

Economic Development Commission Charter



Community. Leadership. Pride.

**Agreement
2016-05**

ISSUED BY	Council
DEPARTMENT	Economic Development and Communications
EFFECTIVE DATE	2017-04-10
RELATED DOCUMENTS	Economic Development Commission Charter 131125 Westbank First Nation Government Strategic Plan 2016-2019 <i>Policy 2015-82 Personal Information and Privacy Protection</i> <i>Policy 2015-84 Access to WFN-Owned Information</i>
IMPLEMENTATION	This Agreement supersedes and retires "Economic Development Commission Charter 131125" Policy, revised and approved by Council Resolution #131125-05 and signed by the Director of Operations, on November 26, 2013.

1. Purpose

- a)** Westbank First Nation's Economic Development Commission (EDC) is established to assist and facilitate Council and Westbank First Nation's (WFN) economic community in creating a healthy, environmentally sustainable and dynamic economy on Westbank Lands, based on the value of economic self-reliance.
- b)** The purpose of the Commission is to:
 - i.** Work to increase awareness of Economic Development and investment opportunities on Westbank Lands.
 - ii.** Develop a strategy and informational materials to present a positive image of WFN.
 - iii.** Provide policy advice to Council and Administration to support Economic Development.
 - iv.** Provide support to existing businesses on Westbank Lands to help them remain competitive and to encourage new businesses to locate on Westbank Lands.
- c)** The Commission's goals are:
 - i.** Business Attraction
 - 1)** Create a positive investment climate by raising the awareness of WFN in the business community.
 - 2)** Increase awareness and knowledge about Westbank Lands and Economic Development opportunities.
 - ii.** Business Retention
 - 1)** Enhance the general Economic Development climate that encourages and enables business retention and expansion on Westbank Lands.
 - iii.** Business Facilitation
 - 1)** Inform Council, Administration, and the business community of existing Economic Development opportunities.
 - 2)** Develop a base of information on Economic Development on Westbank Lands.
 - 3)** Work co-operatively with the Central Okanagan Economic Development Commission, the Greater Westside Board of Trade and other related Economic Development bodies as appropriate.



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2. Composition

- a)** The EDC shall be composed of:
 - i.** Seven (7) voting Commissioners comprised of;
 - 1)** Three (3) WFN Members,
 - 2)** One (1) WFN Elder,
 - 3)** One (1) WFN Youth; and
 - 4)** Two (2) non-Members.
 - ii.** One (1) non-voting Member of Council selected and appointed by a Resolution of Council.
 - iii.** At least one (1) Commissioner from Section 2.a)i. should be a representative of Small Business.
- b)** WFN will assign a Recording Secretary who is not a member of the EDC to provide recording and support services to the EDC.
- c)** A Selection Committee shall be composed of a Member of Council, the Director of Operations, and the Economic Development Manager.

3. Structure

- a) Applications for EDC Membership**
 - i.** Invitations to apply for appointment to the EDC are published in WFN newsletters as appropriate.
 - ii.** Invitations to apply for appointment to the EDC shall specify the qualifications for appointment.
 - iii.** To qualify for appointment as a Commissioner, a person must;
 - 1)** Be eighteen (18) years of age or older,
 - 2)** Be of good character, credibility and reputation in the WFN community,
 - 3)** Not have been convicted of an indictable offence in Canada or a felony in the United States of America within the last ten (10) years prior to the date of their application,
 - 4)** Not be an undischarged bankrupt,
 - 5)** Not be a Council Member, except for the Council Member(s) appointed under Section 2.; and
 - 6)** Have an adequate educational background or have appropriate business experience and a familiarity with WFN and the Central Okanagan.
 - 7)** Reside in the Central Okanagan.
 - iv.** All applicants shall provide written consent to a criminal record search in the form that may be required by law enforcement agencies in Canada or the United States of America.

3. Structure (cont'd)

b) Terms of Office

- i. Each Commissioner will hold office for a term of three (3) years subject to the provision that the term for the Council Member appointed or their appointed alternate shall not be longer than their term on Council.
- ii. A Commissioner may be re-appointed to office by Resolution of Council.
- iii. Each Commissioner, other than the Council Member, will receive an honorarium in an amount determined by Resolution of Council for each duly convened meeting attended. The amount of the honorarium will be reviewed every 3 years.
- iv. Each Commissioner, before entering upon their duties, will take and subscribe to the Oath of Office (Appendix A) before a Justice of the Peace, Notary Public or duly appointed Commissioner for Taking Oaths.
- v. The EDC shall carry out the following duties and responsibilities;
 - 1) Act in an advisory role for Council on Economic Development issues,
 - 2) Coordinate an overall community Economic Development vision and prepare a long-term Economic Development strategic plan for WFN,
 - 3) Establish mechanisms to receive input on Economic Development policies from the Economic Development Community,
 - 4) Provide advice pertaining to policies and WFN Laws to ensure that they are consistent with and work towards achieving the Economic Development goals and vision,
 - 5) Develop initiatives, media materials and services to promote WFN as an attractive community for new enterprise; and
 - 6) Assist Council and Administration in making representation to government, industry, and the public in areas of Economic Development and business.
- vi. Commissioners shall carry out the following duties and responsibilities;
 - 1) Act in the best interest of the EDC by supporting the EDC's duties and responsibilities as outlined within this Charter,
 - 2) Participate in events that provide opportunities to further the work of the EDC,
 - 3) Make their best efforts to attend internal and external events to promote WFN and the EDC when required,
 - 4) Refrain from promoting or pursuing personal interests while acting as a Commissioner or representing WFN,
 - 5) Stay apprised of current local, regional, and national events relating to the economy and economic development,
 - 6) Acknowledge and respect the cultural heritage of WFN; and
 - 7) Uphold the Oath of Office.

3. Structure (cont'd)

c) Vacancies

- i. A Commissioner will continue to hold office for their term or until the position becomes vacant pursuant to Section 3.c)ii.
- ii. A position becomes vacant where a Commissioner either:
 - 1) Resigns by sending written notice to the Chairperson, a copy of which shall be provided by the Chairperson to each Commissioner.
 - 2) Dies.
 - 3) Is convicted of an indictable offence in Canada or a felony in the United States of America.
 - 4) Fails to attend three (3) consecutive meetings without a valid reason, as determined by the remaining Commissioners.
 - 5) Fails or refuses to sign the Oath of Office within fifteen (15) days of their appointment.
 - 6) Is removed from office in accordance with the provisions of this Charter.
- iii. The Chairperson of the EDC shall advise Council and the Selection Committee as soon as reasonably possible upon a vacancy occurring.
- iv. Vacancies on the EDC shall be filled in accordance with Section 3.a) of this Charter.

4. Chair and Vice-Chair

- a) The Chairperson and Vice-Chairperson will be elected by the Commissioners themselves for a term of one (1) year and thereafter at the first meeting after the Chairperson has served their one (1) year term.
- b) The Council Member is not eligible to serve as Chairperson or Vice-Chairperson.
- c) The Chairperson and Vice-Chairperson are eligible for re-election.
- d) A Chairperson will preside at all meetings of the EDC.
- e) In the absence of the Chairperson or Vice-Chairperson, the EDC shall designate one of its other voting Commissioners to act as Chairperson.

5. Meetings

- a) The EDC shall meet a minimum of six (6) times per year and may meet as many times as necessary in order to carry out its responsibilities.
- b) The EDC shall make reasonable efforts to meet on Westbank Lands in addition to other places as determined.
- c) Notice shall be given to the Commissioners at least seven (7) business days before the date of a meeting and must specify the place, day, and hour of the meeting.
- d) Notice of the meeting may be given to a Commissioner either personally, by telephone or facsimile at the telephone number provided, or email to the email address provided by the Commissioner.

5. Meetings (cont'd)

- e) A Commissioner may participate and is deemed present at the meeting by means of telephone or other means of communication that permits all persons in the meeting to communicate with each other.
- f) Meetings of the EDC are closed to the public unless Commissioners, at a duly convened meeting, determine otherwise by way of a vote.
- g) The EDC may, subject to this Charter, establish rules for its procedures at meetings.
- h) No rule made by the Commissioners invalidates a prior act of the EDC that would have been valid if that rule had not been made.
- i) A Commissioner shall notify the Chairperson or the Economic Development Manager of any anticipated absence and the reasons for such absence.
- j) Council may, upon recommendation of the EDC and by resolution, remove a Commissioner where they have missed three (3) consecutive meetings of the EDC or where there is other substantial non-compliance with this Charter or the Oath of Office.
- k) Where notice is given to the Chairperson under Section 5.i), the Chairperson shall inform the other Commissioners of the absence and the reasons.
- l) The Recording Secretary shall;
 - i. Take attendance of all Commissioners present at meetings,
 - ii. Record minutes of meetings,
 - iii. Record decisions and votes at meetings; and
 - iv. Perform such other duties, consistent with this Charter, as assigned to the Recording Secretary by the EDC.
- m) The Recording Secretary to the EDC shall provide copies of all approved minutes and records of decisions to members of the EDC in a timely manner.
- n) The EDC shall retain all approved minutes and records of decisions of the EDC at the WFN Government building.
- o) Except with respect to matters in any closed part of an EDC meeting, copies of approved minutes and records of decisions of the EDC may be obtained by Members upon payment of a reasonable copying fee.

6. Decision Making Authority

- a) **Council and Selection Committee-EDC Composition**
 - i. If the appointed Council Member is unable to attend an EDC meeting, they may request the Council Member appointed by Council Resolution to act as their alternate to attend the meeting.
 - ii. The alternate Council Member shall fulfill all responsibilities and duties of the appointed Council Member when acting on their behalf.

6. Decision Making Authority (cont'd)

a) Council and Selection Committee-EDC Composition (cont'd)

iii. The Selection Committee shall;

- 1) Make recommendations to Council for the voting Commissioners,
- 2) Make a recommendation to Council for the Elder Commissioner after consultation with the Elders Group,
- 3) Make a recommendation to Council for the Youth Commissioner after consultation with the WFN Youth and Recreation Manager,
- 4) Invite applications from WFN Membership and from other persons interested in serving on the EDC; and
- 5) Forward their recommendations to Council who shall immediately thereafter, by Resolution of Council, appoint those persons to the EDC.

b) Quorum

- i. A Quorum as defined in Section 10. is required for all EDC meetings.
- ii. Where a Quorum cannot be established because of Conflict of Interest provisions in this Charter, the matter must be adjourned to the next meeting or a future meeting where a Quorum can be established.
- iii. If a Quorum can never be established because of Conflict of Interest provisions in this Charter or because of a vacancy, then a majority of Commissioners entitled to participate in the discussion and vote on the question will constitute a Quorum for determining the matter under consideration.
- iv. The Chairperson will be included in counting Quorum unless precluded by the Conflict of Interest as outlined in Section 8. of this Charter.

c) Removal from Office

- i. A Commissioner may be removed from office because a Commissioner either:
 - 1) Engaged in dishonorable or questionable conduct which negatively impacts on that person's personal or professional integrity or competence or reflects adversely on the integrity of the EDC.
 - 2) Breached the confidentiality provisions in this Charter.
 - 3) Is negligent in their duties and responsibilities to the EDC.
 - 4) No longer qualifies to be a Commissioner under Section 3. of this Charter.
- ii. Proceedings to remove a Commissioner may be commenced by a written petition setting out grounds for removal, signed by another Commissioner.
- iii. A petition seeking removal of a Commissioner must be delivered to the Director of Operations.
- iv. The Director of Operations shall provide a copy of the petition to the Commissioner whose removal is sought and to the other members of the Selection Committee.

6. Decision Making Authority (cont'd)

c) Removal from Office (cont'd)

- v. The Director of Operations shall schedule a mediation meeting with a mediator involving;
 - 1) The Commissioner whose removal is sought,
 - 2) The Commissioner who signed the petition for removal; and
 - 3) Another Commissioner selected by the remaining Commissioners.
- vi. Where a Commissioner is under review as a result of a petition, they will be excused from their duties and responsibilities to the EDC pending a determination of the matter.

d) Removal of Office-Mediation

- i. If an agreement is reached in mediation, the mediator shall prepare a report to the Selection Committee and the EDC.
- ii. If no agreement is reached in mediation, the Director of Operations shall schedule a hearing of the Selection Committee to consider whether the Commissioner should be removed from office.

e) Removal of Office-Hearing

- i. Notice of the time, place, and date of the hearing of the Selection Committee must be provided to the Commissioner whose removal is sought, the person signing the petition, and the Selection Committee.
- ii. If the Commissioner whose removal is sought or the Commissioner who signed the petition provides the Selection Committee with at least twenty-four (24) hours written notice of their inability to attend the hearing because of a valid reason set out in the notice, the hearing must be adjourned.
- iii. If the Commissioner whose removal is sought or the Commissioner who signed the petition fail to attend the hearing without providing notice or a valid reason as required under Section 6., the Selection Committee may hold the hearing in their absence.
- iv. The Selection Committee will first hear from the Commissioner who signed the petition for removal. The Commissioner whose removal is sought has the right to question the person giving evidence before the Selection Committee.
- v. After the Selection Committee has heard evidence from the person seeking removal, the Commissioner whose removal is sought may give evidence in reply. The Commissioner signing the petition for removal has the right to question the Commissioner giving evidence in reply.
- vi. The Selection Committee may question any person giving evidence at the hearing.
- vii. The Selection Committee may adjourn any hearing in order to make a decision.

f) Removal of Office-Hearing Decisions

- i. After consideration of all the evidence and any documents submitted, the Selection Committee shall dismiss the petition or remove the Commissioner from office and declare a vacancy.

6. Decision Making Authority (cont'd)

f) Removal of Office-Hearing Decisions (cont'd)

- ii. The Selection Committee shall provide a copy of the decision to the Commissioner whose removal is sought and to the Chairperson.
- iii. Upon receipt of the decision, the Chairperson shall distribute copies of the decision to the remaining Commissioners.

g) Filling a Vacancy

- i. Where a vacancy occurs, the Selection Committee shall recommend to Council a replacement Commissioner who qualifies under Section 3 for appointment to the EDC.
- ii. The Selection Committee may, if necessary, request applications for a replacement Commissioner.
- iii. The Selection Committee shall recommend a replacement Commissioner to Council within sixty (60) days of the vacancy.
- iv. Upon receipt of the recommendation from the Selection Committee, Council shall immediately thereafter appoint a replacement Commissioner by a Resolution of Council.

h) Voting

- i. The EDC shall operate on a basis of consensus.
- ii. When necessary the Chair may call for a vote on any matter before the EDC.
- iii. All votes will be decided by a majority vote of Commissioners participating in the vote.
- iv. Unless a secret vote is requested and approved by the EDC, all voting shall be by a show of hands indicating a "Yes" or a "No" vote.
- v. No abstentions are permitted on a vote.

7. Reporting to Council

- a) The EDC shall report every three (3) months to Council and at least annually to the WFN Membership on its activities.
- b) The reports of the EDC shall generally describe its activities but shall protect the confidentiality of specific deliberations, proceedings or decisions in individual cases.
- c) Council recognizes the authority granted to the EDC in this Agreement and, except for the responsibilities of Council described in this Agreement, shall not interfere with, or become involved in, the operations of the EDC.

8. Conflict of Interest

- a) A Commissioner who has a Conflict of Interest shall, as soon as possible, disclose the nature and extent of their conflict to the Chairperson who shall report the conflict to the remaining Commissioners.
- b) Where a Conflict of Interest exists, the Commissioner affected shall leave the meeting where the matter is being considered and will not be counted in determining Quorum nor participate in discussion nor vote on the matter under consideration.

9. Confidentiality

- a) Commissioners shall not release information received by them while performing EDC work or EDC deliberation information, proceedings, or other matters of the EDC unless:
- i. The information is deemed to be public under WFN Law or other applicable governance; or
 - ii. The Commissioners, by vote at a meeting, determine that it is permissible to release the information.
- b) Information relating to deliberations or proceedings of the EDC may be provided to the Selection Committee considering an application for removal of a Commissioner.

10. Definitions

"Business Interest" means ownership or partial ownership of a business, shares of a corporation or other financial involvement, including any financial obligation from, or financial obligation to, any individual, business or corporation.

"Central Okanagan" refers the geographical location in British Columbia comprised of the City of Kelowna, WFN, and its surrounding neighbouring municipalities including Peachland, West Kelowna, East Kelowna, Myra, Traders Cove, McKinley Landing, Lake Country, Pixie Beach, Nahun, Fintry and Killiney Beach. The Central Okanagan does not encompass geographic areas at and past Summerland, Chute Lake and Vernon.

"Commission" means the WFN Economic Development Commission (EDC) established under this Charter Agreement;

"Commissioner" means a person appointed to sit on the EDC under this Charter Agreement;

"Conflict of Interest" within this Charter refers to any situation where a Commissioner or a person in the Commissioner's immediate family has a personal or Business Interest in the matter under consideration.

"Council" means the governing body of WFN elected under Part VI of the Westbank First Nation Constitution;

"Economic Development" means furthering the Economic Development Community in creating a healthy, sustainable, strong and diverse economy on Westbank Lands, keeping in mind the importance of economic self-reliance and the cultural values of Okanagan people. This would include the classic type definition of economic development in a local sense being recruitment, retention and expansion of business operations on Westbank Lands and would include increasing the standard of living, levels of employment (not just level entry positions), educational levels and quality of life for the entire economic community.

"Economic Development Community" means WFN members, community members, and lessees.

"Economic Development Manager" means the primary staff person who is responsible for the Economic Development Department and the EDC.

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10. Definitions (cont'd)

"Westbank Law" means laws of WFN in force at the time of this Constitution comes into effect, and any law of Westbank enacted under Part VIII of the Westbank First Nation Constitution;

"WFN" means the Westbank First Nation;

"Youth" means a WFN Member between the ages of eighteen (18) and thirty (30) years of age.

This Agreement was approved by Resolution of Council # 170410-03 and signed by the Director of Operations on the 1st day of May, 2017.

Pat Fosbery, Director of Operations

Date



Appendix A –Oath of Office-Economic Development Commission (EDC)



OATH OF OFFICE ECONOMIC DEVELOPMENT COMMISSION

1. I, _____, do solemnly accept my position on the Westbank First Nation Economic Development Commission and will strive to serve Westbank First Nation with full respect for the objectives set out in the Westbank First Nation Economic Development Commission Charter.
2. I will faithfully and impartially carry out the duties of my office to the best of my ability and will work to promote the best interests of Westbank First Nation and the Economic Development Commission.
3. I will uphold, during or subsequent to my term as a Commissioner, the provisions for confidentiality in the Charter.

Signature _____

SWORN BEFORE ME in the Province of British Columbia, this ____ day of _____, 20__.

JUSTICE OF THE PEACE, NOTARY PUBLIC OR COMMISSIONER FOR TAKING OATHS

Signature _____

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