

MÉTIS NATION BRITISH COLUMBIA - MNGA 2019

PROPOSED RESOLUTION
SUBMITTED TO THE 2019 MÉTIS NATION GOVERNING ASSEMBLY FOR FIRST READING
March 22-24, 2019

Motion Subject: *Métis Nation British Columbia Constitution*

Primary Offices Affected: The MNBC and MNGA

Submitted by: Golden Ears Métis Society

Submitted to: The Office of the M.N.G.A Clerk

Date submitted: February 10, 2019

WHEREAS:

- A. A constitution of a nation represents the will of its people and sets out the principles under which the citizens of a nation have agreed to be governed and is subject to the “living tree” doctrine which provides that a nation should be vigilant to ensure that its constitution is current and adapted to changes brought about through time;
- B. The MNBC Constitution is the supreme governing legislation for the Métis Citizens of British Columbia and from time to time it is deemed necessary to review its provisions and to incorporate any changes that may be due to the changing times and the needs and wishes of the Métis Citizens of British Columbia and to provide clarity where it is seen to be required;
- C. It is expedient for certain provisions of the MNBC Constitution to be amended to provide clarity where there may be ambiguous wording or to reflect changing needs of good governance;
- D. Consistency of terminology and language within legislation, including the MNBC Constitution, is important for the provision of good, ordered and predictable governance;
- E. Transparency and accountability are fundamental aspects of good governance;

THEREFORE BE IT RESOLVED THAT:

1. Article 23.6 be amended to be consistent with similar legislative language and intent set out in Article 34.6 by adding the words:
“except for the Chairperson of the Métis Youth of British Columbia”

so that Article 23.6 shall read as follows:

“He/she is under eighteen (18) years of age, except for the Chairperson of the Métis Youth of British Columbia.”

2. Article 23.8 be amended to provide clarity with regards to who or which body has the authority and responsibility for identifying whether a Member of the MNBC has breached his or her fiduciary duty to the Members or to Métis Citizens by adding the words:
“, by the MNGA by a two-thirds (2/3) majority vote,” and “A person disqualified from being a member of the MNBC by this sub-section may appeal that disqualification to the Senate whose decision shall be final and binding.”

so that Article 23.8 shall read as follows:

“He/she has clearly been identified, by the MNGA by a two-thirds (2/3) majority vote, as having breached his or her fiduciary duty to the Members or to Métis Citizens. A person disqualified from being a member of the MNBC by this sub-section may appeal that disqualification to the Senate whose decision shall be final and binding.”

3. Article 25 be amended to ensure transparency and accountability when a provincially or regionally elected Member of the MNBC is suspended from being a Member of the MNBC so that the constituents of the suspended Member of the MNBC are fully informed as to the reason(s) their representative was suspended by adding the words:
“The MNBC shall publish the reason(s) for the suspension as well as whether the Member of the MNBC was suspended with or without pay.”

and to maintain consistency of defined terms by deleting the word:

“Board”

so that Article 25 shall read as follows:

“A person may be suspended from being a Member of the MNBC, with or without pay, by a vote of the majority of the Members of the MNBC. The MNBC shall publish the reason(s) for the suspension as well as whether the Member of the MNBC was suspended with or without pay. A person so suspended may appeal the suspension to the Senate whose decision shall be final and binding.”

4. A new Article 34.4 be added to include wording consistent with similar legislative language and intent set out in Article 23.3 by adding the words:
“He/she is no longer the President of the MNBC or is no longer the Vice-President of the MNBC or is no longer a Regional Director.”

and to amend Article 34.7 to provide clarity with regards to who or which body has the authority and responsibility for identifying whether a Member of the MNGA has breached his or her fiduciary duty to the Members or to Métis Citizens by adding the words:

“been identified, by the MNGA by a two-thirds (2/3) majority vote, as having” and “A person disqualified from being a member of the MNGA by this sub-section may appeal that disqualification to the Senate whose decision shall be final and binding.”

and renumbering the sub-articles so that Article 34 reads as follows:

“34. A person is disqualified from being a Member of the Métis Nation Governing Assembly when:

- 34.1. *He/she dies.*
- 34.2. *He/she resigns.*
- 34.3. *He/she is no longer the President or Vice-President of a Community.*
- 34.4. *He/she is no longer the President of the MNBC or is no longer the Vice-President of the MNBC or is no longer a Regional Director.*
- 34.5. *She is no longer the Chairperson of the Métis Women of British Columbia.*
- 34.6. *He/she is no longer the Chairperson of the Métis Youth of British Columbia.*
- 34.7. *He/she is under eighteen (18) years of age, except for the Chairperson of the Métis Youth of British Columbia.*
- 34.8. *He/she has been identified, by the MNGA by a two-thirds (2/3) majority vote, as having breached his or her fiduciary duty to the Members or the Métis Citizens. A person disqualified from being a member of the MNGA by this sub-section may appeal that disqualification to the Senate whose decision shall be final and binding.*

I so move