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Chiefs of Ontario Resolutions Policy

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1. BACKGROUND

A. Scope and Purpose

The purpose of this policy is to assist First Nations and Secretariat staff involved in the drafting, editing and presenting of resolutions of the Chiefs in Assembly. The policy also governs how resolutions are to be implemented, amended, retired and archived.

B. What is a Resolution?

Resolutions are formal expressions of the will of the Chiefs in Assembly. Resolutions reflect the views of the Chiefs in Assembly, provide policy directives, and assign mandates to the Ontario Regional Chief and to the Chiefs of Ontario Secretariat. The resolutions process serves to effectively foster and capture consensus on significant policy matters.

Resolutions are divided into three broad categories:

1. **Mandating or Directional Resolution** – These Resolutions provide specific direction and/or mandate a specific action on a particular matter. The resolution process allows Chiefs in Assembly to set out their collective position on an issue, legislation, or any matter affecting First Nations.
2. **Organizational Resolution** - These relate to internal matters regarding the operation and function of the Chiefs of Ontario (such as the appointment of officials or the structure and management of the organization).
3. **Support Resolution** - These resolutions express the support of the Chiefs in Assembly and, may, but do not necessarily, require the writing of a letter or requesting a meeting. It is recommended that the draft letter of support be attached to the resolution. Please note that a draft letter of support must be provided to the Chiefs of Ontario for signature, it is not the responsibility of Chiefs of Ontario to assist with drafting.

2. DRAFTING AND CONTENT

A. Subject

Resolutions should only be advanced if they are necessary because of new developments and authorities. The Resolutions Committee shall make reasonable attempts to notify the Mover or the Secunder when a draft Resolution potentially repeats or conflicts with an existing Resolution.

B. Template

Resolutions shall be in the Template attached hereto in Schedule "B".

C. Responsibility for Implementation

All resolutions must state who will be responsible for the implementation of the resolution and for reporting the results back to the Assembly.

The relevant department, within the Secretariat should be identified, together with the governing Chiefs Committee. For example, a resolution may state:

"The Education Coordination Unit, with the support of the Chiefs Committee on Education will conduct a review and report back to the Chiefs at the next Assembly."

If the resolution does not identify who is responsible for implementation, the Mover and Secunder will be responsible.

D. Commitment of Personnel or Finances

If a Resolution requires human or financial resources to fulfill its purpose, then it must state where the funds should be sought, and who will be responsible to complete the tasks.

E. Report on Progress

All Resolutions should specifically state when they will be returned to the Assembly for reporting.

F. Retirement Date

The Assembly may set a date when the resolution shall be automatically retired and archived. Unless the resolution states otherwise, all resolutions will be retired in accordance with the "Life of a Resolution" section of this document.

G. Categories

The previous practice of filing resolutions in one or more of the 52 sections in 12 binders shall be replaced by 13 categories. Each resolution must state which category, or categories, it is being passed under. If the draft resolution has not indicated a category, the Secretariat will categorize the resolution, if passed.

The categories are:

1. Aboriginal and Treaty Rights (including Fishing/Hunting/Trapping and Harvesting)
2. COO Procedural (including AOCC/SCAs, COO Administration/Policy, Finance and ORC)
3. Economic and Community Development (including Employment and Training, First Nation Funding, Fire Services, Gaming, Housing, Lands and Resources, Mining, Taxation, Sports & Recreation)
4. Education
5. Environment
6. First Nations Jurisdiction (including Intergovernmental, Indian Act, DIAND – ISC)
7. Health (including Drug and Alcohol)
8. Justice (including Burials, Constitution and Legislation, Inquiries, Policing, Residential Schools)
9. Social (including but limited to child welfare and general welfare)
10. Data Sovereignty and Research (including but not limited to data management)
11. Women's
12. Youth
13. Elders
14. Support Resolutions

3. SUBMISSION OF DRAFT RESOLUTIONS AND REVIEW

A. Submission of Draft Resolutions

All draft resolutions must be submitted to the Resolutions Committee Administrator, through the Secretariat, by the deadline set, to ensure the draft resolution is tabled at the Assembly. The deadline for the resolutions will be at least five (5) working days before the first day of the Assembly.

Draft resolutions must meet the following criteria:

- In the template format provided by the Secretariat
- All supporting documents referenced in the draft resolution must be submitted along with the resolution, unless the document is publicly available. A resolution requesting the Assembly to endorse or support a particular document will not be placed before the Assembly unless the complete and unabridged version of the document is attached to the draft resolution
- A Mover and a Secunder

B. Submission of Draft Resolutions

If the draft resolution meets the above criteria, the Resolutions Committee Administrator will forward the draft to the following bodies for preliminary review:

1. The Leadership Council
2. The Chair of the Resolutions Committee
3. Legal counsel for the Resolutions Committee

C. Committee Review

Following preliminary review, the draft resolutions will be submitted to the Resolutions Committee and reviewed in accordance with the committee's Terms of Reference (ToR), attached at Schedule C. In addition to the ToR, the Chair and Legal Counsel to the Committee shall have the roles outlines in the following sections.

D. Role of Resolutions Committee Chair

- Determine if the draft resolution meets the criteria for submission of draft resolutions;
- Review the draft resolution, if necessary, in consultation with Secretariat staff, to determine whether the resolution conflicts with any regional initiatives authorized by the Chiefs in Assembly;
- Consult with the Mover and Secunder regarding any concerns or proposed substantive changes to the draft resolution.

E. Role of Legal Counsel to the Resolutions Committee

- Review draft resolutions to identify unintended exposure to legal liabilities;
- Assist the drafter in formulating language that reflects the intention of the draft resolution;
- Draft friendly amendments proposed by the Assembly after the resolution has been presented to the Assembly.

F. Urgent Resolutions

To ensure recognition at the Assembly, draft resolutions must be submitted to the Secretariat with all supporting documents by the deadline set. Draft resolutions that do not meet the deadline may be considered as Urgent Resolutions if they meet the criteria outlined below.

Urgent Resolutions are proposed resolutions arising from facts or events that take place between the resolution deadline and the first day of the Assembly. If the facts relevant to the resolution were known before the resolution's deadline, it will not be considered an Urgent Resolution. Urgent Resolutions must also include all supporting documents and have an impact on all First Nations in Ontario.

Whether a draft resolution is an Urgent Resolution will be determined by the Speaker of the Assembly. Urgent Resolutions will be reviewed by the Chair of the Resolutions Committee and legal counsel for the Committee, in consultation with the Resolutions Committee.

G. Late Resolutions

To ensure recognition by the Assembly, draft resolutions must be submitted to the Secretariat with all supporting documents by the deadline set. If a resolution does not meet the deadline or the criteria of an Urgent Resolution, it may still be brought before the Chiefs in Assembly as a Late Resolution.

For a Late Resolution to be brought before the Chiefs-in-Assembly it must first be formally added to the agenda. To do so, the Mover of the Late Resolution must request a motion be passed by the Chiefs in Assembly accepting the Late Resolution.

The Lead Speaker shall read the full contents of the Late Resolution before the Chiefs in Assembly and recognize intervenors who wish to speak. The Lead Speaker shall call for a Mover and Secunder to pass the motion and add the Late Resolution to the agenda. It is the discretion of the Lead Speaker where on the agenda the Late Resolution shall be included.

Late Resolutions shall be reviewed by the Chair of the Resolutions Committee and legal counsel for the Committee and forwarded to the Resolutions Committee for information.

H. Leadership Council Motions

Resolutions that have been formally added to the agenda but are not brought before the Assembly due to time constraints may be passed by the Leadership Council via motion. This process must be initiated by the Mover and Secunder of the resolution. The decision to pass a resolution by motion is also at the discretion of the Leadership Council, for more information please see the Leadership Council Terms of Reference.

I. Draft Numbering

The Secretariat shall assign each draft resolution a number. The numbering of resolutions may change to reflect draft resolutions that were withdrawn or not tabled before the Assembly.

4. ASSEMBLY

A. Movers and Seconders

All draft resolutions must have a Mover and a Secunder identified before the resolution is tabled at the Assembly. When the resolution is tabled, the Mover and Secunder must be present in the assembly room and throughout the vote. If they are not in attendance, they must ensure an alternate is available and is able to fulfill all the duties of the Mover and Secunder.

The Mover and Secunder must:

- Speak before the Assembly about the Resolution; each will be allowed 3 minutes to speak to the resolution;
- Support and promote the Resolution before the Assembly, and
- Actively participate in the implementation of the Resolution if no Chiefs Committee is identified on the Implementation Team.

B. In-Camera Sessions

At any time, a Chief or Proxy can request that an agenda item goes in-camera. The Speaker will then ask for a seconder and consensus on a motion to go in-camera.

In-camera is defined as including the following groups and individuals:

- Ontario First Nations Chiefs and Proxies
- Chiefs of Ontario Leadership Council, including Deputy Grand Chiefs
- Ontario Regional Chief
- Band Councillors
- The Office of the Ontario Regional Chief
- Chiefs of Ontario Chief Operating Officer
- Elders Council Representatives
- Youth Council Representatives

- Women’s Council Representatives
- Relevant Chiefs of Ontario Sector Directors as determined by the Ontario Regional Chief
- Chair of the Resolutions Committee and Resolutions Committee legal supports

Legal counsel appointed by Chiefs and Proxies and subject matter experts may be admitted to in-camera sessions via motion by the Chiefs in Assembly on a case by case basis.

C. Confidential Resolutions

Resolutions passed during an in-camera session shall be considered confidential unless already publicly available. Confidential resolutions will not be distributed to persons other than those present during the session. Should the Chiefs-in-Assembly wish to remove the confidential status of a particular document, a motion will be required.

Confidential resolutions will be held by the Office of the Regional Chief and the Chiefs of Ontario Secretariat Chief Operating Officer but may be shared with Ontario First Nations Leadership upon request. Confidential resolutions will be numbered but will not be included in the resolutions package distributed to leadership. A message indicating that the resolution is confidential will be included in the package to ensure transparency and accountability.

D. Amending the Resolution on the Floor

Draft resolutions may be modified through amendments. An amendment adds to, deletes or changes any clause in a draft resolution. The amendment process is used to strengthen consensus on a resolution by allowing delegates to change the clauses. There are two types of amendments:

1. A **Friendly Amendment** is a change to the draft resolution that the Mover and the Secunder agree with.
2. An **Unfriendly Amendment** is a change that the Mover or Secunder do not support and must be voted upon by the Assembly.

E. Vote

The Speaker shall make three (3) calls on each Resolution. If no one indicates their desire to speak, the Speaker will call “question” on the Resolution and proceed to a vote.

F. Copies

Following an Assembly, copies of resolutions will be sent to:

- The department and/or individual(s) identified as being responsible for follow-up, and
- The Mover and Secunder of the resolution.

5. RESOLUTION NUMBERING

As soon as a resolution is passed by the Assembly, the Secretariat shall assign the passed resolution a number as follows,

1. Last two digits of the year of the Assembly
2. The sequential number of the resolution as passed. This number will reset to 001 at the first Assembly of each calendar year.)
3. "S" if it was Special Chiefs Assembly or "A" if it was passed at an All Chiefs Assembly (ACA)

For example, Resolution 20/13S was passed at the Special Chiefs Assembly in 2020 and is the 13th resolution passed in 2020.

6. LIFE OF A RESOLUTION

Resolutions may be: Active, Inactive, or Retired. Active resolutions include all resolutions that are not inactive or retired.

A. Inactive Resolutions

A resolution(s) is deemed inactive if:

- A period of 5 years has passed with no activity
- All tasks in the resolution have been completed, or
- A subsequent revision of the resolution has replaced it

B. Retired Resolutions

Resolutions may be retired and archived in two ways. First, automatic retirement of resolutions may occur without further action required by the Chiefs in Assembly when:

1. A resolution contains a retirement date and that date has passed
2. A resolution is withdrawn or revoked by the Assembly, or
3. Two years have passed after a support resolution that requires no action is passed by the Assembly

Second, the Assembly may retire resolutions on the register of inactive resolutions. Retired resolutions shall be archived as outlined in the following section.

C. Resolutions Archive

Retired resolutions remain as a formal record of previous decisions and mandates of the Ontario Chiefs in Assembly. Once resolutions are formally retired by the Chiefs in Assembly, they will be maintained in archives for that purpose.

The Resolution Archive shall include:

- Resolutions retired by the Chiefs in Assembly pursuant to the 2020 COO Resolutions Review
- The Resolutions retired by Assembly
- The Resolutions automatically retired
- All draft resolutions that are introduced to the Assembly and not passed will be archived under the category “Resolutions - Tabled Not Passed.”

D. Ontario Regional Chief Resolutions Review

In the first quarter of every year that is scheduled for election of the Ontario Regional Chief, the COO Secretariat will deliver to the ORC a list of all resolutions that have not been retired.

Upon election of a new Ontario Regional Chief, the Secretariat will deliver to the new ORC a list of all resolutions that have not been retired.

SCHEDULE A – ROLES AND RESPONSIBILITIES RESOLUTIONS COMMITTEE

The Resolutions Committee will review each draft resolution submitted to the Secretariat prior to the resolution being presented to the Chiefs-in-Assembly. These Terms of Reference set out the composition, responsibilities and procedures regarding the Resolutions Committee.

Membership shall consist of:

- One representative appointed by each of the PTOs, IFN, and any unaffiliated First Nations who wish to participate
- Chair (appointed by Secretariat)
- Administrative lead (appointed by Secretariat)
- Legal counsel (appointed by Secretariat)

General Review

The Chair and legal counsel shall review each draft resolution with the following considerations:

- The Chair of the Resolutions Committee will call a meeting of the Committee before the Assembly to review the procedures, draft resolutions and issues that arise.
- Does the resolution fall within the mandate of the Chiefs in Assembly?
- Has the topic or issue been previously considered by the Chiefs in Assembly?
- Is the draft resolution grammatically and factually accurate?
- Does the resolution meet the requirements of the Resolutions Policy?

Chair

In addition to the General Review, the Chair's role is to:

- coordinate the feedback of the Committee;
- consult with the Mover and/or Seconder regarding any proposed substantive changes in the draft resolution;
- provide copies to the Co-Speakers of the Assembly

Committee Representatives

Representatives from the PTOs, IFN, and unaffiliated First Nations are responsible for reviewing the resolutions to determine if proposed actions and statements conflict with the interests of their member First Nations and provide options on how to remedy and

change the resolution. Representatives may also provide input on the General Review items.

Legal Counsel

In addition to the General Review, legal counsel is responsible for reviewing the resolutions to determine if the draft exposes the Assembly, the Secretariat or the First Nations to undue legal liability, and to assist the drafter in using language that accurately reflects the intention of the resolution. Legal counsel will also assist the Assembly to draft any friendly amendments introduced after the resolution has been presented to the Assembly.

Administrative Lead

The role of the Administrative Lead is to:

- coordinate and distribute the draft resolutions, as required, to the Committee members, to the Chiefs and Proxies, and to the Speaker;
- assign draft resolution numbers, sequentially, to each draft that is submitted to the Committee;
- print and/or electronically distribute draft resolutions to the Assembly;
- if passed by the Assembly, assign a final Resolution number in accordance with the Resolutions Policy;
- provide final copies to the ORC for signature, within 7 working days, after an Assembly.

Regular

Resolutions submitted on or before the deadline that has been set by the Leadership Council will be reviewed as follows:

STEP 1:

All draft resolutions will be submitted to the administrative lead (Lead). The Lead will review the resolution to see if it is complete and that it meets the administrative requirements of the Resolutions Policy. If these criteria are met, the Lead will assign a draft number to the resolution and distribute the resolution to legal counsel and to the Chair.

STEP 2:

Preliminary Legal Review: Legal counsel will review the draft resolution as soon as reasonably possible.

- a. If there are any substantive changes or comments, the Chair will consult with the drafter and either ask the drafter for:
 - i. more information
 - ii. a second draft to be re-submitted, or

- iii. approval for changes recommended by legal counsel and/or the Chair.
- b. If there are no substantive changes or comments, legal counsel will return the draft to the Lead and proceed to Step 3.

STEP 3:

The Lead will distribute the draft for review by all members of the committee. If the Committee members have any questions or make any substantive changes, the Chair is responsible for consulting the Mover and Secunder and seeking approval for substantive changes.

STEP 4:

Once a draft resolution has been reviewed by each committee member, with a final approval by legal counsel, and substantive changes approved by the Mover and/or Secunder, it will be delivered to the Speaker by the Chair of the Resolutions Committee, when resolutions are before the Assembly, provided that a Mover and Secunder have been identified.

While the Committee may review resolutions with no Mover and Secunder, the Speaker will not be presented with a resolution unless the Mover and Secunder have been identified.

Late Resolutions

Late resolutions submitted during the Assembly, will not have a Preliminary Legal Review. There is no guarantee that the resolutions will be reviewed or be submitted to the Assembly for voting. Draft late resolutions will be reviewed as follows:

STEP 1:

All draft resolutions will be submitted to the administrative lead (Lead). The Lead will review the resolution to see if it is complete and that it meets the administrative requirements of the Resolutions Policy. If these criteria are met, the Lead will assign a draft number to the resolution and distribute to the Chair of the Resolutions Committee and Committee members.

STEP 2

If the Committee members have any questions or make any substantive changes, the Chair is responsible for seeking approval of the Mover and Secunder for the changes.

STEP 3

Once a draft resolution has been reviewed by each committee member, with a final approval by legal counsel, and substantive changes approved by the Mover and/or Secunder (or drafter), it will be delivered to the Speaker by the Chair of the Resolutions Committee, when resolutions are before the Assembly, provided that a Mover and Secunder have been identified.

SCHEDULE B – RESOLUTIONS TEMPLATE

**CHIEFS OF ONTARIO
ALL ONTARIO CHIEFS CONFERENCE
DRAFT RESOLUTION
June 15-16-17, 2023**

SUBJECT: *Should be concise and relate directly the topic matter of the resolution. If it is a support resolution, please indicate that clearly in the title.*

MOVER: *Include properly spelled Chief or Proxy name (first and last names), community name*

SECONDER: *Include properly spelled Chief or Proxy name (first and last names), community name*

DECISION: (to be recorded by Resolutions Committee - Carried or Consensus, Defeated)

WHEREAS: *Background that is directly relevant to the subject and:*

- *should be limited to essential background information about the resolution (on average no more than 5 clauses should be required). If more information is required, this can be handled through providing attachments and/or other supporting documentation;*
- *identify the exact problem to be addressed;*
- *provide the rationale for the resolution; and*
- *each clause (numbered as below) should express a separate reason (including facts) for the resolution.*

THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly:

OPERATIVE CLAUSE that specifically identifies action required, by whom and by when. *Additional considerations should include:*

- *Financial considerations and implications if any,*
- *Consistency with mandate of Chiefs in Assembly*
- *Requirement to report back to Chiefs in Assembly within a specified timeframe.*