

MÉTIS NATION BRITISH COLUMBIA

MÉTISBC



NATION

MÉTIS NATION GOVERNING ASSEMBLY ACT

As Amended - September 2018 Annual General Meeting



ARTICLE ONE - TITLE

1.0 This Act may be cited as "*The Métis Nation Governing Assembly Act*"

ARTICLE TWO - INTERPRETATION

2.0 In this Act:

- 2.1 "**Act**" shall mean the *Métis Nation Governing Assembly Act*.
- 2.2 "**Chartered Community**" are those Métis Communities that have entered in a Community Governance Charter agreement with the MNBC.
- 2.3 "**Constitution**" shall mean the Constitution of the Métis Nation British Columbia (the "MNBC") as amended from time to time.
- 2.4 "**Clerk**" shall mean the Clerk of the Métis Nation Governing Assembly.
- 2.5 "**Community Governance Charter**" means the written document that shall set out the terms of the relationship between a Community and the MNBC.
- 2.6 "**Conflict of Interest**" shall exist when an immediate family member of a member of the MNGA or a person or individual has an interest in a matter being dealt with by the MNGA. An immediate family member is defined as father, mother, stepfather, stepmother, foster parent, brother, sister, spouse (including a common law spouse), child (including a child with a common law spouse), ward, father-in-law, mother-in-law or relative permanently residing with a member or any close personal or business associate. An interest in a matter will arise when a person or individual may benefit financially or otherwise as a result of a matter being dealt with by the MNGA.

A conflict of interest shall also exist when a member of the MNGA is or has become a director or officer, whether elected, appointed or otherwise, of a Métis provincial organization, association or group whose interests are in conflict with the interests of the MNBC in that their activities could negatively affect MNBC's ability or authority to operate, negotiate on behalf of and represent the Métis people in British Columbia.
- 2.7 "**Deputy Speaker**" shall mean the Deputy Speaker of the MNGA.
- 2.8 "**Executive**" shall mean the Executive members of the MNBC who are elected province-wide and which includes the President, Vice-President, Treasurer, and Secretary.
- 2.9 "**Gabriel Dumont Scout**" or "**Dumont Scouts**" shall mean the individual or individuals appointed and responsible for the keeping of the peace at the MNGA, named in honor of Gabriel Dumont's peacemakers historically called 'Scouts.'
- 2.10 "**General Assembly**" shall mean a meeting of the MNGA as set out in the Constitution.

- 2.11 “General Meetings” to be defined as meetings of the MNGA held in accordance with Article 32.1 of the MNBC Constitution.
- 2.12 “**Housekeeping Matters**” in the context of an amendment, addition or replacement of an Article contained in or proposed for Legislations of the Constitution means those matters that do not affect the meaning of intent of the Article of the subject Legislation of the Constitution. In the event of ambiguity, the proposed amendment, addition or replacement of an Article contained in or proposed for Legislation of the Constitution shall be deemed to be not a Housekeeping Matter.”
- 2.13 “**Legislation**” means legislative documents, laws and/or acts including amendments to existing legislative documents, laws and/or acts and, for the purpose of this Act, will include draft or proposed Legislation.
- 2.14 “**Métis Nation Governing Assembly**” (MNGA) means the legislative body of the MNBC, as set out in the Constitution.
- 2.15 “**Métis Nation British Columbia**” means, the organization that represents the Métis Citizens pursuant to the provisions of the Constitution.
- 2.16 “**Métis Nation British Columbia**” (MNBC) means the organization which is comprised of the Regional Representatives (“Directors”), the Executive (President, Vice-President, Secretary and Treasurer), Chairperson from the Métis Women of British Columbia and Chairperson of the BCMUYC and which, represents the Métis Citizens and for the purpose of this Act will be referred to as the MNBC.
- 2.17 “**Order of the Day**” shall mean the compilation of documentation for members of the MNGA including the Agenda, Reports, Minutes, Draft Legislation, Motions and Constitutional Amendments to be tabled at a General Assembly of the MNGA.
- 2.18 “**Regions**” shall mean the MNBC regions as are defined by the Constitution.
- 2.19 “**Roll Call**” shall mean the call to order of a General Assembly and shall include the identification and an announcement of the Speaker for that General Assembly, the names of all members of the MNGA, Gabriel Dumont Scouts, and invited guests in attendance at the General Assembly and shall state whether a Quorum of MNGA members are in attendance.
- 2.20 “**Senate**” shall mean the MNBC Senate.
- 2.21 “**Speaker**” shall mean the Speaker of the MNGA.

ARTICLE THREE - COMPOSITION OF THE MÉTIS NATION GOVERNING ASSEMBLY

- 3.0 In this Act:
- 3.1 The MNGA shall be composed of:
- a) The MNBC Executive as represented by the President, Vice-President,

- Treasurer, Secretary; plus the Regional Directors, Métis Women of British Columbia Chairperson and BCUMYC Chairperson; and
- b) The Presidents of the Chartered Communities of the MNBC.
- 3.2 In the event a Community President is unable to attend a General Assembly, the Community's Vice-President may represent that Community.
- 3.3 All MNGA voting delegates must be registered with the Métis Nation British Columbia Central Registry in accordance with the Métis Nation British Columbia Citizenship Act.
- 3.4 No member of the MNGA shall be allowed to be in conflict of interest. If found to be in a conflict of interest by a majority of the MNGA, that member shall be subject to a permanent or temporary suspension from being a Member of the MNGA by a majority vote of the Members of the MNGA where at least three-quarters of the Members of the MNGA are present. A person so suspended may appeal the suspension to the Senate whose decision shall be final and finding.

ARTICLE FOUR - VOTING AND QUORUM

- 4.0 In this Act:
- 4.1. Fifty percent (50%) plus one of the members of the Métis Nation Governing Assembly constitutes a quorum for the General Assembly. However quorum must include a majority of the MNBC Board of Directors;
- 4.2.1 Roll call voting shall be the method of voting for the Métis Nation British Columbia Governing Assembly for ratification or amendments to the MNBC Constitution or Legislative Acts.
- 4.2.2 The procedure for taking roll call votes is to call the names of the representatives or delegates alphabetically, and to have each person indicate orally his/her vote. All those in favor of the adoption of the Resolution will say, "Yes" as their names are called. Those opposed will say "No". Those who wish to abstain will say, "Abstain". The MNGA Clerk will call the roll.
- 4.2.3 All resolutions submitted as housekeeping as determined by the MNGA shall not require the roll call voting process as described in article 4.2.1 and 4.2.2 and shall be determined by a simple majority of the Roll Call at a General Assembly.
- 4.3. Resolutions and ratifications other than Legislation or amendments to the Constitution and the ratification or approval of any appointments shall be made by a simple majority of the Roll Call at a Governing Assembly;
- 4.4. The MNGA shall, at a Governing Assembly, draft, review and consider Legislation and amendments to the Constitution for first reading, also referred to as ratification herein, and presentation to the MNBC at an Annual General Meeting or Special Meeting;

- 4.5. Ratification of Legislation or amendments to the Constitution that are properly before a Governing Assembly shall require majority of seventy-five percent (75%) of the Roll Call at a Governing Assembly;
- 4.6. Legislation or amendments to the Constitution that have been ratified by the Governing Assembly shall be presented for final approval or ratification by the Métis Citizens in attendance at an MNBC Annual General Meeting or Special General Meeting.
- 4.7. Legislation or amendments to the Constitution which have been ratified by the Governing Assembly shall be provided to the MNBC at least forty (45) days prior to an Annual General Meeting or Special General Meeting to be included in the agenda of that Annual General Meeting or Special General Meeting.

ARTICLE FIVE - SPEAKER OF THE MÉTIS NATION GOVERNING ASSEMBLY

5.0 The Speaker and Deputy Speaker shall:

- 5.1 Be appointed by the MNGA at a Governing Assembly;
- 5.2 May be made from within or outside the MNGA;
- 5.3 Be for a term of two (2) years subject to re-appointment;
- 5.4 Be responsible for the procedures, rules, debates and decorum of the Governing Assembly;
- 5.5 Receive the list of members and seating arrangements of the Governing Assembly from the Clerk as established by the Roll Call;
- 5.6 Approve all participation in debates and voting;
- 5.7 Secure a written record of the Governing Assembly and certify the minutes;
- 5.8 Require Gabriel Dumont Scouts to expel for the remainder of the day any MNGA member or any observer from the Governing Assembly for failing to follow the ruling of the Speaker;
- 5.9 Ensure that only MNGA members are seated in the designated Assembly area with all other individuals or observers seated outside of the designated Assembly area;
- 5.10 Approve all documentation to be circulated to MNGA members.

ARTICLE SIX - CLERK

6.0 The Clerk of the MNGA shall:

- 6.1 Be a designate of the Métis Provincial Council of British Columbia;

- 6.2 Be responsible for compiling the necessary documentation for the Order of the Day;
- 6.3 Be responsible for the presentation of the agenda prepared by the MNGA, for a Governing Assembly of the MNGA as directed by the MNBC;
- 6.4 Obtain and retain a certified copy of the minutes from the Speaker;
- 6.5 Provide the certified minutes of the MNGA to the members of the MNGA at least 14 (fourteen) days prior to the date set for a Governing Assembly;
- 6.6 Secure, by contract, an independent person or agency to duly record the minutes and procedures of the MNGA;
- 6.7 Ensure that the necessary staff are in place for a Governing Assembly;
- 6.8 Also hold the seat as Clerk at an Annual General Meeting or Special General Meeting of the MNBC; and
- 6.9 Be authorized to appoint or designate a Deputy Clerk to assist in carrying out his/her duties.

ARTICLE SEVEN - SENATE

- 7.0 The Senate shall, in relation to the MNGA:
 - 7.1 Maintain a Ceremonial Role in the MNGA and Governing Assemblies by:
 - a) Being responsible for Opening and Closing Prayers;
 - b) Swearing-In any new members; and

ARTICLE EIGHT- GABRIEL DUMONT SCOUTS

- 8.0 In this Act:
 - 8.1 Gabriel Dumont Scouts will be appointed by the MNBC to maintain order and ensure proper procedure during a Governing Assembly.

ARTICLE NINE - REPORTING

- 9.0 Notwithstanding any sittings or meetings of the MNGA to conduct business that is not the subject of a Governing Assembly, the following written reports shall be tabled by the Clerk for the MNGA and shall be included in the Order of the Day:
 - 9.1 Executive Reports;
 - 9.1.1 President
 - 9.1.2 Vice-President
 - 9.1.3 Secretary
 - 9.1.4 Treasurer
 - 9.1.5 Regional Director Reports;

- 9.1.6 Métis Women of British Columbia Report;
- 9.1.7 Ministerial Reports, including, where applicable, program reports and audits;
- 9.1.8 Senate Report;
- 9.1.9 Métis Youth of British Columbia Report; and
- 9.1.10 Any other reports required by the Constitution or Legislation.

ARTICLE TEN- MINUTES

10.0 The Minutes of a Governing Assembly shall:

- 10.1 Be received and prepared by an independent individual or person;
- 10.2 Be forwarded to the Clerk; and
- 10.3 Refer to the Minutes of the previous Governing Assembly, which shall be included in the Order of the Day.

ARTICLE ELEVEN - NOTICE OF LEGISLATION AND CONSTITUTIONAL AMENDMENTS, AND NOTICE OF OTHER MATTERS

11.1 Legislation or amendments to Legislation:

- a) Shall be tabled only by the members of the MNGA;
- b) Shall be tabled with the Clerk no less than 30 days prior to the MNGA being held in the manner required and shall be included in the Orders of the Day for the MNGA, which shall consider the proposed Legislation or amendments to the Legislation.
- c) Notice of the proposed Legislation or amendments to the Legislation shall be distributed to the members of the MNGA no less than 21 days prior to the MNGA being held; and
- d) Be given first reading and if approved, ratified by the MNGA for presentation to the MNBC at an Annual General Meeting or Special Meeting in accordance and for the purpose as set out in Article 4 herein.

11.2 Constitutional Amendments

- a) Shall only be tabled by the members of the MNGA;
- b) Shall be tabled with the Clerk no less than 40 days prior to the MNGA meeting being held in the manner required and shall be included in the Orders of the Day for the MNGA, which shall consider the proposed amendments to the Constitution ;
- c) Notice of the proposed amendments to the Constitution shall be distributed to the members of the MNGA no less than 21 days prior to the MNGA being held; and
- d) Be given first reading and if approved, ratified by the MNGA for presentation to the MNBC at an Annual General Meeting or Special Meeting in accordance and for the purpose as set out in Article 4 herein.”

- 11.3 Other Matters
- a) Shall be tabled only by the members of the MNGA;
 - b) Shall be tabled with the Clerk no less than 30 days prior to the MNGA meeting being held in the manner required and shall be included in the Orders of the Day for the MNGA, which shall consider the matters;
 - c) Notice of the matters, the minutes of the previous MNGA, and all reports of Ministers, Regions, and all other reports that are to be presented to the MNGA shall be distributed to the members of the MNGA no less than 21 days prior to the MNGA being held; and
 - d) Be considered at the MNGA.
- 11.4 Notice of Legislation and proposed Constitutional amendments, and other matters from the MNBC Board of Directors
- a) Notice of Legislation and proposed Constitutional amendments and other matters from the MNBC Board of Directors shall be tabled with the Clerk no less than 45 days prior to the MNGA meeting being held, and shall be distributed to the members of the MNGA no less than 40 days prior to the MNGA meeting being held.
- 11.5 Resolutions of an urgent and pressing nature
- a) Resolutions of an urgent and pressing nature proposing to deal with a matter(s) that has arisen after the filing deadline with the Clerk, and that such matter(s) may have implications for the Métis Nation if it is not dealt with on an urgent basis by the MNGA, may be added to the Order Paper by the Clerk, if at least 50% plus one of the MNGA members in attendance agree.
- 11.6 Notice of the MNGA
- a) Notice of the date and location of the MNGA shall be distributed to the members of the MNGA no less than 60 days prior to the MNGA meeting being held.

ARTICLE TWELVE - APPLICATIONS, PROCLAMATIONS

- 12.0 The MNGA shall be authorized to receive and determine applications for Métis Community Governance Charter from applications in accordance with the requirement as outlined in Article 56.1 of the MNBC Constitution. The application terms of the Métis Community Governance Charter shall consider any special circumstances that may affect the status on an existing or prospective Métis Community Governance Charters.
- 12.1 The MNGA shall proclaim:
- a) The date of the next MNBC election, as set out in the Constitution; and
 - b) Holidays and days of commemoration, such as Louis Riel Day.

- 12.2 The MNGA shall, at the request of the MNBC in accordance with Article 46 of the MNBC Constitution, receive nominations for the appointment of an MNBC Director (except for the office of President) to fill vacancies on the MNBC Board of Directors and the position MWBC Regional Representative or MYBC Regional Representative”

ARTICLE THIRTEEN - FINANCING

- 13.0 Fiscal resources for the institution and maintenance of the MNGA shall be provided by the MNBC if available, in accordance with the laws and regulations of the MNBC Financial Policies and Procedures, shall provide financial resources to the MNGA as required for the purposes of carrying out the provisions of this Act.
- 13.1 The fiscal resources allocated by the MNBC for the purposes in 13.1 shall be those fiscal resources that are within the means available to the MNBC for those purposes.
- 13.2 The Speaker shall make formal written request to the MNBC for all expenditures of the MNGA.
- 13.3 The MNBC shall actively pursue fiscal resources for the functions of the MNGA.
- 13.4 The MNBC will be responsible for the expenses and any remuneration for the MNGA in pursuance of the provisions of this Act.