

# MÉTIS NATION BRITISH COLUMBIA



# MÉTIS NATION BRITISH COLUMBIA

## CONSTITUTION

AS RATIFIED FEBRUARY 2021 ANNUAL GENERAL MEETING





Original Ratification - September 27, 2003

## **Constitution of the Métis Nation British Columbia**

Whereas the Métis People in British Columbia assert their inherent right of self-government and hereby establish the Government of the Métis Nation British Columbia:

### **FOUNDING PRINCIPLES**

1. The Métis Nation is distinct within the Aboriginal peoples of Canada. The Métis are distinct from First Nations and Inuit and are the descendants of the historic Métis who evolved as a people with a common political will and consciousness.
2. Having experienced physical and political conflict and being deprived of property in the late 1800's, we are still engaged in a continuing struggle to rebuild our government and revive our cultural heritage and pride. As such, we are striving for the political, legal and constitutional recognition and guarantees of the rights of Métis people, including the right to a land and resource base, self-governance and self-government institutions. In order to achieve these objectives we are hereby re-establishing a strong and revitalized government within the province of British Columbia, which involves all sectors of Métis society.
3. In accordance with Section 35 of the Constitution Act, 1982, the Métis people are an Aboriginal people within Canada whose existing Aboriginal and treaty rights are recognized and affirmed.

### **FUNDAMENTAL RIGHTS OF MÉTIS PEOPLE**

4. The Métis Nation has the right of self-determination. By virtue of that right we, the citizens of the Métis Nation, will freely determine our political status and freely pursue our economic, social and cultural development.
5. The Métis Nation undertakes to respect and ensure to all Métis citizens within the Nation rights without distinction of any kind such as sex, sexual orientation, language, religion, political or other views.
6. Métis men and Métis women equally enjoy all civil and political rights set forth in these articles.
7. Every Métis citizen has the right to liberty of movement and freedom to choose their residence.
8. No Métis Citizen shall be subject to arbitrary or unlawful interference with their privacy, family, home or correspondence, nor to unlawful attacks on their honour or reputation.
9. Every Métis citizen has the right to freedom of thought, expression, conscience and religion.
10. Every Métis Citizen has the right of association and to assemble and organize at the community level. No restrictions may be placed on the exercise of this right other than those



necessary to protect the peace and order of the Métis Nation as prescribed by the Métis Nation Governing Assembly.

11. Nothing in this Constitution abrogates or derogates from the rights Métis people have or may exercise under the Canadian Charter of Rights and Freedoms.

### **MÉTIS NATION BRITISH COLUMBIA (MNBC)**

12. Subject to the provisions of Article 46, the MNBC shall be comprised of the seven (7) Elected Regional Directors, the elected representative for the Métis Women of British Columbia, the elected Representative of the Métis Youth of British Columbia, the President and Vice-President for a total of eleven (11) Members.
13. The MNBC shall be responsible for ensuring that Communities, departments, programs and services are running smoothly and have the necessary resources to enable them to operate efficiently. This responsibility recognizes that funding may be limited, that there will be competing priorities for resources and that all requests for resources are unlikely to be met.
14. The MNBC shall provide a written Activity Report and a written Financial Report at each session of the Métis Nation Governing Assembly.
15. The Executive of the MNBC shall be comprised of four (4) Members: the President, Vice-President, Secretary and Treasurer.
16. The MNBC shall appoint a Secretary and a Treasurer to the Executive from among its Members.
17. The MNBC shall have the authority to appoint Commissions, Committees or other subsidiary bodies, where they are deemed necessary in order to effectively carry out the activities and functions of the MNBC or the Métis Nation Governing Assembly. In appointing such bodies, the MNBC must ensure that adequate financial resources are available to permit the bodies to conduct their assigned activities and that all such bodies have clear terms of reference, including reporting requirements.
18. The MNBC shall designate persons who may have signing authority for the purposes of conducting the affairs of the MNBC and the Métis Nation Governing Assembly, which shall include the Treasurer.
19. The MNBC shall meet at least four (4) times per year at the call of the President or Vice-President in the absence of the President. The President or Vice-President as the case may be shall give two (2) days written notice of all MNBC meetings to all the Members of the MNBC. The two (2) day notice period may be waived by the Members in attendance at a meeting.
  - 19.1. A meeting of the MNBC can be called by a majority of the Board of Directors.
20. Quorum of the MNBC shall be the majority of the Board of Directors.
21. Decisions of the MNBC shall require a simple majority.
22. A person may not be a Member of the MNBC when they hold a salaried position directly with the Métis Nation Governing Assembly or the MNBC. This does not disqualify a person from



being a Member of the MNBC when that person receives an honorarium, salary or per diem for performing the duties of that elected office.

23. A person is disqualified from being a Member of the MNBC when:
  - 23.1. They die.
  - 23.2. They resign.
  - 23.3. They are no longer the President of the MNBC, or are no longer the Vice- President of the MNBC or are no longer a Regional Director.
  - 23.4. They are no longer the Chairperson of the Métis Women of British Columbia
  - 23.5. They are no longer the Chairperson of the Métis Youth of British Columbia.
  - 23.6. They are under eighteen (18) years of age.
  - 23.7. They have been convicted of a criminal offence carrying a penalty of two (2) years or greater. A person disqualified from being a member of the MNBC by this sub-section may appeal that disqualification to the Senate.
  - 23.8. They have clearly been identified as having breached their fiduciary duty to the Members or to Métis citizens.
24. A member of the MNBC shall not be removed from the MNBC for any reason other than as set out in Article 23 or through an election held in accordance with this Constitution.
25. A person may be suspended from being a Board Member of the MNBC, with or without pay, by a vote of the majority of the Members of the MNBC. A person so suspended may appeal the suspension to the Senate whose decision shall be final and binding.
26. Should there no longer be a President of the MNBC pursuant to Article 23 and 25, the Vice-President shall fulfill the Office of the President until a by-election is held to elect a new President in accordance with Article 46.
27. The Secretary or the Treasurer may resign from the Executive without being disqualified from being a Member of the MNBC.

### **MÉTIS NATION GOVERNING ASSEMBLY (MNGA)**

28. There shall be established a Métis Nation Governing Assembly, which shall be the governing legislative body of the Métis Nation British Columbia.
29. The Métis Nation Governing Assembly shall be comprised of the elected Presidents or Vice-Presidents of Communities, the elected Regional Directors of the MNBC, the elected President and Vice-President of the MNBC, the elected Chairperson of the Métis Women of British Columbia, and the elected Chairperson of the Métis Youth of British Columbia.
  - 29.1. In the event a Community President is unable to attend a General Assembly, the Community's Vice-President may represent that Community.



30. The Métis Nation Governing Assembly shall review and ratify legislation, regulations, rules, resolutions and constitutional amendments for presentation and final ratification at an Annual General Meeting or Special General Meeting.
31. The Métis Nation Governing Assembly shall have the authority to appoint Commissions, Committees or other subsidiary bodies, where they are deemed necessary in order to effectively carry out their legislative duties. In appointing such bodies, the Métis Nation Governing Assembly must ensure that adequate financial resources are available to permit the bodies to conduct their assigned activities and that all such bodies have clear terms of reference, including reporting requirements.
32. The Métis Nation Governing Assembly shall meet at least once per year in British Columbia at a meeting called with no less than sixty (60) days' notice to the MNGA Members by the MNBC. The meeting shall be held at least five (5) months prior to the MNBC Annual General Meeting. The notice requirement does not apply to Article 32.1.
  - 32.1 The Métis Nation Governing Assembly shall, subject to the availability of financial resources, meet at the request of the MNBC or on the request of a Regional Governance Council, at such times and in such manner as may be appropriate in the circumstances, including but not limited to electronic or telephone communication, to consider motions that may have, as their effect, the resolve of matters that are urgent or require a decision prior to the next annual sitting of the MNGA.
33. Fifty (50) per cent plus one of the Members of the Métis Nation Governing Assembly constitutes a quorum. However quorum must include a majority of the MNBC Board of Directors.
34. A person is disqualified from being a Member of the Métis Nation Governing Assembly when:
  - 34.1. They die.
  - 34.2. They resign.
  - 34.3. They are no longer the President or Vice-President of a Community.
  - 34.4. They are no longer the Chairperson of the Métis Women of British Columbia.
  - 34.5. They are no longer the Chairperson of the Métis Youth of British Columbia.
  - 34.6. They are under eighteen (18) years of age, except for the Chairperson of the Métis Youth of British Columbia.
  - 34.7. They have clearly breached their fiduciary duty to the Members or the Métis citizens.
35. A person may be suspended temporarily or permanently from being a Member of the MNGA by a vote of the majority 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 binding.



## ELECTIONS

36. Any Métis citizen who is eighteen (18) years of age or older may vote or seek elected office within the Métis Nation Governing Assembly, the MNBC or a Community.
37. Any female Métis citizen who is eighteen (18) years of age or older may vote or seek elected office within the Métis Women of British Columbia.
38. Any Métis citizen who is between fifteen (15) years of age and thirty (30) years of age may vote or seek elected office within the Métis Youth of British Columbia.
39. Any person seeking elected office must have been a resident of British Columbia at least twelve (12) months prior to the date of the election and must have been a resident of a Region at least six (6) months prior to the date of the election in order to seek elected office as a Community President or Regional Director.
40. To vote in an election, a person must have been a resident of British Columbia at least twelve (12) months prior to the date of the election and must have been a resident of a Region at least six (6) months prior to the date of the election in order to vote for a Community President or Regional Director. A person who wishes to vote for a Community President or Regional Director, but has not been a resident of a Region for six (6) months may vote for a Community President or Regional Director in the Region that they lived immediately prior to the election, provided that they meet the other voting requirements.
41. The President and the Vice-President of the MNBC, the Chairperson for the Métis Women of British Columbia and the Chairperson for the Métis Youth of British Columbia shall be elected by a province-wide ballot.
42. Elections for the MNBC shall be held once every four (4) years on any date within 6 months prior to the 4th year anniversary.
43. Elections for the Métis Nation Governing Assembly who are not also Members of the MNBC shall be held at least every two (2) years.
44. There shall be no limits on the number of terms that may be served by anyone elected to the Métis Nation Governing Assembly, the MNBC or a Community.
45. In order to run for elected office in the MNBC, a candidate must provide a Criminal Record Check from the Royal Canadian Mounted Police or Municipal Police Detachment to the Chief Electoral Officer with the filed nomination papers for the purpose of satisfying Article 23.7. The results and content of the Criminal Record Check shall not be made public, unless the candidate voluntarily consents in writing.
46. Subject to available financial resources, a by-election shall be held within one hundred and twenty (120) days of the date of any vacancy on the MNBC or of any elected position at the regional level. In the event of a vacancy in the office of President and financial resources are unavailable, the sitting Vice-President will fill the office of President and the MNBC Board of Directors will appoint, from among them, a person to fill the office of Vice-President until a by-election or election is held for that position.
  - 46.1. In the case of a vacancy in the position of the Provincial Women's Chairperson, an interim chairperson will be recommended to the MNGA by the Board of Directors on



the advice of the MWBC Provincial Governance Council.

46.2. In the case of a vacancy in the position of the Provincial Youth Chairperson, an interim chairperson will be recommended to the MNGA by the Board of Directors on the advice of the MYBC Committee;

46.3. In the case of any other vacancy on the Board of Directors, an interim Director, as selected by the RGC will be recommended to the MNGA by the Board of Directors and if approved by the MNGA, the vacancy shall be filled by the interim Director. In the case of a vacancy in a position of a MWBC Regional Representative or MYBC Regional Representative, an interim Representative will be recommended to the MNGA by the respective RGC, and if approved by the MNGA, the vacancy shall be filled by the interim representative. An interim Director or Representative shall be subject to Article 45 of the Constitution.

47. When nominations close, all candidates holding a salaried position with the MNBC or MNGA shall resign from that position.

## **SENATE**

48. The Senate shall be responsible for the provisions outlined in the legislation known as the Senate Act.

49. The Senate shall be comprised of seven (7) Senators. Each of the seven (7) Regions shall appoint one (1) Senator in the manner and process as set out in the Senate Act.

50. In order to be considered for a Senate appointment, a Senate candidate must be a Métis citizen and must have provided a Criminal Record Check from the Royal Canadian Mounted Police or Municipal Police Detachment to the MNBC who will review the Criminal Record Check in confidence to ensure compliance with sub-section 54.3. The results and content of the Criminal Record Check shall not be made public, unless the Senate candidate voluntarily consents in writing.

51. No Senator may hold any elected or salaried position within the MNBC, MNGA, Community, or subsidiary Board, Commission or Committee, Métis Women of British Columbia or the Métis Youth of British Columbia and must resign from any such position prior to appointment to the Senate.

52. Senators shall be appointed for a term and conditions as set out in the Senate Act.

53. A person ceases to be a Senator when:

53.1. They resign.

53.2. They die.

53.3. They have been convicted of a criminal offence carrying a penalty over two (2) years (2) years or greater.

53.4. They take a salaried position prohibited by Article 51.



53.5. Or as outlined in the provisions of the Senate Act.

54. The MNBC shall determine the rate of remuneration and expenses for the first term of the Senate. Thereafter, the MNBC shall determine the rate of remuneration and expenses for the Senate, based on financial resources, which may be available for that purpose.

## COMMUNITIES

55. Communities shall be the basic unit of the Métis Government. No community (city, town, municipality or unincorporated municipal unit) shall have more than one (1) Community.

55.1 Communities seeking chartered designation shall require written approval by motion of seventy five (75) percent of the Applicable Regional Governance Council members and such motion to be submitted to the MNGA;

55.2 Geographical boundaries of Community/Communities seeking Community Governance Charter shall be submitted as part of the motion to the MNGA;

55.3 Ratification by seventy five (75) percent of the MNGA is required.

56. A Community shall be made up of at least twenty-five (25) Members who are Métis Citizens eighteen (18) years of age or older.

56.1 If a group of Métis Citizens residing in a city, town, municipality or unincorporated municipal unit in which there is no existing Chartered Community, that group of Citizens may apply to the applicable Regional Governance Council for interim Chartered Community designation (hereinafter referred to as an “Interim Chartered Community” or having “Interim Chartered Community Status” as the case may be) provided the application is signed by at least 15 Members who are Métis Citizens eighteen (18) years of age or older.

56.2 The process for seeking Interim Chartered Community Status must follow the process set out in Articles 55.1, 55.2 and 55.3 of this Constitution.

56.3 If the application is approved by the MNGA, Interim Chartered Community Status can be granted for a maximum two (2) year period from the date ratification is confirmed by the MNGA, or when the Interim Chartered Community achieves twenty-five (25) Members and then applies for Chartered Community status pursuant to the provisions of Article 55, and then is approved.

56.4 An Interim Chartered Community shall have observer status at an MNGA, and shall not have voting rights.

56.5 An Interim Chartered Community may receive benefits and services from MNBC at the sole discretion of the MNBC.

57. Métis communities recognized by the MNBC Constitution and Legislation are required to enter into Community Governance Charters that define an affiliated relationship for financial and political accountability, mutual recognition and dispute resolution. Hereinafter known as “Community Governance Charter”.





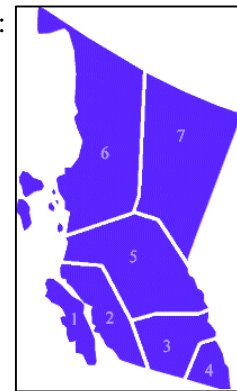
58. All Communities shall, as soon as possible, enact a Constitution that is consistent with this Constitution.

**REGIONS**

59. In the event that a Community is in contravention of the terms of its Community Governance Charter or of the provisions of the MNBC Constitution, the MNBC will do all within its ability to assist the community to come into compliance within the Community Governance Charter and/or MNBC Constitution as the case may be and, in the event the Community, in the discretion of the MNBC, remains or continues to be non-compliant, the MNBC shall make such recommendations to the MNGA as may be deemed appropriate, with the effect of dissolving that community’s Community Governance Charter and affiliation with the MNBC.

59.1 There shall be seven (7) Regions as set out in the adjacent map:

- Region 1 Vancouver Island
- Region 2 Lower Mainland
- Region 3 Thompson/Okanagan
- Region 4 Kootenays
- Region 5 North Central
- Region 6 Northwest
- Region 7 Northeast



60. There shall be formed in each Region a Regional Governance Council comprised of the Presidents of the Communities in each respective Region, the Métis Youth of British Columbia Regional Representative, Regional Director of the MNBC, and the Métis Women of British Columbia Regional Representative. The Regional Director of the MNBC shall be the non-voting Chairperson of the Regional Governance Council.

- 60.1. All members of a Regional Governance Council must be registered with the Métis Nation British Columbia Central Registry as MNBC Citizens.
- 60.2. If a member of the Regional Governance Council has been disqualified from being a member of the Métis Nation Governing Assembly pursuant to any of the provisions under Article 34, or if they have suspended from being a member of the MNGA pursuant to the provisions of Article 35, such disqualification or suspension shall also apply to their membership and participation in the applicable Regional Governance Council.
- 60.3. If the President of a Community is unable to attend an RGC meeting, that Community’s Vice President, being a Métis Citizen, may attend and participate, such participation to include voting rights.

**CITIZENSHIP**

61. Métis means a person who self-identifies as Métis, is of historic Métis Nation Ancestry, is distinct from other Aboriginal Peoples and is accepted by the Métis Nation.



- 61.1. “Historic Métis Nation” means the Aboriginal people then known as Métis or Half-Breeds who resided in Historic Métis Nation Homeland.
  - 61.2. “Historic Métis Nation Homeland” means the area of land in west central North America used and occupied as the traditional territory of the Métis or Half-Breeds as they were then known.
  - 61.3. “Métis Nation” means the Aboriginal people descended from the Historic Métis Nation, which is now comprised of all Métis Nation citizens and is one of the “aboriginal peoples of Canada” within Section 35 of the Constitution Act of 1982.
  - 61.4. “Distinct from other Aboriginal Peoples” means distinct for cultural and nationhood purposes.
62. The MNBC has a unique citizenship card for citizens of the Métis Nation in BC. These cards are numbered and the numbers recorded in the central registry by the office of the registrar.
  63. Citizenship cards shall be issued to all Métis upon a person presenting themselves for citizenship and satisfying the definition set out above.
  64. Where there is a dispute as to citizenship, a ruling shall be made by the Senate in accordance with the provisions of the Senate Act or the policies and procedures to be developed by the Senate, which ruling shall be final and binding.

## **MÉTIS INDEPENDENCE**

65. The Métis Nation is seeking a third order of government within Canada, so the Métis Nation is non-partisan in respect of federal and provincial politics. This does not restrict the right of Métis individuals to hold Memberships in or to express personal opinions about federal, provincial, municipal partisan politics.
66. Any person seeking federal government or provincial government elected office shall take an unpaid leave of absence from any elected position that he or she may hold with the MNBC, MNGA, and Senate, Community or subsidiary Board, Commission or Committee at the close of nominations. Any person elected to federal government or provincial government elected office shall resign from any elected position that he or she may hold with the MNBC, MNGA, Senate, Community or subsidiary Board, Commission or Committee.
67. All Members of the MNBC, MNGA and Senate shall swear an Oath of Allegiance prior to taking office.

## **ANNUAL GENERAL MEETING**

68. An Annual General Meeting of the Métis Nation British Columbia shall be held annually during the month of September. The precise dates and locations of an AGM shall be determined at the AGM immediately preceding that AGM. The agenda for each AGM shall include:
  - 68.1. Audited Financial Report for Previous Fiscal Year
  - 68.2. President’s Report for Previous Fiscal Year



- 68.3. Business of the Métis Nation Governing Assembly
  - 68.4. Métis Provincial Council of British Columbia Secretariat Annual Report.
  - 68.5. Separate audited financial annual reports for each subsidiary company/companies, limited corporations or sole proprietorship registered under the Métis Provincial Council of British Columbia (MPCBC) shall be appended to the MNBC Financial Audited Report.
69. Only persons who have registered as a Métis Citizen pursuant to the *MNBC Citizenship Act*, and are registered as a MNBC Citizen within the MNBC Central Registry, are entitled to speak and be issued voting credentials at a MNBC AGM or SGM.

### **SECRETARIAT**

- 70. A Secretariat known as the Métis Provincial Council of British Columbia shall be continued or created under the BC Society Act for the sole purpose of carrying out the administrative duties of the MNBC, MNGA and the Senate.
- 71. The Board of Directors of the Secretariat shall be the Members of the MNBC.

### **AMENDMENT**

- 72. All legislation, legislative amendments, constitutional amendments and resolutions shall be considered and given first reading by the MNGA in accordance with the provisions of the Métis Nation Governing Assembly Act.