

## MOHAWK COUNCIL OF KAHNAWÀ:KE

### **REGULATIONS FOR THE OPERATIONS OF THE COUNCIL OF CHIEFS**

Enacted by MCED #85 2019/2020  
Approved on: 21, Kenténha/October 2019

#### **Purpose**

- 1.1 The purpose of this document is to establish rules and procedures for the Council of Chiefs in performing duties related to decision-making at the Council table as identified in the *Chief and Council Terms of Reference* and *Declaration of Office*, which may be amended from time to time.

#### **Application**

- 2.1 These regulations apply to the Council of Chiefs and are subject to review at the start of each term and will be amended as required.

#### **Guiding Principles**

- 3.1 Council Chiefs, in performing their duties, conducting their meetings and making their decisions, will respect the principles of fairness, dignity of persons, compassion and consensus consistent with the traditions and customs of the Kanien'kehá:ka of Kahnawà:ke.

#### **Definitions**

- 4.1 In this policy:
  - a) **“abstain”** means to formally decline to vote either for or against a proposal/motion.
  - b) **“client-attorney privilege”** refers to the legal concept that allows clients to trust their lawyers with private information and keep confidential that which would otherwise be admissible in court or required to be disclosed to the other side in a lawsuit.
  - c) **“consensus”** means that there is broad agreement on specific issues and overall direction and implies that everyone accepts and supports the decision and understands the reasons for making it. Consensus does not mean unanimity.
  - d) **“duly convened Council Meeting”** refers to an official meeting of the Council of Chiefs called by the Grand Chief or their designate.

- e) **“in camera”** means “in private” and refers to meetings that are in whole or in part not observable by staff, not recorded and accessible only by the Council of Chiefs or those individuals they specifically include.
- f) **“oppose”** means to formally disapprove of, or be against, a proposal or motion.
- g) **“personal business”** means any matter that is not related to the role and responsibility of a Council Chief.
- h) **“strategic discussion”** refers to a meeting of the Council of Chiefs designated for the purposes of discussing strategic direction with various proponents and stakeholders, as distinct from duly convened Council Meetings.
- i) **“quorum”** means the minimum number of members of the Council of Chiefs that must be present at a duly convened meeting or strategic discussion, in order to make the proceedings of that meeting valid.
- j) **“urgent business”** means a work-related matter that requires immediate action or attention.

### **Attendance and Participation**

- 5.1 Council Chiefs are expected to be actively working and available during normal office hours, and to be on call, available and accessible to the community at all times.
- 5.2 Council Chiefs are responsible for ensuring that they notify the table, at a duly convened Council Meeting, of their planned vacation leave at least two weeks in advance. The Council of Chiefs must ensure that a minimum of seven (7) Chiefs are available to conduct business.
- 5.3 Council Chiefs are required to attend, be present throughout and participate actively in all Council Meetings and Strategic Discussions. As a matter of respect, Chiefs are required to be on time for meetings.
- 5.4 If a Council Chief is unable to attend a duly convened Council Meeting, they may participate via teleconference or videoconference.
- 5.5 No other internal meetings involving Council Chiefs are to be scheduled during a Council Meeting or Strategic Discussion without approval from the table.
- 5.6 No Council Chief shall miss more than three (3) consecutive Council Meetings or Strategic Discussions, unless agreed upon by the table.
- 5.7 Council Chiefs shall not conduct any other work-related or personal business during Council Meetings and Strategic Discussions, unless agreed upon by the table.

- 5.8 Council Chiefs must provide their meeting schedules to the Executive Assistant to the Chiefs at every duly convened Council Meeting.
- 5.9 Council Chiefs must ensure that their digital calendars are synched with that of the Executive Assistant to the Chiefs.
- 5.10 Council Chiefs' schedules will be made available as public information.
- 5.11 Council Chiefs must attend Community Meetings unless agreed upon by the table.

## **Duly Convened Council Meetings**

### **6.1 *Frequency***

- 6.1.1 The Council of Chiefs shall meet at least once (1) per week, unless otherwise agreed upon by the table.
- 6.1.2 Council Meetings may be deferred by the Grand Chief if there is no quorum.
- 6.1.3 Additional Council Meetings may be called at the discretion of the Grand Chief.

### **6.2 *Quorum***

- 6.2.1 For the purposes of a duly convened meeting and decision-making, a quorum of seven (7) Chiefs is required.

### **6.3 *Chairperson***

- 6.3.1 The Grand Chief shall chair all Council Meetings. In their absence, the Grand Chief, or the remaining Council Chiefs, may appoint a Chairperson for that meeting.
- 6.3.2 The Chairperson is responsible for adhering to the agenda and shall ensure that all discussions are conducted in a respectful and peaceful manner.

### **6.4 *Agenda***

- 6.4.1 All agenda items are to be submitted to the Council Meeting Administrator in accordance with the requirements of the administrative policies of the Council of Chiefs.

- 6.4.2 The agenda will be developed by the Office of the Council of Chiefs and approved by the Grand Chief. The Grand Chief will determine the order of discussion and priority of agenda items.
- 6.4.3 The Lead Portfolio Chief or alternate Portfolio Chief must be present for agenda items pertaining directly to their portfolio.
- 6.4.4 During the Updates session of Council Meetings, Council Chiefs must provide an update on the activities related to and the status of key issues in their portfolios, and where necessary, seek strategic direction from the table.
- 6.4.5 The agenda and Council Meeting Package(s) will be distributed at least two business days prior to the scheduled Council Meeting.
- 6.4.6 The agenda will include the following items:
- a) Ohén:ton Karihwatéhkwén (Opening);
  - b) Adoption of the agenda;
  - c) Housekeeping, including approval of previous Council Meeting minutes, upcoming meetings and scheduling, travel requests, weekly cheque signers, and land allotment(s);
  - d) Formal agenda items;
  - e) Council Updates (the Council may identify emergent issues that must be addressed for direction in addition to formal agenda items); and,
  - f) Ohén:ton Karihwatéhkwén (Closing).

## 6.5 ***Meeting Format and Decision-Making***

- 6.5.1 Cell phones and other media devices should be on silent and shall not be used during Council Meetings and Strategic Discussions except during designated breaks or as generally agreed upon from time to time for the conduct of urgent business. Electronic devices may be used in order to access relevant documents or for note taking purposes pertaining to the Council Meetings or Strategic Discussions.
- 6.5.2 The Council of Chiefs will render decisions on formally tabled agenda items.

- 6.5.3 The Council may elect to take discussions into *in camera* or client-attorney format.
- 6.5.4 The Chairperson will allow adequate discussion time before calling for a decision.
- 6.5.5 The Chairperson will state for the record the matter to be decided, summarize the recommended action and formalize the decision.
- 6.5.6 The principle of consensus will be the prime method of deciding all matters, according to the following procedures:
- a) The matter to be decided is introduced by the Chairperson;
  - b) The floor is opened for discussion;
  - c) Upon conclusion of the discussion, the decision will be formally documented and read into the record;
  - d) The Chairperson will determine if all Chiefs are in agreement;
  - e) Chiefs who object to the decision must provide an explanation as to why they object and provide an alternative decision for the Council of Chiefs to consider, or an indication of their willingness to accept the general decision in order to achieve consensus;
  - f) Chiefs who abstain from the decision must provide reasoning for their abstention; and,
  - g) Following this discussion, the Chairperson will determine and declare if consensus has been reached, or if the decision requires deferral or a vote.
- 6.5.7 In cases where consensus cannot be reached, the decision will be made using this procedure:
- a) The Chairperson declares that a vote is required on the motion;
  - b) The motion must be proposed and seconded by two Chiefs;
  - c) The Chairperson calls for a vote by show of hands on the motion;
  - d) The agreement of seven or more Council Chiefs required to pass a motion (if only minimum quorum of Council is present, the decision must be unanimous); and,
  - e) Chiefs who object to or abstain from the decision must provide their reasoning.
  - f) Should the decision result in a failed motion, the motion is closed until new facts or circumstances are introduced.

## 6.6 **Minutes**

- 6.6.1 The Council Meeting Administrator will keep accurate written minutes of meetings.
- 6.6.2 Minutes will be summative, with the following requirements:
  - a) The time, date and place of the meeting;
  - b) The names and members in attendance;
  - c) The names of other persons in attendance who address the Council;
  - d) A summary of discussions that occurs during the meeting;
  - e) Decisions made by the Council, indicating the names of those members who supported the decision, those who opposed and those who abstained; and,
  - f) Directives pursuant to any decisions.
- 6.6.3 Minutes shall be reviewed and signed by the Chairperson within 30 days of meetings, and once signed will be deemed final.
- 6.6.4 Final versions of minutes will be archived with MCK Records Management immediately following approval and copies of minutes that are attorney-client privileged will be sent to Legal Services.

## 6.7 **Recording Device**

- 6.7.1 Unless the Council directs otherwise, the proceedings of each meeting will be recorded solely by the Council Meeting Administrator using an audio device.
- 6.7.2 Audio recordings will only be available to the Council Meeting Administrator and used solely for the purposes of preparing accurate minutes.

## 6.8 **Record of Decision**

- 6.8.1 The Council Meeting Administrator will prepare a written record of decision with supporting document(s).
- 6.8.2 The record of decision shall be in the form of a memorandum which includes:
  - a) The decision and any associated directives;
  - b) The date of the meeting;
  - c) The names of all Council Chiefs in attendance;

- d) In the event of a vote, the names of those members who: approved, objected or abstained; and,
  - e) Signature of the Council Meeting Administrator.
- 6.8.3 A copy of each record of decision will be provided to the Portfolio Chief(s), the Lead Technician and the Executive Office.
- 6.8.4 Records of decisions will be made available as per Mohawk Council of Kahnawà:ke (MCK) Policies and Procedures.
- 6.8.5 The people will be informed of all matters discussed and decisions taken by the Council of Chiefs following every duly convened Council Meeting via publicly circulated communiqués.
- 6.9 ***Records Management***
- 6.9.1 The Council Meeting Administrator will ensure that official Council documents and related materials are archived according to the MCK's Policies and Procedures.

### **Strategic Discussions**

- 7.1 Strategic Discussions are convened on a weekly basis and are held for the purposes of updating the Council of Chiefs on matters, collecting strategic direction on the progress and direction of key files, and preparing the Council of Chiefs for decisions to be tabled at an upcoming duly convened Council Meeting.
- 7.2 The Council Meeting Administrator, or designated alternate, will keep accurate written summative notes of strategic discussions.
- 7.3 Strategic Discussion notes will be summative, with the following requirements:
- a) The time, date and place of the meeting;
  - b) The names and members in attendance;
  - c) The names of other persons in attendance who address the Council;
  - d) A broad summary of discussions that occurs during the meeting;
  - e) Direction provided by the Council, any associated directives, and persons responsible for follow up.
- 7.4 Copies of the Strategic Discussion notes will be filed and maintained by the Council Meeting Administrator, or designated alternate, and accessible by the Council of Chiefs, Office of the Council of Chiefs, and proponent of the Strategic Discussion.

## **Coming into Force of this Policy**

- 8.1 This document shall come into force upon the passing of a Mohawk Council Executive Directive and will replace any previous versions of the *Mohawk Council of Kahnawà:ke Regulations for the Operations for Chief and Council*.