KWANLIN DÜN FIRST NATION

COUNCIL POLICIES

Amended February 2017

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The following policies were developed in a fair, consistent and transparent manner and apply to all elected and appointed officials to be in compliance with the Constitution of the Kwanlin Dün First Nation and the Governance Act 2016.

Definitions

"Chief" means the person holding the office of the Chief of the Kwanlin Dün First Nation, as constituted under Section 41 of the *Constitution of Kwanlin Dün First Nation*

"Acting Chief" means the member of Council chosen by Council to perform the powers and functions of the Chief during his or her absence. (Rules and Procedures of the *Kwanlin Dün First Nation Council)*

"Council" means the branch of Kwanlin Dün First Nation constituted under Chapter 5 of the *Constitution of the Kwanlin Dün First Nation.* The Council consists of one Chief, six elected Councillors, one Elder appointed by the Elder's Council and one youth appointed by the Youth Council. The duties of Council are to make and administer the Kwanlin Dün First Nation law, develop public policy, and carry out other responsibilities of the Kwanlin Dün First Nation.

1.0 Setting Pay Rates

Section 46 of the Constitution of the Kwanlin Dün First Nation states "the Council may *determine the compensation and benefits of the Chief and Councillors."* Council also sets an annual Cost of Living Allowance (COLA) if applicable.

Under Section 9 of the *Governance Act 2016*, Council has delegated its authorities to determine the compensation and benefits of the Chief and the Council to the Compensation Board.

"*An independent board shall be established to fix the compensation and allowances for all persons serving on the Council and any other Kwanlin Dün First Nation government branch in accordance with the Governance Act 2016. The Board will meet once a year to discuss the criteria outlined in Section 9 (9) to determine rates of pay and compensation for the Council."*

All elected Councillors and the appointed Elders' Councillor receive the same rate of pay. The Youth Councillor receives a reduced rate of pay, but is entitled to an honorarium payment when attending Council meetings and youth representation meetings. (Council Motion February 18, 2011)

Information regarding changes to compensation and benefits will be provided to Pay and Benefits (Finance) for processing.

Elected and appointed members must be in good financial standing with Kwanlin Dün First Nation and are required to pay back in full or make arrangements to pay back, any and all outstanding monies owed to the Kwanlin Dün First Nation, including rental arrears.

1.2 Acting Pay

At the beginning of each term in office, Council shall establish a schedule to fill the position of Acting Chief to ensure each Councillor has an equal opportunity to take on the duties of the Chief when and as required.

The Council shall also establish a schedule to fill the role of full time Councillor at the beginning of the term to ensure each Councillor has an equal opportunity to take on the duties of the full time Councilor.

Acting Pay is provided to the Acting Chief for each full day of service. Finance will be advised of all acting assignments including the start and end dates.

2.0 Attendance

2.1 *Each member of the Council shall attend all duly called Council meetings, subject to authorized absences, to ensure the proper representatation of the views and interests of Kwanlin Dün. (*Section 11 (4) Code of Conduct, *Governance Act 2016)*

2.2 Each Council member shall attend all other meetings relating to Kwanlin Dün business as required.

2.3 *Each member of Council must attend each meeting of the General Assembly, unless excused by the Chief for reasonable cause, and must report to the Assembly in accordance with the rules of procedure. (Section 31(2), Business at a General Assembly Constitution of the Kwanlin Dün First Nation)*

2.4 "An elected Council member will be deducted $500 from their earnings if they are absent without giving prior notification, from any duly convened Kwanlin Dün Chief and Council meeting, effective April 1, 2010. Council members can be excused for various reasons including sickness (themselves or immediate family members), emergencies, vacation leave, absence due to Council business, and death in the family." (Council Motion 2010-3, March 22, 2010)

The decision to deduct $500 from a member's pay, will be made by Council .

2.5 Conduct subject to disciplinary measures

If the Council concludes that a member of the Council is in violation of this Act, the Council may impose a penalty on the member that may include any one or a combination of the following:

(a) an oral warning;
(b) a written reprimand with terms and conditions to remedy the Council's concerns;
(c) suspension of the member of the Council duties and authority, with or without remuneration; or
(d) directed to pay a fine for violations under this Act to the Kwanlin Dün First Nation Department of Finance to be deposited in general revenues

(Section 14 (2), Code of Conduct, *Governance Act 2016*)

3.0 Group Benefits

Elected and appointed members of Council receive the following benefits:

Great West Life Group Benefits (Policy#167035):

***Life Insurance/AD&D** (taxable benefit per CRA)*

- 2 x annual earnings to a maximum of $245,000
- Coverage reduces by 50% at age 65 and terminates at retirement or age 70
- Can be converted to an individual policy upon termination of employment

***Optional Life Insurance/Accidental Death &Dismemberment** (taxable benefit per CRA)*

- Units of $10,000 to a maximum of $200,000
- Available to employees and spouses

***Dependant Life** (taxable benefit per CRA)*

- $10,000 spouse
- $5,000 dependent child

Extended Health Care Coverage

- No deductible
- 90% coverage for drugs up to the cost of generic
- Includes drug card
- 100% all other eligible services and supplies
- Semi private hospital
- Ambulance transportation (ground or air)
- Paramedical practitioners covered up to $750 per practitioner per calendar year (Chiropractor, Podiatrist, Naturopath, Osteopath, Psychologist, Speech Therapist, Acupuncturist, Licensed Massage Therapist, Chiropodist, Physiotherapist)
- $10,000 in any 12 month period for private duty nursing
- $700 hearing aid benefit every 5 years
- Medical emergency out of Canada travel coverage (60 day trip maximum)
- 24 month survivor benefit
- Coverage terminates upon termination of employment or retirement

Vision Care

- No deductible
- 100% coverage
- $400 every 24 months for adults / every 12 months for children under age 18

- Covers eyeglasses, contact lenses and laser eye surgery
- Covers one eye exam every 24 months

Dental Care

- No deductible
- Maximum $1500 coverage for basic/major combined per calendar year
- 100% coverage for basic services (cleanings, routine exams, x-rays, fillings, fluoride treatment, oral surgeries, gum therapy, root canals).
- 80% coverage for major services (inlays/onlays, bridges, crowns, dentures)
- 50% coverage for orthodontics (children or adults) to a lifetime maximum of $3000
- Recall exams – one every 5 months to a maximum of 2 per year
- 24 month survivor benefit
- Coverage terminates upon termination of employment or retirement

Manulife Financial Registered Pension Plan (Policy #87071007)

- Eligible after completion of 3 months of continuous employment
- Required to contribute 5.5% of gross earnings
- Kwanlin Dun matches your 5.5% contribution every pay period
- Employee portion contributed bi-weekly reduces income taxes at source (money is taxable when you take your pension)
- Employee can make extra voluntary contributions (KDFN will not match these)

RBC Critical Illness Coverage *(taxable benefit per CRA)*

- Eligible after completion of 3 month continuous employment
- Covers 26 major conditions (ex. Alzheimers, heart attack, loss of limbs, see RBC info sheet)
- $25,000 paid to member upon 30 survival of any one of the 26 covered conditions
- Fully portable
- At age 55 a member can covert policy into a Long Term Care insurance policy providing $110 per day of long term care

Tax Free Savings Accounts:

- Tax Free Savings accounts are employee voluntary contributions
- Eligible after 3 months of employment
- KDFN offers two choices of Tax Free Savings account options
- Manulife Financial and Investors Group
- Can contribute up to the Federal maximum each year
- Contributions are submitted after tax and withdrawals are tax free.

contact Pay & Benefits with questions 633-7800 (ext 123)

2.2 Council Severance Pay

Reason for Departure	Amount of Severance Pay
COMPLETION OF TERM One Term (three (3) years) Two or more terms (6 years) + one month for every additional year after 6 years	 5 months pay 6 months pay
RESIGNATION	Pro-rated depending on the length of time served
REMOVAL FROM OFFICE	None
DEATH	Same as completion of term
YOUTH COUNCILLOR	One month for each one year term served.

Severance is paid out in a lump sum when the term of the elected or appointed official is over, meaning that he or she has chosen not to run for re-election, or was unsuccessful in his or her bid to be re-elected.

If a member of Council passes, the severance allowance will be paid to his/her estate, in a lump sum.

4.0 EXPENSES

4.1 Monthly travel benefit

Members of Council receives a taxable benefit of $250 per month to offset the cost of gas, taxi fares or public transit fares. The Chief receives a taxable benefit of $300 per month for gas, taxi fares or public transit fares.

4.2 Council Vehicle

Councillors shall have priority access to a vehicle set aside for Kwanlin Dün First Nation Council business. Vehicles are booked through the department of Community Services.

4.3 Credit Cards

Credit cards are only to be used for purchases relating to Kwanlin Dün First Nation business when:

- purchases require payment by credit card,
- business lunches or entertaining on behalf of KDFN,
- travel purposes (airfare, hotels, vehicle rental, registration fees)

Kwanlin Dün First Nation issued credit cards are not to be used for personal expenditures. Anyone using the card for personal reason will have the card taken away immediately and the full amount of the purchase will be deducted from the member's pay during the next pay period. Lost or stolen KDFN issued credit cards must be reported immediately to both the issuing financial institution and the Director of Finance.

Upon issuance of a credit card, the credit card holder shall sign the *Credit Card Use Acknowledgment Form* to verify that he or she has read, understood and will comply with this policy. Members of Council may opt to hold onto their credit cards or have them held by the Department of Finance until needed. .

All Kwanlin Dün First Nation credit card statements plus accompanying receipts detailing purchases shall be submitted to Finance on a monthly basis for review.

5.0 COUNCIL TRAVEL AND TRAINING

Travel and Training

Each member of Council, with the exception of the Chief, is allocated $7,000 for travel and training per fiscal year. The Chief is allocated $15,000 per fiscal year to be used for travel and training.

Each member is responsible for managing his or her budget which can be used to attend training course, workshop or conferences and travel.

Additional travel requests (once individual budgets have been depleted) will need to be approved at a Council meeting.

6.0 GIFTS

Giving gifts: The Kwanlin Dün Council may wish to provide gifts to acknowledge a special achievement, to commemorate a special occasion, or any other occasion as protocol dictates. Council will decide on the type of gift and select a gift from the inventory of gifts already purchased, or commission a Kwanlin Dün First Nation crafts person to create a special gift.

Receiving Gifts: See Schedule 4 Code of Conduct (Section 5, Gifts, subsections (1), (2), and (3) of the *Constitution of the Kwanlin Dün First Nation*. A member of Council may accept personal gifts from other organizations for outstanding achievement, or to commemorate a special occasion.

To avoid potential conflicts of interest, all gifts will be brought to the attention of Council.

7.0 HONORARIA

If the member of Council sits on an internal Kwanlin Board, Committee or Working Group, he/she is not eligible for honoraria payments.

If a member of Council is sitting on an external Board, Committee or Working Group as a representative of Kwanlin Dün, he/she can accept honoraria payments offered or ask that the honoraria cheque be made payable to Kwanlin Dün First Nation.

8.0 LIABILITY INSURANCE (ERRORS AND OMISSIONS) /INDEMNIFICATION

Kwanlin Dün First Nation Insurance Policy (AON) AE1

To protect members of Council and the Kwanlin Dün First Nation from certain financial costs arising associated with performing Council duties.

Kwanlin Dün First Nation has professional liability insurance coverage (also known as Errors and Omissions insurance) to protect the government, elected officials and employees from claims and lawsuits arising from failure to perform work, and mistakes made in the course of doing business.

Errors and Omissions insurance also protects the insured from financial losses due to harm they caused through mistakes or negligence. E&O falls under the category of professional indemnity (PI) insurance which provides benefits that help those insured under the policy, fight claims made against them in court.

Indemnification insurance involves the payment by the First Nation government of the legal costs, expenses, settlements and judgments of an elected official or a director provided that they:

- arise out of his/her acts or omissions while acting within their official capacity; or
- are the subject of actual threatened legal proceedings.

9.0 RETURN OF PROPERTY

All Kwanlin Dün First Nation's property provided to members of Council for the purpose of conducting KDFN business such as: laptops, cell phones and iPads, must be returned to KDFN in good working condition, **unlocked**, and accompanied by all cords, cables, chargers, protective covers and boxes, at end of Councillor's term in office.

9.1 ELECTRONIC DEVICES (CELLPHONES, LAPTOPS AND IPADS)

Kwanlin Dün cellphones are issued to Council members so they are available in emergency situations or to conduct urgent business matters outside of normal business hours. iPads are provided so Council members can download meeting packages on their devices instead of carrying paper packages. Council members must accept these devices. The use of personal cellphone will no longer be allowed for security purposes.

Kwanlin Dün electronic devices shall be used for Kwanlin Dün business purposes only. All information stored on the cell phone and iPad is the property of Kwanlin Dün First Nation. Text messages, voicemail messages, photographs, videos and official Kwanlin Dün records created and or stored on the electronic devices must be managed in accordance with the Kwanlin Dün First Nation*Records Management Policy* (please contact the Records Management unit with any questions).

Kwanlin Dün electronic devices **will not** be used to:

- download music or videos,
- store personal photographs,
- conduct illegal activities or activities that will harm Kwanlin Dün or its reputation,
- or used while operating a motor vehicle.

Council members who unjustifiably exceed the monthly cell phone allotment amount, will have the extra costs deducted from their pay through payroll deductions.

If cell phones are lost, stolen or damaged while in the care of the Council member, he or she may be asked to be replace the phone.

Before travelling outside of Canada, the Council member will consult with IT about purchasing the appropriate Travel Pass to accommodate charges relating to the destination and the amount of time away on travel.

Council members will sign The KDFN Electronic Device User Acknowledgement Form.

Appendix L
Kwanlin Dün Electronic Devices (Cellphones, Laptops and iPads)
User Acknowledgement Form

Kwanlin Dün is committed to providing elected and appointed Council members with access to government issued cell phones and related electronic devices, such as iPads and tablets so they may:

- conduct Kwanlin Dün business through efficient internal and external communications with staff, other individuals, organizations and the public,
- be in communication with Kwanlin Dün staff or outside agencies during a time of crisis or emergency.
- Be in communication with Kwanlin Dün staff when working off-site, away on business

I have read and acknowledge the Electronic Devices (Cellphones, Laptops and iPads) policy and will abide by the terms and conditions set out in the policy.

- ☐ I will only use the Kwanlin Dün issued electronic devices for business purposes.
- ☐ I will not use the Kwanlin Dün electronic devices to disseminate or knowingly receive offensive, harassing, sexually explicit, threatening or illegal information (including pornography, offensive jokes or cartoons).
- ☐ I understand that Kwanlin Dün retains the right to filter and otherwise restrict electronic device access to specific websites through its network connection.
- ☐ I will not use a cell phone or other electronic devices while driving.
- ☐ All materials stored on the Kwanlin Dün issued electronic devices including phone records, digital images are the property of Kwanlin Dün and must be managed appropriately as official Kwanlin Dün records.
- ☐ I will not use the Kwanlin Dün issued electronic devices to download music, videos or movies for my personal use or to store personal photos.
- ☐ I understand that if I incur cell phone charges over the amount allotted by the contract, I will be responsible for those charges and pay the costs immediately through a payroll deduction.

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- I understand that I am responsible for replacing a Kwanlin Dün issued electronic device in my possession that becomes lost, stolen or damaged with a similar make and model. These expenses are not recovered from department funds.

- I understand that not complying with this policy may result in disciplinary action, depending on the circumstances and seriousness of the breach of compliance.

- I will return the electronic devices to Kwanlin Dün as requested, when my term on Council ends.

Cell Phone Make and Model Number: _____

Cell Number: _____

Issued to: _____ on the _____ day of

_____, 20___

iPad Make and Model number: _____

Laptop Make and Model number: _____

_____ _____

Council Member's signature signature of ICT staff

Returned to ICT on the _____ day of 20____

_____ _____

Council Member's signature signature of ICT staff

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10.0 ELECTED & APPOINTED OFFICIALS AND ELECTIONS

Elected and appointed officials have the right to stand for re-election in Council elections pursuant to Part Five, Nomination of Candidates, of the *Election Act* (Kwanlin Dün First Nation).

An elected and appointed official who chooses to run for office during a Municipal, Territorial or Federal election, must announce his or her intention to Council before the close of nominations. If nominated to run, he or she will take a leave of absence from his or her Council seat to avoid conflicts of interest from the close of nominations until the official election results have been declared by the Chief Returning Officer. (*Code of Conduct, Constitution of the Kwanlin Dün First Nation, and the Governance Act 2016 (S 12.2).*

Elected and appointed officials have a duty to give their undivided loyalty to Kwanlin Dün.

Elected and appointed officials running for re-election must not compromise Kwanlin Dün through public criticism of other Council members or commenting on the government's policies and practices during election periods.

1. Conduct during Council Election Periods

Elected and appointed officials will not:

- distribute political material, post campaign materials on workplace noticeboards, or
- use workplace equipment, supplies and materials or ask staff to uses KDFN equipment or supplies to assist with their political campaign.

Elected and appointed officials will continue to fulfill their duties after the writ is dropped until election day to ensure the business of Kwanlin Dün is carried out.

2. Conduct during Municipal, Territorial or Federal Election Periods

The Kwanlin Dün government and its elected and appointed officials shall:

- remain impartial during an election period, and
- will not openly support any candidate running for office

3. Elected to Council

To alleviate real or perceived conflicts of interest, once the official Council election results have been verified and made public, an employee of the Kwanlin Dün First Nation must resign from his or her position immediately. Positions will not be held for the employee's return as clearly stated in The *Constitution of the Kwanlin Dün First Nation.*

Section 42 (2) states that the Chief:

- *must serve on a full time basis,*
- *must not hold any other office in the Kwanlin Dün First Nation, except as provide in the Constitution of the Kwanlin Dün First Nation or Kwanlin Dün First Nation law,*

Section 42 (3) states that the Chief:

- *must not be employed by, or actively operate or manage, a business, trade or professional practice at any time more than 30 days after being elected Chief, but*
- *may have a sole or part ownership interest in such an enterprise, subject to the Kwanlin Dün First Nation Code of Conduct (Schedule 4 of the Constitution)*

Elected and appointed officials to Council must adhere to
Section 24 Code of Conduct *Constitution of the Kwanlin Dün First Nation*

(1) Each person who holds and elected or appointed office of the Kwanlin Dün First Nation must comply with the requirements of the Kwanlin Dün First Nation Code of Conduct, set out in Schedule 4.

Schedule 4 Code of Conduct, Section 7 Conflict of Interest

*(1) A person who holds an elected office within the Kwanlin Dün First Nation **may not**:*

(a) hold an additional position as an employee of the Kwanlin Dün First Nation.

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