving financial or other personal interest that he/she or a member of his/her immediate family has in any matter before the Youth Council. The member shall remove themselves from any discussions and decisions with respect to the matter.

Where a disagreement arises as to whether a member or a member of his/her immediate family has perceived or real conflict involving financial or other personal interest in a matter before the Youth Council, the Youth Council shall decide by a vote, whether that member or a member of his or her immediate family has such an interest and the affected member shall not take part in that vote. Where the Youth Council finds a perceived or real conflict in a matter before the Youth Council, the member shall remove themselves from any discussions and decisions with respect to the matter.

## **17.0 Minutes**

The secretary is to ensure that accurate minutes of meetings are recorded and distributed to Youth Council members for review and acceptance at the next duly called Youth Council meeting.

The meeting minutes shall include a summary of discussions, motions and resolutions passed or considered.

## **18.0 Review of the Terms of Reference**

The Chair will call for a review of these terms of reference within the first two (2) years of their term to determine whether any amendments are required.

## **19.0 Amendment of these Terms of Reference**

After review by the Youth council, any recommended changes will be brought forward by the Chair to the Kluane First Nation Council for discussion and adoption

## **20.0 Adoption of the Terms of Reference**

These terms of reference are hereby prepared and recommended by the Youth Council on July 19, 2013 and adopted by the Kluane First Nation Council on August 8, 2013.

These terms of reference will be appended to the Kluane First Nation Council Governance Policy as Schedule D.

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Marissa Mills, Youth Councillor

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Math'ieya Alatini, Chief

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Mary Jane Johnson, Councillor

**(Schedule F)**

<b>Council Wage</b>			
<b>Fiscal Year</b>	<b>Daily Honoraria</b>	<b>Hourly Wage</b>	<b>C.O.L.A. increase for next year</b>
2016-2017	\$325.15	\$46.45	0%
2017-2018	\$325.15	\$46.45	2%
2018-2019	\$331.66	\$47.38	1.75%
2019-2020	\$337.47	\$48.21	0%

Councillors are paid \$250/day based on a 7 hour day or otherwise pro rated per hour

Councillors are paid 1 day of honoraria for a Council Prep Day (to be the day prior to the Duly Called Monthly Council Mtg.)

<b>Chief Salary</b>			
<b>Fiscal Year</b>	<b>Hourly Wage</b>	<b>Annual Salary</b>	<b>C.O.L.A. increase for next year</b>
2012- 2013	47.53	\$86,504.60	2%
2013-2014	48.48	\$88,234.69	2%
2014-2015	49.45	\$89,999.39	1.75%
2015-2016	50.44	\$91,799.37	2%
2016-2017	52.25	\$95,095.00	

**Cell Phones**

**Chief**- will be provided with a cell phone and will receive full compensation for the monthly costs incurred.

-If a chief is returning, his/her wage would continue at current rate # C.O.L.A.

**Councillors** - will be reimbursed \$75/month towards the cost of using their own cell phone

