

**WHITECAP DAKOTA NATION  
GOVERNANCE CODE**

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## **PREAMBLE**

**WHEREAS** Whitecap Dakota Nation is a Dakota Nation descended from the Oceti Sakowin (Seven Council Fires) which was comprised of Dakota, Nakota, and Lakota Nations;

**WHEREAS** Whitecap Dakota Nation asserts that Dakota language, values, knowledge, traditions, and way of life have been passed down from the Creator and between generations since time immemorial by WDN and WDN Members;

**WHEREAS** Whitecap Dakota Nation has an inherent right to self-government that has been provided by the Creator, manifesting since time immemorial as a right to political, legal, economic, and social structures, based on the history, language, culture, spiritual traditions, and philosophy of the Dakota, especially Whitecap Dakota Nation's rights to its traditional lands, territories, and resources;

**WHEREAS** Whitecap Dakota Nation has adopted a Constitution as the supreme written law of Whitecap Dakota Nation;

**WHEREAS** Whitecap Dakota Nation and His Majesty the King in Right of Canada entered into a Self-Government Treaty effective September 1, 2023; and

**WHEREAS** the Chief and Council of Whitecap Dakota Nation wish to establish a Governance Code to ensure good governance of the Nation;

**THEREFORE**, the Chief and Council of Whitecap Dakota Nation at a duly convened Council Meeting resolve to adopt the following Code as our Governance Code:

### **PART I – Dakota Values**

#### **1. Dakota Values**

1.1 This Code shall be implemented in a manner that is guided by and respects the wisdom and knowledge of community elders and Dakota values, including those values listed below and expanded on in Schedule A to this Code:

- (a) Wawóhoda/Oho'da – Respect;
- (b) Wóksape – Wisdom;
- (c) Wówaditika – Bravery;
- (d) Wówicąke/Wòowotaŋna – Honesty;
- (e) Wóohitika – Courage;
- (f) Wówaciŋtaŋka – Patience;

- (g) Wóokiya – Helpful;
- (h) Tehiṅda – Cherish, Value, Love;
- (i) Wòwàḥaṅtohnake/Oḥaṅwaste – Generosity;
- (j) Wówaciṅya – Dependable;
- (k) Wóbdiheic’iya – Positiveness;
- (l) Wòwaṅsida – Compassion;
- (m) Wowahbadaṅ – Humility;
- (n) Wòwastedaka – Love;
- (o) Wòwakiṣake – Endurance/Strength; and
- (p) Wòyuonihaṅ – Honor.

## PART II – Citation

### 2. Citation

2.1. This Law may be cited as the *Whitecap Dakota Nation Governance Code* and referred to herein as the “Code”.

## PART III – Interpretation

### 3. Interpretation

3.1. In this Code:

“**Advisory Committee**” means a group of people established by Council in accordance with Terms of Reference and this Code for the purpose of advising Council;

“**Chief**” means a WDN Member who has been duly elected as Chief by the Nation Membership;

“**Chief Executive Officer**” or “**CEO**” means the individual hired who oversees and manages WDN’s operations;

“**Chief Financial Officer**” or “**CFO**” means the individual hired to oversee the financial administration of WDN, as defined by the *WDN Financial Management and Accountability Code* as may be amended from time to time;

**“Complaints Registry”** means a virtual database maintained in accordance with section 40.7 of this Code by the CEO for the purpose of retaining and recording all complaints made by WDN Members;

**“Conflict of Interest”** has the meaning prescribed within Part X;

**“Constitution”** means the constitution of WDN established and ratified on October 27, 2022, and effective on September 1, 2023;

**“Council”** means the duly elected Chief and Councillors of WDN;

**“Council Clerk”** means the individual appointed to assist in carrying out duties for Council as delegated;

**“Council Compensation Commission”** means the committee established pursuant to section 24 for the purpose of determining Council’s compensation;

**“Council Meeting”** means an assembling of the Council for the purposes of conducting the day-to-day business of WDN;

**“Council Member”** means a duly elected Chief or Councillor of WDN as defined in the WDN Governance Code;

**“Councillor”** means a WDN Member who has been duly elected as Councillor by the WDN Members;

**“Elector”** means any WDN Member meeting the eligibility requirements as defined by the WDN Election Code, as may be amended from time to time;

**“Emergency”** means a calamity caused by an accident, criminal acts, or forces of nature, or a present or imminent situation or condition that requires prompt action to prevent or limit loss of life, harm or damage to the safety, health or welfare of persons, or damage to property or the environment;

**“Governance Committee”** means the committee established by Terms of Reference for the purpose of assisting Council with reviewing, enacting, and amending WDN Laws;

**“Government Office”** means the office located on WDN that is identified as the area where Council carries out business related to governance;

**“Immediate Family”** in respect of a person, means the person’s spouse, biological or adoptive parent, sibling, or child;

**“Membership Meeting”** is a meeting of WDN Members which fulfills the requirements set out in section 28 of this Code;

**“Membership Meeting Vote”** is as defined in the Constitution and requires that at least 50% plus one of Electors at a duly convened Membership Meeting vote in favour of the amendment;

**“Non-Member”** means an individual who has reached the age of majority, is ordinarily a resident on WDN Lands and is not a WDN Member;

**“Non-Member Minor”** means an individual who is ordinarily a resident on WDN Lands, is not a WDN Member and has not reached the age of majority;

**“Oath of Office”** has the meaning prescribed within Part VI of this Code;

**“Petition”** is a document prepared by a WDN Member setting out a request for consideration of the removal of a Council Member and the grounds for that removal request, as described in section 15 of this Code;

**“Quorum of Council”** means a majority of the whole of Council;

**“Ratification Vote”** is as defined in the Constitution;

**“WDN”** means the Whitecap Dakota Oyate or Whitecap Dakota Nation;

**“Whitecap Dakota Government”** or **“WDN Government”** is as Whitecap Dakota Government is defined in the Constitution and includes both the elected Council and unelected WDN Government officials;

**“Whitecap Dakota Nation Council Resolution”** or **“WDNCR”** means a resolution of Council passed at a duly convened Council Meeting by a majority of Council;

**“WDN Department”** means a division of the WDN Government responsible for the management of certain assigned programs, systems, services, or activities;

**“WDN Director”** means the person hired to hold the principal position at a WDN Department;

**“WDN Executive”** includes the Chief, Council Members, CEO, CFO, and WDN Directors;

**“WDN Institution”** is as defined in the Constitution and means an organization, body or entity controlled by WDN that administers a specific government policy or program and includes the WDN public service;

**“WDN Lands”** is as defined in the Constitution and are those lands, or any portion of those lands, defined as WDN Lands, in the *Whitecap Dakota Nation Land Code*, as amended from time to time, and includes all rights and resources belonging to those lands;

**“WDM Law”** is as defined in the Constitution and includes altogether the Constitution, WDM Codes and WDM Acts; and

**“WDM Member”** is as defined in the Constitution and means a person whose name appears on, or is entitled to appear on, the Membership List referenced in the *WDM Membership Code*, as amended from time to time.

- 3.2. For greater certainty, if the definition of any term defined in the Constitution is amended in the Constitution, the definition shall be deemed to be similarly amended as used in this Code.

#### **PART IV – Purpose and Application**

#### **4. Purpose**

- 4.1. This Code implements Part 5 of the Constitution.
- 4.2. The purpose of this Code is to provide for:
  - (a) the application and administration of WDM jurisdiction, authorities, and obligations in accordance with the Constitution;
  - (b) processes and procedures relating to the law-making authorities of WDM;
  - (c) the governance and administration of WDM rights, interests and benefits recognized in the Self-Government Treaty;
  - (d) the administration, operation, and internal management of the WDM; and
  - (e) any other matter required to achieve the objectives outlined in this section.

#### **5. Application**

- 5.1. If there is a conflict between this Code and the Constitution, the Constitution prevails.
- 5.2. If there is a conflict between this Code and any other WDM Code or WDM Act, this Code prevails, unless the conflicting provision provides otherwise.
- 5.3. Where there is a reference to a number of days between two events, in calculating that number of days the day on which the first event happens is excluded and the day on which the second event happens is included.

## **PART V – Structure and Composition of WDN Government**

### **6. Elections**

- 6.1. All Council Members must be elected by Electors in accordance with the WDN Election Code.

### **7. Composition of Council**

- 7.1. Effective as of the first Election held in accordance with the WDN Election Code after this Code takes effect, Council is comprised of one (1) Chief and four (4) Councillors.

### **8. Term Length**

- 8.1. Council Members will hold office for a term of four (4) years.

### **9. WDN Administration**

- 9.1. Council must hire a person to act as CEO and must set the terms and conditions of the CEO's employment.

- 9.2. Under the supervision and guidance of the CEO, WDN Directors, and the CFO, managers and staff are responsible for the day-to-day operations of the WDN Government, WDN Institutions, and the Government Office, including:

- (a) implementing WDN Laws, policies, programs, and services;
- (b) hiring and managing staff; and
- (c) all other responsibilities specified or delegated by Council.

### **10. Role of the Chief Executive Officer**

- 10.1. The CEO is responsible for overseeing the administration of WDN Institutions, including leading the planning, organization, implementation, and evaluation of WDN Institutions, and any other duties that may be provided for in any other WDN Law.

- 10.2. The CEO may delegate any of its duties to any of its officers, employees, or contractors; however, the CEO remains responsible for its duties whether or not they have been delegated.

- 10.3. The CEO is directly accountable to Council.

- 10.4. Council may set out the responsibilities and duties of the CEO in a WDN Law or policy.

**11. Advisory Committees**

- 11.1. Advisory Committees must be established by Council in accordance with Terms of Reference set by Council.
- 11.2. Advisory Committees serve in an advisory capacity to each Council Member and Council retains decision-making authority.

**12. Governance Committee**

- 12.1. A Governance Committee must be established by Council in accordance with Terms of Reference set by Council.
- 12.2. The Governance Committee shall serve in an advisory capacity to Council and Council retains decision-making authority.

**PART VI – Conduct and Oath of Office**

**13. Oath of Office**

- 13.1. Immediately after the results of an election are known, and not more than five days thereafter, each Council Member must publicly swear the Oath of Office as set out in Schedule “B” to this Code.
- 13.2. If required, a Council Member may swear the Oath of Office referred to in subsection 13.1 by virtual means so long as WDN Members are provided an opportunity to witness the virtual appearance.
- 13.3. Council Members are expected to uphold the Oath of Office immediately upon the election results being known, regardless of whether the Oath of Office has been publicly sworn. The Oath of Office continues to apply for so long as a Council Member provides advice or services of any kind to or on behalf of Council and/or WDN.

**14. Council Conduct**

- 14.1. In carrying out the responsibilities of their office, Council Members must:
  - (a) respect and promote the spirit and intent of the Constitution and all WDN Laws;
  - (b) faithfully perform the duties and responsibilities of Council;
  - (c) uphold and maintain the integrity, honour, and dignity of WDN;
  - (d) work with and serve WDN Members based on Dakota values including respect and open communications, and according to the Constitution and other WDN Laws;

- (e) respect and follow all WDN Laws;
  - (f) ensure fairness and consistency in the application of WDN Laws;
  - (g) maintain and protect all confidential matters concerning WDN;
  - (h) ensure that financial resources provided to WDN are used for the benefit of WDN Members in the most impartial, efficient, and effective manner possible, consistent with WDN Laws; and
  - (i) promote and protect the fundamental rights of WDN including inherent and aboriginal rights.
- 14.2. Council Members must exercise their public duties in accordance with the principles of honesty, trustworthiness, selflessness, prudence, care, efficiency, and fairness.
- 14.3. Each Council Member must represent and defend the collective interests of WDN over any WDN Member's individual interests, in accordance with the Constitution and other WDN Law.
- 14.4. Each Council Member must attend all duly convened Council Meetings, subject to authorized absences, to ensure the proper representation of the views and interests of WDN and WDN Members.
- 14.5. Nothing in this section prevents a Council Member from acting in good faith on behalf of a WDN Member, where doing so is, in the reasonable judgment of Council and/or the Council Member, also in the interests of the WDN as a whole.

## **15. Removal From Office**

- 15.1. Upon election to Council, a Council Member must serve the duration of their term unless:
- (a) the Council Member dies;
  - (b) the Council Member resigns from office;
  - (c) the Council Member's election is overturned in accordance with the WDN Election Code;
  - (d) the Council Member is removed by a Petition as outlined in subsection 15.4; or
  - (e) Council, by unanimous WDNCR in accordance with subsection 15.2, removes the Council Member from office and orders a new election to fill the vacancy.
- 15.2. Council may, by unanimous WDNCR, remove a Council Member from office as a result

of an egregious or repeated contravention of the WDN Oath of Office and/or the duties, responsibilities, and expectations of a Council Member outlined in this Code or in any WDN Law. For greater certainty, the Council Member under review may not participate in the WDNCR referred to in this section and their vote is not required to pass the WDNCR.

- 15.3. Council will ensure that procedural fairness is observed with respect to any decision to remove a Council Member in accordance with subsection 15.2.
- 15.4. A Council Member may be removed by a Petition filed by a WDN Member with the CEO and signed by not less than fifty-one (51) percent of Electors, determined as of the date the Petition is filed. The Petition must:
  - (a) set out the facts substantiating the grounds for removal from office of a Council Member;
  - (b) include supporting documentation, if applicable; and
  - (c) be accompanied by a filing fee of five hundred dollars (\$500.00). For greater certainty, the filing fee is non-refundable unless the Council Member is removed pursuant to the Petition, in which case the filing fee must be returned to the WDN Member who paid the fee.
- 15.5. If at least fifty-one (51) percent of the Electors endorse a Petition pursuant to subsection 15.4, a Membership Meeting must be convened by Council. The CEO will supervise preparations for the Membership Meeting to ensure that all requirements of a Membership Meeting pursuant to this Code are complied with.
- 15.6. At a Membership Meeting held in accordance with subsection 15.5, complaints and rebuttals offered will be heard. If matters remain unresolved, all Electors then in attendance will be asked to vote by secret ballot as to whether the Council Member in question should be removed from office, their office declared vacant, and a By-Election held in accordance with the WDN Election Code.
- 15.7. If a Council Member is convicted of an indictable criminal offence pursuant to the *Criminal Code*, R.S.C., 1985, c. C-46, as amended from time to time, or the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, as amended from time to time, during their term of office, regardless of when the events giving rise to the criminal charges occurred, that Council Member must vacate their office and position as Council Member immediately.
- 15.8. If a Council Member misses three consecutive Council Meetings without providing an acceptable reason in writing to Council, Council must issue a written reprimand to that Council Member.

## **PART VII – Duties, Accountability, and Powers of Council**

### **16. Council Authority**

- 16.1. The exercise of authority by Council pursuant to subsection 16.2 is governed by WDN Law including, but not limited to, the Constitution, this Code, and the WDN Financial Code.
- 16.2. Council, on behalf of WDN, has the authority to:
- (a) enact WDN Laws in relation to any matters within the jurisdiction of WDN;
  - (b) enter into agreements and contracts with any person, government, or legal entity;
  - (c) acquire, hold, or dispose of property and any interests therein;
  - (d) acquire, hold, or dispose of bequests and gifts;
  - (e) sue or be sued and act on behalf of WDN in legal proceedings;
  - (f) amend the position title of any WDN employee;
  - (g) subject to the WDN Financial Code, hold, spend, or invest money;
  - (h) subject to the WDN Financial Code, secure or guarantee the repayment of money borrowed;
  - (i) subject to the WDN Financial Code, operate, contribute to, act as trustee of, or otherwise deal with trusts;
  - (j) delegate its authority, in writing, to a WDN Institution or individual member of the WDN Government, subject to the limitations on delegation set out in this Code or other WDN Law; and
  - (k) take other actions as may be necessary to carry out Council's responsibilities.

### **17. Power of Chief to Assign Portfolios**

- 17.1. Council must establish portfolios whereby an individual Chief or Council Member is delegated specific responsibilities in a specific area of Council's jurisdiction.
- 17.2. Portfolios must be assigned by Chief in consultation with other members of Council.
- 17.3. Portfolios must be established within seven (7) days following an Election and may be updated throughout the Council term as needed in the discretion of the Chief.
- 17.4. Portfolio holders are advisors to Council of their portfolio area and will be considered

knowledgeable on related matters. The advice of the portfolio holder will assist Council in its decision-making process.

## **18. WDN Institutions**

- 18.1. Council may establish WDN Institutions for specific purposes with Terms of Reference set by Council.
- 18.2. If the relevant Terms of Reference allow, Council Members may sit on committees or boards in relation to WDN Institutions. Council Members may also attend meeting of WDN Institutions as non-voting, ex-officio members of the WDN Institution.
- 18.3. WDN Institutions must not exercise authority over Council.
- 18.4. Council must review all WDN Institutions at least annually to assess whether they should continue operation, be modified in some manner, or be dissolved.

## **19. Emergency Powers of Council**

- 19.1. Where a Quorum of Council has determined that an Emergency exists, Council may declare an Emergency by way of a WDNCR.
- 19.2. Notwithstanding subsection 19.1, if circumstances exist which prevent Council from meeting in a timely manner, the CEO may declare that an Emergency as defined in this Code, or a Local Emergency as defined in the WDN Emergency Response Plan, exists for the purposes of initiating the WDN Emergency Response Plan.
- 19.3. Where Council has declared an Emergency pursuant to subsection 19.1, Council shall take the necessary steps to protect or represent WDN's assets and interests as well as the rights, interests, and safety of WDN Members.
- 19.4. Any decision made as a result of, or in an effort to address, an Emergency declared pursuant to subsection 19.1 must be approved by a Quorum of Council.
- 19.5. Where Council has declared an Emergency pursuant to subsection 19.1 it must convene a **Membership Meeting** at the earliest opportunity to report on Council's activities.

## **PART VIII – Procedures Relating to Council**

### **20. Meetings**

- 20.1. The Chief must convene a Council Meeting at least once per month during the months of January to June and September to December. For greater certainty, the Chief may delegate the authority to a Council Member to convene a meeting.
- 20.2. The Chief must convene an additional Council Meeting at the written request of two (2) or more Council Members.

## **21. Quorum**

- 21.1. Unless specified otherwise in this Code or other WDN Law, all decisions of Council must be:
- (a) made by a Quorum of Council at a Council Meeting; and
  - (b) recorded by a WDNCR.
- 21.2. A Council Member may participate in a Council Meeting by telephone or virtual means so long as those means permit all persons participating in the Council Meeting to hear each other clearly. A Council Member participating virtually is deemed to be present at the Council Meeting.

## **22. Meeting Minutes**

- 22.1. Council must appoint a Council Clerk to take the minutes of each Council Meeting.
- 22.2. Council must retain minutes of all Council Meetings.
- 22.3. For greater certainty, Council may hold an in-camera session to discuss sensitive or confidential issues or issues relating to strategic or long-term planning during any Council Meeting and no minutes will be kept on the subject matter of the in-camera session.

## **23. Decisions**

- 23.1. Council must strive to achieve consensus on all decisions.
- 23.2. Where consensus cannot be reached, a vote of Council must occur and a majority of votes by those members of Council in attendance carry the decision, provided Quorum of Council is achieved.
- 23.3. A Council Member who is participating virtually pursuant to subsection 21.2 may confirm their approval of any decision made by Council by way of an electronic confirmation.
- 23.4. A Council Member shall not be held liable to any civil action or prosecution as a result of their individual vote in relation to a WDNCR made in good faith.

## **24. Council Compensation Commission**

- 24.1. The Council Compensation Commission must be established by Council in accordance with the Terms of Reference set by Council.
- 24.2. The Council Compensation Commission must meet within seven (7) days after Election Day as defined in the Election Code.

- 24.3. Members of the Council Compensation Commission may not be the Immediate Family of any Council Member.
- 24.4. Each Council Member must receive reasonable compensation for the performance of their duties in accordance with the base rates prescribed and adjusted by the Council Compensation Commission from time to time.
- 24.5. Each Council Member must receive an allowance for reasonable transportation and living expenses incurred in connection with the performance of their duties while away from their ordinary residence in accordance with the base rates prescribed and adjusted by the Council Compensation Commission from time to time.
- 24.6. The Council Compensation Commission must consist of a Chair and four (4) members, each of whom must be nominated and confirmed by Council.
- 24.7. The Council Compensation Commission is authorized to set the compensation and allowances for all persons serving on Council in accordance with this Code and other WDN Law.
- 24.8. The Council Compensation Commission must consider the following criteria when setting the compensation and allowances for those persons serving the WDN Government:
  - (a) the base amount of compensation and allowances provided for under WDN Law or policies;
  - (b) transparency and accountability;
  - (c) fair relativity with comparable positions;
  - (d) the requirements of the job; and
  - (e) fairness to the persons whose remuneration is being determined.
- 24.9. The Council Compensation Commission must decide matters by consensus.
- 24.10. The Council Compensation Commission must meet at least annually to review WDN Council compensation and allowances and to identify and recommend adjustments if appropriate.

#### **PART IX – Executive Act**

#### **25. Executive Act**

- 25.1. WDN Council must enact an Executive Act that will set out:
  - (a) procedures relating to Council Meetings for the purpose of ensuring that Council

functions effectively, efficiently, and in the best interests of WDN;

- (b) procedures relating to the manner in which Council Meetings may be called including any notice period required for a duly convened Council Meeting;
- (c) requirements for insurance and/or liability coverage for Council, committees members, and other officers of WDN;
- (d) the duties of the Chief, Councillors, and Council;
- (e) expectations of Council Members with respect to time spent on the duties of a Council Member and any restrictions relating to commitments which may conflict with a Council Member's ability to fulfill their duties;
- (f) processes and expectations for the transitional period for newly elected Council Members immediately following Election day;
- (g) stipulations for proxy-voting;
- (h) in the event that the Chief is unable to fulfill the duties of Chief, the process for which a Chief's delegate is selected; and
- (i) any other procedures, standards, or processes that Council deem necessary to ensure the effective governance of the WDN.

## **PART X – Conflict of Interests**

### **26. Conflict of Interest**

- 26.1. The WDN Executive must act at all times in the best interest of WDN as a whole rather than in the interest of any individual. The WDN Executive must perform their duties in a manner that promotes WDN Members' confidence and trust in the integrity, objectivity and impartiality of the WDN Government.
- 26.2. The WDN Executive must avoid real and perceived Conflicts of Interest in carrying out their duties.
- 26.3. A Conflict of Interest arises when:
  - (a) a WDN Executive member, or person in their Immediate Family, has a personal or business interest in a transaction or matter under consideration by Council or the WDN Government; or
  - (b) the personal interests of a WDN Executive member supersede or compete with their dedication to the best interests of WDN and could improperly influence the performance of their duties as a WDN Executive member.

- 26.4. A WDN Executive member who has, or believes that they have, a Conflict of Interest shall report the nature and extent of the conflict at the first (1st) Council Meeting after the conflict becomes known. The disclosure must be made when the conflict first becomes known to the individual, whether or not the transaction or matter in question has already been concluded.
- 26.5. If a WDN Executive member is in doubt as to whether they are in a Conflict of Interest, they may request a decision of Council or the CEO on whether a Conflict of Interest exists.
- 26.6. After declaring a Conflict of Interest, the WDN Executive member who has declared a Conflict of Interest must be excused from involvement with the transaction or matter at issue. If the conflicted WDN Executive member is a Council Member, the conflicted Council Member shall leave the Council Meeting where the matter is being considered, shall not be counted in the Quorum of Council in relation to that issue, and shall not participate in the discussion or vote on the matter in question.
- 26.7. WDN Executive member must review their personal and business affiliations at least annually to ensure they remain free from Conflicts of Interest.
- 26.8. In addition to the expectations of WDN Executive set out in this Part, all other employees, agents, and/or officers of WDN must comply with standards relating to conflicts of interest as set out in the WDN Personnel Policy as may be amended from time to time.

## **PART XI – Privacy and Access**

### **27. Privacy and Access**

- 27.1. Council must respect the privacy of WDN Members.
- 27.2. The WDN Government must only collect personal information of WDN Members where that information is collected for a purpose that relates to an existing or proposed program or activity of the WDN Government.
- 27.3. The WDN Government must not use personal information of WDN Members under its control without the consent of the individual to whom the information relates, except for the purpose for which the information was obtained pursuant to subsection 27.2 or a use consistent with that purpose.
- 27.4. The WDN Government must not disclose personal information of WDN Members under its control without the consent of the individual to whom the information relates, except in accordance with this Code or other WDN Laws.
- 27.5. Within six (6) months of this Code coming into effect, Council will enact a WDN Law that:
  - (a) establishes privacy rules and standards for how the WDN Government and WDN

Institutions may collect, use, and disclose personal information; and

- (b) establishes processes by which WDN Members may apply for access to records in the possession of or under the control of the WDN Government or a WDN Institution.

## **PART XII – Procedure for Membership Meetings**

### **28. Procedure for Membership Meetings**

- 28.1. Whenever a Membership Meeting is required by WDN Law, the procedures set out in this section must be followed.
- 28.2. Council must call the Membership Meeting by giving written notice to WDN Members that:
  - (a) specifies the date, time, and place of the Membership Meeting;
  - (b) contains a brief description of the matters to be discussed at the Membership Meeting; and
  - (c) if a vote is to be held, advises WDN Members that a vote will take place at the meeting and the subject matter of that vote.
- 28.3. The notice of Membership Meeting made under subsection 28.2 must be posted at least fourteen (14) days before the Membership Meeting in:
  - (a) an area within the Government Office to which the public has access;
  - (b) the WDN website or community newsletter; and
  - (c) any other locations Council determines appropriate.
- 28.4. When communicating the notice of Membership Meeting pursuant to subsections 28.2 and 28.3, Council will take reasonable steps to locate and inform WDN Members who reside outside of WDN with the goal of ensuring, to the greatest extent reasonably possible, that all WDN Members have notice of the Membership Meeting.
- 28.5. All WDN Members are entitled to attend a Membership Meeting, and other persons may attend with the permission of Council.
- 28.6. At every Membership Meeting:
  - (d) WDN Members in attendance must be given sufficient information to permit Electors to make an informed decision on the matter or matters to be voted on;
  - (e) a poll shall be conducted by a member of Council on each matter in respect of which

a vote is to be held;

- (f) a vote taken at a Membership Meeting may be by a show of hands or other method determined by Council; and
- (g) notwithstanding section 28.6(f), a vote in accordance with section 15.6 of this Code must be by secret ballot.

28.7. For greater certainty, Council may enact WDN Laws and policies respecting Membership Meetings, provided such WDN Laws and policies do not conflict with this Part.

### **PART XIII –Procedures for Enacting and Amending Codes**

#### **29. Requirement for Three Readings**

29.1. Each WDN Code must be tabled for at least three (3) readings at three (3) duly convened Council Meetings before being approved by Membership Meeting Vote.

29.2. For greater certainty, this Part:

- (a) does not apply to implementation of the Finance Code or this Governance Code, which require approval by way of a Ratification Vote in accordance with the Constitution; and
- (b) does apply to amendments to the Finance Code and this Governance Code, which may be amended by Membership Meeting Vote.

#### **30. Introduction of WDN Code - First Reading**

30.1. A proposed WDN Code must be introduced for a first (1st) reading by a Council Member at a duly convened Council Meeting.

30.2. A written copy of the proposed WDN Code must be provided to Council at least fourteen (14) days prior to the Council Meeting at which it is to be introduced.

30.3. The introduction of a proposed WDN Code to Council for first (1st) reading shall include a discussion of how the proposed WDN Code would benefit WDN.

30.4. If Council is of the view that the requirements for a first (1st) reading have been met, Council must issue a WDNCR to allow the proposed WDN Code to proceed to a second reading.

30.5. Following the first reading referred to in subsection 30.1, if not done already, the proposed WDN Code must be provided to the Governance Committee for review and comment.

### **31. Second Reading**

- 31.1. At the second (2nd) reading of a proposed WDN Code, the Chair of the Governance Committee must provide Council with a written or verbal report to identify:
- (a) what, if any, changes the Governance Committee proposes should be made to the proposed WDN Code, supported by the reasons for the proposed changes; and
  - (b) a summary of feedback received from WDN Members about the proposed WDN Code.
- 31.2. If Council is of the view that the requirements for a second (2nd) reading have been met, Council must issue a WDNCR to allow the proposed WDN Code to proceed to a third (3rd) reading.

### **32. Third Reading**

- 32.1. At the third (3rd) reading of a proposed WDN Code, the Chair of the Governance Committee must provide Council with a written or verbal report to identify:
- (a) what, if any, changes the Governance Committee proposes should be made to the proposed WDN Code, supported by the reasons for the proposed changes; and
  - (b) a summary of feedback received from WDN Members about the proposed WDN Code since the second (2nd) reading.
- 32.2. If Council is of the view that the requirements for a third (3rd) reading have been met and that the proposed WDN Code should be put to a Membership Meeting Vote, Council must issue a WDNCR directing that a Membership Meeting Vote be scheduled for community approval of the proposed WDN Code.

### **33. Requirements before the Membership Meeting Vote**

- 33.1. The following must occur prior to the Membership Meeting Vote held to approve a new WDN Code:
- (a) at least thirty (30) days before the Membership Meeting Vote, a proposed WDN Code must be posted in the WDN Government Office in a location to which the public has access, and in any other public places on WDN Lands that Council deems appropriate;
  - (b) at least fourteen (14) days before the Membership Meeting Vote, a notice concerning the proposed WDN Code must be issued to WDN Members by mail, e-mail and posted on the WDN website, advising WDN Members:
    - (i) how and where a copy of the proposed WDN Code can be reviewed; and

- (ii) how and where WDN Members can submit their opinions or recommendations on the proposed WDN Code.

### **34. Approval of a WDN Code**

- 34.1. A proposed WDN Code may only become WDN Law following approval by WDN Members through a successful Membership Meeting Vote in accordance with the Constitution.
- 34.2. Following a successful Membership Meeting Vote approving a WDN Code, that newly ratified WDN Code must be enacted and brought into force and effect on a date confirmed by:
  - (a) a WDNCR; and
  - (b) the execution of the WDN Code evidenced by the signatures of Quorum of Council.

### **35. Amending Codes**

- 35.1. WDN Codes may be amended by a Membership Meeting Vote.
- 35.2. Prior to the Membership Meeting Vote referred to in subsection 35.1:
  - (a) Council must consult the Governance Committee regarding the proposed amendment(s); and
  - (b) the Governance Committee must be provided the opportunity to give Council feedback on the proposed amendment(s).
- 35.3. Amendments to a WDN Code must be brought into force and effect by way of a WDNCR following the Membership Meeting Vote referred to in subsection 35.1.

## **PART XIV –Procedures for Enacting and Amending Acts**

### **36. Approving Acts**

- 36.1. A proposed WDN Act may be introduced by a Council Member at a duly convened Council Meeting.
- 36.2. A written copy of the proposed WDN Act must be provided to Council at least fourteen (14) days prior to the Council Meeting at which it is to be introduced for a first (1<sup>st</sup>) reading.
- 36.3. Following the introduction of the proposed WDN Act, if not done already, the proposed WDN Act must be provided to the Governance Committee for review and comment. The Governance Committee must provide comments to Council on the proposed WDN Act at or before the third reading of the proposed WDN Act.

- 36.4. A proposed WDN Act must go through at least three (3) readings at duly convened Council Meetings before being approved by Council.
- 36.5. If approved by Council in accordance with this Part, a new WDN Act must be enacted and brought into force and effect on a date confirmed by:
- (a) a WDNCR; and
  - (b) the execution of the WDN Act evidenced by the signatures of a Quorum of Council.

**37. Amending Acts**

- 37.1. Council may, by WDNCR made at a Council Meeting, amend any WDN Act.
- 37.2. Prior to the Council Meeting referred to in subsection 37.1:
- (a) Council must consult the Governance Committee regarding the proposed amendment(s); and
  - (b) the Governance Committee must be provided the opportunity to give Council feedback on the proposed amendment(s).
- 37.3. Amendments to a WDN Act come into force and effect upon the WDNCR contemplated in subsection 37.1 being passed.

**PART XV – Register of Laws and Delegation of Authority**

**38. Register of Laws**

- 38.1. WDN must maintain a Register of Laws that:
- (a) contains a copy of every existing WDN Law;
  - (b) is accessible to the public; and
  - (c) is available virtually by way of WDN’s publicly accessible website and by hard copy.
- 38.2. A true executed copy of all WDN Laws must be kept in the Government Office.
- 38.3. Physical copies of WDN Laws must be provided to WDN Members and other persons upon request and payment of a reasonable copying fee.

**39. Delegation of Authority**

- 39.1. Council may delegate authority to individuals, WDN Institutions, or other bodies, where

Council reasonably believes that the individual and/or WDN Institution is competent and capable of carrying out the delegated authority.

- 39.2. Any delegation made by Council pursuant to subsection 39.1 must be made in writing. The individual, WDN Institution, or other body must also indicate their acceptance of that delegated authority in writing.
- 39.3. Council may revoke a delegation of authority made under subsection 39.1 at any time. Such revocation shall be in writing and shall take effect at the date and time specified by Council.
- 39.4. Any authority delegated to any individual, WDN Institution, or other body by Council must be exercised to the same ethical standards as if it were exercised by Council directly and must always be exercised in the best interests of WDN as a whole.

#### **PART XVI – Redress Mechanisms for WDN Members**

##### **40. Member Redress**

- 40.1. Any WDN Member who reasonably believes that Council or an individual Council Member is not following this Code, or any other WDN Law, or has made a decision contrary to WDN Law, may direct their concerns in writing to the CEO.
- 40.2. On receiving notice of a complaint made under subsection 40.1, the CEO will review the complaint and, if the CEO believes the complaint may have merit and raises a genuine concern that ought to be addressed by Council, will bring the complaint forward to the Governance Committee and Council for review. If the CEO determines that the complaint has no merit or is unlikely to have merit, the CEO may dismiss the complaint.
- 40.3. If the Governance Committee receives a complaint pursuant to either of subsection 40.2 or subsection 40.6, the Governance Committee will review the complaint and all applicable WDN Law and advise Council, either verbally or in writing, regarding a recommended response to the complaint.
- 40.4. If a complaint is brought to Council pursuant to subsection 40.3, Council will review the complaint and surrounding circumstances, including the views and recommendations of the Governance Committee, and respond to the complainant in writing within thirty (30) days.
- 40.5. All complaints raised by WDN Members pursuant to subsection 40.1, regardless of their outcome or whether they were addressed by Council, must be reported to the Governance Committee by the CEO on a regular basis.
- 40.6. In the event that the CEO has, or appears to have, a Conflict of Interest preventing them from addressing a complaint raised under subsection 40.1 in an impartial manner, the concerned WDN Member may provide their written complaint directly to the Chair of the

Governance Committee. In that case, the Governance Committee will review the complaint and provide recommendations to Council regarding its resolution.

- 40.7. The Governance Committee must retain records of all WDN Member complaints, and their resolution, if any, in the Complaints Registry.

## **PART XVII – Non-Members**

### **41. Non-Members**

- 41.1. WDN must maintain a list of Non-Members and Non-Member Minors.
- 41.2. The list kept pursuant to subsection 41.1 must be updated by December 31 of each year.
- 41.3. Non-Members and Non-Member Minors are required to comply with all WDN Law and demonstrate respect for WDN and its practices, customs, and traditions.
- 41.4. Non-Members adversely impacted by a proposed WDN Law may provide written submissions to the CEO regarding their concerns. The CEO must review the concerns raised by the Non-Member and may, in the sole discretion of the CEO, raise and discuss those concerns with Council and/or other WDN Executive.
- 41.5. All complaints made by Non-Members in accordance with subsection 41.4 must be reported to the Governance Committee on a regular basis, regardless of their outcome or whether they were discussed with Council or other WDN Executive.
- 41.6. The Governance Committee must retain records of all Non-Member complaints, and their resolution, if any, in the Complaints Registry.
- 41.7. Non-Members adversely impacted by a WDN Law or decision of the WDN Government may challenge the validity of that WDN Law or decision through an action in the Court of King's Bench of Saskatchewan or the Federal Court of Canada.

**Schedule “A”**  
Whitecap Dakota Values

**Wawóhoda/Oho'da** – Respect. The Dakota Oyáte view the land as their relative. The land has shaped Dakota people. When we understand that the land and all the creatures that live on the land, in the air, and water offer us gifts, and we act responsibly towards these relatives, then we demonstrate respect. Also, with respect, we can appreciate the unique gifts each person has as an individual.

**Wóksape** – Wisdom. Putting into practice the value of wisdom means having the knowledge, ability, and teachings to know how to recognize these values– and not just use but to live by these values. Wisdom begins with knowledge, grows with experience, and is empowered by insight.

**Wówaditika** – Bravery. Bravery is valued by the Dakota, and it was instilled within a person from early childhood. When we understand the Dakota worldview, when we're learning to be a good relative to Uŋçi Makà, to oneself, to family, and community, it requires bravery to meet the challenges to do something different—to live within mitàkuye owas'in.

**Wówicąke/Wòowotaŋna** – Honesty. To hold honesty high is honorable. Our language is sacred, and we should always be honest in order to respect the gift of language and honor the words we say.

**Wóohitika** – Courage. It takes courage to be resilient and strong despite challenges. Dakota people do not view themselves as mere victims but as resilient and strong people, drawing upon a courage that has been practiced by Dakota people for generations to resist, persist, and adapt.

**Wówacįŋtaŋka** – Patience. We must be always patient with ourselves. Patience is extended to those around us when we accept that all events happen in their own time and place, not ours.

**Wóokiya** – Helpful. From birth Dakota people are taught their role in the family and community. Each person is bestowed special gifts from the creator that are nurtured and honed into strengths that need to be exercised. Each gift is also a responsibility, the proper use of these gifts supports a healthy and well-working family and community.

**Tehįnda** – Cherish, Value, Love. Value what you already have. Love one another in a good way. Cherishing something, like the Dakota language, includes the actions of both love and protection. **Wòwacįŋtohnake/Ohaŋwašte** – Generosity. We must show compassion towards each other and share what we have. In the Dakota way, our character is measured by how well we take care of one another.

**Wówacįŋya** – Dependable. Individual dependability is part of being a good relative and being an ally or friend. Our communities function well when we can depend upon one another to live our values and carry out our responsibilities. Furthermore, Dakota people depend upon their stories to provide teachings and valuable lessons. Dakota people are reminded through stories how and how not to behave and act.

**Wóbdiheic'iyá** – Positiveness. Dakota values, language, and actions should stem from positiveness. If we understand that everything we do and say affects each other and the universe around us (mitákuye owas'in), then we want to make sure that our words and actions embody a positive attitude and that we are doing our best.

**Wòwaunšida** - Compassion. The foundation of our Dakota spiritual lifeways was the concept of Wòwaunšida, compassion. It teaches us to treat everyone as a wotakuye, relative, and as such we were to be compassionate with one another, to be a good relative. Everything you do is done in a good way—from using the language in a respectful, kind way, to your actions—to not make anyone feel bad.

**Wowahbadaŋ** – Humility. Dakota worldview begins with humility, an understanding founded in our origin stories. When we comprehend mitakuye owas'in, we acknowledge that we are but one small part of the universe. We were created with gifts to work together, not have dominate over anyone or anything.

**Wòwaštedaka** – Love. To have love and caring for all people and all things. First and foremost, love yourself and you will love others. Love is one of the core emotions representing personal and mutual emotions related to the gentleness and kindness of one person for another.

**Wòwakišáke** – Endurance/Strength. We ask for strength in prayer and everyday life so we can live through all the values described here. Living our wicōhaŋ is not easy. It takes great strength to live one's values. The Dakota learned to endure physical and emotional hardships in a harsh environment. It involved more than just knowledge, it meant a deep understanding of life and how to deal with people and the environment around us.

**Wòyuonihāŋ** – Honor. Acting in a way that makes yourself and others proud. To have respect and honor for others. To regard or treat someone with respect and admiration.

**Schedule "B"**  
Oath of Office

I, \_\_\_\_\_ (name), elected \_\_\_\_\_ (Chief or Councillor) of Whitecap Dakota Nation (WDN), do declare as follows:

I am a member of the WDN and as such am ready and willing to serve on the Council as \_\_\_\_\_ (Chief or Councillor) for the WDN.

To the best of my knowledge, I am qualified to serve as a \_\_\_\_\_ (Chief or Councillor) of the WDN pursuant to the Whitecap Dakota Nation Governance Code.

I will faithfully perform the duties of my office as determined in the *Whitecap Dakota Nation Governance Code* and *Executive Act* and will not allow my private interest to influence my conduct in public matters.

I will protect the laws of our Nation, in order to preserve our culture and heritage; to faithfully discharge my duties in a fair and equitable manner and to involve all willing WDN members to participate in a common effort to improve our lives.

I have not, directly or indirectly, committed any bribery, corruption or intimidation during my election campaign.

