

OPASKWAYAK CREE NATION CODE OF CONDUCT

WHEREAS the Chief and Council of the Opaskwayak Cree Nation are the duly elected leadership of the Opaskwayak Cree Nation and as such have a duty to conduct themselves in such a way as to not bring disrepute upon Opaskwayak Cree Nation or its members (the "Membership");

AND WHEREAS the Chief and Council of Opaskwayak Cree Nation hold positions of trust in relation to the assets of Opaskwayak Cree Nation and the Membership, and have a mandate to act in the best interest of the Membership as a whole in the performance of their duties;

AND WHEREAS the Chief and Council of Opaskwayak Cree Nation have delegated certain of their duties to certain Opaskwayak Cree Nation entities which include Committees and Boards;

AND WHEREAS a Council of elders is appointed to advise the Chief and Council and to provide guidance in all matters presented to Chief and Council;

AND WHEREAS there is a growing concern among the Membership that the best interest of the Membership may be compromised by decisions of Chief and Council, Committees and/or Boards, which mayor may be seen to be motivated by considerations of favoritism and personal gain;

AND WHEREAS there is a concern among the Membership that persons elected and/or appointed into positions of leadership in the community continue to occupy these positions even after having been charged with or under investigation for the alleged commission of serious criminal offenses;

AND WHEREAS Chief and Council feel it necessary to dispel such concerns and ensure that all Decisions rendered by them are based and are seen to be based solely on a consideration of the best interests of the Membership of Opaskwayak Cree Nation;

AND WHEREAS Opaskwayak Cree Nation has inherent jurisdiction to govern its internal affairs and to adopt policies concerning the conduct of its leadership and management;

NOW THEREFORE the Chief and Council of Opaskwayak Cree Nation enact as follows:

DEFINITIONS

The following terms shall have the following meanings in this Code: "Appointee" shall mean an appointee of any Committee or Board.

"Band' Council Resolution" shall mean a resolution passed by the consent of a majority - of-the Chief and Council at a duly convened Council meeting where a quorum of Chief and Council is present;

"Committees and Boards"" shall mean all Opaskwayak Cree Nation entities appointed by Chief and Council, whether incorporated or not

"Council shall mean Chief and Council of the Opaskwayak Cree Nation;

"Council of Elders" shall mean the group of Elders appointed by Chief and Council to provide them with advice and spiritual guidance;

"Councilor" shall mean a Chief or Councilor of the Opaskwayak Cree Nation;

"Relative" shall mean: a spouse, including a person who is not married to the Councilor or Appointee but who the Councilor or Appointee represents as his or her spouse;

any child, natural or adopted;

any brother or sister, natural or adopted; and,

such other person as Council may, by policy proclaimed in a Band Council Resolution, determine to be, or may in a particular situation designate as a Relative.

"Serious Offence" shall mean an offence for which the conviction of a Councilor or Appointee would, in the opinion of the majority of Council, result in prejudice to the interests or reputation of the Opaskwayak Cree Nation if the Councilor or Appointee continued in his or her elected or appointed position.

DISCLOSURE

All persons who run for office on Council, upon the filing of their nomination papers, and all persons who are being considered for an appointment to a Committee or Board, upon request, must notify the Opaskwayak Cree Nation of all businesses, partnerships, corporations, developments or undertakings in which he or she has an interest as a shareholder, officer, agent or employee thereof where the interest conflicts or may conflict with the interests of the Opaskwayak Cree Nation by filing a written notice of such interests with The Pas Band Development Authority Inc. (the Band Development Authority").

Every person elected to council shall; within thirty (30) days of his or her election, file with the Band Development Authority, a statement of all businesses, partnerships, corporations, developments or undertakings in which he or she has an interest as a shareholder, officer, agent or employee thereof. The Band Development Authority shall keep this information confidential and shall not release it to anyone with the exception that it may be released to Council when a conflict issue arises CONFLICT OF INTEREST

No Councilor or Appointee shall, in conducting the affairs of the Opaskwayak Cree Nation, advance his or her own cause or the cause of a relative unless doing so would also benefit the Membership as a whole. '

No Councilor or Appointee shall accept any benefit, gift or advantage in return for the performance of the duties of a Councilor or Appointee, as the case may be, other than the remuneration and/or expenses and per diem established by policy of the Council proclaimed in a Band Council Resolution.

No Councilor shall participate in any decision of Council and no Appointee shall participate in any decision of a Committee or Board where that Councilor or Appointee or a relative may be entitled to receive or expects to receive any profit or benefit from the decision in a personal capacity, either directly or indirectly. A person in this position is in a potential conflict of interest situation. He or she must notify Council at a duly convened meeting of the potential conflict of interest and refrain from participating at any stage of the decision making process in relation to that decision or influencing the decision in any way.

Without limiting the generality of the preceding paragraph, a Councilor or Appointee shall be considered to be in a conflict of interest situation in respect of a decision of Council or a Committee or Board, as the case may be, which involves a potential contract or agreement between the Opaskwayak Cree Nation or the Committee or Board and an organization of which the Councilor, Appointee or relative is a member of the Board, or a business, partnership, corporation, development or undertaking in which the Councilor, Appointee or relative has an interest as a shareholder, officer, agent or employee thereof.

If it comes to the attention of any member of the Opaskwayak Cree Nation, including any Councilor or Appointee, that a Councilor or Appointee, or relative of a Councilor or Appointee maybe entitled to receive or expects to receive any profit or benefit in a personal capacity, either directly or indirectly, from a decision to be determined by Council or a Committee or Board, as the case may be, and that Councilor or Appointee has not notified Council of the potential conflict of interest, the member shall bring the potential conflict of interest to the attention of the Band Development Authority. In turn, the Band Development Authority shall investigate the matter and review the findings made by the Councilor or Appointee pursuant to paragraphs 2 and 3 herein, and shall advise Council of its findings Council, in the absence of the Councilor or Appointee concerned, shall determine if a conflict of interest exists. EXCEPTIONS

Notwithstanding any other provision of this Code, a Councilor or Appointee or relative, or an organization to which a Councilor, Appointee or relative is a member, or a company or business in which a Councilor, Appointee or relative has an interest, may receive from the Opaskwayak Cree Nation a sum determined by a rate not exceeding that fixed by Band Council Resolution or by resolution of the relevant Committee or Board for work done for the Opaskwayak Cree Nation:- If the Council, Committee or Board is unable to arrange to have the work done by a person that does not fall into one of these

categories, and, before the work is done, Council, the Committee or Board approves the work to be done by Band Council Resolution or by resolution as the case may be; or,

The work is done to relieve an emergency and Council~ the Committee or Board by Band Council Resolution or resolution passed at its next meeting, approves of the work done and acknowledges that it was done to relieve an emergency; or,

In the case of a Councilor or Appointee, such work must be separate from the duties of a Councilor or Appointee, as the case may be.

QUORUM WHERE PERSON EXCUSED FOR CONFLICT

Where a quorum of Council or a Committee or Board is present to make a decision and, because of conflicts of interest as provided herein, the number of Councilors or Appointees left to make a decision on behalf of Council or a Committee or Board, after the person or persons allegedly in conflict situations are excused, is not sufficient to constitute a quorum, the number of Councilors or Appointees remaining, if not fewer than four (4) in the case of Council, shall be deemed to constitute a quorum for the purposes of discussing and voting on the decision. FAILURE TO COMPLY WITH CODE

Where a Councilor or Appointee fails to comply with the provisions of this Code, the Council, Committee or Board, as the case may be, may, at its discretion, notify the Membership of such failure by distribution of a written notice, by posting such notice in prominent places on the Opaskwayak Cree Nation Reserve, and/or by publishing the notice in the NATOTAWIN.

Where a Councilor (Appointee or a relative receives a profit,-gain; gift, advantage or other benefit as the result of non-compliance with the provisions of this Code, the Council may, at its discretion, by Band Council, Resolution order such Councilor or Appointee to repay to the Opaskwayak Cree Nation, the Committee or the Board, as the case may be, any profit, gain gift, advantage or other benefits obtained by him/herself or by a relative and any such order is enforceable in a Court of law or otherwise a as a dept owing to the Opaskwayak Cree Nation or the committee or board CORPORATIONS TO COMPLY

All incorporated Boards shall review their by-laws and make, appropriate amendments to bring, them into compliance With the spirit and intent of this Code of Conduct in respect of conflict of interest related issues. CRIMINAL CHARGES

Any councilor or appointee charged with a Serious Offence shall be suspended from his or her elected or appointed position until a court of competent jurisdiction has definitively dealt with the charges. If such a person is convicted of a serious Offence may in the opinion often ma.jQrityofCoW1~resuldn prejudice to the Opaskwayak Cree Nation, he or she shall be disnussed.fToffiS\1ch"elected or appointed position, and position shall become vacant. COUNCIL OF ELDERS TO COMPLY

All members of the Council of Elders shall comply with the spirit and intent of this code and the appointment of any elder may be revoked at the discretion of Council if such elder fails to do so.