

## BY-LAWS OF THE METIS SOCIETY OF SASKATCHEWAN.

### PREAMBLE

The Metis Nation and People are a distinct SOCIETY within the Aboriginal Peoples of Canada. The Metis are distinct from the Indians and Inuit and are the descendants of the historic Metis who evolved in what is now Western Canada and part of the northern United States, as a People with a common political will and consciousness.

Having experienced physical and political conflict and dispossession in the late 1800s, we are still engaged in a continuing struggle to rebuild our social base 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 our People, including the right to a land and resource base, self-government and self-government institutions.

In order to achieve these objectives we are hereby re-establishing a strong and revitalized organization within the province of Saskatchewan, which must involve all sectors within our Society. This organization shall be strengthened through a continuing collective collaborative process at the community level, whereby our internal Metis political constitution shall be developed to meet the aspirations and decisions of our People.

While pursuing these objectives within Saskatchewan, we are also committed to co-operating with the members of the Metis Nation in the rest of the Metis Homeland in order to develop a National Forum to represent our collective interests at the national and international levels.

### AMENDED BY-LAWS

The following By-laws were passed at the Metis Constitution Conference held February 20, 1988 at Prince Albert, Saskatchewan. The present Association of Metis and Non-status Indians of Saskatchewan By-laws as provided for in By-law No. 19 are hereby repealed and the following By-laws are substituted in their place. These amended By-laws constitute the sole By-laws governing the Metis Society of Saskatchewan, formerly known as the Association of Metis and Non-status Indians of Saskatchewan.

#### BY-LAW NO. 1: NAME OF ORGANIZATION.

1. The Association of Metis and Non-status Indians of Saskatchewan shall henceforth be renamed and known as the "Metis Society of Saskatchewan".
2. In all contracts, agreements, correspondence, subsidiary

organ constitutions or by-laws or any other documents, the name "Association of Metis and Non-status Indians of Saskatchewan" shall be interpreted to mean the "Metis Society of Saskatchewan" and such instruments shall be amended at the first reasonable opportunity to conform to this name change.

**BY-LAW No. 2: MEMBERSHIP.**

1. a) Membership is comprised of the Aboriginal People known as "Metis" and who meet the criteria in subsection (b).
  - b) A Metis is a person of Aboriginal ancestry, who:
    1. can provide proof of his/her ancestry;
    2. declares himself/herself to be a Metis; and
    3. meets one of the following tests:
      - a) is accepted as a Metis by the Metis community,
      - b) has traditionally held himself/herself out to be a Metis,
      - c) has been recognized by the community-at-large as a Metis.
2. Any Metis who is a member in good standing of a duly registered Local is a member of the Metis Society of Saskatchewan.
3. Members shall be issued a membership card as adopted by the February, 1988 Metis Constitution Conference.
  - a) This card shall provide life-time membership in the Organization.
  - b) There shall be no fee for membership cards.
  - c) Membership cards shall be numbered and a register maintained in the Head Office. Replacement cards shall retain the original number.
  - d) Membership cards shall be issued by the President or Secretary of a duly registered Local upon completion of the designated form.
4. Where there is a dispute as to membership, a ruling shall be made by the Local, with a right of appeal to the Regional Council. A further appeal can be made to the Provincial Metis Council, with a final right of appeal to the General Assembly which decision shall be final and binding.

**BY-LAW No. 3: METIS INDEPENDENCE.**

1. Whereas the Metis are seeking self-government as a third order of government within Canada, the organization shall be non-sectarian and non-partisan.
2. The loyalty of the members of the Provincial Metis Council must be to the Metis People and Nation, and shall swear an Oath of Allegiance prior to taking office.
3. The leadership shall be responsible and accountable to the Communities, as reflected by the General Assembly, which is the Supreme Body for the Metis within Saskatchewan.
4. Members of the Organization are not precluded from joining political parties of the two other orders of government, being the federal and provincial levels of government.
5. Any member of the Provincial Metis Council who choses to seek the nomination of any Provincial or Federal Political Party in any provincial or federal election shall immediately forfeit their seat on the Council, and such vacancy shall be filled through a by-election, as provided for in By-law No. 12.

**BY-LAW No. 4: OFFICIAL COLOURS, FLAG AND ANTHEM.**

The official colours, flag and anthem shall be determined by the membership during the on-going constitutional reform consultation process, as provided for in By-law No. 19.

**BY-LAW No. 5: LOCALS**

1. The Local shall be the basic unit of the Organization in each community.
2. The Local shall be made up of at least nine members.
3. Each Local shall be governed by an elected leadership as determined through the by-laws of the Local, which may include terms of one to three years and elections may be by ballot box or conducted at a General Assembly of the Local membership.
4. Any Metis who is sixteen years of age or over and is a member in good standing of the Local shall be entitled to vote or seek office.

5. Each Local shall enact by-laws which are not inconsistent with these By-laws, including the establishment of portfolios , committees or other bodies required to address community and other issues, and such Local by-laws shall be registered with the Head Office of the Organization.

6. The Locals shall provide yearly up-dates of their membership to the Head Office, separating those members who are under sixteen years of age, from those sixteen and over.

7. The Locals shall be responsible to prepare the Communities for the assumption of Metis self-government, which includes land, where this is an objective.

8. The Locals may incorporate with the appropriate government department.

9. The Locals may seek the necessary finances and resources to carry out their programs, services and objectives, and where so requested the Provincial Metis Council shall assist in securing these necessary finances and resources.

#### **BY-LAW No. 6: REGIONS**

1. The Regions shall be governed by a Regional Council composed of the Presidents of the Locals within the respective Regions, along with a regionally elected representative who shall be the Chairperson of the Regional Council, as well as the Region's Representative on the Provincial Metis Council.

2. The Regional Councils shall establish regional administrative offices.

3. The Regional Councils shall be responsible for programs and services decentralized to that level.

4. The Regional Councils shall enact by-laws which are not inconsistent with these By-laws and such Regional by-laws shall be registered with the Head Office of the Organization.

5. The Regional Councils may incorporate with the appropriate government department.

6. The Regional Councils may seek the necessary finances and resources to carry out its programs, services, objectives and duties, and where so requested the Provincial Metis Council shall assist in securing these necessary finances and resources.

7. The Regional Councils shall assist their Local Communities in preparing to assume Metis self-government, which includes land, where this is an objective.

8. The Regional Councils shall provide direction to their Representative on the Provincial Metis Council with respect to the aims, objectives and aspirations of the Organization, and for their respective Regions.

9. a). At any time, if in the opinion of the Regional Council, a Regional Representative is not carrying out his/her job or discharging his/her responsibilities, the Regional Council may call a special meeting with at least 15 days written notice to all Locals in the Region and to the Regional Representative, at which meeting a motion of non-confidence may be considered by the Regional Council.

b). At the meeting to consider a motion of non-confidence the Regional Representative shall have an opportunity to hear any complaints against him/her and shall have an opportunity to fully defend himself/herself.

c). At the meeting to consider a motion of non-confidence, any member of the Provincial Metis Council may be in attendance.

d). No motion of non-confidence is valid unless three-quarters (3/4) of all Locals in the Region as represented by their President, vote affirmatively for such a motion.

e). The effect of a vote of non-confidence is to cause immediately the termination of the responsibilities of the Regional Representative and to declare the position vacant, and such vacancy shall be filled through a by-election as provided for in By-law No. 12.

f). Where a vacancy is created by virtue of this provision, or by other cause, including death or resignation, the Regional Council shall elect from the members of the Council an interim Regional Representative, who shall serve until a by-election has been held and the vacancy filled.

10. a). There shall be 12 Regions as set out in Schedule A of these By-laws.

b). Due to the geographic area covered, Northern Region II shall have an Assistant Regional Representative resident in the Far North. This Assistant Regional Representative shall form part of the Regional Council, act in the capacity of Vice-Chairperson of the Regional Council and be governed by the by-laws of the Regional Council.

c) The Assistant Regional Representative shall be elected by the Members resident in the Communities of Uranium City, Camsell Portage and Stoney Rapids.

d) The provisions of this section do not preclude the members of these Communities from voting for and seeking the position of Regional Representative.

**BY-LAW No.7: PROVINCIAL METIS COUNCIL**

1. There shall be an elected Provincial Metis Council which has the authority to govern between General Assemblies.

2. The Provincial Metis Council shall be composed of the elected Regional Representatives and a President elected province-wide, for a total of 13 Provincial Metis Council members.

3. a) The Provincial Metis Council shall have the authority to appoint Commissions, Committees or other subsidiary organs, where these are deemed necessary in order to effectively carry out the activities and functions of the Organization and General Assembly directives.

b) The Provincial Metis Council shall designate persons who may have signing authority for the purpose of conducting the affairs of the Organization.

4. The Provincial Metis Council shall meet at least once every two months.

5. Nine members of the Provincial Metis Council shall constitute a quorum.

6. Notice of any meeting of the Provincial Metis Council shall be given at least seven days prior to such meeting.

7. A person is disqualified from being a member of the Provincial Metis Council when:

- a) he dies or resigns
- b) he is under sixteen (16) years of age
- c) he is removed from office pursuant to By-law No. 6, section 9.

8. A member of the Provincial Metis Council also ceases to hold office when he loses the confidence of three-quarters (3/4) of the Provincial Metis Council members, provided that this decision is ratified by the Regional Council which the member represents, and by the General Assembly or Special Meeting in the case of the President.

9. The resulting vacancy is governed by By-law No. 6, subsection 9, and in the case of the President, by By-law No. 12 dealing with by-elections.

10. A member of the Provincial Metis Council is not prevented from holding a salaried position with the Metis Society of Saskatchewan, provided the prior approval of the Provincial Metis Council has been granted.

11. Any salaries, basic allowances, per diems, honorariums, travel expenses and other remuneration shall be determined by the Provincial Metis Council, subject to review by the General Assembly.

12. The members of the Provincial Metis Council shall form part of the Metis National Assembly of the Metis National Council, while the President shall form part of the Executive Council of the Metis National Council.

#### **BY-LAW No. 8: EXECUTIVE**

1. There shall be five (5) Executive members of the Provincial Metis Council who shall be responsible for the portfolio to be designated and assigned by the Provincial Metis Council. Two of the portfolios shall include the position of Treasurer and Secretary.

2. The President of the Provincial Metis Council shall be one of the five and shall be the head of the Executive, and chief political spokesperson for the Organization.

3. The Executive of the Provincial Metis Council shall meet at least once per month and three members shall constitute a quorum.

4. With the exception of the President, the Executive shall be elected by the members of the Provincial Metis Council from amongst their members.

5. The Executive shall provide written reports at the General Assembly.

6. The Executive shall be responsible for ensuring that the departments, programs and services covered by their portfolios are running smoothly and have the necessary resources to enable them to operate effectively. In addition, they shall provide a report at each meeting of the Executive and Provincial Metis Council or as requested by the President.

#### **BY-LAW No. 9: GENERAL ASSEMBLY**

1. The General Assembly, composed of delegates from the Locals

and the Members of the Provincial Metis Council, shall be convened annually at such date and place as may be fixed by the Provincial Metis Council, provided at least thirty (30) days written notice be given to the President or Secretary of each Local and provided that the Assembly shall be convened as close to the "Metis Heritage Days" or "Back to Batoche" cultural event as possible.

2. Delegates to the General Assembly shall be chosen by each Local on the following basis:

- a) four delegates for the first one hundred members or any part thereof, and;
- b) three delegates for each succeeding one hundred members or any part thereof.

3. Only Members of the Metis Provincial Council and delegates who are members in good standing, shall be allowed to vote at the General Assembly.

4. Expenses for delegates to the General Assembly shall be paid by the Organization, whenever such financial resources are available.

5. The General Assembly shall be the final authority of the Organization.

6. The General Assembly shall have the authority to establish Commissions, Committees or other subsidiary organs, along with their mandates for purposes deemed necessary by the Assembly.

#### **BY-LAW No. 10: SPECIAL MEETINGS**

1. The Provincial Metis Council is enabled to call a Special Meeting of the membership upon 15 days written notice of the date and place of the meeting being given to the President or Secretary of each Local.

2. The Provincial Metis Council shall call a Special Meeting upon the written request of not less than thirty (30) registered Locals.

3. The rules governing the General Assembly in By-law No. 9 shall also apply to this By-law.

#### **BY-LAW No. 11: LEADERS SUMMIT**

1. The Provincial Metis Council shall provide a Forum whereby the Presidents of each Local, along with the members of the Council, will be enabled to review developments in areas of relevance for the purpose of formulating policy.



2. The Summit shall take place annually during the first 60 days of each year, at a location to be determined by the Council.

**BY-LAW No. 12: ELECTIONS**

1. Any member who is sixteen years of age or older may vote or seek elected office within the Metis Society of Saskatchewan.

2. Elections for the Provincial Metis Council shall be held at least every three years.

3. a) Regional Members of the Provincial Metis Council shall be elected within their respective Regions through the establishing of a poll in each Local.

b) The President of the Organization shall be elected by the total membership at the Local polls as established in subsection (a).

4. a) A Metis Elections Commission composed of 3 members is empowered to oversee and conduct the general elections and by-elections of the Organization.

b) The first members of the Commission shall be selected by the delegates to the Metis Constitution Conference of February, 1988.

c) The terms of office of the members of the Commission shall cease at the General Assembly following the elections.

d) The members of the Commission shall be appointed by the General Assembly for a term of not more than three years, and are eligible for re-appointment.

e) When the election or by-election date has been set and the election called by the Provincial Metis Council, the Commission shall have sole authority and responsibility to conduct the elections and shall be independent and answerable only to the General Assembly.

f) The Commission shall ensure that the necessary election guidelines are in place, along with the Chief Electoral Officer and other required personnel.

g) The Commission shall be responsible for official recounts and appeals.

h) The decisions of the Commission shall be final and binding, subject to the right of appeal to the General Assembly, which decision shall be final and binding.

i) The Provincial Metis Council shall ensure that the Commission has the necessary financial and other resources for the fulfillment of its mandate.

j) The Provincial Metis Council shall determine the rate of remuneration and expense accounts for the Commission members, along with the period deemed necessary for the work of the Commission.

5. Nothing in these By-laws shall be construed as preventing members of the Organization from organizing parties or slates for the purpose of participating in the elections and seeking office.

6. In the event of a vacancy on the Provincial Metis Council, a by-election shall be held within ninety (90) days from the date of the vacancy.

7. All candidates, upon the filing of their nomination papers shall take a leave of absence from any elected or salaried position with the Organization, which includes any position on the Board or staff of any of the Organization's subsidiary bodies. Such leave shall be without pay, expenses or any other form of remuneration until the day after the polls for such elections have been closed.

8. Any candidate who has been found guilty by the Metis Elections Commission of violating section 7 shall immediately forfeit such elected position and a by-election shall be called to fill such vacancy as provided for in section 6.

#### **BY-LAW No. 13: METIS SOCIETY OF SASKATCHEWAN HEAD OFFICE**

1. The Head Office shall be in a location decided upon by the General Assembly.

2. There shall be a Sub-Office located in Northern Saskatchewan in the event that the General Assembly does not locate the Head Office in Northern Saskatchewan.

3. The Sub-Office in Northern Saskatchewan shall be responsible for, amongst other purposes, policy development in areas of traditional resource-use, environmental issues, land issues and for enabling more accessibility to the Organization's leadership on a geographic basis.

#### **BY-LAW No. 14: SENATE OF ELDERS**

1. A Senate of Elders shall be established through the on-going process as provided for in By-law No. 19.

2. The Provincial Metis Council shall make this a priority

agenda item, and shall involve the Elders within the Organization in the determination of the role that the Senate shall assume.

**BY-LAW No. 15: FINANCIAL ACCOUNTABILITY**

1. An Auditor-General shall be appointed from the membership by the General Assembly for a term of two years, and such Auditor-General may be re-appointed or another selected.
2. The Auditor-General shall be independent and have complete access to all of the financial records of the Organization.
3. The Auditor-General shall make yearly reports to the General Assembly, which has sole authority over the Auditor-General.
4. The Provincial Metis Council shall cooperate with the Auditor-General and shall provide the financial and other resources necessary for the work of the Auditor-General.
5. The period of remuneration for the Auditor-General shall be determined by the Provincial Metis Council, but shall not be less than one month per fiscal year.
6. A financial committee composed of members from every Region shall be elected by the General Assembly to review and scrutinize the financial records of the Organization and may make any necessary recommendations to the General Assembly.

**BY-LAW No. 16: PROGRAMS, SERVICES, INSTITUTIONS AND DEPARTMENTS**

1. All existing programs, services, institutions and departments shall continue to serve the current clientele.
2. All existing programs, services, institutions and departments shall be part of the continuing collective collaborative process as provided for in By-law No. 19, particularly as they relate to Metis self-government institutions.

**BY-LAW No. 17: DECENTRALIZATION**

1. Nothing in these By-laws shall prevent the Organization from decentralizing funds by written contract to a duly incorporated Regional Council.

**BY-LAW No. 18: REDISTRIBUTION**

1. The Regions as established by the February, 1988 Conference are of an interim measure and shall be subject to alteration through the continuing process as provided for in By-law No. 19.

**BY-LAW No. 19: POLITICAL / CONSTITUTIONAL PROCESS**

1. The Metis constitution reform process shall be continued.
2. The Provincial Metis Council shall be mandated to ensure that this process receives top priority and any finances and other resources necessary for this process shall be made available.
3. The primary objective of this process is to ensure the development of political and organizational structures consistent with Metis self-government.
4. The Provincial Metis Council shall set out the terms of reference of the Metis Constitution Commission.
5. a) The Provincial Metis Council shall appoint five members to the Commission, three of which shall be from the Council and two from the general membership.  
b) The Council shall appoint the Chairperson of the Commission.
6. The Commission shall report on a periodic basis to the Provincial Metis Council, or as requested by the President.
7. The Provincial Metis Council shall present a report to the first General Assembly following the May, 1988 elections outlining how this By-law is being implemented.
8. If deemed necessary, the General Assembly may take the steps required to implement this By-law.
9. There shall be a Metis Constitution Conference within two years of the adoption of these By-laws, at which time the Constitution shall be subject to amendments as adopted by a simple majority of delegates at that Conference.
10. Nothing in this By-law prevents the General Assembly from amending these By-laws prior to the Conference provided for in sub-section 9.

**BY-LAW No. 20: IMPLEMENTATION**

1. Except for By-laws No. 12 and 19, being elections and the on-going process, the provisions under these By-laws shall be implemented as requisite financial resources become available.
2. Notwithstanding sub-section 1, the General Assembly may determine which provisions in these By-laws shall receive priority.

**BY-LAW No. 21: AMENDING FORMULA**

1. Unless otherwise specified in these By-laws, the By-laws can only be amended at a General Assembly by the majority of three-quarters (3/4) of the delegates present.

**BY-LAW No. 22: WINDING UP**

1. On the winding up of the Organization, all assets remaining after the payment of any just debts and obligations shall be distributed to one or more organized charitable organizations in Canada.

SCHEDULE A

