



RESOLUTION 4
SUBMITTED TO THE SEPTEMBER 2024
MÉTIS NATION BRITISH COLUMBIA
ANNUAL GENERAL MEETING

Subject: Conflict of Interest

Legislation Affected: *MNGA Act and Constitution*

Submitted by: Métis Nation Governing Assembly via MNGA Governance Committee

Submitted to: AGM Clerk

Date Submitted: June 1, 2024

Vote Required for Approval: 75%

WHEREAS

1. In December 2023, the MNGA referred the matter of conflict of interest in MNBC legislation to the MNGA Governance Committee;
2. The Articles in the *MNGA Act* relating to conflict of interest are somewhat vague and can lead to seemingly arbitrary positions taken by the MNGA, and therefore do not fully serve the interests of Métis Nation BC as an organization, its Chartered Communities, and its Citizens.
3. The MNGA has the ability to determine if a member has a conflict of interest, and therefore needs a clear process which ensures the rights of all MNGA members are protected.

BE IT RESOLVED THAT

The *MNGA Act* be amended as follows:

- A. Strike and replace the definition “**Conflict of Interest**” with the following:

“**Conflict of interest**” means that a member, an immediate family member, or a close business associate of the member:

- Has a personal or professional interest in the matter at hand that is separate from their role as an MNGA member; and,
- The interest is distinct from the interests of the Assembly and/or Métis Nation British Columbia (MNBC), such that the activities could negatively affect MNBC’s ability or authority to negotiate on behalf of and represent Métis people in British Columbia; and,
- Stands to realize a personal or professional benefit from a favourable decision on the matter that does not provide a similar benefit to MNBC or its Chartered Communities; or,

- Will provide a benefit to a Métis organization other than MNBC or its Chartered Communities.

And that the interest means that a reasonable person would conclude that the interest or personal benefit to be gained could influence or affect the decision-making of a member.

B. Insert new definition:

“Immediate Family Member” means the parent, step-parent, foster parent, sibling, spouse or common-law spouse, ward, parents, or other relative permanently residing with a member.

C. Strike Article 3.4 and insert the following in its place:

- 3.4 If a member has a conflict of interest on a matter at the MNGA they must:
- a. Disclose in general terms to the other members the nature of their involvement;
 - b. Refrain from voting on the resolution or consenting to a resolution;
 - c. Leave the meeting while the matter is under discussion; and
 - d. Refrain from any action intended to influence the discussion or vote.
 - i. If the member complies with Article 3.4, the minutes will reflect the disclosure, the general nature of the conflict disclosed, the time the member withdrew from the meeting, and the time they returned.
- 3.5 Despite Article 3.4c, the member experiencing the conflict may remain in the meeting for the purpose of providing information if asked to do so by another member. Once the information is provided and the Assembly has begun to deliberate, the member experiencing the conflict must leave the meeting.
- 3.6 A person who is listed in any official registry as a decision-maker of a Métis political organization or Métis government that does not recognize MNBC as the representative government of Métis in British Columbia, shall be deemed to be in automatic conflict of interest and may not participate in the MNGA, except as noted in Article 3.5, until they provide proof that they are no longer a member of that Métis organization or Métis government.
- a. Métis organizations which, by their mandate and actions, are primarily advocacy organizations, are not considered political organizations for the purposes of this Act.
- 3.7 If a member wishes the MNGA to determine if another member has a conflict of interest, they shall provide notice of a motion to the MNGA Clerk or designate no later than 14 days prior to the MNGA.
- a. Such a resolution must include the following:

- i. The name, Community name, and position (President or Vice-President) of the person believed to have a conflict of interest;
- ii. Briefly indicate the nature of the conflict of interest;
- iii. Indicate the consequence if the MNGA determines the person has a conflict of interest, specifically, whether they are removed under Article 3.9 or 3.10 below.

And, attached to the resolution:

- iv. A maximum one-page summary of the conflict of interest, and
- v. Any available proof of the conflict of interest.

A template of the resolution and attachments may be requested from the MNGA Clerk or designate.

b. Upon receipt of such a resolution, the MNGA Clerk or designate will:

- i. Verify the resolution meets the criteria in a(i);
- ii. Review the summary and proof submitted, if any;
- iii. Attempt to verify the proof submitted, if any;
- iv. Send the resolution to the Speaker, Deputy Speaker, or Co-Speakers of the MNGA for review and placement on the MNGA Agenda;
- v. Within 48 business hours of receipt, send the resolution to the submitter and the person alleged to have the conflict, advising that it will be on the agenda for the MNGA;
- vi. 24 business hours after sending to the submitter and the person alleged to have the conflict, send the resolution via email to all MNGA Delegates.

3.8 Despite Article 3.7, the MNGA may, by a 2/3 vote of members present, agree to waive the notice for a conflict of interest resolution.

- i. If notice is waived, the mover must submit the conflict of interest resolution in the same form as noted in Article 3.7a, to the MNGA Clerk, or designate, by email for display at the MNGA.

3.9 If the Assembly, by a 2/3 vote, determines that a member has a conflict of interest, the member must take the steps outlined in Article 3.4, parts b to d, above.

- a. Such a motion must specify the nature of the conflict in general terms.
- b. If the member determined to be in conflict of interest does not take the steps outlined in Article 3.4 parts b to d, they may be removed by the Assembly by an additional 2/3 vote, while the matter is being deliberated.

3.10 The Assembly, by a 2/3 vote, may disqualify a person who contravenes Article 3.6 from being a member of the MNGA until proof that the conflict no longer exists is provided to the MNGA Clerk, or designate.

3.11 A Person suspended from being a member of the MNGA may appeal the suspension to the Senate, whose decision shall be final and binding.

D. Amend Article 35 of the *Constitution* by removing the struck-through wording and inserting the underlined wording as set out below:

A person may be suspended temporarily or permanently from being a Member of the MNGA by a vote of two-thirds ~~the majority~~ of the Members present ~~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 binding.