

OKIB Regular Council

BRIEFING NOTE



To: OKIB Chief and Council
Topic: Council Committee Terms of Reference
Meeting: OKIB Regular Council - 15 May 2023
Department: Administration
Submitted by: Michael Winstanley, Manager, Policy and Strategic Initiatives

PURPOSE:

To approve an updated TOR for Council Committees

BACKGROUND INFORMATION:

In 2007, Council of the day approved Terms of Reference for Council Committees. In 2008 it was decided to forego Council Committees in favour of meetings of the Committee of the Whole. Council Committees have not been utilized until now.

PREVIOUS PRESENTATIONS AND DECISIONS:

n/a

CURRENT STATUS:

It is uncertain whether the Terms of Reference 2007 are still valid.

ANALYSIS AND ADVICE:

The Council Committee Terms of Reference 2007, absent additional wording, may allow some to suggest that a Committee meeting would be a duly convened meeting if:

- a Committee is comprised of five or more Council members, or
- a combination of Committee members and Council members attending a Committee meeting is five or more.

Luckily, the [Indian Band Council Procedure Regulations](#) (C.R.C., c. 950) clarify that this suggestion is not true. According to s.28 the general duties of standing and special committees are:

- (a) to report to the council from time to time as often as the interests of the Band may require, all matters connected with the duties imposed on them respectively and to recommend such action by the council in relation thereto as they may deem necessary and expedient; and
- (b) to consider and report upon all matters referred to them by the council or by the chief of the band.

The 2007 TOR are also vague on a Council Committee's policymaking role.

The Council Committee Terms of Reference 2023 contains additional wording:

- in s.2 to clarify a Council Committee's strategic policy role and
- in s.17 to clarify that a Committee meeting is not a duly convened meeting.

OTHER FACTORS:

n/a

LINK TO STRATEGIC PLAN:

n/a

HR IMPLICATIONS:

n/a

FINANCIAL IMPACT:

n/a

RECOMMENDATION:

That Council approve the Council Committee Terms of Reference 2023

PROPOSED MOTION:

That Council repeal the Council Committee Terms of Reference 2007 and approves and adopts the Council Committee Terms of Reference 2023

ATTACHMENTS:

[Indian Band Council Procedure Regulations](#)

[TOR 2007](#)

[TOR 2023](#)

Gareth Jones, Acting Executive
Director\Director of Education &
Culture

Approved - 11 May 2023

Nikki Jones, Council Secretary

Approved - 11 May 2023

Indian Band Council Procedure Regulations

C.R.C., c. 950

INDIAN ACT

Regulations Respecting Procedure at Indian Band Council Meetings

Short Title

1 These Regulations may be cited as the [Indian Band Council Procedure Regulations](#).

Interpretation

2 In these Regulations,

Assistant Deputy Minister means the Assistant Deputy Minister, Indian and Eskimo Affairs of the Department; (*sous-ministre adjoint*)

council means the council of a Band elected pursuant to section 74 of the [Indian Act](#); (*conseil*)

Department means the Department of Indian Affairs and Northern Development; (*ministère*)

Minister means the Minister of Indian Affairs and Northern Development; (*ministre*)

secretary means the person appointed by the council of a Band to record the minutes of the council meetings; (*secrétaire*)

superintendent means the Superintendent or Senior Field Officer of the Indian Affairs Branch in charge of the Agency, and includes the Indian Commissioner for British Columbia, all Regional Supervisors, all Assistants Indian Agency, and any other officer acting under the instructions of the Minister or the Assistant Deputy Minister. (*surintendant*)

Meetings of the Council

3 (1) The first meeting of the council shall be held not later than one month after its election, on a day, hour and place to be stated in a notice given to each member of the council, and meetings shall thereafter be held on such days and at such times as may be necessary for the business of the council or the affairs of the band.

(2) No member of a council may be absent from meetings of the council for three consecutive meetings without being authorized to do so by the chief of the Band or superintendent, with the consent of the majority of the councillors of the band.

4 The chief of the Band or superintendent may, at any time, summon a special meeting of the council, and shall summon a special meeting when requested to do so by a majority of the members of the council.

5 The superintendent shall notify each member of the council of the day, hour and place of the meeting.

Order and Proceedings

6 A majority of the whole council shall constitute a quorum, but where a council consists of nine or more members five members shall constitute a quorum.

7 If no quorum is present within 1 hour after the time appointed for the meeting, the secretary shall call the roll and take the names of the members then present and the council shall stand adjourned until the next meeting.

8 The chief of the Band or, with the consent of the majority of the councillors present at the meeting, the superintendent shall be the presiding officer.

9 (1) Upon a quorum being present, the presiding officer shall take the chair and call the meeting to order.

(2) A chairman shall be chosen

(a) in the absence of the chief, or

(b) where the superintendent is not chosen the presiding officer pursuant to section 8,

from among the members present who shall preside during the meeting or until the arrival of the chief or until the superintendent is chosen as the presiding officer.

10 The presiding officer shall maintain order and decide all questions of procedure.

11 The order of business at each regular meeting shall be as follows:

(a) reading (correction, if any) and adoption of the minutes of the previous meeting;

(b) unfinished business;

(c) presentation and reading of correspondence and petitions;

(d) presentation and consideration of reports of committees;

(e) new business;

(f) hearing deputations;

(g) adjournment.

12 Each resolution shall be presented or read by the mover, and when duly moved and seconded and placed before the meeting by the presiding officer, shall be open for consideration.

13 After a resolution has been placed before the meeting by the presiding officer it shall be deemed to be in the possession of the council, but it may be withdrawn by consent of the majority of the council members present.

14 When any member desires to speak, he shall address his remarks to the presiding officer and confine himself to the question then before the meeting.

15 In the event of more than one member desiring to speak at one time, the presiding officer shall determine who is entitled to speak.

16 (1) The presiding officer or any member may call a member to order while speaking and the debate shall then be suspended and the member shall not speak until the point of order is determined.

(2) A member may speak only once on a point of order.

17 Any member may appeal the decision of the presiding officer to the council and all appeals shall be decided by a majority vote and without debate.

18 (1) All questions before the council shall be decided by a majority vote of the councillors present.

(2) The presiding officer shall not be entitled to vote but whenever the votes are equal the presiding officer, other than the superintendent, shall cast the deciding vote.

19 Every member present when a question is put shall vote thereon unless the Council excuses him or unless he is personally interested in the question, in which case he shall not be obliged to vote.

20 A member who refuses to vote shall be deemed to vote in the affirmative.

21 Whenever a division of the council is taken for any purpose, each member present and voting shall announce his vote upon the question openly and individually to the council and, when so requested by any member, the secretary shall record the same.

22 Any member may require the question or resolution under discussion to be read for his information at any period of the debate, but not so as to interrupt a member who is speaking.

23 (1) The regular meetings shall be open to members of the band, and no member shall be excluded therefrom except for improper conduct.

(2) The presiding officer may expel or exclude from any meeting any person who causes a disturbance at the meeting.

24 The council may at the first meeting thereof appoint in lieu of the committee of the whole council the following standing committees:

(a) Finance;

(b) Roads and Bridges; and

(c) Welfare.

25 The council may appoint special committees on any matters as the interests of the Band may require.

26 A majority of the members of a committee shall be a quorum.

27 The chief of the Band shall *ex officio* be a member of all committees and be entitled to vote at all meetings thereof, and other members of the council may attend meetings of a committee and may with the consent of the committee take part in the discussion but shall not be entitled to vote.

28 The general duties of standing and special committees are,

(a) to report to the council from time to time as often as the interests of the Band may require, all matters connected with the duties imposed on them respectively and to

recommend such action by the council in relation thereto as they may deem necessary and expedient; and

(b) to consider and report upon all matters referred to them by the council or by the chief of the band.

29 Special meetings of committees shall be called at the request of the chairman or a majority of the committee or, in the absence of the chairman on request of the chief of the Band or the superintendent.

30 Any representative of the Minister present at a council meeting may

(a) address the council, and explain to and advise the members thereof upon their powers and duties;

(b) explain to and advise the members thereof upon any question of procedure; and

(c) give such information as may be requested by any member of the council relating to the administration of the affairs of the band.

31 The council may make such rules of procedure as are not inconsistent with these Regulations in respect of matters not specifically provided for thereby, as it may deem

Appendix A: Council Committees

Status of Committees

Historically, OKIB Council established and maintained Council Committees for each of Department of the OKIB. In 2008 it was decided to forego Council Committees in favour of meetings of the Committee of the Whole Council. As Council is free to decide on whether to establish a Council Committee structure the following information is provided here for convenience.

Terms of Reference¹

Relationship to Council

1. Council Committees have been established by the Council to act primarily as advisory bodies to the Council.
2. A second important role of the Committees will be a body through which Council can become directly and actively involved in policymaking in specific areas.

Relationship to Staff

3. The Committee should act in an advisory capacity and not provide direction to staff.
4. The Committee will ensure that the policies and plans of the Department they represent do not duplicate or undermine the efforts of other Departments.
5. The Committee will ensure that it works with and not against the rest of the organization.
6. The Committee should serve the important role of promoting understanding between the Council, OKIB Membership, other services and facility users and the Departments they represent. That understanding will be essential in order for a good relationship to exist between the Department and its many constituents.
7. Committee members shall not interfere with the daily administration of the department.

The Purpose of the Committee

8. Council shall determine the purpose of each Committee.

Membership of the Committee

9. Except as otherwise provided by Council, each Committee shall consist of at least three members of Council.
10. The Chief is an *ex officio* member of each Committee.

¹ These Terms of Reference were adopted by OKIB Council on April 18, 2007.

11. Council may appoint additional members to Committees, including people who are not members of Council.

Establishing a Committee

12. Council shall, from time-to-time establish and disband Committees.
13. Council members will decide which Committees they will be involved in.
14. Conflicts in Committee membership will be resolved by the Chief.
15. Councillors should have expertise in and/or a genuine interest in learning about the Committee's program area.
16. Councillors must be realistic about the time they have to commit to full participation in the Committees they select.

Committee Activity

17. The Committee will decide on the dates of the meetings as well as a suitable time and location. Committee meetings should be coordinated with Council meetings and other Committee meetings.
18. The Chairperson will arrange meetings and prepare agendas with the appropriate Manager.
19. The Department Manager will prepare the agenda and any supporting documentation, including briefing notes, for the meetings. Where possible, this information should be forwarded to the Committee members in advance of the meeting.
20. Recommendations arising out of the Committee meeting must be taken to Council for approval or otherwise. The briefing note should include:
 - a. brief history of the matter;
 - b. the options that were explored;
 - c. the preferred option that was selected and the rationale behind it;
 - d. the rationale for not selecting other options;
 - e. the financial implications of the recommendation;
 - f. an action plan and timeline; and
 - g. an explanation of who will be responsible for carrying out the project.
21. The Chairperson or designate will present the recommendation to Council.
22. The Chairperson will follow up on approved recommendations to ensure that the necessary action has been taken.

Quorum

23. At least three Councillors and one staff member must be in attendance to conduct the Committee meeting.

Council Committees

Terms of Reference 2023

Relationship to Council

1. Council Committees have been established by the Council to act primarily as advisory bodies to the Council.
2. A second important role of the Committees will be a body through which Council can become directly and actively involved in **strategic** policymaking in specific areas.

Relationship to Staff

3. The Committee should act in an advisory capacity and not provide direction to staff.
4. The Committee will ensure that the policies and plans of the Department they represent do not duplicate or undermine the efforts of other Departments.
5. The Committee will ensure that it works with and not against the rest of the organization.
6. The Committee should serve the important role of promoting understanding between the Council, OKIB Membership, other services and facility users and the Departments they represent. That understanding will be essential in order for a good relationship to exist between the Department and its many constituents.
7. Committee members shall not interfere with the daily administration of the department.

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15. Councillors should have expertise in and/or a genuine interest in learning about the Committee's program area.

16. Councillors must be realistic about the time they have to commit to full participation in the Committees they select.

Committee Activity

17. The Committee will decide on the dates of the meetings as well as a suitable time and location. Committee meetings should be coordinated with Council meetings and other Committee meetings. **Committee meetings are not duly convened meetings of Council despite a majority of Council being members of a Committee or there being a majority of Council members attending a Committee meeting.**
18. The Chairperson will arrange meetings and prepare agendas with the appropriate Manager.
19. The Department Manager will prepare the agenda and any supporting documentation, including briefing notes, for the meetings. Where possible, this information should be forwarded to the Committee members in advance of the meeting.
20. Recommendations arising out of the Committee meeting must be taken to Council for approval or otherwise. The briefing note should include:
 - a. brief history of the matter;
 - b. the options that were explored;
 - c. the preferred option that was selected and the rationale behind it;
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