

# MÉTIS NATION BRITISH COLUMBIA



## MÉTIS NATION GOVERNING ASSEMBLY ACT

REVISED SEPTEMBER 2009

**ARTICLE ONE - TITLE**

1.0 This Act may be cited as "*The Métis Nation Governing Assembly Act, 2006.*"

**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.
- 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 "Gabriel 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 "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."

- 2.12 "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.
- 2.13 "Métis Nation Governing Assembly" ("MNGA") means the legislative body of the MNBC, as set out in the Constitution.
- 2.14 "Métis Nation British Columbia" means, the organization that represents the Métis Citizens pursuant to the provisions of the Constitution.
- 2.15 "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.
- 2.16 "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.
- 2.17 "Regions" shall mean the MNBC regions as are defined by the Constitution.
- 2.18 "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.
- 2.19 "Senate" shall mean the MNBC Senate.
- 2.20 "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 He/She is registered with the Métis Nation British Columbia Central Registry in

accordance with the Métis Nation British Columbia Citizenship Act.

## **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;
- 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
  - 7.2 Be available to the MNGA for advice and direction as required.

#### **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
  - 9.2 Regional Director Reports;
  - 9.3 Métis Women of British Columbia Report;
  - 9.4 Ministerial Reports, including, where applicable, program reports and audits;
  - 9.5 Senate Report;
  - 9.6 Métis Youth of British Columbia Report; and
  - 9.7 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 - LEGISLATION AND CONSTITUTIONAL AMENDMENTS**

11.0 Legislation:

- a) Shall be tabled with the Clerk in accordance with the written Guidelines within the time and in the manner required and shall be and included in the Order of the Day for the Governing Assembly which shall consider the Legislation;
- b) Be tabled only by the members of the MNGA; and
- c) Be given first reading and if approved, ratified by the Governing Assembly for presentation to the MNBC in accordance and for the purpose as set out in Article 4 herein.

## **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.

## **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.