

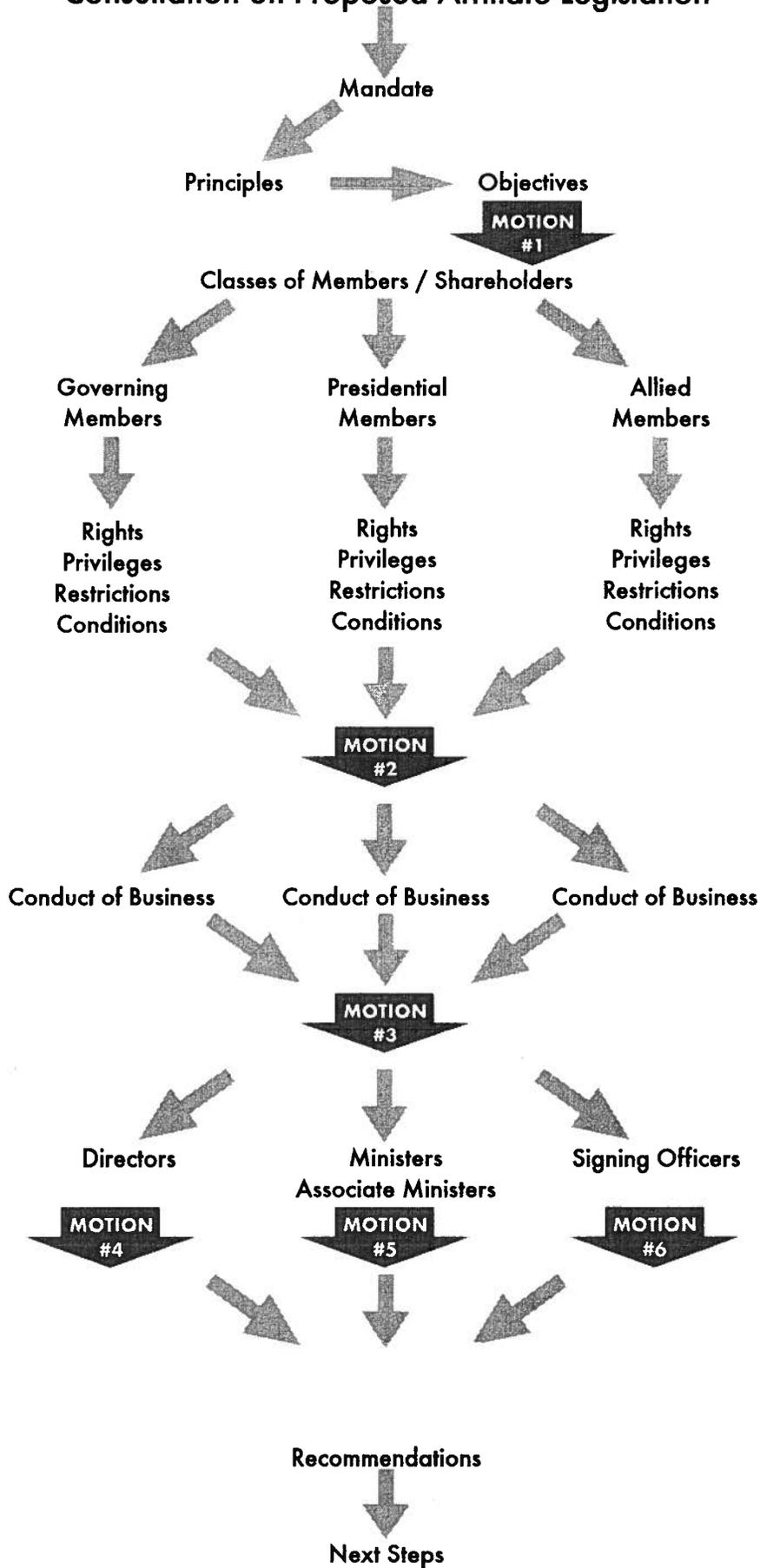


# **Metis Nation of Saskatchewan**

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## **Consultation on Proposed Affiliate Legislation**

# Consultation on Proposed Affiliate Legislation



# Metis Nation of Saskatchewan

## Consultation on Proposed Affiliate Legislation

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## Mandate

- 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.

(MNS Constitution Preamble )

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## Mandate

- In order to achieve these objectives, we are hereby reestablishing a strong and revitalized organization within the province of Saskatchewan, which must involve all sectors within our society.  
(MNS Constitution Preamble )

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## Mandate

- The Metis Nation Legislative Assembly , on behalf of the Metis Nation of Saskatchewan, shall exercise all voting rights, powers and duties of ownership in relation to the Affiliates, based upon the recommendation of the Provincial Metis Council.  
(MNS Constitution Article 14:1a)

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## Mandate

- The MNS tripartite process initiated an organizational review of all Affiliates in 1995. It was completed in 1997, with numerous conclusions and recommendations.
- At the December 1998 MNLA, the Internal Governance Committee was mandated to deal with emerging governance issues within the Nation.

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## Mandate

- At the November 1999 MNLA, the Internal Governance Committee was mandated to develop, for consideration at the next Special Sitting of the MNLA, four pieces of legislation: Affiliate Act; Taxation Act; Family Services Act; and Education Act.

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## Mandate

- The Internal Governance Committee designed this consultation to ensure that the proposed Affiliate Act:
  - meets the mandate of the Constitution;
  - acknowledges current Affiliate practices;
  - presents a workable legislative framework;
  - outlines the overall principles and general terms and conditions of an Affiliate Act.

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## Consultation on Proposed Affiliate Legislation

### Principles and Objectives

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## Principles

- MNS Affiliates have been built on Metis values such as trust, integrity, fairness, democracy and accountability;
- Affiliates exist as a result of the Metis Nation's continuing struggle to rebuild our families and communities;
- Affiliates provide services and programs to meet the needs of Metis Nation citizens and to revive our cultural heritage and pride; 9

## Principles

- The development of governance includes the development of capacity within the Metis Nation to address the needs of the citizens as they arise;
- All Agreements between Affiliates and other legal entities should reflect our emergence as a self-governing Metis Nation;

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## Principles

- All Agreements between Affiliates and other legal entities should advance the movement of the Metis Nation of Saskatchewan toward self-government.
- All Agreements shall ensure the authority of the Metis Nation to design and adapt programs and services to meet the needs of Metis Nation citizens.

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## Objectives

- To provide the first steps towards the development of Metis Nation governance that is more adaptive and responsive to strengthening Metis communities;
- To support the concept of decentralized decision making to the community while centralizing specific Affiliate administrative and financial services;

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## Objectives

- To govern Affiliate strategic planning, policy development and continuous networking within the Metis Nation;
- To support the concept of Metis Nation Self-Government and Devolution of programs and services wherever possible;
- To recognize the success of Affiliates and promote success at every opportunity;

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## Objectives

- To promote, advocate, strengthen and support Affiliates.
- To maintain a balanced approach between rights and programs and services.

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## MOTION #1

- To adopt the Principles and Objectives of the proposed legislation as presented / amended.

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## Consultation on Proposed Affiliate Legislation

Classes of Members

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## Classes of Members

- Affiliates shall have three classes of Members/Shareholders, namely Governing, Presidential and Allied.
- Governing Member/Shareholder
  - Governing member shall be the MNLA.

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## Classes of Members

- Presidential Member/Shareholder
  - Presidential member shall be the President of the Metis Nation Legislative Assembly.
  - Currently, the Presidential member has the power to appoint and remove Ministers and Associate Ministers.
  - Ministers and Associate Ministers shall be Directors.

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## Classes of Members

- Allied Members/Shareholders
  - Allied members shall be the 12 Regional Councils.
  - Currently, Allied members have the power to appoint and remove their respective Directors.

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## Governing Member

- Shall have the following rights and privileges:
  - attend, participate and vote at all regular and special meetings of the MNLA;
  - submit resolutions and vote on all resolutions, questions and matters arising at regular and special meetings of the MNLA;
  - special resolution is required to establish, amend and dissolve Affiliate Articles of Incorporation.

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## Governing Member

- Shall have the following restrictions and conditions:
  - subject to the MNS Constitution;
  - subject to the terms of existing MNS legislation;
  - limited to governing authority, not appointment or removal of Ministers, Associate Ministers and Directors or day-to-day policy and management authority of an Affiliate.

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## Presidential Member

- Shall have the following rights and privileges:
  - appoint and remove Ministers and Associate Ministers;
  - all funding contracts, financial agreements, terms of reference and memoranda of understanding shall be signed by the President and the Minister, or their designates.

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## Presidential Member

- Shall have the following restrictions and conditions:
  - subject to the MNS Constitution;
  - subject to the terms of existing MNS legislation;

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## Allied Members

- Shall have the following rights and privileges:
  - Appoint and remove their respective Directors.
- Shall have the following restrictions and conditions:
  - subject to the MNS Constitution;
  - subject to the terms of existing MNS legislation;

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## MOTION # 2

- To accept the Classes of Members/  
Shareholders as presented / amended.
- To accept the rights, privileges, restrictions,  
conditions of the members / shareholders as  
presented / amended.

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## Consultation of Proposed Affiliate Legislation

Conduct of Business

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## Conduct of Business

- **Governing Member**
  - subject to the MNS Constitution and existing legislation;
  - Special resolutions shall mean any resolution of the MNLA equivalent to a constitutional amendment;
  - Directors are entitled to receive notice of, to attend and be heard at every meeting of the members/shareholders of the Affiliate.

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## Conduct of Business

- **Presidential Member**
  - Subject to the MNS Constitution and existing legislation;

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## Conduct of Business

- Allied Members
  - Subject to the Constitutions of the MNS and Regional Councils and existing MNS legislation;
  - Regional Representatives must submit in writing to the Minister and the President of the MNLA, all appointments and removals of Directors of any Affiliate, including a copy of the official record of the resolution of the Regional Council.

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## MOTION # 3

- To accept the conduct of business of each Class of Members/ Shareholders as presented / amended.

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## Consultation on Proposed Affiliate Legislation

### Directors

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## Directors

- Term of Office
  - Two (2) year terms to a maximum of three (3) consecutive terms;
  - Staggered terms of office shall be:
    - From September 1 to December 31 in even numbered years for the following Regions :
      - ER2, ER2A, NR2, WR2, WR2A
    - From September 1 to December 31 in odd numbered years for the following Regions :
      - ER1, ER3, NR1, NR3, WR1, WR1A, WR3

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## Directors

- Rights and Privileges:
  - All Affiliates will secure liability insurance for the Affiliate Board of Directors.

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## Directors

- Required Qualifications:
  - Shall be at least 18 years of age;
  - Shall be bondable;
  - Shall be subject to candidacy criteria and conflict of interest guidelines as set out in the MNS Elections Act;
  - Shall not be an employee of an Affiliate.

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## Directors

- The Office is considered vacant when the Director:
  - Dies;
  - Resigns in writing;
  - Misses three (3) consecutive meetings without board approval;
  - Ceases to meet the qualifications of a Director;
  - Removed by those same members authorized to appoint Directors.

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## Directors

- Powers and Duties
  - Exercise due diligence to achieve the Affiliates mission in an ethical and prudent manner;
  - Manage Affiliate assets in an effective, ethical and prudent manner;
  - Provide accountability and linkage to the community;
  - Advocate on behalf of Metis communities who the Affiliate serves;

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## Directors

- Powers and Duties continued
  - Establish Board policy statements that define how the Affiliate will conduct operations;
  - Select, appoint, remove and review performance of Affiliate Executive Directors;
  - Approve annual Affiliate operating budgets.
  - Before launching any legal actions, directors will inform and consult Presidential Member.

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## Directors

- Conflict of Interest
  - Directors must not be in a position of Conflict of Interest;
  - Conflict of Interest guidelines shall be developed and maintained for all Affiliate Directors and Officers in accordance with Article 13 of the MNS Elections Act.

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## Directors

- Code of Ethics/Standards of Conduct
  - A Director shall comply with a Code of Ethics/Standards of Conduct;
  - A Code of Ethics/Standards of Conduct shall be developed and maintained for all Affiliate Directors and Officers using Article 7 of the MNS Senate Act as its model.

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## MOTION # 4

- To accept the rights, privileges, restrictions and conditions for Directors as presented / amended.

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## Consultation on Proposed Affiliate Legislation

Ministers  
and  
Associate Ministers

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## Ministers & Associate Ministers

- Term of Office
  - Indeterminate, at the pleasure of the President.
- Powers and Duties
  - In addition to the powers and duties of a Director:
    - The Minister shall be the Chair and the Associate Minister shall be the Vice-Chair of the Affiliate;
    - The Minister or Associate Minister shall provide a written Affiliate report at meetings of the PMC and the MNLA and as requested by the President;

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## Ministers & Associate Ministers

- Powers and Duties continued
  - The Minister shall receive written confirmation and required documentation for all appointments of Directors;
  - The Minister shall exercise veto powers over board motions and resolutions for a period of up to 4 months..

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## MOTION # 5

- To accept the rights, privileges, restrictions and conditions for Ministers as presented / amended.

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## Consultation on Proposed Affiliate Legislation

### Signing Officers

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## Signing Officers

- All Directors with signing authority shall be bonded;
- Any appointments, changes or removals of Affiliate signing authorities shall be reported in writing by the Minister to the MNS Treasurer.

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## MOTION # 6

- To accept the rights, privileges, restrictions and conditions for Signing Officers as presented / amended.

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## Consultation on Proposed Affiliate Legislation

Recommendations  
for  
Consideration

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## Recommendations

- Single-window Approach to Public Service Functions and other Professional Services such as: Auditing; Employee Payroll Service; Employee Benefits and Insurance; and Capital Investments

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## Recommendations

- Payroll service to be developed by the Metis Nation of Saskatchewan for all Affiliates.
- Establish a Metis Nation Public Service Department responsible for human resource management and services for all Affiliate employees.

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## Recommendations

- Establish MNS auditing and other financial services for all Affiliates.
- Establish a Metis Nation insurance and benefit plan for all employees of the Metis Nation Affiliates.
- Establish a MNS property management corporation to hold all capital and real assets of Metis Nation Affiliates.

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## Recommendations

- Establish MNS income support plans for Metis citizens. (ie: Employment Insurance, SAP, PTA)
- Establish MNS labour and access to information legislation.
- Establish administrative capacity to provide policy and legal departments.

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## Consultation on Proposed Affiliate Legislation

### Next Steps

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### Next Steps

- Preparation of a Draft Affiliate Act based on the Motions of the June 2000 Metis Nation Legislative Assembly Consultation.

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## Next Steps

- Call for a Leaders Summit and Existing Boards to a Review of a Draft Affiliate Act, developed as a result of this consultation.
  - Proposed for Fall 2000
  - Coordinated by the MNS and Affiliate Executive Directors
  - Scheduled to coincide with the fall Board Meetings of the Affiliates

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## Next Steps

- Revise draft Affiliate Act as a result of the consultation with the Leaders and Boards.
- Present to the Provincial Metis Council.
  - Proposed for Winter of 2000.

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## Next Steps

- Revise Draft Affiliate Act as a result of the consultation with the Provincial Metis Council.
- Present Final Draft Affiliate Act to Metis Nation Legislative Assembly for consideration and ratification.
  - Proposed for Spring 2001.

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## Next Steps

- Grandmothering:
  - Upon enactment of the Affiliate Act, all Affiliates will have until the next scheduled MNLA to make amendments of its Articles of Incorporation and Bylaws and to submit amendments to the PMC for recommendation to the MNLA;
  - Once ratified by the MNLA, all appropriate amendments must be filed with the appropriate government agencies.

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## Next Steps

- Development of Work plan and Timeframe for Implementation
  - To be undertaken by the MNS and Affiliate Executive Directors and presented to the Internal Governance Committee.
  - To be tabled at the next Metis Nation Legislative Assembly.

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