

**Lower Kootenay Band
Community Constitution**

Yaqan Nukiy – Where the Rock Lies



Aqak%ooaxa%ooxunik –
People of the Marsh

Lower Kootenay Band Vision Statement

...A stable, independent, self-governing authority, providing principled leadership to a dynamic community of caring, healthy Citizens, from a secure resource base.



Discussion Draft Dated: September 19, 2013

Table of Contents

1. Preamble	3
2. Vision	4
3. Definitions and Interpretation	4
4. Principles of Responsible Government	5
5. Function and Authority of Community Council	5
6. Roles and Responsibilities of Council	6
7. Meetings of Council	9
8. Community and Nation Government	10
9. Responsibilities of LKB Citizens	11
10. Rights of LKB Citizens	13
11. Community Advisory Committees	13
12. Senior Management	14
13. Financial Management	14
14. Roles and Responsibilities of Lower Kootenay Service Providers	15
15. Conflict of Interest	16
16. Grievances	17
17. Dispute Resolution	17
18. Adoption and Amendment	17

Preamble

- 1.1. **Whereas**, Indigenous peoples, in exercising their right to self-determination, have the right to autonomy of self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions; and
- 1.2. **Whereas**, Indigenous people have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of Canada; and
- 1.3. **Whereas**, Indigenous people have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources; and
- 1.4. **Whereas**, the Ktunaxa Nation, having existed as a Nation prior to the formation of Canada, maintains that their right to self-government is an Inherent Right established at the time of Creation and an Aboriginal Right recognized and protected by the *Constitution Act, 1982* (Canada); and
- 1.5. **Whereas**, the Lower Kootenay Band is one of the member communities of the Ktunaxa Nation and as such, shares the Ktunaxa Nation's Inherent Right to govern and the responsibility to protect this right for current and future generations of Ktunaxa Citizens.
- 1.6. **Therefore**, we, the Lower Kootenay Band of the Ktunaxa Nation, in order to establish effective, responsible institutions, promote our Citizens' wellbeing, protect and rejuvenate our sacred relationship with our lands as embodied in our culture and our unique language, conserve and develop our lands and resources, sustain a thriving economy and secure to ourselves and our future generations, the power to exercise rights of self-government not inconsistent with Ktunaxa, federal, provincial, and local laws, do ordain and establish this Constitution for the Lower Kootenay Band.

2. Vision

The Citizens of the Lower Kootenay Community have adopted a vision statement, consistent with that of the Ktunaxa Nation vision.

2.1. Lower Kootenay Community Vision Statement

(a) ...A stable, independent, self-governing authority, providing principled leadership to a dynamic community of caring, healthy Citizens, from a secure resource base.

2.2. Ktunaxa Nation Vision Statement

(a) ...Strong, healthy Members and communities, speaking our languages and celebrating who we are and our history in our ancestral homelands, working together, managing our lands and resources as a self-sufficient, self-governing Nation.

2.3. The Lower Kootenay Community Government is entrusted to lead the planning and development processes necessary to achieve the Community's vision.

3. Definitions and Interpretations

3.1. In this document, the following definitions will apply:

- (a) "arbitrator" means an independent third party holding a professional designation in a field relevant to the grievance and appointed by way of a Band Council Resolution, to resolve disputes by hearing submissions and rendering decisions.
- (b) "Chief" means the Chief Councillor of the First Nation;
- (c) "Community Government" means the collective of the Community Council and all of the Administrative organization;
- (d) "Community Council" or "Council" means the collective of the Chief and Council members elected by the Citizens of the Lower Kootenay Community;
- (e) "First Nation" means the Lower Kootenay Indian Band;
- (f) "Responsible Government": means one that is for the People, and by the People, and of the People;
- (g) "–a—knumufti%oi%o": means the traditional law of the Ktunaxa that has existed from the beginning of time;
- (h) "Major Decision": means a decision that could affect the lives or livelihood of a majority of Citizens, such as proposing a new by-law, or changes to this Constitution, an existing by-law or substantive changes to policy and any decisions requiring the commitment of a significant amount of money;
- (i) "Citizens": means persons who are registered as Lower Kootenay Indian Band Members pursuant to the Indian Act. This definition shall remain in effect until such time as the First Nation enacts a citizenship code.
- (j) "senior financial officer" means the person appointed senior financial officer under section 13
- (k) "senior manager" means the person appointed senior manager under section 12
- (l) "Eligible Voters": means Citizens who are entitled to vote for Community Council as defined in the Lower Kootenay Band Custom Election Regulations By-law as amended from time to time;
- (m) "Person" means an individual, a corporation, a society or other non-profit organization, a partnership, a government or any government agency or department, a trustee, any unincorporated organization and includes heirs and legal representatives of an individual.

4. Principles of Responsible Government

The Citizens of the Lower Kootenay Community (the “Community”) believe that “Responsible Government” respects the following Principles in its decisions, actions and behaviors. They declare that the Lower Kootenay Community Government will operate in respect of and consistent with the following principles:

- (a) The Government represents the interests of the Community by listening to its Citizens, and consulting them before making major decisions.
- (b) The Government is fair, open, honest and transparent in its dealings, and provides regular feedback to the Citizens.
- (c) The Government is trustworthy, ethical, responsible and accountable to the Citizens.
- (d) The Government is considerate, flexible and present in Community.
- (e) The Government is competent, capable, informed and effective.
- (f) The Government is visionary and progressive.
- (g) The Government is consistent in carrying out its mandate in a stable and secure manner.
- (h) The Government is Ktunaxa.

5. Function and Authority of Community Government

- 5.1. The Citizens of the Lower Kootenay Community participate in the selection of Council Members for their community. The election, vacancies and removal of Community Council representatives will be governed by the Lower Kootenay Band Custom Election Regulations as amended from time to time.
- 5.2. These elected representatives sit together as a governing body known as the “Community Council”, or the “Council”.
- 5.3. The Lower Kootenay Community Government will act through the Lower Kootenay Community Council, in exercising its capacity, rights, powers, and privileges and in carrying out its duties, functions, and obligations.
- 5.4. The functions of the Lower Kootenay Community Government are to:
 - secure, preserve and exercise the rights, powers, authorities, privileges, and immunities as the Community shall possess or be granted,
 - to maintain a registry of and to promote the well-being of Citizens, and
 - to responsibly govern the Community and its Citizens, in order to achieve the Community Vision.
- 5.5. The Community Council (Council), has the power to govern, conduct and manage the affairs and property of the Community, including without limitation, the following:
 - (a) To maintain a registry of Lower Kootenay Community Citizens;

- (b) To enter into contracts and agreements;
 - (c) To acquire and hold property or an interest in property, and sell or otherwise dispose of that property or interest;
 - (d) To raise, spend, invest, or borrow money;
 - (e) To sue and be sued; and
 - (f) To do other things ancillary to the exercise of its rights, powers and privileges.
- 5.6. All Citizens of the Lower Kootenay Community will be granted equitable access to protection of the Government. Citizens will also be granted equitable access to programs, services, and benefits as may be made available from time to time. It is recognized that certain privileges may only be accessed and maintained through the fulfillment of the responsibilities of citizenship.
- 5.7. The Community Council shall carry out their business in accordance with the by-laws, policies and procedures adopted in accordance with their respective Terms of Reference. However all regulations made by Council will be in accord with the Ktunaxa Nation Constitution and be respectful of Ktunaxa Nation Inherent Rights and Title.

6. Roles and Responsibilities of Council

- 6.1. *The Community Council shall ensure that there is a clear and responsible direction for the First Nation.* The Council will fulfill this responsibility by:
- (a) Listening to the needs and concerns of the Citizens, and by providing secure and open mechanisms for the Citizens to make their views known.
 - (b) Providing a special avenue to seek the wisdom of the Elders, and asking for their input on all major issues, before decisions are taken.
 - (c) Making a special effort to consult regularly with the Youth, on major decisions.
 - (d) Establishing advisory committees and hosting open consultation sessions with the Citizens, before making major decisions.
 - (e) Setting forth a Vision and long term objectives that clearly represent the expectations of the Citizens, to guide all planning and decision-making.
 - (f) Establishing clear priorities, so that the most important issues and concerns will receive the attention and resources they deserve.
 - (g) Establishing action plans to address each priority, and monitoring regularly to ensure satisfactory progress towards these goals.
 - (h) Ensuring that the Community Vision is consistent with the Nation Vision.

- 6.2. *The Community Council shall provide the best possible programs and services to meet the needs of the Citizens.* The Council will fulfill this responsibility by:
- (a) Ensuring there are qualified, efficient people and adequate resources to deliver these programs and services.
 - (b) Meeting with governments, private industry, aboriginal organizations and other bodies on issues affecting their mandate.
 - (c) Acting as lead for negotiations in matters concerning funding or development of new or ongoing programs.
 - (d) Acting as advocate for the First Nation when dealing with government, private industry, aboriginal organizations and Committees, other organizations, media, and the general public on issues affecting or related to their mandate.
- 6.3. *The Community Council shall ensure that the Community Government is fair, honest and effective.* The Council will fulfill this responsibility by:
- (a) Ensuring that all decisions are fair and effective based on the merits of the situation and based on applicable policies and procedures.
 - (b) Ensuring there are fair and effective policies and procedures in place to guide decision making for each program.
 - (c) Ensuring these policies and programs are respected and monitoring all other entities of Government to encourage their respect for policies and procedures.
 - (d) Providing prompt, fair grievance procedures for Citizens to address reasonable concerns.
 - (e) Ensuring that any institutions established by the Council to make independent decisions, function at “arms length” from the political process, and that they are independent of political interference.
 - (f) Respecting the Conflict of Interest Policy in all decisions.
- 6.4. *The Community Council shall ensure that there are adequate resources, and that these are properly and responsibly managed.* The Council will fulfill this responsibility by:
- (a) Actively seeking the necessary funds to maintain programs and services, and to initiate new projects.
 - (b) Ensuring that any funding criteria are properly respected, so as not to jeopardize the funds.
 - (c) Ensuring there are financial administration policies and procedures in place to foster fair, effective and responsible management of all funds entrusted to the Council, for the Citizens.

(d) Making regular, complete, accurate, user-friendly reports to the Citizens on the management of the funds entrusted to the Council.

6.5. *The Community Council shall promote unity within the Council, and within the Community.* The Council will fulfill this responsibility by:

(a) Conducting Government in a fair manner, consistent with policies and procedures and making decisions for the good of the whole Community.

(b) Voicing opinions in Council meetings in an open, respectful, constructive and complete manner.

(c) Respecting and supporting the decisions of Council, even where these may not be consistent with personal views.

(d) Dealing with diversity of opinion in a fair and respectful manner, using the procedures established for these purposes.

(e) Participating in community events.

(f) Residing in or near the Community, and being available for Citizens.

6.6. *The Community Council shall conduct themselves as role models, and represent the best interests of the Lower Kootenay Community and the Ktunaxa Nation in all internal and external dealings.* The Council will fulfill this responsibility by:

(a) Conducting themselves consistent with the Council's Code of Ethics and Conduct at all times when representing the Government.

(b) Being available to Citizens.

(c) Showing active support by being present as participants in community events.

(d) Representing the best interests of the Community in Ktunaxa and non-Ktunaxa regional forums, and fulfilling obligations made in these forums.

(e) Stewarding Ktunaxa Nation Inherent Rights and Title.

(f) Respecting the jurisdictions and mandates of any regional forum in which they participate.

(g) Being knowledgeable and respectful of all applicable Laws, Agreements, Codes, Regulations, which impact Ktunaxa Government and the lives of Ktunaxa People.

(h) Maintaining a healthy and responsible personal life style.

7. Meetings of Council

- 7.1. In fulfilling its responsibilities, the Council will meet and carry out their business in accordance with this Constitution and shall adhere to all other Lower Kootenay Band By-laws, Policies and Procedures, as may be in force from time to time.
- (a) Meetings of the Council shall be held at such time and place as required to make decisions. It is expected that meetings will be held approximately once every month, but this may vary depending on the need.
 - b) The quorum at Council meetings is a minimum of 3 (three) members in attendance. Notwithstanding the quorum; all major decisions must be made with all 5 members in attendance.
 - c) Chairperson –Council meetings (except for “in-camera” sessions) will be chaired by the Chief Operating Officer.
 - d) Decision-making will normally be by consensus, but a vote can be taken when absolutely necessary. When a vote is taken, a minimum of three votes in favour is required to make a decision. Council may vote by e-mail or faxed in appropriate circumstances.
 - e) Council will provide a minimum of one week’s notice of Community Band Meetings to the citizenship.
 - f) Except for meetings held in camera and discussions that deal with personal information or that Council considers confidential or is otherwise protected under generally accepted privacy law, regular Council meetings are open to all Citizens to attend.
 - g) No Citizen will be excluded or removed from a Council or a Community Band Meeting except for conduct deemed disruptive by Council.
 - h) Council will not vote to adopt any by-law at a meeting that is closed to the citizens.
 - i) All recommendations and decisions of the Council shall be in writing.
 - j) All decisions of the Council shall be, in accordance with Council policy, made available to Lower Kootenay Citizens on request. Decisions and recommendations developed during in camera sessions must be ratified at an open Council session before being made available to the Citizens.

- k) The Council may invite outside participants, industry and government representatives to meetings, as deemed necessary to carry out business.
- l) Notice of a meeting shall specify the place, the day and the hour of a meeting, and in the case of special business, the general nature of that business, and shall be delivered to the Council members one week in advance of the meeting, whenever possible.
- m) The accidental omission to give notice of a meeting to, or the non-receipt of a notice by, any of the members entitled to receive notice does not invalidate proceedings at that meeting.
- n) An Annual General Assembly shall be held at least once in every calendar year and not more than 15 months after the holding of the last preceding Annual General Assembly.
- o) All representatives of Lower Kootenay Community Council shall attend the Annual General Assembly.
- p) All Council members will receive either an honorarium or salary which will be subject to review and approval by the citizenship at the Annual General Band Meeting. Any Council Member receiving a salary must have a position description approved by the citizens at an Annual General Band Meeting.
- q) Community Consultation meetings will be held on a regular basis at least 3 times per year. Notices of such meetings will be provided at least 10 working days in advance of the meeting.

8. Community and Nation Government

- 8.1. The Ktunaxa Nation Council membership is made up of the elected representatives of each of the Ktunaxa Nation Communities; Akisqnuq, Lower Kootenay, St. Mary's and Tobacco Plains.
- 8.2. The Nation Council has organized their membership into five Sector Councils, each with a mandate to function as a governing body, within the limits of authority so delegated by the Nation Executive Council. The Sector Councils are; 1. Social Investment, 2. Traditional Knowledge and Language Enrichment, 3. Corporate Services, 4. Land and Resource Stewardship, and 5. Economic Development and Investment Planning.
- 8.3. Each of the Community Council members will be appointed to serve on one of the Nation Sector Councils.

- 8.4. The Community Council will designate their members to the Sector Councils, based on the best fit of the individual Council member to a particular Sector mandate.
- 8.5. The Sector Councils will, on behalf of the Ktunaxa Nation, effectively exercise those powers of government delegated to them by the Nation Council Executive.
- 8.6. Sector Council members will be responsible for representing the interests of both their community and the Nation as a whole, in carrying out their duties.

9. Responsibilities of Lower Kootenay Band Citizens

Lower Kootenay Band Citizens have the following responsibilities:

- 9.1. To provide advice and guidance to the Council, in accordance with this Constitution and the policies and procedures of the Lower Kootenay Community Government.
- 9.2. To accept primary responsibility for their actions, as responsible Citizens of the Lower Kootenay Community:
 - (a) Citizens, especially Parents and Grandparents, have the primary and special responsibility to be positive role models and to ensure that our Ktunaxa language, culture and heritage is passed on to our children, and used and respected by them.
 - (b) Citizens are expected to be contributors to the well being of themselves and the Community.
- 9.3. To accept primary responsibility for their own personal well-being, and that of their families:
 - (a) Parents have the primary responsibility to ensure the education, health, safety and security of their children.
 - (b) Citizens have a responsibility to uphold Community values and principles and to show respect for personal property, including keeping it well maintained, while also respecting public property.
- 9.4. To participate fully and respectfully in Community Government:
 - (a) The Ktunaxa way is to put the best interests of the Community before individual interests.
 - (b) Citizens fulfill their personal political responsibilities by participating in Nomination processes for Public Office, and by voting in elections.
 - (c) Citizens shall attend and participate in the Public Consultation meetings, organized by the Council.
 - (d) Citizens contribute to the decision making process by:

- (i) First, by listening to the opinions and views of all parties, and asking questions to ensure understanding.
 - (ii) Second, by making their views known in a constructive, factual and respectful manner.
 - (iii) Third, by being open-minded in looking for fair and effective solutions.
- (e) Citizens shall encourage and assist other Citizens to attend and participate in the processes of Responsible Government.
- 9.5. To present concerns in a constructive, factual, and respectful manner:
- (a) Citizens shall try to get the facts, and avoid unnecessary and harmful rumors.
 - (b) Citizens shall present their concerns to the appropriate person, using the procedures established for this purpose.
- 9.6. To respect the Laws, By-Laws and Regulations of the Government, including our Traditional Laws, most importantly ?a—knumufti%oi%o.
- 9.7. To be knowledgeable and respectful of the processes of Government, including commitments to others:
- (a) Citizens shall make a reasonable effort to know the major policies and procedures that affect them, as well as the personnel and structure of their Government.
 - (b) Citizens shall respect the decisions taken by their Government, and voice any opposition in a constructive manner.
 - (c) Those who feel they have legitimate grievances regarding any decision of the Government must use the proper grievance procedure, which is designed to ensure a fair and prompt resolution of the grievance for the Citizen.
- 9.8. To be knowledgeable of the major issues affecting the Community and the Nation.
- (a) Citizens shall make a reasonable effort to keep themselves informed of the major issues affecting the Lower Kootenay Community and the Ktunaxa Nation.
- 9.9. To hold the Council accountable for their decisions and actions.
- (a) Citizens shall insist on Responsible Government, and appropriate decisions and behaviors from all members of the Government.
 - (b) Citizens shall insist that regular, complete, accurate and user-friendly financial and activity reports are made available to the Members.
 - (c) Citizens shall insist on regular, open and complete communications from the Government on all key matters that affect them.

10. Rights of Lower Kootenay Citizens

- 10.1 All Citizens of the Lower Kootenay Band shall have the rights and freedoms bestowed on all citizens of Canada, by the Constitution and the Charter of Rights and Freedoms of Canada.
- 10.2 All Citizens of the Lower Kootenay Band shall enjoy equal rights to life and liberty, and the pursuit of a way of life that promotes their language, culture, heritage and material well-being.
- 10.3 In exercising its' powers the Lower Kootenay Band shall not make or enforce laws which are unlawful or contrary to the Laws of Canada;

11. Community Advisory Committees

11.1 The Council recognizes that strategic planning requires teamwork and that a strategic plan is a tool to help the leadership and staff to achieve the collective goals of the Citizens which will ultimately lead to the achievement of the Community's vision.

11.2 The Lower Kootenay Community Council will establish, by way of resolution, Advisory Committees as a mechanism through which to include the input of the Citizens in important matters and to guide community planning and evaluation processes.

11.3 The Council has stated a principle of inclusivity in community planning and advisory functions, inclusivity to mean including the diverse interests of the following groups when carrying out planning and evaluation activities:

- (a) Children and Youth
- (b) Single Adults
- (c) Married People
- (d) Parents
- (e) Elders
- (f) Council Members
- (g) Management
- (h) Staff

11.4 Advisory Committees will assist Council by:

- (a) Developing, in consultation with community Citizens, principles to guide planning, service design and implementation;
- (b) Designing research and consultation processes related to developing Plans and Strategies and analyzing the results of these processes;
- (c) Recommending to Citizens and Council, strategies and options for development and investment;
- (d) Advising as to the appropriateness of existing programs and services and delivery structures.

11.5 Each Advisory Committee will carry out their duties jointly and severally, for the good of the Lower Kootenay Community and the Ktunaxa Nation as a whole and will carry out their business in accordance with prevailing Lower Kootenay policies and regulations.

11.6 Each Advisory Committee member will be required to take an Oath stating their commitment to fairly and equitably represent the interests of their Community and to maintain confidentiality and uphold values, principles and ethics.

11.7 Each Advisory Committee will adhere to the following principles:

- (a) A cooperative, collaborative approach is taken in carrying out activities. Respect, trust, openness, accountability and transparency are demonstrated;
- (b) Traditional knowledge, language and culture will be honoured and integrated into planning activities and service design;
- (c) Wherever possible and practical, the Committee will work with the other Advisory Committees and cooperate to improve efficiency and effectiveness;
- (d) The existing and historic circumstances which impact this work are acknowledged.

11.8 The Council will approve Terms of Reference for each Advisory Committee and will review them as required.

12. Senior Management

12.1 The Council shall select Senior Management to administer the affairs of the Lower Kootenay Band in an effective and fiscally responsible manner in accordance with this Constitution and Lower Kootenay Band Laws.

12.2 The Council may, through by-law, establish officer positions with titles and responsibilities it considers appropriate and may by Resolution appoint persons to those positions.

12.3 The Council may assign to a position powers, duties and functions in addition to those required to be assigned by this Constitution or Lower Kootenay by-law.

12.4 The Council may establish employment policies that reflect the principle of giving preference to qualified Citizens in the selection of Senior Management and the hiring of other employees.

13. Financial Management:

The Lower Kootenay Indian Band will administer the financial assets in accordance with a Financial Administration Law that is consistent with standards set by the First Nations Financial Management Board.

13.1 Council must appoint a person as senior financial officer of the First Nation and will set out the terms and conditions of that appointment.

14. Roles and Responsibilities of Lower Kootenay Service Providers

The Mission of the Lower Kootenay Band administration is as follows:

14.1 To deliver the best possible services and programs for the Citizens, consistent with the policies, work plans and budgets approved by the Council.

The members of the Administration and Service Team fulfill this responsibility by:

- (a) Serving the Citizens consistent with their Oath of Office;
- (b) Respecting the Management Philosophy and the Code of Ethics and Conduct for Administrative Personnel;
- (c) Regularly evaluating the effectiveness and delivery of their programs by consulting with the program beneficiaries, and reporting the findings and recommendations to Council.
- (d) Participating in planning processes and recommending appropriate improvements to the programs and services, as required;
- (e) Making regular reports to Chief Operating Officer regarding the delivery of the programs and services;
- (f) Hiring capable people to perform the tasks and promoting professional development.

14.2 To manage the funds entrusted to the Administration in a fully responsible, accountable and efficient manner.

The members of the Administration & Service Team fulfill this responsibility by:

- (a) Giving careful attention to the budget planning process;
- (b) Administering the programs and services consistent with the approved budgets;
- (c) Consistently following the Financial Policies and Procedures approved by Community Council;
- (d) Making regular financial reports to the Community Council.

14.3 To provide quality services to support the work of the Community Council.

The members of the Administration Team fulfill this responsibility by:

- (a) Ensuring that Community Council, and designated Committees and Boards of Council, have all of the documentation required to conduct business in an effective manner;
- (b) Helping to organize and coordinate meeting arrangements for Community Council, or their designated Committees and Boards, as well as preparing and distributing the minutes and executing other required follow-up;
- (c) Helping to organize and co-ordinate travel arrangements for Community Council;
- (d) Conducting, or coordinating, special research requirements on behalf of Community Council;
- (e) Managing special projects mandated by Community Council.

14.4 To conduct themselves as role models, and represent the best interests of the Lower Kootenay Community and Ktunaxa Nation in all internal and external dealings.

(a) Conducting themselves in a manner consistent with the Administration's Code of Ethics and Conduct, and the Organizational Policies (Citizen Services, HR Manual, and Financial) at all times when representing the Government.

(b) Ensuring all actions and commitments involving external agencies are taken consistent with clear direction from Council.

(c) Showing active support by being present as participants in community events.

15. Conflict of Interest

15.1 A Council member who feels that he or she has a real or perceived conflict-of-interest shall disclose fully and promptly the nature and extent of his or her conflict-of-interest to Council and shall otherwise comply with any policy or procedure relating to conflicts-of-interest that are made from time to time by the Community Council

15.2 A Council member who has declared a conflict-of-interest shall be excused and not take part in any discussion relating to the proposed transaction and shall not vote on any motion moved in respect of such transaction

15.3 All Council members must:

(a) take such action as is necessary to prevent real, potential, or apparent conflicts of interest;

(b) perform their official duties and arrange their private affairs in such a manner that public confidence and trust in the integrity, objectivity, and impartiality of the Council are maintained and enhanced;

(c) inform the Council of any circumstance that may diminish their ability to perform the duties required of them;

(d) arrange their private affairs in a manner that will reduce the possibility of real, potential or perceived conflicts of interest from arising;

(e) not take advantage of, or benefit from, information that is obtained in the course of their official duties and responsibilities to the Council that is not generally available to the public;

(f) not use their positions to obtain for themselves, their family members or close associates, employment or other benefits from the Council, or from the agents or assigns of Council.

16. Grievances

16.1 The Council will ensure that policies and procedures are adopted to receive grievances about the practices and/or services of Community Government.

16.2 An Arbitrator will be asked to investigate these grievances to determine whether Lower Kootenay Government agencies have acted fairly and reasonably, and whether their actions and decisions were consistent with relevant legislation, policies and procedures. This service is provided at no cost to Members.

17. Dispute Resolution

17.1 Any disputes that may arise will be dealt with in a reasonable and timely manner.

17.2 In the spirit of cooperation, the parties to a dispute will work together in good faith with a view to finding the best possible solution for all parties, using their best efforts to address any misunderstandings and to avoid conflict.

17.3 In the event that the parties to a dispute cannot resolve their differences in a reasonable and timely manner, a mutually agreed upon external party possessing mediation skills will be utilized.

18. Adoption and Amendment

18.1 Adoption of this Constitution shall be made through resolution of Council, upon having received the consent to proceed with adoption from the citizens. Consent to proceed means that 50 % plus 1 of Eligible Voters who in fact vote, vote in favour of adoption **and** at least 25 % of Eligible Voters vote in favour of adoption.

18.2 Amendments to the Constitution thereafter, may be made through a resolution of Council, upon having received the consent to proceed with the amendment(s). Consent means that 50 % plus 1 of Eligible Voters who in fact vote, vote in favour **and** at least 25 % of Eligible Voters vote in favour.

(a) If a proposed amendment is approved by Vote in accordance with subsection 18.2, the amendment shall be adopted and the Constitution, as amended, will be enacted by Resolution as of that date.

18.3 Any Citizen may propose amendments to the Constitution by presenting a petition signed by at least 30 % of the Eligible Voters.

THIS CONSTITUTION IS HEREBY DULY ENACTED by Council on the ____ day of _____ , 2013 at Creston, in the Province of British Columbia.

A quorum of Council consists of three (3) members of Council.

Signatures

Chief Councilor

Councillor

Councillor

Councillor

Councillor