

Senate Conference Call Minutes

October 18, 2007

Senators present: Al Edkins, Ron Snider, Philip Gladue, Bob Adams, Gerald Pope, Margaret Penner and Bill Thibeault

Absent: none

Interim Senate Clerk: Dean Trumbley

Senate Legal Counsel: Richard Nesbitt



October 18, 2007

1. Agenda Items
2. Call to order
3. Review and approval of agenda
4. Metis Nation Governing Assembly December 14-16, 2007 and Senate Quarterly meeting
5. Status of appeal Files
6. Establish dates for next two appeal hearings
7. Establish an Electoral Policy and Procedures Committee
8. Natural Resources
9. Senate Act Review Updates
10. NAIG Games
11. Draft letter to request changes to Senate Policy and Procedures
12. Senate Inquiries
13. Schedule date to determine actions for Senate inquiries
14. Senate Proposal to OFI and MARR

1. Call to order at 7:05 p.m.
2. Agenda

There were the following additions to the agenda.

15. Senator Invoices to MNBC

Motion: That we accept the agenda with the additional items.

Moved by: Senator Snider

Seconded by: Senator Adams

Carried

3. Metis Nation Governing Assembly

The MNGA is scheduled for December 14 to 16 in Richmond. Suggested that the Senate schedule business meeting for December 12 and 13. Counsel advised that the Senate should not participate in any debates at MNGA surrounding legislation. Could be perception that if the Senate is party to the discussions on an Act that we were involved in a political process, so best to stay out of political process in its entirety.

ROD - 001 Senate will not participate in MNGA where discussion on legislation likely to occur, but will hold Senate meeting at same time and location as MNGA so as to be available if needed on any aspect during MNGA.

4. Status of Appeals Files

Currently four appeals in process, three citizenship appeals and one appeal on decision of Board of Directors. Along with quarterly business meeting, a main item will be discussion of Dahl versus MNBC Board of Directors, and discussion or protocol on how to present a case of this nature. Case will be a watershed decision on cases in future in regards to procedural basis, and the type of review that the Senate carries out for Board actions, so need procedures set up. Once notice is received by Clerk process of having written argument from appellant on issue with the evidence to support that argument, thus the appellant formulates their own position. Subsequent to that the argument goes to the Board to counter and provide evidence to support their decision. Only after that does the case go to the Senate. The decision should be made by the whole of the Senate, a majority decision, can have dissenting opinion. Need to amend procedures to cope with that will be work of Senate Clerk and Legal Counsel. The decision will be based on the record of evidence at the time of the incident, new evidence will not be allowed, and the question is if the Board acted within its powers and acted appropriately. Need to develop forms for the appellant to fill out, must be a clear process for preparation of an evidentiary package for the Senate. Once the forms are developed, need a motion at Senate to accept forms. Expect to meet near end of January on Dahl case, Clerk will set up.

ROD - 002 Senate Clerk and Legal Counsel draft form for appeals on decisions of Board of Directors.

5. Dates for next appeal hearings

Senate has three citizenship appeal files to deal with, so need two days for those and a day for the quarterly business meeting. For citizenship appeals, need to develop process and consent to release form in order to obtain a second opinion on genealogical information. We have in our Policies and Procedures to obtain second opinion, but for due process need release from appellant to release information to obtain opinion. Note we do not require a full Senate for citizenship appeals. Will set up to have appeals ready for time of MNGA in Richmond.

ROD - 003 Senate Clerk prepare consent to release form for citizenship appellants for second opinion on genealogical information. Obtain consent from appellants prior to meeting in December on appeals in process.

ROD - 004 Senate to travel to Richmond on December 12, hold business meeting on December 13, and meet on citizenship appeals December 14-16 during time of MNGA.

6. Electoral Policy and Procedures Committee

With the passing of the Electoral Act, need an electoral process. This should not require a full meeting of the Senate, and the location for the meeting is dependent on Senators participating on committee. Currently have Senator Edkins and Senator Snider on the committee. A third member would be appropriate, suggested that Senator Penner join committee. Meeting would be the committee, Senate Clerk and Legal Counsel. Meeting will be held in or near Duncan, set for October 30, 31 and November 1. Time pressure, as need to develop process within 30 days of passing of Electoral Act, which occurred at AGM in Kelowna.

ROD - 005 Legal Counsel, Dick Nesbitt, to arrange venue for committee meeting, look after meeting locations and accommodations. Senate Clerk and Counsel to discuss October 19 in regards to making arrangements for meeting.

7. Natural Resources

Update from Senate Clerk. For Alternative Justice, the Department of Fisheries and Oceans (DFO) and Department of Justice plan to sign a Memorandum of Understanding (MOU) with the Metis next week on natural justice. Clerk is still working on training program, waiting for the DFO to set up.

The Natural Resources Act is out to the Board and the Senate for review. The Senate is to review how it is being engaged in the Act, not the “meat and bones” of the Act itself.
8. Senate Act Review Updates

Some suggestions for change to the Senate Act came from discussions at the AGM in Kelowna. Counsel has the items at his office, will send to Clerk for circulation to Senators. Amendments need to go to governance committee of MNBC for process to change. (MLA).

ROD - 006 Counsel will send amendments to Senate Act to Clerk for circulation.
9. NAIG

Second quarterly meeting of Senate in 2008 to be held in Nanaimo. Travel on July 29, stay till August 5. Senate to participate in opening parade, agreed to by Cowichan Nation, as event in their traditional territory in the Cowichan Valley. Senate will commute back and forth from Nanaimo as have ten rooms booked there for Senate.

ROD - 007 Senate second quarter business meeting for 2008 to be held in conjunction with NAIG in Nanaimo.
10. Draft letter to request changes to Senate Act and Procedures

Counsel advised that, for Senate Policies and Procedures, we do not need the approval of the Board to amend. Amendment action is within the purview of the Senate, as the Policies and Procedures was developed within Section 7 of the Senate Act, thus amendment to sections of Policies and Procedures can be decision of Senate.
11. Senate Inquiries

As part of screening process. Requests came from Mr. Delorme, adamant that his concerns be brought to the Senate on matters of interpretation or ruling on a section where there is not a complaint or grievance, thus at present a non-factual circumstance asking how a section would be interpreted if an issue arose. Concern that this process could draw us into the political process.

Counsel advised that these items should be a discussion between Counsel and Clerk only, that they would apply the screening process and respond to the request. If in future, there are decisions made in regards to the sections in question, the appeal process can then apply.

ROD - 008 Senate Clerk and Legal Counsel to respond to request for interpretation from Mr. Delorme.
12. Schedule a Date for Senate Inquiries

With the discussion on Senate Inquiries as per item number 11, this is no longer needed.
13. Senate Proposal to Office of Federal Interlocutor

Had been on hold due to possibility of a federal election. With this now not expected, Senate Chair and Clerk will deal with putting together a proposal to send on soon.
14. Invoices

Issue that MNBC does not have funding to cover expenses. The Senate had submitted invoices to Cora at AGM, and funds were not received. MNBC has extended line of

credit while waiting for funding to come from contribution agreements. After the AGM, Clerk spoke to MNBC office, and they were able to send on the \$750 only for each Senator who had submitted invoices.

Need to establish through the minutes that the Senate is an essential service, there is an urgent need to deal with appeals, as per the legislation that is in effect for the Metis Nation, thus travel allowance and fees for this service need to be covered.

Motion: That the Clerk and Chairperson of the Senate will develop and present a line of reasoning to the MNBC Board of Directors in regards to ensuring the MNBC Senate is declared an essential service for the expense purposes of funding for fees for service and travel allowance.

Moved by: Senator Snider

Seconded by: Senator Pope

Carried

Discussions on process for ensuring funds for Senate are directed to Senate business. Suggestion of a separate account within MNBC system that is exclusive to Senate, or a third party to manage funds for Senate.

Motion: That the Clerk and Chairperson will meet with the CEO and Treasurer of the MNBC to arrange a system of transfer of Senate specific funds to satisfy the requirements of allotted funds for the Senate.

Moved by: Senator Pope

Seconded by: Senator Snider

Carried

ROD - 009 Senator Thibeault to submit request for fees for service to MNBC for second quarter.

Discussion on all Senators need to continue to submit invoices to MNBC and mark as first, second and third notice on invoices. Decision to wait to see how Board responds to discussion with Chair and Clerk before we initiate any such action.

Call adjourned: 9:05 p.m.

Approved: _____
Bill Thibeault, *Senate Secretary*