



MCMURRAY
MÉTIS

BYLAWS OF THE
McMURRAY MÉTIS
(MNA Local 1935)

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ARTICLE 15 POWERS OF THE LOCAL COUNCIL

- 15.1 Each Local Council shall govern the affairs of the Local Community.
- 15.2 Each Local shall approve all budgetary requirements of the Local Community and shall provide financial accountability to the Annual General Meeting of the Local Community.
- 15.3 Each Local Council shall provide direction to the Regional Council in regards to the policies, programs and goals of the Local Community.
- 15.4 The Local Council may authorize the employment of such persons as they deem necessary to carry out the objectives of the Local Community. The employees shall have such authority and perform duties as may be determined by the Local Council or these Bylaws. The Local Council shall when employing persons, do the following:
- (a) advertise the position in the Local Community; and
 - (b) where possible, employ members of the Métis Nation based on merit and qualifications.
- 15.5 The Local Council may institute and amend policies, standards for the management of the affairs of the Local provided that such policies, procedures and standards shall be consistent with resolutions approved by the Provincial Council.
- 15.6 The Local Council may establish such additional committees, as it deems necessary to carry out the business of the Local, and delegate to such committees specific powers.
- 15.7 Each Local Council member shall conduct himself or herself in a dignified manner at all meetings and according to his or her oath of office to the Métis Nation.

ARTICLE 61 ELECTION AND TERM OF THE LOCAL COUNCIL

- 61.1 The Local Council shall be elected at an Annual General Meeting of the Local Community.

- 61.2 The Local Council should be elected to a term of four (4) years effective September 2014.

- 61.3 The Members of the Local Council shall be eligible for re-election to the Local Council.

ARTICLE 62 EXECUTIVE OFFICERS OF THE LOCAL COUNCIL

- 62.1 The Executive Officers of the Local Council shall consist of the following:
 - (a) President;
 - (b) Vice-President;
 - (c) Secretary;
 - (d) Treasurer.

and shall be elected at the Annual General Meeting of the Local Community and such election shall be by secret ballot and require a majority vote.

ARTICLE 63 DUTIES OF THE EXECUTIVE OFFICERS

- 63.1 The President of the Local Council shall:
 - (a) preside at all meetings of the Local Council or allow the Vice President to preside at all meetings of the Local Council in the absence of the President;
 - (b) call meetings of the Local Council when necessary or called upon to do so;
 - (c) shall be an ex-officio member of all Committees of the Local Council;

- (d) shall see that all orders and resolutions of the Local Council are carried into effect;
- (e) shall be one of the two signing officers required on all documents including cheques, to be signed by the Local Council or may appoint another Local Council member sign on behalf of the President;
- (f) be the representative of the Local Council on the Regional Council;
- (g) perform other duties as may be determined by the Local Council.

63.2 The Vice-President shall:

- (a) preside at all meetings of the Local Council in the absence of the President;
- (b) perform such duties as may be determined by the Local Council.

63.3 The Secretary of the Local Community shall:

- (a) issue notices of all meetings of the Local Council;
- (b) keep minutes or cause to be kept the minutes of all meetings of the Local Council;
- (c) be the custodian of all books and documents of the Local Council;
- (d) have custody of the seal of the Local Council;
- (e) register with the Secretary of the Métis Nation of Alberta all special resolutions of an Annual Local Meeting or a Special Meeting within twenty-one (21) days of the date of the Meeting and ensure that the Special Resolution is presented at the Annual Assembly for ratification;
- (f) perform other duties as may be determined by the Local Council.

63.4 The Treasurer of the Local Community shall:

- (a) keep or cause to be kept full and accurate account of receipts and disbursements and books belonging to the Local Council.
- (b) deposit or cause to be deposited, all monies and other valuables or effects in the name and to the credit of the Local Council in such Chartered Banks or other financial institutions as designated by the Local Council;
- (c) be one of two signing officers required on Local Council cheques or in a situation where the Treasurer is not available to sign, appoint another Local Council member to sign on behalf of the Treasurer;
- (d) perform such other duties as may be determined by the Local Council.

ARTICLE 64 **VACANCY OF OFFICE OF PRESIDENT, VICE-PRESIDENT, SECRETARY,
TREASURER**

- 64.1 In the event that a vacancy occurs in the office of the President the Vice-President shall be the President and shall assume all duties of the President.
- 64.2 In the event that there is no Vice-President to fill the vacancy of President the Local Council shall meet within twenty one (21) days of the vacancy of President and shall elect from the remaining members of the Local Council a person to fill the vacancy of the office of President. Such election shall be by secret ballot and require a majority vote.
- 64.3 In the event that a vacancy occurs in the office of Vice-President the Local Council shall elect from the remaining members of Local Council other than the President a person to fill the vacancy of the office of Vice-President. Such election shall be by secret ballot and require a majority vote.
- 64.4 In the event that a vacancy occurs in the office of the Secretary or Treasurer then the Local Council shall meet to elect from the Local Council other than the President or Vice-President a person to fill the vacancy. Such election shall be by secret ballot and require a majority vote.
- 64.5 In the event that a member of the Local Council is convicted of a criminal offence under the Criminal Code of Canada during his or her term then that person shall as soon as possible after the conviction appear before the Métis Judiciary Council who will determine whether the person shall remain in office or whether the office shall be vacated.

ARTICLE 65 **SALARIES OF THE LOCAL COUNCIL**

- 65.1 The annual general meeting of the Local Community shall decide the salary of their Local Council.
- 65.2 The Local Council may be paid reasonable travelling expenses for attending business of the Local Council, meetings of the Local Council and Annual Assemblies and all travelling expenses shall be reviewed and approved by the Treasurer. The Treasurer shall decline all unreasonable travelling expenses.

ARTICLE 66 MEETINGS OF THE LOCAL COUNCIL

- 66.1 The Local Council shall meet at least four (4) times between the Annual General Meeting at such times and places as the Local Council may decide.
- 66.2 A meeting of the Local Council may be convened at any time or place upon proper notice by the President or at the request of any one (1) Local Council member.
- 66.3 A quorum at any meeting of the Local Council shall be the majority members of the Local Council.
- 66.4 The President shall be the Chairperson of the Local Council meetings or in the event that the President is unable to be the Chairperson he or she shall appoint the Vice-President to be Chairperson. In the event that the Vice-President is unable to be Chairperson the President shall appoint another Local Council member to be the Chairperson at their discretion. The Chairperson shall only vote in case of a tie vote.
- 66.5 Each member of the Local Council other than the Chairperson, shall have one vote and all matters shall be decided by a majority of votes. In cases of any equality of votes the Chairperson of the meeting shall have a deciding vote.

- 66.6 Resolutions in writing signed by all of the members of the Local Council shall be as effective as a resolution passed at a meeting of the Local Council duly convened and held.
- 66.7 Notice of Local Council meetings shall be given to each Local Council member at least twenty-one (21) days before the meeting. Notice may be delivered, telephoned, faxed or mailed.
- 66.8 A meeting of the Local Council may be held without notice if all of the Local Council members are present or those present have waived notice and those absent have signified their consent in writing to the meeting being held in their absence without notice.
- 66.9 Notice or any irregularity in notice may be waived by a Local Council member. No error or omission in giving notice of a Local Council meeting shall invalidate such meeting or void any proceedings taken at such meeting. Any Local Council member may ratify and approve any business at such meeting.
- 66.10 A meeting of Local Council members may be held by way of telephone or any other communication facility that permits all persons participating in the meeting to hear each other.
- 66.11 A member of the Local Council may participate in a meeting of the Local Council by means of telephone or any other communication facility that permits all persons participating in the meeting to hear each other and a member of the Local Council participating in a meeting by such means is deemed to be present in person at the meeting.
- 66.12 All meetings of the Local Council are open to Métis Members other than in camera meetings and only Métis Lifetime Members of the Local Community can participate in the Local Council Meeting.

66.13 There shall be no voting by proxy.

ARTICLE 67 CONFLICT OF INTEREST GUIDELINES FOR LOCAL COUNCIL MEMBERS

67.1 A member of the Local Council, who is a party to a contract with the Local Community or has a material interest in any company who is a party to a contract with the Local Community, shall fully disclose to the Local Council the nature and extent of his or her interest.

67.2 A member of the Local Council, shall not make or participate in making a decision in his or her capacity where the elected member reasonably knows that in the making of the decision there is the opportunity to further, directly, or indirectly, their private interest or that of their family which includes spouse, children, parents, brothers and sisters.

67.3 No member of the Local Council may do work for the Local Council, either as an employee or by contract, other than the fulfilment of the obligations of their elected position unless such work has been approved by a majority of the members of the Local Council at a meeting of the Local Council.

67.4 A member of the Local Council shall not conduct personal business while on Local Council business or use Local Council resources for personal business.

67.5 A member of the Local Council shall disclose to the Local Council the names of all Boards, Commissions, Councils or other memberships held during their term. All compensation received while sitting on any other Boards, Commissions, or Councils must be disclosed to the Local Council

67.6 No candidate running for office in the Local Council shall use any resources of the Métis Nation, Regional Council or Local Council for his or her election campaign.

ARTICLE 68 REMOVAL AND VACANCY OF A LOCAL COUNCIL MEMBER

- 68.1 A member of the Local Council shall automatically cease to be a Local Council member if any of the following events occur:
- (a) the death of the Local Council member;
 - (b) if any Local Council member, without reasonable excuse is absent from three (3) consecutive Local Council meetings;
 - (c) a Local Council member resigns by delivering a written resignation to the Secretary of the Local Council;
 - (d) if any Local Council member's right to hold office is suspended in which case that Local Council member will cease to be a Local Council member for the duration of the suspension;
 - (e) if a Local Council member becomes registered in a Band list or in the Indian Register according to the provisions of the Indian Act, R.S.C.;
 - (f) if a Local Council member no longer resides in the Local Community he or she represents.

ARTICLE 69 ANNUAL LOCAL MEETING

- 69.1 An Annual Local Meeting shall be held in each calendar year on a date to be determined by the Local Council.
- 69.2 The Secretary of the Local Council shall give at least twenty-one (21) days notice in writing of the time and place of the Annual Local Meeting.
- 69.3 Notice of an Annual Local Meeting shall be given to all members who are members at the time of the notice at their latest address as shown in the records of the Métis Nation. Notice shall be sufficient if given by newspaper or other media as determined by the Local Council. Notice shall be deemed to be received by the member within seven (7) days of the date of publication or mailing.

- 70.5 Every question or resolution shall be decided as follows:
- (a) Firstly, by a show of hands; or
 - (b) Secondly, by a secret ballot vote if a secret ballot vote is demanded by five (5) Lifetime Members within three (3) minutes of the announcement by the Chairperson of the results of the vote by show of hands. The Chairperson has the authority to decide the procedure of the secret ballot vote;
- 70.6 In the event that a question or resolution is decided by a show of hands and not a secret ballot vote, a declaration by the Chairperson that a question or resolution has been carried or lost and an entry to that effect in the minutes of the meeting shall be sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour of, or against, such question or resolution.
- 70.7 Special Resolutions passed at an Annual Meeting must be ratified by Special Resolution at an Annual Assembly and are effective from the date that they are registered with the Registrar of Corporations of Alberta by the Secretary of the Métis Nation.

ARTICLE 71 SPECIAL MEETING

- 71.1 A Special Meeting shall be called by the Local Council as follows:
- (a) Upon receipt of a written request to call a Special Meeting signed by a minimum of twenty five (25%) per cent of Lifetime Members of the Local Community; or
 - (b) Upon a resolution approved at a meeting of the Local Council where:
 - (i) proper notice of the meeting has been given; and
 - (ii) seventy-five (75%) percent of the Local Council members are present; and
 - (iii) seventy-five (75%) percent of the Local Council members vote in favour of the resolution to hold a Special Meeting.

- 71.2 The Secretary of the Local Community shall give at least twenty-one (21) days notice in writing of the time and place of the Special Meeting and the proposed resolutions.
- 71.3 Notice of a Special Meeting shall be given to all members who are members at the time of the notice at their latest address as shown in the records of the Métis Nation. Notice shall be sufficient if given by newspaper or other media as determined by the Local Council. Notice shall be deemed to be received by the member within seven (7) days of the date of publication or mailing.
- 71.4 No business shall be transacted or considered at any Special Meeting other than those proposed resolutions for which notice has been given.
- 71.5 No error or omissions in giving notice of a Special Meeting shall invalidate the Special Meeting or make void any proceedings taken at that Special Meeting and any member may at any time waive notice of any such meeting and may ratify, approve and confirm any or all proceedings.
- 71.6 A quorum at a Special Meeting shall be a minimum of ten (10) Lifetime Members in good standing, present in person, who have registered and are qualified to vote at the Special Meeting.
- 71.7 Special Resolutions passed at a Special Meeting must be ratified by Special Resolution at an Annual Assembly and are effective from the date that they are registered with the Registrar of Corporations of Alberta by the Secretary of the Métis Nation.

ARTICLE 72 VOTING AT A SPECIAL MEETING

- 72.1 Voting at Special Meetings shall be the same as voting at Annual Local Meetings. Therefore paragraphs herein 70.1 to 70.7 inclusive shall also govern voting at Special Meetings.

ARTICLE 73 RULES OF ORDER

- 73.1 Robert's Rules of Order shall govern meetings and proceedings of the Local Community and Local Council insofar as they may apply without coming into conflict with these Bylaws.

**ARTICLE 74 MÉTIS JUDICIARY COUNCIL PROCEDURE ON CONFLICT OF INTEREST
OF LOCAL COUNCIL MEMBERS**

- 74.1 A Lifetime Member who has reason to believe that a Local Council member did not comply with the Conflict of Interest guidelines may, by letter, request that the Métis Judiciary Council give an opinion respecting the compliance of the Local Council member with the Conflict of Interest guidelines.
- 74.2 The Métis Judiciary Council may on their initiative, conduct an inquiry to determine whether a Local Council member has failed to comply with the Conflict of Interest guidelines.
- 74.3 The Local Council may by ordinary resolution, request that the Métis Judiciary Council give an opinion on a matter respecting the compliance of a Local Council member with the Conflict of Interest guidelines.
- 74.4 Upon receiving a request under Article 74.1 or 74.3 the Métis Judiciary Council may conduct an inquiry.
- 74.5 The Métis Judiciary Council shall conduct a fair and impartial inquiry and allow all parties to the inquiry to be present and represented by a lawyer.
- 74.6 The Métis Judiciary Council shall allow all parties to the inquiry to make

representations.

74.7 After an inquiry has been concluded and the Métis Judiciary Council has decided that there was no failure by the Local Council member to comply with the Conflict of Interest guidelines, it shall issue a letter of clearance with an explanation to justify the decision.

74.8 Where the Métis Judiciary Council determines that a Local Council member has failed to comply with the Conflict of Interest guidelines the Métis Judiciary Council may:

- (a) reprimand the Local Council member;
- (b) order that the Local Council member make restitution or pay compensation;
- (c) may suspend the Local Council member or declare his or her office vacant.

ARTICLE 75 INDEMNITY

75.1 Each member of the Local Council, or other person who has undertaken any liability on behalf of the Local Council, and their heirs and estate shall at all times, be indemnified by the Local Council, against:

- (a) all expenses whatsoever which result from any claims, actions, or proceedings which are brought, commenced or prosecuted against them or in respect of any act, deed, matter or thing whatsoever, made, done, or permitted by them, in the execution of the duties of their office or in respect of any such liability;

except the Local Council shall not be responsible for any costs, charges, expenses whatsoever caused by the negligence or misconduct of the Local Council member or other person.

ARTICLE 76 ACCOUNTS

76.1 The Local Council shall cause accounting details to be kept of all monies received and expended by the Local.

76.2 The fiscal year of the Local Community shall end on the 31st day of March in each year or such other date as may from time to time be determined by the Local Council.

76.3 A financial statement of the Local Council shall be prepared and audited at least once yearly.

76.4 An audited financial statement of the Local Council shall be presented for approval at the Annual Meeting of the Local Council.

ARTICLE 77 BOOKS AND RECORDS

77.1 The Local Council shall ensure that all necessary books and records of the Local required by these Bylaws or by any applicable statute or law are regularly and properly kept.

77.2 All accounting records and other books and records of the Local Council shall be kept at such place in the Province of Alberta as the Local Council may decide and shall at all times be open for inspection by any member of the Métis Nation upon written application to the Local Council.

ARTICLE 78 EXECUTION OF CONTRACTS AND OTHER DOCUMENTS

78.1 Contracts and other documents including Local Council cheques requiring the signature of the Local Council shall:

- (a) Firstly be approved at a meeting of the Local Council where proper notice has been given; and
- (b) Signed by two Local Council members as follows:

- (i) The President; and
- (ii) Any one (1) of the Local Council members.

78.2 The President may delegate his signing authority to another Local Council Member.

ARTICLE 79 SEAL

79.1 The Local Council shall have a seal, which shall be approved by the Local Council and may be changed by special resolution.

79.2 The seal shall be kept under the control of the Secretary at the head office of the Local Council.

79.3 The seal may, when required, be affixed to contracts, documents, or instruments in writing by persons authorized by these Bylaws to sign on behalf of the Local Council.