



COWESSESS FIRST NATION GOVERNANCE POLICY

Enacted April 6th, 2011
Amended April 2nd, 2019

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PREAMBLE

WHEREAS it is the inherent right of the Cowessess First Nation to govern itself and make policies for the following purposes:

- The delegation of responsibilities of governance and executive level of administration;
- The appointment of individuals to committees and registered boards of the Cowessess First Nation; and
- With respect to any matter arising out of or ancillary to the exercise of the aforementioned powers;

WHEREAS the Cowessess First Nation has a Constitution which asserts the rights of Citizens and sets out the foundation for a progressive governing body which this Policy falls within;

WHEREAS the Council of the Cowessess First Nation wishes to establish a comprehensive policy to govern the Governance and executive level of administration of the Cowessess First Nation;

WHEREAS the Council of the Cowessess First Nation is committed to the governing stability and long range progressive viability of the Cowessess First Nation and its Operating Entities;

WHEREAS the enclosed Policy contains provisions which are intended to ensure security, consistency and provide for the effective progressive Governance and direction of the Cowessess First Nation and its Operating Entities; and

WHEREAS the Council of the Cowessess First Nation has determined that it is desirable and necessary that the enclosed Governance Policy be amended for the better governance of the Cowessess First Nation and its Operating Entities.

THEREFORE BE IT RESOLVED that the Council of the Cowessess First Nation at a duly convened meeting of the Band Council hereby enacts the enclosed Cowessess First Nation Governance Policy as amended.

1. CITATION

1.1 This document may be cited as the “Cowessess First Nation Governance Policy”.

2. DEFINITIONS AND INTERPRETATION

2.1 In this Policy, the following terms shall have the meanings hereinafter ascribed to them, namely:

- (a) **“Administration Office”** means the central administration office of the First Nation located on the home reserve;

- (b) **“Abstain”** means to refrain from voting, either for or against a motion;
- (c) **“Agency”** means any board, tribunal, commission or committee as established by or under the authority of the Council of the First Nation;
- (d) **“Chief”** means the duly elected Chief of the Cowessess First Nation as elected pursuant to the provisions of the Custom Election Act;
- (e) **“Citizen”** means any person whose name appears or entitled to appear on the Band List of the First Nation as maintained by the Indian Registry Administrator of the First Nation in accordance with applicable legislation;
- (f) **“Committee Chairpersonship”** means delegated Council chairperson responsibilities and observer to Department Committees established to provide governing direction to administration programs;
- (g) **“Community Member”** means any person whom is registered on the Cowessess First Nation housing list or is registered to use services provided by the Cowessess First Nation;
- (h) **“Constitution”** means the *Cowessess First Nation Constitution* as ratified and approved by the Citizens of the First Nation;
- (i) **“Council”** means the band council of the First Nation as represented by its duly elected Chief and Councillors;
- (j) **“Councillor”** means any individual elected to the position of Councillor of the First Nation pursuant to the provisions of the Custom Election Act;
- (k) **“Custom Election Act”** means the *Cowessess First Nation #73 Custom Election Act*;
- (l) **“Director of Finance”** means the Director of Finance or other equivalent position within the First Nation;
- (m) **“Duly Convened Meeting”** means a regular Council meeting which shall be held at a minimum once per month during the elected term of the Council;
- (n) **“Emergency Called Council Meeting”** is a Council meeting called by the Chief to deal with emergency or time sensitive matters which all Council shall have an opportunity to take part in;
- (o) **“Executive Director”** means the Executive Director or other equivalent position within the First Nation;
- (p) **“Financial Administration Bylaw”** or **“Bylaw”** means the *Cowessess First Nation Financial Administration Bylaw*;

- (q) **“Finance and Administration Committee”** means the committee that reviews all major financial decisions within the *Financial Administration Bylaw* as well major administration decisions within the Human Resource Policy, and recommends at a Council Meeting whether they should be adopted;
- (r) **“First Nation”** means the Cowessess First Nation;
- (s) **“FNCR”** means a First Nation Council Resolution or Band Council Resolution which is a written resolution signed by at least a quorum of the Council and which is passed at a duly convened meeting of the Council;
- (t) **“Governance”** means the overall connection between Nation Rebuilding Portfolios, Agencies, Operating Entities, other internal and external matters and the strategic direction of the First Nation;
- (u) **“Personnel Policy and Procedures Manual”** means the *Cowessess First Nation Personnel Policy and Procedures Manual amended from time to time*;
- (v) **“Immediate Family”** means the spouse, common-law spouse, mother, stepmother, father, step-father, sister, stepsister, brother, stepbrother, son, stepson, daughter, stepdaughter, foster child, adopted child, grandchild or grandparent of an individual;
- (w) **“Material Contract”** means any contract or agreement relating to the provision of goods and/or services;
- (x) **“Major Legislation”** means Cowessess First Nation laws ratified by the Citizens which includes, but is not limited to, the Constitution and Custom Election Act;
- (y) **“Motion”** means a decision of the Council which has been approved by a quorum of the Council present at a duly convened meeting of the Council;
- (z) **“Nation Rebuilding Portfolios”** means any of the seven defined portfolios delegated to Council to collectively work at for the betterment of the First Nation;
- (aa) **“Operating Entity” or “Operating Entities”** means any program, department or entity operated and administered by the First Nation and which is funded by the First Nation through monies received by the First Nation pursuant to any funding agreements or directly by the First Nation, but excludes any agencies, corporations, limited partnerships, trusts or other related business entities which may be operated and administered separate and apart from the First Nation;
- (bb) **“Policy Legislation”** means policies, bylaws, rules and enactments which do not require ratification and approve from Citizens but which compliment Major Legislation as well as provide direction for the overall governance and

administration of the First Nation and its Operating Entities and which may be adopted or amended from time to time by Motion or FNCR;

- (cc) **“Program Manager”** means such co-ordinators, managers, supervisors or directors as are retained by the First Nation to be responsible for the day to day management and operation of a specific program, department or Operating Entity of the First Nation;
- (dd) **“Quorum”** means where there is present at a meeting of Council a minimum of five (5) members of the Council present in person or attending by telephone or other communication facility as per the requirements of the *Custom Election Act*;
- (ee) **“Special Called Council Meeting”** is a Council meeting for a specific discussion with a minimum twenty-four (24) hour notice;

2.1 In this Policy:

- (a) words used herein importing the singular only shall include the plural and vice versa and words importing the use of any one gender shall include all genders;
- (b) all references to statutes or regulations shall include, unless expressly stated herein, any such statute or regulation as the same may be amended, re-enacted or replaced from time to time and, in respect of any defined term derived from such statute or regulation, includes any subsequent definition contained in any statute or regulation enacted in substitution therefore, or in modification thereof; and
- (c) the headings, recitals and table of contents are inserted solely for convenience and shall not control or affect the meaning or construction of any part of this Policy.

2.2 In the event of any inconsistency or conflict arising between the provisions of this Policy and the provisions of any other policies or procedures of the First Nation, the provisions as outlined in this Policy shall govern and prevail to the extent of the inconsistency or conflict.

3. PURPOSE

3.1 The purpose of this Policy shall be to:

- (a) provide a framework for Council duties, responsibilities, and functions within the Governance of the First Nation; and
- (b) define what is Governance from administration and to separate the function of Governance and function of operations within the First Nation.

4. RESPONSIBILITY

4.1 All Council are responsible for the maintenance of and adherence to this Policy.

5. APPLICATION

5.1 This Policy shall have application to the Governance and administration of the First Nation and shall apply to:

- (a) the Council;
- (b) all employees, officers, appointed committee members and/or contracted personnel of the First Nation, its Agencies and Operating Entities; and
- (c) all programs, departments, Agencies and Operating Entities of the First Nation.

6. STANDARDS OF ETHICAL CONDUCT

6.1 Council must keep a keen sense of responsibility to the First Nation's progress and must retain that sense of independence that will enable it to exercise professional judgement without restriction or bias. Council shall refrain from abusive conduct, personal charges or verbal attacks upon the character of staff, Citizens, Agencies, and one another.

6.2 Responsibilities of Council to Citizens:

- (a) be exemplary, courteous and tactful in all interactions;
- (b) ensure the communications of rights, responsibilities and information to foster informed decision-making;
- (c) respect the customs and beliefs of others consistent with the Constitution;
- (d) respect the confidentiality of information, unless it is in the public interest or required by law to divulge information; and
- (e) promote competence and integrity with individuals associated with the values of Cowessess First Nation.

6.3 Responsibilities to the administration of the First Nation:

- (a) retain the services of any staff and/or professional advisors including, without restricting the generality of the foregoing, legal counsel, accountants and auditors to assist the Council in the performance of any functions associated with the carrying out of its responsibilities;

- (b) strive to strengthen the administration of the First Nation and its Operating Entities with the understanding that leaving it stronger than how it was received;
- (c) to ensure that all investments associated with its administration and those of its Agencies and Operating Entities are made in accordance with sound practices and following completion of all applicable due diligence requirements;
- (d) communicate truthfully and avoid misleading or raising unreasonable expectations in others;
- (e) use sound ethical and decision making practices; and
- (f) not undermine the authority of the administration of the First Nation, its Agencies and Operating Entities.

6.4 Responsibilities to the First Nation and the general public:

- (a) ensure that the affairs of the First Nation are managed in accordance with the Constitution with special acknowledgment of the inherent rights, spirit and intent of the Treaty Rights applicable to the First Nation and its Citizens;
- (b) conduct themselves in a professional manner when representing Council; and
- (c) foster an environment where fairness applies and discrimination, harassment, or abuse of any sort is opposed.

7. COUNCIL OBLIGATION, AUTHORITY, AND RESPONSIBILITY

7.1 Council are the governing body on behalf of the First Nation. Beyond the Duly Called Meetings, Council is responsible to oversee operations from the Finance and Administration Committee, hold a seat on each Agency within the Governance of the First Nation. Council are also responsible for chairing the department committees and are provided seven (7) Nation Rebuilding Portfolios to enhance the First Nation. Council also represents Citizen interests, both present and children yet unborn.

7.2 With each responsibility, the following are functional roles and responsibilities:

- (a) set the strategic direction;
- (b) hire, support, assess and if necessary, discipline the Executive Director and Director of Finance;
- (c) protect and optimize the First Nation's assets;
- (d) create, amend, and enforce policy legislation;

- (e) report to Council regularly delegated responsibilities to assure a true team spirit;
- (f) enforce Major Legislation;
- (g) protect and improve the economic self-sustainability of the First Nation by strengthening the Governance, enforcing the laws, and empowering Agencies;
- (h) understand and assert political sovereignty of the First Nation by enforcing the laws and continually removing the First Nation from colonial legislation and strengthening the First Nation's custom law making authorities;
- (i) understand cultural rejuvenation as a means to eliminate colonization and intergenerational trauma and replace it with practices which will strengthen each generation; and
- (j) uphold the oath of office taken by each member of Council.

7.3 The Chief is ex-officio to the Nation. With such submission to duty, the Chief shall have the following responsibilities:

- (a) act as spokesperson for the First Nation;
- (b) provide continuous updates to Citizens of the First Nation;
- (c) provide continuous updates to Council;
- (d) chair Council meetings unless she/he delegates otherwise;
- (e) chair all band information meetings unless she/he delegates otherwise;
- (f) enforce the First Nation's laws;
- (g) ensure there is a consistent mechanism to address ideas, recommendations, conflict of interest, and redress;
- (h) delegate responsibilities to Councillors;
- (i) subject to approval from Council, to be responsible for coordinating and providing direction to the Executive Director, Director of Finance, legal counsel, and other positions directly linked to the Council and the Governance of the First Nation; and
- (j) ensure attendance at the Administration Office for an average of three days per week.

- 7.4 The Councillors along with the Chief shall be responsible for making decisions involving the Governance of the First Nation. Councillors are delegated responsibilities which include but are not limited to the following:
- (a) delegated responsibility to oversee and develop each Nation Rebuilding portfolio;
 - (b) one or more Councillors shall act as chairpersons of the Finance and Administration committee;
 - (c) delegated responsibility to oversee department committees which is a shared responsibility amongst other Councillors (Community Services, Research and Development, Citizen Services) with chairperson voting authority;
 - (d) one or more Councillors may also be appointed by Council to sit as a member of Council on the boards of directors of any external corporations, limited partnerships, trusts or other related entities of the First Nation along with certain Agencies of the First Nation (ie: First Nation's Housing Authority, Education Authority, etc.);
 - (e) provide continuous updates to the Council;
 - (f) ensure attendance at the Administration Office for an average of three (3) days per week and for the non-resident Councillor position, an average of three (3) days per week at either the First Nation's Sub Office located in Regina or at the Administration Office;
 - (g) consult with the Executive Director and Director of Finance on matters pertaining to the Governance of the First Nation and the Nation Rebuilding Portfolios for which they oversee; and
 - (h) annually assess the Director of Finance, Executive Director, and any other senior management positions established from time to time within the First Nation.

8. GOVERNANCE MAP STRUCTURE

- 8.1 The First Nation is transitioning to a governance structure without Indian Act influence.
- 8.2 The First Nation shall establish and maintain a current Governance and Organizational Chart for the Governance, management and administrative operations relating to the First Nation.
- 8.3 The Governance and Organizational Chart shall contain an overview of all government, management and administrative operations of the First Nation, the linkages between the administrative systems, the roles and responsibilities of each

level of the organization, membership on any committees of the First Nation, principle lines of authority and portfolio responsibilities.

- 8.4 The First Nation's Governance and Organizational Chart is attached as Appendix "A" to this Policy. Employee names within the Governance and Organizational Chart may change from time to time and anytime the Governance and Organizational Chart is amended, the same shall require approval through motion or FNCR.

9. NATION REBUILDING PORTFOLIOS

- 9.1 The Council shall establish Nation Rebuilding Portfolios which shall have application to the overall Governance and strategic direction of the First Nation. The Nation Rebuilding Portfolios include the following:

- (a) Community Planning;
- (b) Stewards of the Land;
- (c) Citizen Enhancement;
- (d) Decolonization;
- (e) Inherent and Treaty Rights;
- (f) Capital/Special Projects; and
- (g) Governance.

10. AGENCIES AND OPERATING ENTITIES

- 10.1 The Council shall be responsible for approving all policies, bylaws and legislation having application to Agencies and Operating Entities within the First Nation.
- 10.2 The Council shall have the authority to delegate to corporations, limited partnerships, trusts and other related entities the responsibility to oversee and administer businesses on behalf of the First Nation along with land claim settlements.
- 10.3 Each corporation, limited partnership, trust and other related entity shall, where applicable, be required to have in place governing bylaws, policies and/or agreements which govern their operations and administration.

11. OPERATIONS

- 11.1 Council are mandated to provide a professional service and be efficient with resources.

The Executive Director and Director of Finance shall report directly to the Council regarding the financial and administrative operations of the First Nation. Program Managers may also report to Council as requested on the operations and administration of their specific program, department or Operating Entity

12. FINANCE AND ADMINISTRATION COMMITTEE

- 12.1 The Council shall establish the Finance and Administration Committee. Each member of Council shall hold a seat on the Finance and Administration Committee along with the Executive Director and Director of Finance.
- 12.2 The Council shall establish, and may amend from time to time, policies and procedures having application to the operations and decision-making processes of the Finance and Administration Committee.

13. EXECUTIVE DIRECTOR

- 13.1 To assist in the overall management and operations of the First Nation, its Agencies and Operating Entities, the First Nation shall utilize the services of an Executive Director. The Executive Director shall be employed or contracted by the First Nation and shall report directly to the Council.
- 13.2 The Executive Director shall provide an objective operations function independent of Council. Without restricting the generality of the foregoing, the Executive Director shall fulfill the following duties:
- (a) oversee of the day to day management and coordination of all services, programs, departments, Agencies and Operating Entities of the First Nation;
 - (b) undertake follow-up work assigned by the Council as it relates to the operations and administration of the First Nation along with its various Agencies and Operating Entities;
 - (c) to coordinate with Program Managers the delivery of all programs and services to Citizens of the First Nation;
 - (d) prepare and present on a regular basis, written and/or oral reports to Council on matters relating to the management, operation and administration of the First Nation, its services, personnel, programs, departments, Agencies and Operating Entities.
 - (e) attend meetings as directed by Council and provide reports on such meetings; and

- (f) perform such other duties as identified in the Finance and Administration Bylaw and other duties provided by Council from time to time.

13.3 Should the Executive Director be in a conflict of interest in dealing with such matters, responsibility for such matters shall fall to the Director of Finance.

14. DIRECTOR OF FINANCE

14.1 To assist in the financial operations of the First Nation, the First Nation shall utilize the services of the Director of Finance. The Director of Finance shall be employed or contracted by the First Nation and shall report directly to the Executive Director and to the Council.

14.2 The Director of Finance shall provide an objective financial function independent of Program Managers, Operating Entities and Agencies. Without restricting the generality of the foregoing, the Director of Finance shall fulfill the following duties and responsibilities:

- (a) to provide basic monthly listings of revenues and expenditures upon the completion of bank reconciliations to the Finance and Administration Committee and Council when requested;
- (b) to provide recommendations to the Council on matters relating to the administration of the financial affairs of the First Nation, its programs, departments, Agencies and Operating Entities; and
- (c) to perform all duties of the Director of Finance as identified in the Finance and Administration Bylaw and other duties provided by Council from time to time.

15. COUNCIL MEETINGS

15.1 Under this policy, the following notice shall be given:

- (a) for purposes of the Duly Convened Council meeting, the Chair/Chief shall set a consistent schedule with minimum once per month;
- (b) for purposes of the Special Called Council meeting, the Chair/Chief shall call a meeting with minimum twenty-four (24) hours' notice;
- (c) for purposes of the Emergency Called Council meeting, the Chair/Chief shall call a meeting with all Council a chance to take part;
- (d) for purposes of meetings of the Finance and Administration Committee, the Chair shall provide notice which shall attempt to host prior to the Duly Called Council meeting;

- (e) for purposes of meetings, Roberts Rules of Order shall be governing mechanism;
- (f) Quorum shall be required to be present at each meeting of the Council ;
and
- (g) Official meeting minutes shall be posted publicly two (2) month after meeting.

15.2 The Duly Called Council Meeting is the main decision mechanism for Council. Preparation, board governance professionalism, and proper democratic process shall prevail.

15.3 At times, there may be a need to hold in-camera discussions relating to confidential and sensitive matters. Without restricting the generality of the foregoing, in-camera discussions may be held in relation to the following:

- (a) personal matters relating to an identifiable individual
- (b) litigation or potential litigation affecting the First Nation;
- (c) receiving advice that is subject to solicitor-client privilege; and
- (d) any other matters which the Council considers advisable to be discussed in-camera.

All in-camera discussions shall be noted in the minutes. The minutes of the meeting shall indicate generally the nature of the in-camera discussion and the time upon which the in-camera discussion commenced and ended. Any motions passed during the in-camera discussion shall be required to be recorded in the minutes of the meeting. Further, the Council may, at its discretion, maintain minutes or a record of the discussions undertaken during the in-camera session. Any records or minutes completed with respect to in-camera discussions shall be maintained by the recording secretary in a confidential file.

16. REPORTING OF DECISIONS

16.1 Minutes of decisions taken at all meetings of the Council shall be recorded and adopted by the Council at subsequent meetings of the Council. All minutes shall be required to be approved through Motion or FNCR. Once adopted by the Council, the minutes shall be signed by the Chief and recording secretary.

16.2 Original copies of all Council minutes shall, upon their review and adoption, be maintained on file at the Administration Centre.

17. CONFLICT OF INTEREST

17.1 The Council shall ensure that conflict of interest is avoided in all decisions and transactions affecting the First Nation, its programs, departments, Agencies and Operating Entities.

17.2 As a general rule, any person who holds an elected, appointed, employment or contractual position with the First Nation, its programs, departments, Agencies or Operating Entities, including any elected member of the Council, shall not use their office or position for any personal gain or financial benefit to the detriment of the interest of the First Nation, its programs, departments, Agencies or Operating Entities. It shall be the responsibility of all elected, appointed, employed or contractual officials of the First Nation to declare any potential or actual conflict of interest as may arise in connection with the making of any decision involving any transactions on behalf of the First Nation, its programs, departments, Agencies or Operating Entities.

17.3 Any person referred to in section 17.2 who:

- (a) is a party to a Material Contract or proposed Material Contract to be entered into by or on behalf of the First Nation, its programs, departments, Agencies or Operating Entities;
- (b) is a director, officer or has material interest in any individual proprietor, corporation or any other entity who is a party to a Material Contract or proposed Material Contract to be entered into with the First Nation, its programs, departments, Agencies or Operating Entities; or
- (c) stands to receive either alone or in conjunction with any member of his or her Immediate Family, any personal gain or financial benefit from any Material Contract or proposed Material Contract to be entered into with the First Nation, its programs, departments, Agencies or Operating Entities;

shall disclose to Council at a Duly Convened Meeting the nature and extent of their relationship and the extent of his or her interest with the contracting party.

17.4 The disclosure required pursuant to section 17.3 shall be made:

- (a) at any meeting of the Council, its programs, departments, Agencies or Operating Entities at which the proposed Material Contract is first considered;
- (b) if the individual in question was not then interested in the proposed Material Contract, at the first meeting of the Council, its programs, departments, Agencies or Operating Entities after which he or she becomes so interested; or
- (c) if the individual becomes interested after the Material Contract is made or entered into by or on behalf of the Council, its programs, departments, Agencies or Operating Entities, at the first meeting of the First Nation, its

programs, departments, Agencies or Operating Entities after which he or she becomes so interested.

- 17.5 The individual described in section 17.3 shall not take part in any discussions or deliberations concerning the Material Contract and shall not vote on any Motion or FNCR to approve the same or any similar decision regarding consideration or approval of the Material Contract.
- 17.6 Every member of Council shall be accountable to the citizenship of the First Nation for any personal gain or financial benefit received as a result of any decision of the Council, unless:
- (a) the Council member has disclosed his or her financial interest in the Material Contract and has followed the procedures set out herein; and
 - (b) the Council member has abstained from participating in all discussions or deliberations regarding the Material Contract including the voting on any Motion or Resolution to approve the same as provided for in section 17.5 hereof.
- 17.7 In the event that a member of Council violates the Conflict of Interest provisions as set out in this policy, such decision shall be considered null and void and all reasonable attempts shall be made to recover such monies and the cancellation of any related contracts under the decision where the conflict arose.

18. APPEALS AND REDRESS

- 18.1 Any Citizen may appeal a decision made by Council which has a direct effect on the Citizen.
- 18.2 A citizen wishing to appeal a decision of Council shall be required to submit their appeal in writing to the Council within a period of thirty (30) days following the date of the Council decision. The appeal shall be required to be submitted in letter form, addressed to the Chief and shall be signed and dated by the Citizen and shall, at a minimum, contain the following information:
- (a) the name and address of the Citizen;
 - (b) full particulars of the matters being appealed;
 - (c) a description of all material facts and documentation which the Citizen intends to rely on in advancing the appeal;
 - (d) the resolution, if any, being sought by the Citizen; and
 - (e) such further and other information as may be requested by Council to address the appeal.

- 18.3 Upon receipt of the complete appeal documentation referenced in section 18.2, the Chief shall submit the documentation received to the remaining members of Council and a decision shall be made by Council as to whether to consider the appeal at a special meeting or at a subsequent regular meeting of the Council.
- 18.4 All information regarding an appeal filed by a Citizen shall be treated as confidential pending decision on the appeal by the Council.
- 18.5 Upon considering the appeal filed, Council may confirm the decision made or seek to amend or alter the decision, if applicable, in response to the appeal or require further investigation by the Executive Director in relation to the issues raised in the appeal. The Council may also at this stage discuss possible further resolution of the appeal with the Citizen.
- 18.6 If a resolution acceptable to both parties is achieved, a resolution report will be completed and signed by the Citizen and the Chief outlining the circumstances giving rise to the appeal, the investigation process, if any conducted and the resolution achieved. Copies of the report will be given to the Citizen and a copy maintained on file at the Administration Centre.
- 18.7 Notwithstanding the appeal process outlined herein, any Citizen who has a complaint or any concern regarding a decision made by Council may seek the confidential advice of the Chief or any Councillor in an attempt to clarify his or her concerns and to understand his or her opinions.

19. REPORTING TO THE CITIZENSHIP

- 19.1 Council shall arrange for the conducting of a general First Nation information meeting on the home First Nation and at such other locations as may be determined by the Council at a minimum of two (2) times per year to present on the operations of the First Nation, its programs, departments, Agencies and Operating Entities.
- 19.2 The Council shall prepare an annual report to the Citizens which shall include the audited financial statements as well as a report on the activities of each program, department, Agency and Operating Entity for the year.

20. ENFORCEMENT

- 20.1 Any Council who violates the provisions as outlined in this Policy may be subject to the following actions as determined by the Council:
- (a) suspension from the Council, with or without pay, for such period of time as may be determined by Motion or FNCR of the Council;
 - (b) removal of all or a portion of any delegated responsibility occupied by the individual Council member for such period of time as may be determined by Motion or FNCR of the Council; and

- (c) such other legal sanctions or proceedings as may be determined by the Council.

20.2 Any individual who believes that the laws under this Policy have been violated, or notice irregularities in the operations of any individual mentioned in this Policy, shall take the following actions:

- (a) Report in writing the irregularity or violation to the Chief or in the case of the Chief, the Council;
- (b) Provide as many details of the irregularity as possible;
- (c) The Chief or in the case of the Chief, a delegated person on behalf of Council shall investigate the report and provide a final report on their findings to the Council;
- (d) Take any disciplinary action against any Council or legal actions against any Council involved to remedy the situation should the report prove to be true; and
- (e) The individual making the report may be provided with a summary of the report, in so much that it does not violate any regulations on confidentiality.

21. POLICIES AND PROCEDURES

21.1 The Council may, from time to time, establish such internal policies and procedures as it may require in order to effectively administer this Policy together with the other laws of the First Nation, its programs, departments, Agencies and Operating Entities, provided such policies and procedures shall not be inconsistent with the terms of this Policy.

22. GENERAL PROVISIONS

22.1 A finding by a court of competent jurisdiction that a section or provision of this Policy is void or invalid shall not affect or bear upon the validity or invalidity of any other section or part of this Policy or this Policy as a whole.

23. PERIODIC REVIEW OF POLICY

23.1 The Council shall undertake a review of the provisions of this Policy every five (5) years. If any changes are adopted, they shall be processed in accordance with the procedures outlined in section 24.

24. AMENDMENTS

24.1 The provisions of this Policy may be amended, altered or varied by FNCR as adopted by the Council.

24.2 Amendments adopted pursuant to section 24.1 shall take effect at the time or times specified in the written FNCR adopting the amendment.

24.3 Upon ratification, copies of all amendments shall be provided to:

- (a) the Council;
- (b) all personnel employed within the First Nation, its programs, departments, Agencies and Operating Entities; and
- (c) any Citizen wishing to obtain a copy thereof which may be obtained from the First Nation during normal business hours.

25. COMING INTO FORCE

25.1 The provisions of this amended Policy shall come into force upon ratification and approval by the Council as approved through FNCR.

25.2 Upon ratification, copies of this Policy as amended shall be provided to:

- (a) the Council;
- (b) all personnel employed within First Nation, its programs, departments, Agencies and Operating Entities; and
- (c) any Citizen wishing to obtain a copy thereof which may be obtained from the First Nation during normal business hours.

THIS POLICY IS HEREBY AMENDED at a duly convened meeting of the Council of the Cowessess First Nation this ___ day of ____, 2019.

Chief Cadmus Delorme

Councillor Richard Aisaican

Councillor Malcolm Delorme

Councillor Bonnie Lavallee

Councillor Carol Lavallee

Councillor Curtis Lerat

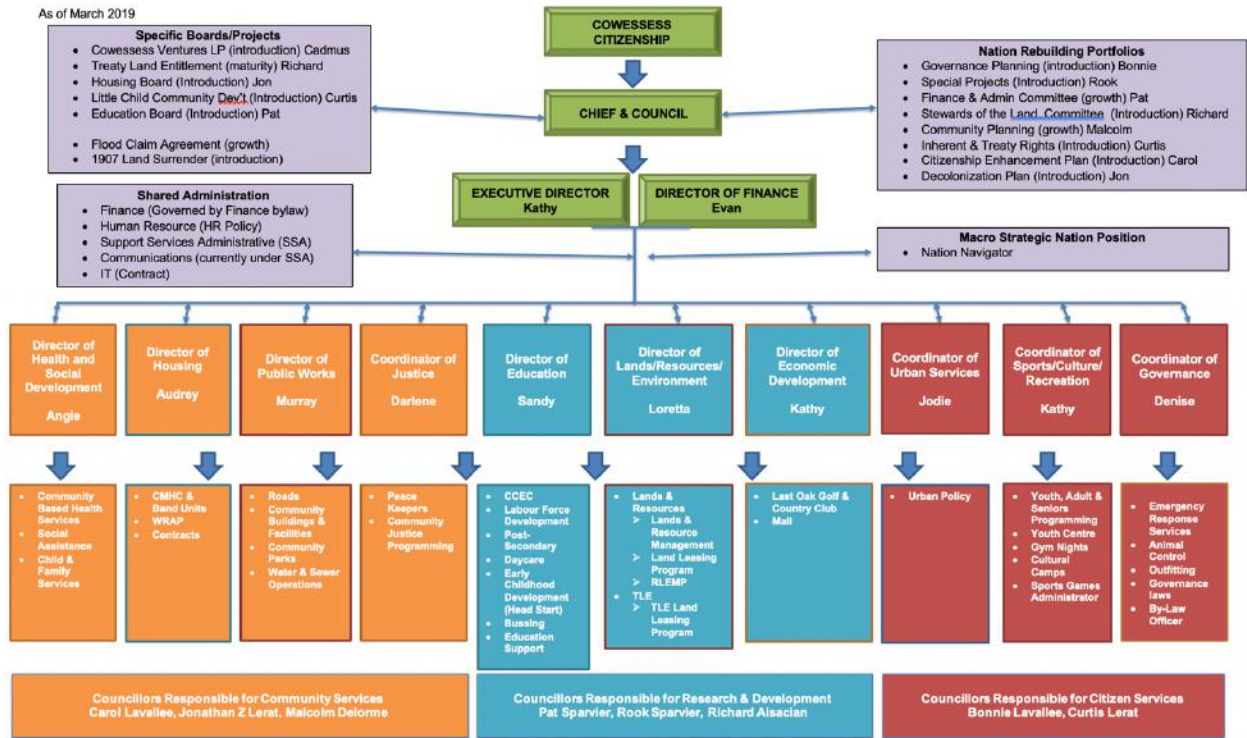
Councillor Jonathan Lerat

Councillor Lionel Sparvier

Councillor Patricia Sparvier

A quorum of the Council consists of five (5) members of the Council.

APPENDIX A GOVERNANCE & ADMINISTRATION CHART



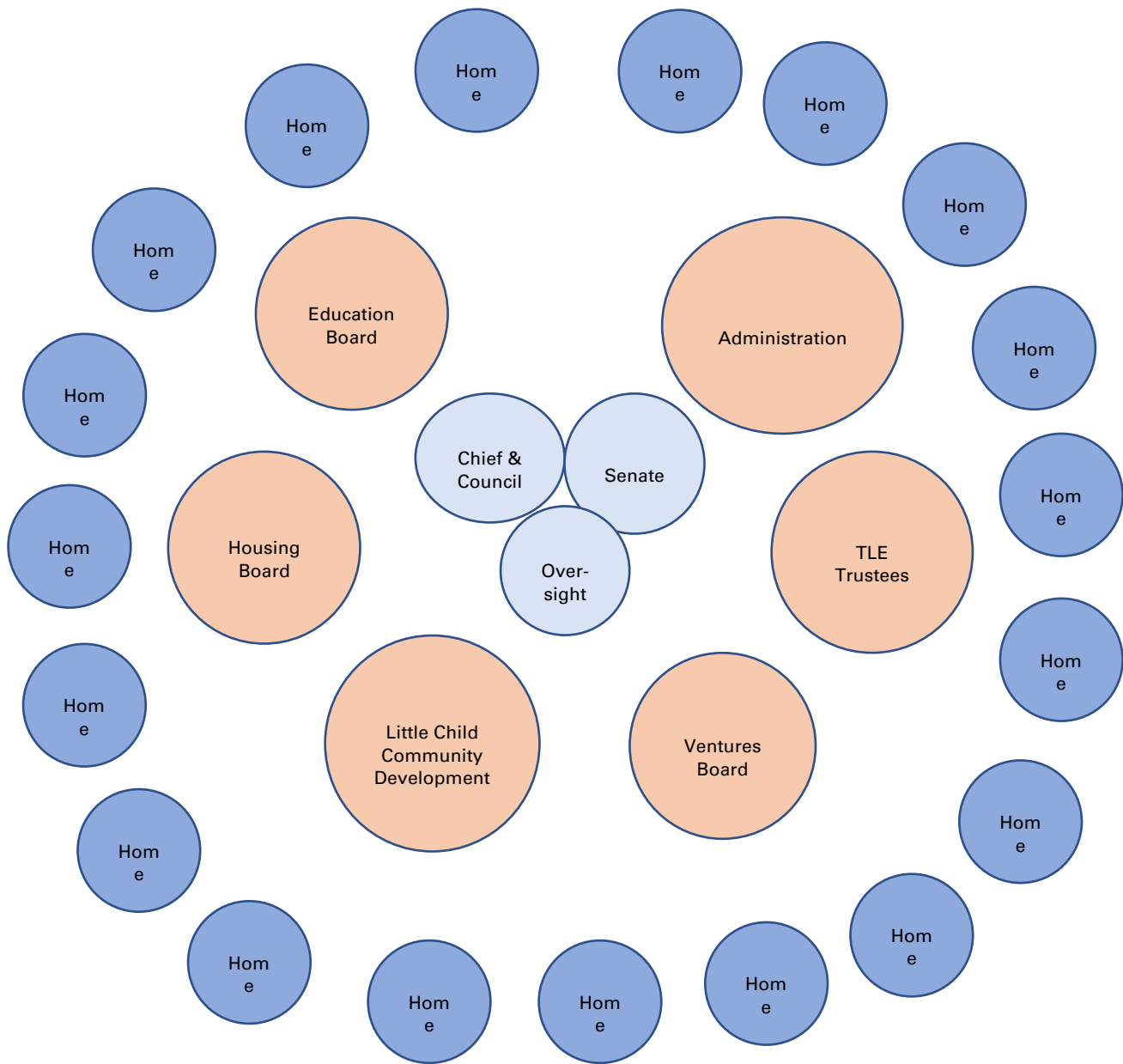
APPENDIX B
GOVERNANCE TRANSITION PLAN

Cowessess First Nation Governance Transition Plan



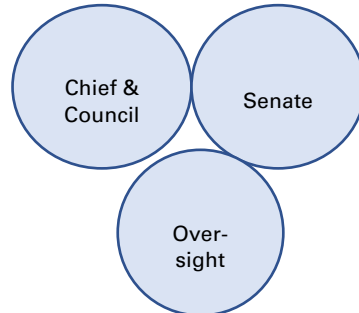
March 2019

1.1 The Map to Good Governance



1.2 Defining Map to Good Governance

'Being elected is not an evolution to power but rather a submission to duty.'
Late Gordon Tootosis



The core of good governance is asserting the citizens of Cowessess First Nation are the rights holder. With this right, citizens elect spokespeople and elect people to delegate responsibility for the affairs of the Nation. *Cowessess First Nation Custom Election Act* was ratified by citizens and provides direction on how one is elected. Chief and Council through consensus delegate responsibility to administration, boards, commissions, and external organizations. **Chief and Council are provided the greatest responsibility: assure the Nation is progressing and rights of citizens are upheld and affirmed.** From time to time, Chief and Council may delegate responsibility for short periods. The Chief and Council is the overall governing body.

A Senate would be responsible to provide affirmation citizens' rights are being addressed, draft laws have been assessed and assist the Chief and Council from time to time where specified. The Senate is a recommending body.

An oversight committee will ensure that those who occupy seats of responsibility conduct themselves in accord with the Nations constitution, standards, and interests. The oversight committee will be made up of nine people: three citizens living on the home reserve, three living off the home reserve, and three non-citizens. From the nine, on a case by case basis, one from each would be appointed to oversee each case and provide a recommendation.

1.3 Delegated Responsibilities

Prior to the Indian Act

The Chief and Headmen would be spokespeople to its followers and provide final direction. A matriarchal system, the *iskwewak* held the responsibility of powers within the Nation and the *napewak* held responsibility of submission of duty to the women and children. The Indian Agent left a negative impact the Nation still is healing from today. Societies were empowered in areas impacting at that time and would be specialists. Hunting society, navigation society, warrior society were amongst a few at that time. The Chief and Headmen may have been apart but were not the society; they delegated responsibility.

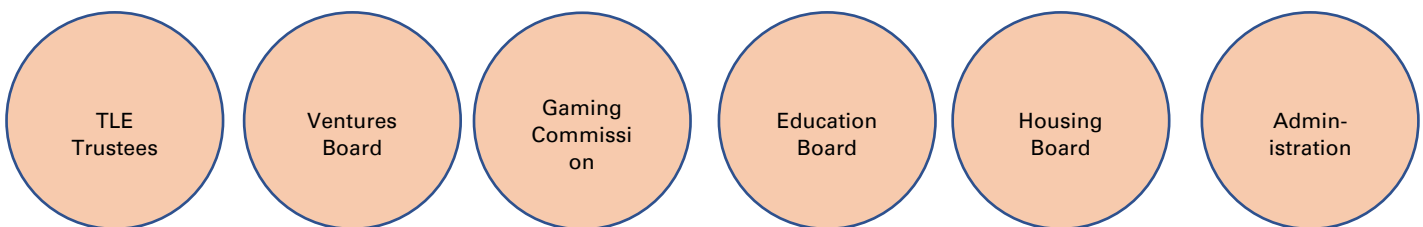
Indian Act

The Indian Act is Canadian State legislation with one objective, imprison Cowessess First Nation citizens to forget their inherent right to govern themselves and to accept the Canadian State. The Indian Agent in charge of implementing the Indian Act removed the delegated governing system and replaced it with a top-down dictatorship system where it was only addressed if he approved.

Reconciliation

Cowessess First Nation citizens for generations fought to assert rights and held onto what they could. The Indian Agent leadership style was bullying, dictatorship, and untrustworthy. This impact has left a bitter attitude and behavior that must be removed and replaced with confidence and the ability to adapt in the way Cowessess First Nation governs itself. The Nation shall now move to re-awaken the governing mindset from within.

Trust, Boards, Commissions, Authorities



Similar to societies, delegating responsibility to empower in the above areas would allow strategic planning, questions with better results, and a depoliticized group to help grow the Nation. The TLE Trustee's have been in existence since 1996 and have many success stories. The ratified TLE Trust Act provides responsibility to the Chief and Council to appoint Trustees with credentials for applicants. An elected official is also appointed on the TLE Trust with one vote. The same process has been recommended to fill the other boards/commissions.

In February 2018, Chief and Council initiated the Cowessess First Nation Ventures

Board. Praxis Consulting Firm administered the recruitment process and in August 2018, Ventures Board was affirmed. On the board are like-minded minds whom have success in business and change management philosophies. The mission of this board is to grow, enhance and build better business and commerce practice on behalf of the Cowessess First Nation.

In October 2018, Chief and Council imitated the Little Child Community Development. The Commission will build upon what gaming Cowessess First Nation has internally with the mission to enhance.

In February 2018, Praxis Consulting Firm was awarded the contact to build a strategic plan for the Housing Department. Available on the website, the recommendation was to remove the political decision-making power and delegate a Housing Authority. In the near future a Housing Authority discussion may result in implementation.

Between 1973 and until the 1990s, Cowessess First Nation Education Board took responsibility of the Marieval School. Since the board's departure, Chief and Council have been responsible. A Cowessess First Nation Education Board has been a recommendation in the coming months.

Within the current administration, Committees have been a vital part to bringing recommendations to department heads and Chief and Council. It empowers non-elected citizens an opportunity to assist in band affairs. Moving forward, de-politicizing the governance will keep some Committees ongoing and others may be faded out. This is an area requiring more assessment.

1.4 Administration

Replacing Chief and Council with specialists in specific areas will work for certain areas. The Administration, Chief and Council will remain as the board of Administration. Chief and Council will not have individual portfolios but rather shared responsibility.

Administrative Departments and Program Managers Responsible



Services

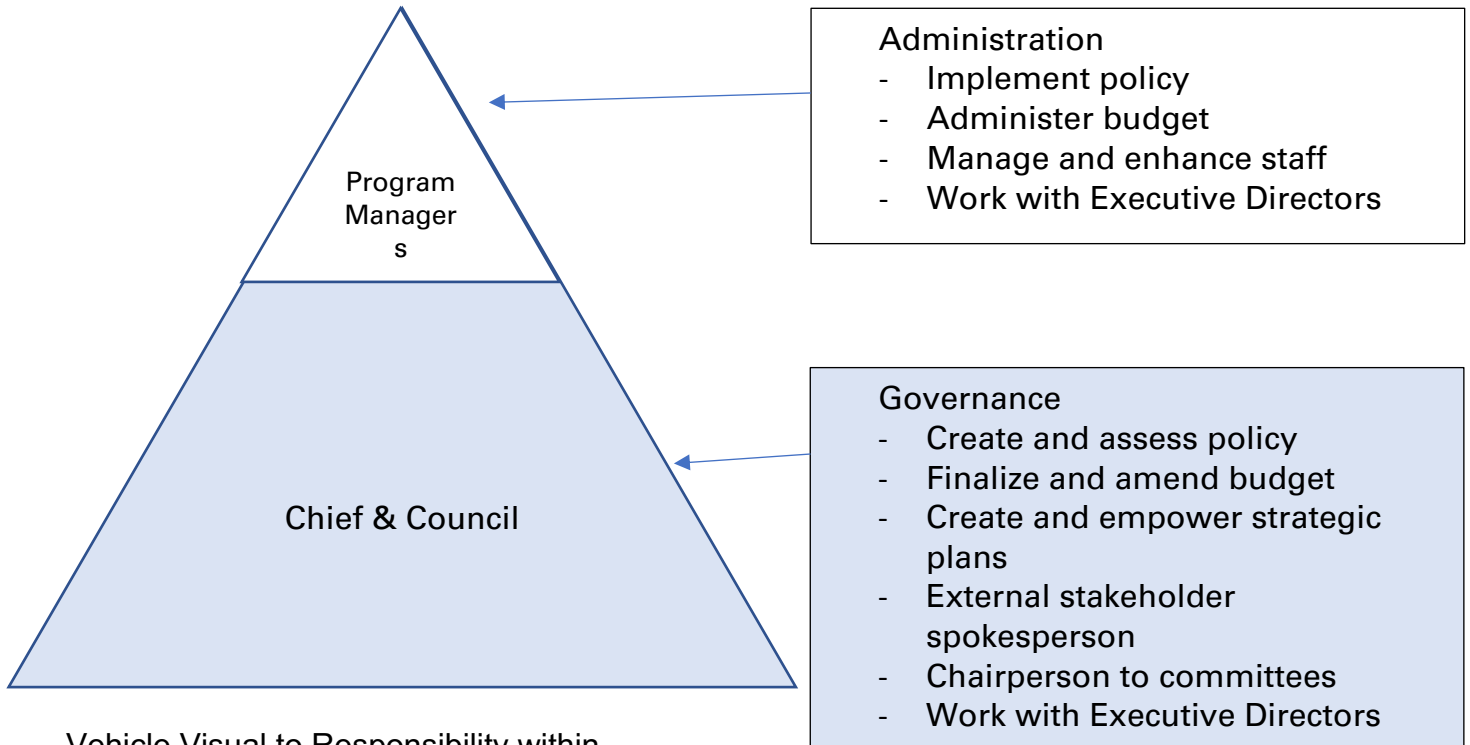
Current Councillors responsible



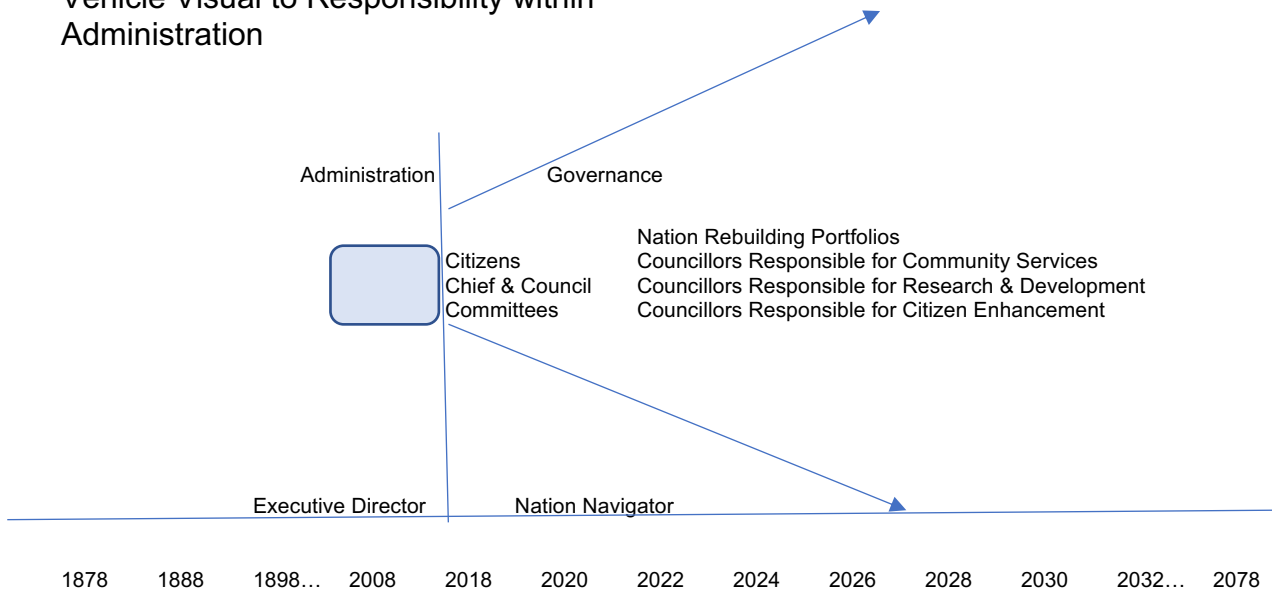
Chief and Council play a board level role and not day to day operations. Focusing on

strategic planning, the mission and vision. Chief and Council will make discussions collectively and the program manager will be provided more responsibility.

Ice Berg Visual to Responsibility within Administration



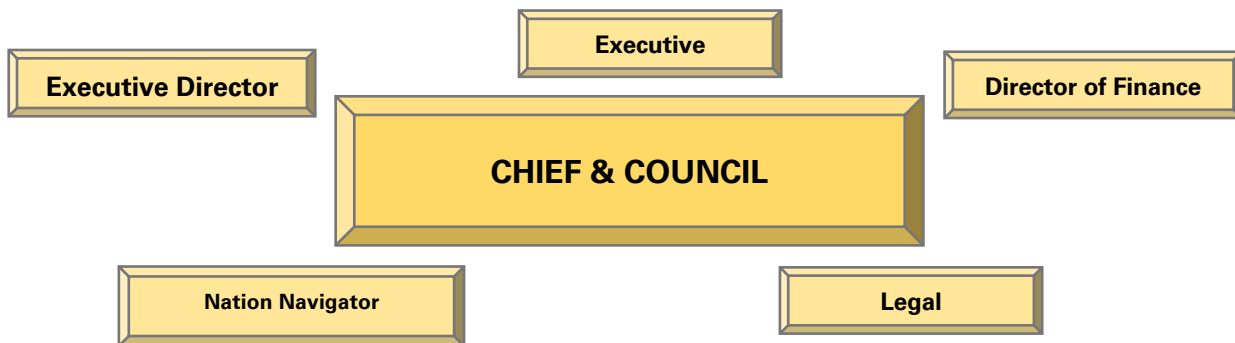
Vehicle Visual to Responsibility within Administration



The vehicle for each department is driven by the program manager. The co-pilot is the Executive Director and Director of Finance. Within the vehicle is the staff, budget, and policies. The road taken is the responsibility of the program manager to assure reports are complete.

The headlights for each department are citizen ideas, staff ideas, stakeholder ideas, committee recommendations, and Chief and Council. A mission and vision for each department will allow continuous planning and growth. Regardless of outcome of an election or departure of a staff member, the mission and vision will assure transition of planning.

Directly Working with Chief and Council are Five Positions



Executive Director

Supporting program managers and working with Chief and Council, the Executive Director is responsible for balancing day to day administration, budget, and strategic plans. From time to time, the Executive Director will lead other projects directed by Chief and Council.

Executive Assistant to Chief & Council

Lead support administrator to Chief and Council.

Director of Finance

Supporting program managers and working with Chief and Council, the Director of Finance is responsible for balancing budget, managing cash flow and preparing for audit. From time to time, the Director of Finance will lead other projects directed by Chief and Council.

Legal

Providing legal advice for the Nation, Legal is contacted to provide recommendations upon request.

Nation Navigator

Supporting governance and strategic planning, the Nation Navigator provides administrative lead in Nation Navigator Portfolios and strategic planning.

These positions are not all executive positions, but each play a direct role with Chief and Council.

This concludes the society level. Chief and Council will govern the Nation build upon how societies were governed prior to the Indian Act. Executive Director and Program Managers will manage and Chief and Council will delegate and govern the Nation.

2.1 Rights and Responsibility

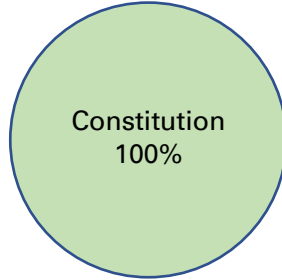
Citizens of Cowessess First Nation are the rights holder. With these rights come responsibility. Every four years a Chief and eight Councillors are elected based on the *Cowessess First Nation Custom Election Act*. In 1982, Cowessess First Nation opted out of Canadian Legislation Indian Act and replaced it with non-Legislation law. The citizens of Cowessess First Nation rarified and now no legislation can interfere in changing this law. To date, it is the highest law within Cowessess First Nation.

This example is an example of the direction Cowessess First Nation shall take to affirm governance and move towards true self-governing Nation. It is not a means to move away from working with the Canadian State; Cowessess First Nation shall create sovereign law with adaptation to work within the Canadian State. The defining line is Cowessess First Nation will not voluntarily be removed from one Legislation and voluntarily join another. The First Nations Lands Management Act is an example. This is a Canadian State legislative Act.

The 1763 Royal Proclamation provides the process Canada assumes to have Cowessess First Nation voluntarily join their Legislation. If citizens pass a vote to join, the rights are given to the Canadian state. This violates Inherent Rights and Treaty Rights.

The Canadian State believes it has the responsibility to manage *Indians and lands set aside for Indians*. Section 91(24) British North American Act. Cowessess First Nation will continue to work on laws to assert responsibility and move away from Canadian state legislation and into custom laws.

2.2 Constitution



The Constitution was ratified in March 2019. The constitution includes the following:

1. Making decisions
2. Redress
3. Empower people
4. Strategic planning
5. Healing

The framework of the constitution shall have the following within each area:

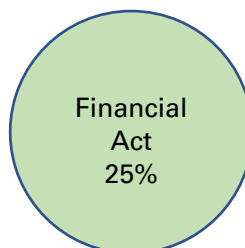
1. Economic self-sustainability
2. Political self-determination
3. Cultural rejuvenation

The following questions helped citizens in providing direction to the framework:

1. Who are we? What is our place in the world?
2. What are our values and aspirations as a people?
3. Who are the citizens of our nation?
4. Who has responsibility for what?
5. How do we make decisions?
6. How do we make and enforce law?
7. How do we resolve disputes?
8. How do we choose our leaders and hold them accountable?
9. How do we relate with other peoples and governments?
10. How specific should our constitution be?

A constitution is a fundamental framework that empowers the people to state who they are, define how they will make community decisions, chose their direction, solve their disputes, and stay a people.

2.3 Financial Act



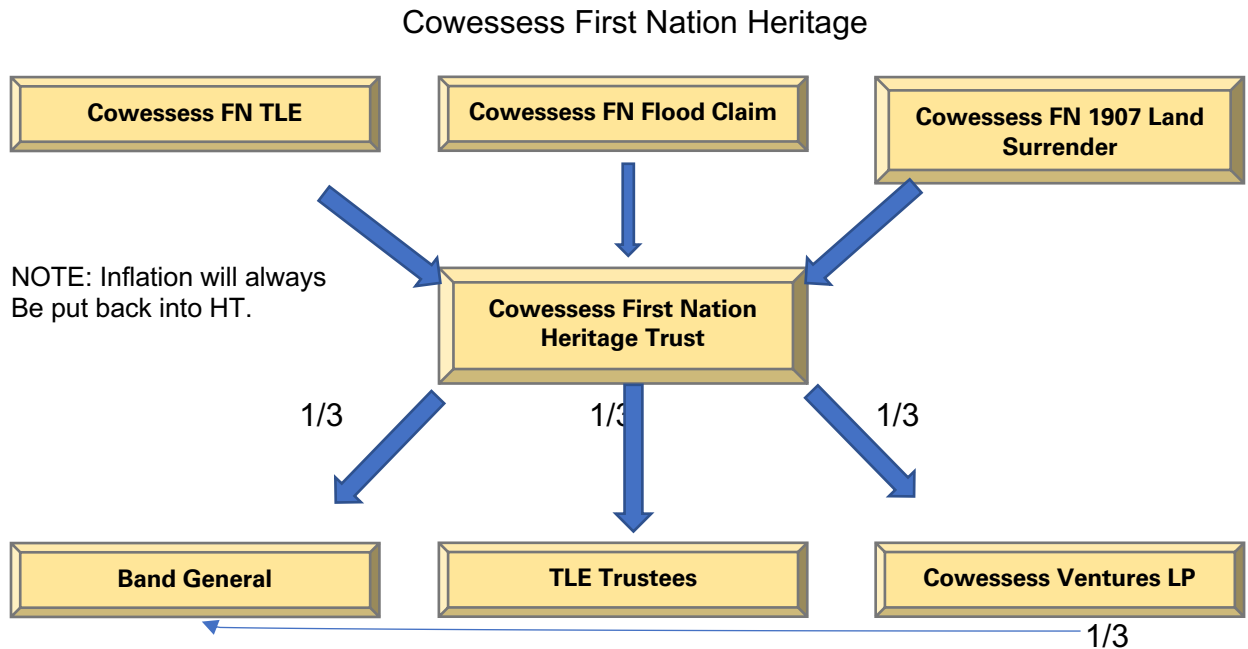
The Cowessess First Nation Financial Act will regulate and hold accountable who ever has responsibility of dollars and assets on behalf of citizens. It will also define the Heritage Trust.

Currently, Cowessess First Nation is using the Indian Act Section 83 with the Cowessess First Nation Financial and Administrative ByLaw. It provides direction for elected offices and administration staff. It does not provide redress from citizens leaving a void on redress. There are currently two Trusts, TLE and Flood Claim. Each has a ratified agreement. TLE has three year appointed Citizen Trustees and the Flood Claim has corporate RBC Trustee.

The Financial Act will use timelines within Financial ByLaw for budgets and audit. It will have a redress option for citizens to assure good governance. It will have defined roles for Finance and Administration Committee and seek the highest financial designations to secure economic self-sufficiency.

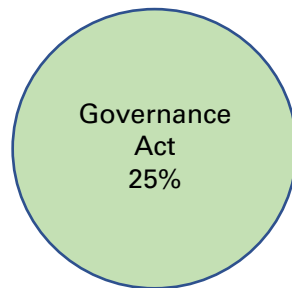
The Heritage Trust will secure dollars for decades to come. The three Trusts will draw down yearly interest and inflation 3% will be put back into Trusts. The average Stocks and Bonds is 6%-8% return low risk. The interest will be divided three ways:

1. Band General for Administration Budget to decide
2. TLE Trustees to Purchase more land
3. Cowessess Ventures LP for Board to invest to create more assets; at year end, 1/3 of profit will be provided to Band General for Administration Budget to decide



The Crown's fiduciary responsibility will be implemented based on the Treaty agreement. An opportunity Cowessess First Nation has is to opt into a ten-year funding agreement. This will allow a framework for Cowessess First Nation to strategically plan for ten-year spending. The framework will allow flexible changes and funding adjustments. There are not legislative laws required to opt into the ten-year agreement. The First Nation Financial Management Board is Canadian legislative and is recommended for Cowessess First Nation to opt into for the ten-year grant. Cowessess First Nation will enhance the current Cowessess First Nation Financial By-Law and not join the First Nations Financial Management Board.

2.4 Governance Act

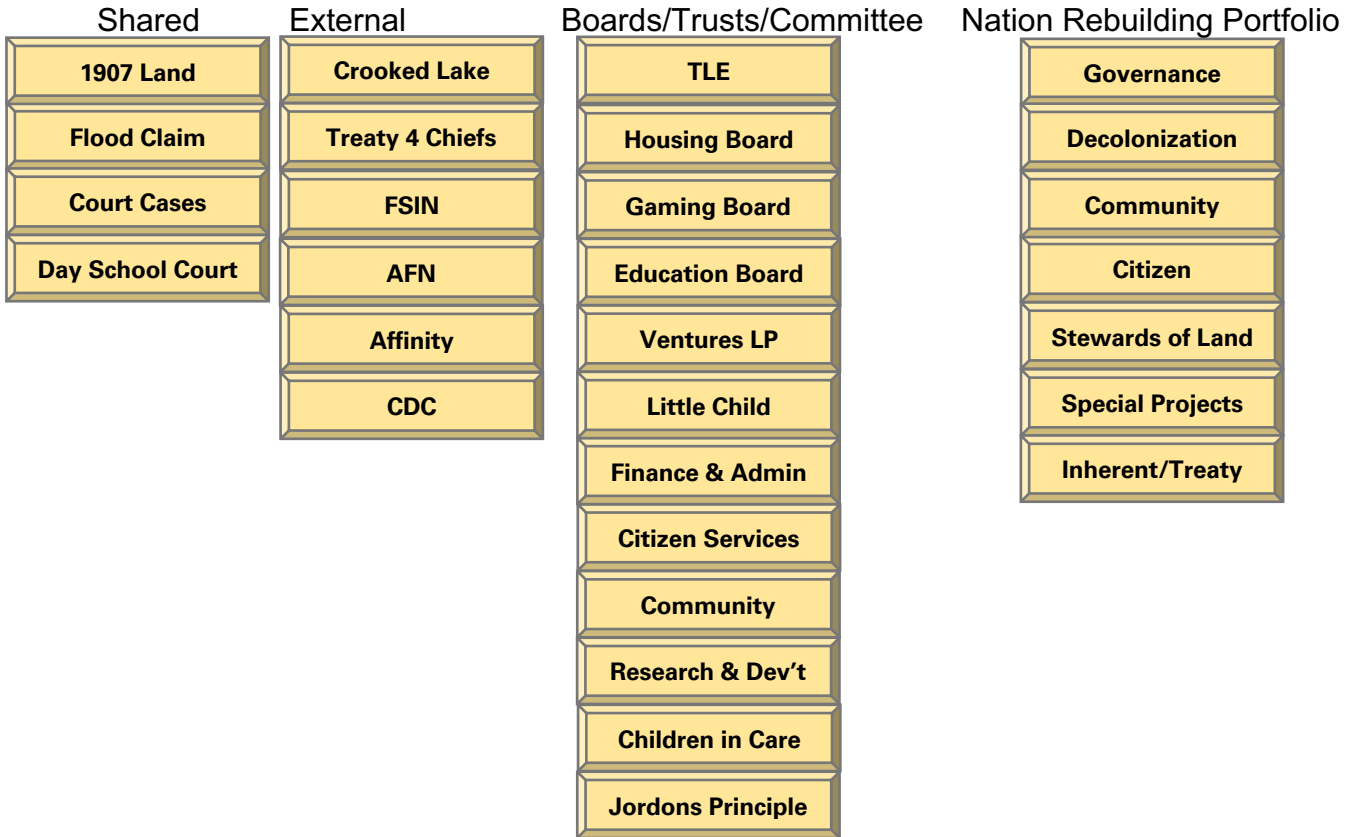


Cowessess First Nation elect a government to organize themselves for promotion of values, protection of cultural identity and political sovereignty and provision of the essentials of life and well being to citizens.

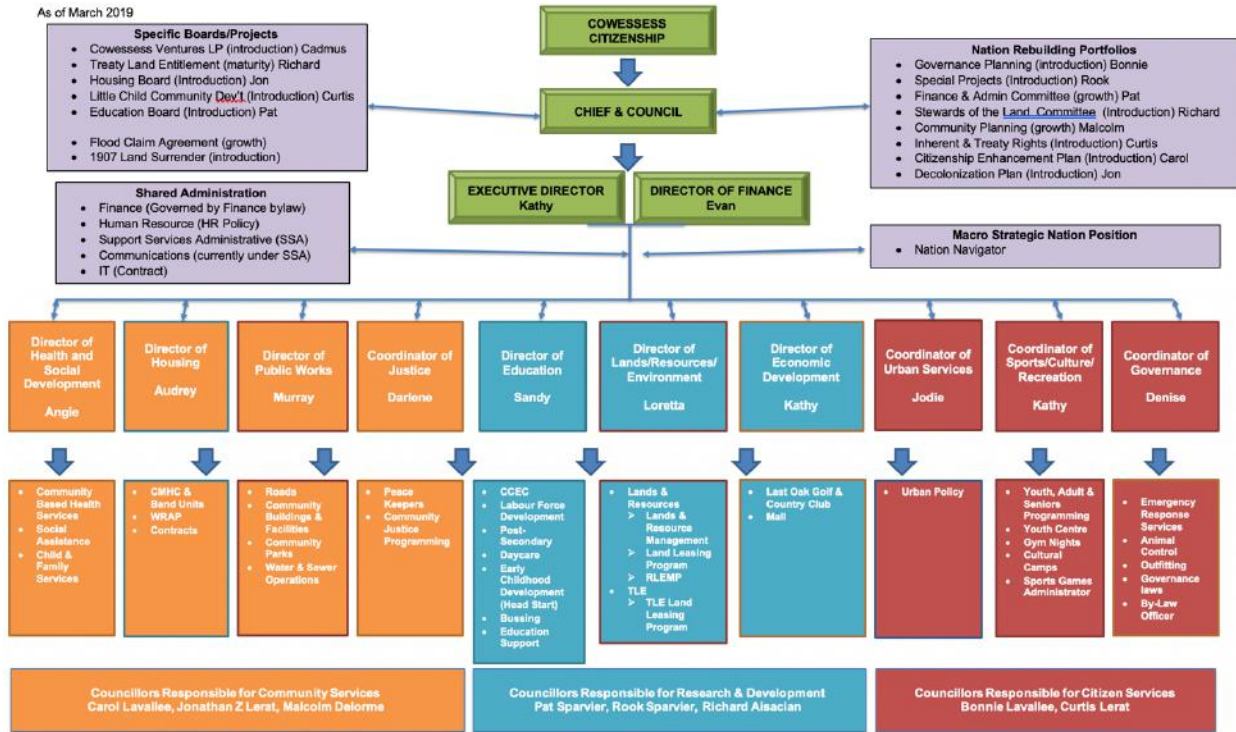
In order to achieve the above goals, corresponding to four branches of governments:

1. Legislative making the laws, rules, and regulations of the nation
2. Executive administering the laws, rules, regulations, and programs of the nation
3. Judicial resolving disputes over and enforcing the laws, rules, and regulations
4. Oversight ensuring that those who occupy seats of government conduct themselves in accord with the Nations constitution, standards, and interests.

Chief and Council are delegated responsibility, empowered to seek more opportunities, and provide safety and security on behalf of citizens. The following are specific areas:

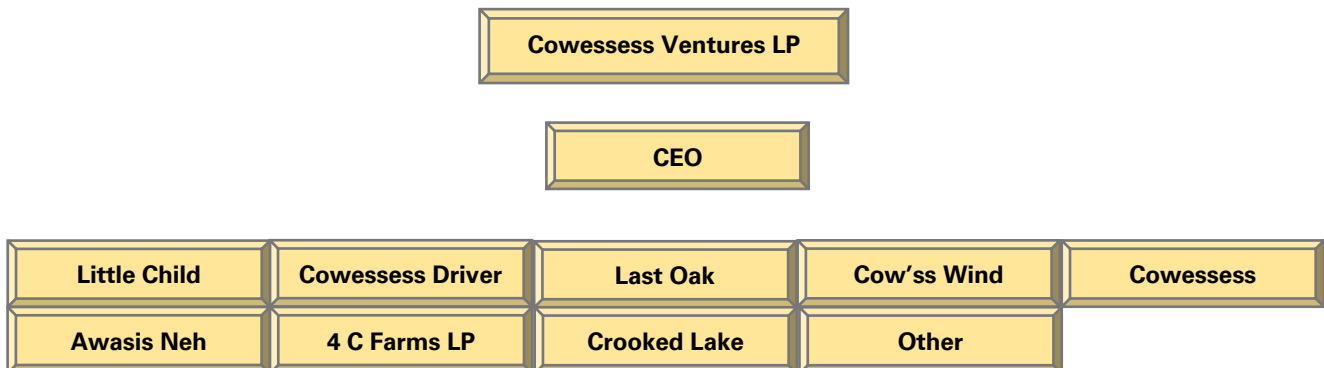


The chart provides a map on delegated responsibility. It also shows indirect responsibility Chief and Council play within administration.



If/when the Housing Authority, Education Board, and Ventures Board Transition responsibility, the image will remove Housing, Education and Economic Development from Executive Director and Director of Finance and placed within Specific Projects for the Nation.

An example of delegating responsibility to a professional board is Cowessess Ventures Limited Partnership (LP) Board. Removing business decisions from Chief and Council and providing it to the Ventures LP Board. Active boards like Little Child Holdings will fall under the responsibility.



Chief and Council provided indirect responsibility for administration areas will focus on the following:

Councillor Chair and Co-Chair Responsible for Community Services
Housing, Health & Social Development, Public Works, Justice

- Anything outside day to day operations;
- Stakeholder responsibility; this includes anyone seeking help applying for services and may need to be walked through the process of applications (some do not believe in our system and our help will get them to believe in it again);
- Briefing Notes to bring to Duly Called Meetings for final approval or updates;
- FSIN, AFN, CMHC and other external gatherings (this one works when a report is given to Program Managers on what was discussed) (I see the Program Manager going when applicable to assure questions are asked that leadership may not ask and may bring more information back to implement into department);

Councillor Chair and Co-Chair Responsible for Research & Development
Education, Lands/Resources/Environment/TLE, Economic Development

- Anything outside day to day operations;
- Stakeholder responsibility; this includes anyone seeking help applying for services and may need to be walked through the process of applications (some do not believe in our system and our help will get them to believe in it again);
- Briefing Notes to bring to Duly Called Meetings for final approval or updates;
- FSIN, AFN, FHQ Education and other external gatherings (this one works when a report is given to Program Managers on what was discussed) (I see the Program Manager going when applicable to assure questions are asked that leadership may not ask and may bring more information back to implement into department);

Councillor Chair and Co-Chair Responsible for Citizen Services
Urban Services, Sports/Culture/Recreation, Governance

- Anything outside day to day operations;
- Stakeholder responsibility; this includes anyone seeking help applying for services and may need to be walked through the process of applications (some do not believe in our system and our help will get them to believe in it again);
- Briefing Notes to bring to Duly Called Meetings for final approval or updates;
- FSIN, AFN and other external gatherings (this one works when a report is given to Program Managers on what was discussed) (I see the Program Manager going when applicable to assure questions are asked that leadership may not ask and may bring more information back to implement into department);
- Governance is overlapping as we also have a Legislative Committee titled Governance, I see it used here but unable to define what role it plays;
- Chair Committee Meetings.

Nation Re-Building Portfolios will each have a unique presence in the Nation and the Councillor responsible will be delegated on behalf of the Council to grow it. The amazing thing about each portfolio is they are not INAC driven and each has a direct positive impact in the Nation. This is where Council will make an impact that will have short term wins and long-term growth.

Governance

- Create a yearly plan on which laws need amending and set calendar timeline;
- Work with Council, Nation Navigator, Executive Director, citizens, ad hoc committee and stakeholders in four branches of governance
- Attend external meetings that involve the growth of the Nations laws;
- Chair any meeting (unless delegated to someone) and call meetings that require discussion on topics of Governance;
- Councillor responsible should know laws to assure are being followed and implemented.

Special Projects

- Create a yearly plan on which projects will be accomplished in the year and set calendar timeline;
- Work with Chief and/or any Councillor, citizen, ad hoc committee or stakeholder in specific projects and potential opportunities;
- Attend external meetings that involve the growth of the Nations projects;
- Chair any meeting (unless direct Chief or another Councillor to do so) and call meetings that require discussion on topics of projects or boards;
- Councillor responsible should know what projects are needed and funding applications to assure Cowessess is a part of dollars for projects;

Finance and Admin Committee

- This one will have Council as committee;
- This committee is governed by the Cowessess First Nation Finance and Administration Degree;
- To remove long discussions from DCM, briefing notes will be brought to this committee;
- Councillor responsible will Chair meeting and have this meeting prior to DCM;
- Work with Director of Finance, Executive Director, Program Management and anyone bringing a briefing note;
- Attend external meetings that involve the growth of the Nations laws;
- Chair any meeting (unless direct Chief or another Councillor to do so) and call meetings that require discussion on topics of Audit and Budget;
- Councillor responsible should know the Cowessess Financial By-Law and Personal Policy and Procedural Manual to assure are being followed and implemented;

Stewards of the Land

- Attend external meetings involving land, water, air, and animals;

- Work with Chief and/or any Councillor, citizen, ad hoc committee or stakeholder in addressing complaints or concerns involving protection of Mother Earth and its treasures;
- Chair any meeting (unless direct Chief or another Councillor to do so) and call meetings that require discussion on topics of Land, Water, Air, Animals;
- Councillor should have plans on team execution of Environmental Responses, both emergency and reaction to change;
- Councillor responsible should know land is not owned by anyone but the children yet unborn and assure Cowesses is aware of what challenges and opportunities are current and upcoming;

Community Planning

- Create a yearly plan on which changes are coming to the community and set calendar timeline;
- Work with Chief and/or any Councillor, citizen, ad hoc committee or stakeholder in enhancing the *Cowesses First Nation 2011 Community Plan Book* and potential new plans
- Attend external meetings that involve the growth of Community Enhancement;
- Chair any meeting (unless direct Chief or another Councillor to do so) and call meetings that require discussion on topics of community planning;
- Councillor responsible should know Plan Book to assure are being followed and implemented.

Inherent & Treaty Rights

- Seek near and far from knowledge keepers on identifying the Spirit and Intent of what Inherent Rights are to Citizens of Cowesses;
- Seek near and far from knowledge keepers on identifying the Spirit and Intent of what Treaty Rights are to Citizens of Cowesses;
- Work with Chief and/or any Councillor, citizen, ad hoc committee or stakeholder in writing laws that involve Inherent and Treaty Rights;
- Attend external meetings that involve Inherent and Treaty Rights;
- Chair any meeting (unless direct Chief or another Councillor to do so) and call meetings that require discussion on topics of Inherent and Treaty Rights;
- Councillor responsible in not required to be raised on knowing but must have willingness to learn and go find input from knowledge keepers.

Citizen Enhancement

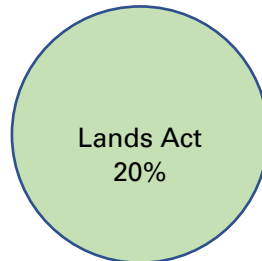
- Identify strengths and weaknesses and from this list, make a plan on how to share strengths and address weakness directly to make into a strength;
- Work with Chief and/or any Councillor, citizen, ad hoc committee or stakeholder in identifying strengths of our ancestors and highlight situation;
- Attend internal and external meetings that involve protecting citizens and making they feel apart of the Nation;
- Chair any meeting (unless direct Chief or another Councillor to do so) and call meetings that require discussion on topics of situation update to objective planning;

- Councillor responsible should know some are in grieving stage of history and some are go getters and all need help to move to development stage
- Councillor responsible should know each age group required different needs: Under 22, 22-54, and 55plus.

Decolonization Map

- Identity areas to strengthen identify as a citizen of Cowessess First Nation: language, image, values, and more
- Work with Chief and/or any Councillor, citizen, ad hoc committee or stakeholder in identifying the values our ancestors held that made them resilient and adaptive to change;
- Attend internal and external meetings that involve protecting, re-identifying, and rediscovering the values citizens need to be better prepared for life as a citizen of Cowessess First Nation
- Chair any meeting (unless direct Chief or another Councillor to do so) and call meetings that require discussion on topics of situation update to objective planning;
- Councillor responsible does not have to speak the language, know the history of prior to contact or history of colonization but must have a willingness to learn;
- Councillor responsible should put action plans in place to share knowledge that is learned.

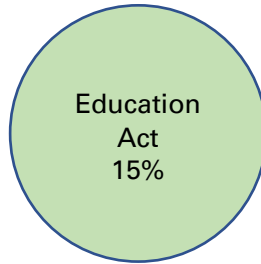
2.5 Lands Act



The Cowessess First Nation Lands Act will be locked into Nations responsibility, similar to Custom Election Act. It will not fall under Canadian legislation. Within the Lands Act will be:

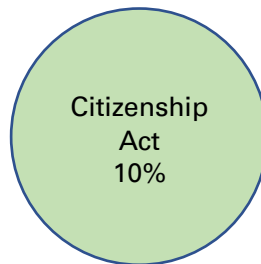
1. renewed RLAMP program to provide law for business and standards
2. Zoning ByLaw
3. Land Use Plan
4. Land Designation
5. Environmental protection

With 72,000 acres of agriculture ready land, lake front property and land in and around towns and cities, incorporating land designated for profit will allow simple business opportunity.



The Cowessess First Nation Education Act will identify roles Leadership, administration, CCEC and home fires will play to assure success. Within the Act will be expectations the Nation would like from stakeholders. Also, it will have expectations children would expect from adults making decisions on their behalf. It will have the following:

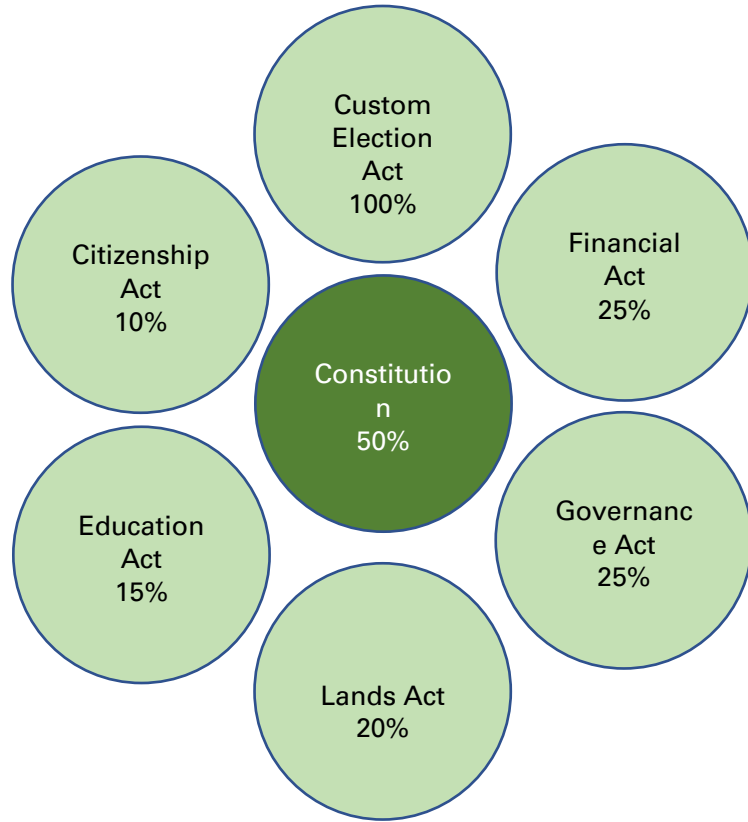
1. Day Care Policy
2. CCEC Policy
3. Post Secondary Policy
4. LFD Policy



The Cowessess First Nation Citizenship Act will allow citizens to be defined, welcomed in and exiting. There can be stipulations in place for anyone wanting to become a citizen; language speaker, understand history, kinship verification, etc. This may fit within Constitution so still assessing.

The current system is defined by Government of Canada whom is a citizen, either 6.1 or a 6.2 status Indian.

Cowessess First Nation
CONSTITUTION, ACTS, BYLAWS & CURRENT POLICIES



The following are delegated areas Chief and Council are working within.

Children In Care

- Cowessess has provided YTC ICFS the responsibility to administer Children in Care on the reserve and the right to bring children to and remove children from Cowessess based on child first;
- Cowessess has a vote at Board Level which Council appoints through DCM to a non-elected person who has knowledge of ICFS challenges and opportunities;
- Cowessess has a political position at YTC ICFS that works on political strategy;
- Internally, Cowessess has a Child First committee chaired by a Councillors.

Jordon's Principle

- Both Provincial and Federal Government have their own definition of Jordon's Principle and assumes to take responsibility;
- Cowessess First Nation has the Inherent Right to administer Children, supported by the UNDRIP and requires a team to bring more responsibility from Cowessess definition, not any governments.

Affinity

- Cowessess has a seat on District 9, a committee within Affinity;
- Each meeting provides updates on what Affinity is doing and feedback from First Nations on how Affinity can better accommodate;
- I currently hold the seat and Chair District 9, as well hold a seat on the Affinity Credit Union Board; due to my schedule I am considering having a Councillor fill the position.

FSIN

- Cowessess has a vote at FSIN Assembly;
- There are Commissions and Boards that Cowessess sits on as an Independent Nation;
- Chiefs have seats and if unable to attend, there are alternate Chiefs available

AFN

- Cowessess has a vote at AFN Assembly

