

  
CAROL PREST

## BYLAWS

### 1. Definitions

“Act” means the *Societies Act* of British Columbia as amended from time to time;

“AGM” means the Annual General Meeting of the Society.

“Association” means the North Island Métis Association

“Associate Member” means an individual who has a connection with the Métis Community in and wishes to enjoy with Métis Citizens in celebrating the Métis cultural heritage.

“Board” or “Board of Directors” means the directors of the Society

“Bylaws” means these Bylaws as may be altered from time to time.

“*Citizenship Act*” means the Citizenship Act adopted and ratified by the Métis Citizen Members of the MNBC as it may be amended from time to time.

“Community” means those individuals who, residing in a defined geographical area, are related to each other through Métis connections of a historical, cultural, or traditional nature.

“Directors” means the Directors of the Association;

“Distinct from other Aboriginal Peoples” means distinct for cultural and nationhood purposes.

“Elders Council” means the Elders who have been elected by the North Island Métis Association and whom the Association agree have attained the level of wisdom of Métis culture to act as the final authority on matters referred to them for their binding decision.

“Member” means a Métis Citizen who has applied for and has been accepted by the Board of Directors and is a Member in good standing of the Society.

“Métis Citizen” or “Citizen” as the case may be, means a person who self-identifies as Métis, is of historic Métis Nation Ancestry, is distinct from other Aboriginal peoples and is accepted by the Métis Nation as a Métis Citizen in accordance with the provisions of the *Citizenship Act*.

“Métis Nation” means the Aboriginal peoples descended from the Historic Métis Nation, which is now comprised of all Métis Nation Citizens and is one of the “aboriginal peoples of Canada” within s.35 of the Constitution Act of 1982.

“MNBC” means the governing body of the Métis Citizens in British Columbia which has as its Constitution the Constitution of the MNBC and which has as its administrative arm, the MPCBC.

“MPCBC” means the organization of that name which is registered as a society with the Registrar of Companies in British Columbia and which fulfills the administrative functions of

the MNBC and is referred to as the MNBC' Secretariat.

"NIMA" means the North Island Métis Association.

"North Island" will include, but is not limited to, the geographical area of north of Comox Valley to Cape Scott.

"SGM" means a special general meeting of the Society.

"Society Act" means the Society Act of the Province of British Columbia from time to time in force and amendments to it;

- 1.1 The Definitions in the Act shall apply to these Bylaws.
- 1.2 Any conflict between the provisions of these Bylaws and the Act or the regulations to the Act the provisions of the Act or the regulations will prevail.

## **2. Membership**

- 2.1 Individuals who claim Métis heritage, who self-identify as Métis, are of historic Métis Nation Ancestry, are distinct from other Aboriginal peoples and who reside within the geographic boundaries of the Society, may apply to the Board of Directors to be a Member of the Society, and Métis Citizenship by completing a Provincial Application as set out in the MNBC *Citizenship Act*.
- 2.2 Upon receipt of an application for Métis Citizenship, the Community shall, without delay, proceed in accordance with the procedure set out in the *Citizenship Act* to have the application forwarded to the MNBC Provincial Registrar for review who will notify the applicant of the results of the review.
- 2.3 Applications for Métis Citizenship shall be dealt with in accordance with the privacy policy and procedure as developed by the MNBC and as set out in the MNBC *Citizenship Act* which shall govern the challenges to and appeals from the decisions of the Society.
- 2.4 A Métis Citizen who resides within the geographic area boundaries of the Society shall, upon acceptance by the Board of Directors and payment of the applicable fee, if any, shall become a Member in good standing of the Society.
- 2.5 Applicants that are accepted for Métis Citizenship shall be provided with a Métis Citizenship Card by the MNBC Citizenship Registrar.
- 2.6 Applicants whose applications for Métis Citizenship are denied shall be given written reasons for the denial.
- 2.7 A person denied Métis Citizenship in accordance with this Article 2. shall have the right to appeal the refusal in the manner provided by the *Citizenship Act*.

- 2.8 Annual Dues, if any, shall be determined by the Board of Directors.
- 2.9 Individuals who have a cultural, familial or historic connection with Members of the Society and who wish to enjoin with Métis Citizens in celebrating the Métis cultural heritage and who reside within the geographic boundaries of the Society, may apply to be an Associate Member in the Society by application to the Board of Directors.
- 2.10 Associate Members shall not be deemed to be Métis Citizens and shall not be entitled to a vote.
- 2.11 The Board of Directors shall review an application for Associate Membership and refuse Associate Membership to any person for legitimate purposes.
- 2.12 Any Member may be suspended or removed from the Society or have their name removed from the list of the Members of the Society by a  $\frac{3}{4}$  majority vote at an AGM or SGM called for that purpose if notice of that suspension or removal is given to that person at least 30 days prior to the AGM or SGM and that person has had an opportunity to give an oral and/or written response to the suspension or removal.
- 2.13 Notice of a suspension or removal shall be made to the Member being suspended or removed in a written document which describes in plain, unambiguous language the proposed suspension or removal and the reasons therefore as described in the MNBC policy and procedure manual as amended from time to time.
- 2.14 A Member shall not be suspended or removed from the Society or have their name removed from the list of Members in any way except as is set out in these Bylaws.
- 2.15 No Member may be suspended for more than 1 years. A suspended Member may not run for any office or sit on any board.
- 2.16 An Associate Member may have their privileges as Associate Members removed, suspended, or restricted by a majority vote of the Citizen Members of the Society.
- 2.17 The Society will strive to ensure that the Society and its Members gain fair benefit from, and have equal access to, all aboriginal programs in Canada and the Province of British Columbia.

### **3 Meetings**

- 3.1 A general meeting must be held at the time and place that the Board determines.
- 3.2 Ordinary business to be conducted at a general meeting includes the following:
- a) adoption of the rules of order;
  - b) consideration of any financial statements of the Society presented to the meeting;
  - c) consideration of officers, directors or auditor's reports, if any;
  - d) election or appointment of directors when applicable;
  - e) appointment of an auditor, if required;
  - f) business arising out of a report of the directors not requiring the passing of a special

resolution; and  
g) such other matters as shall be included on the Agenda for that AGM.

- 3.3 Annual General Meetings (“AGM”) shall be held once per calendar year with no less than fourteen (14) days’ notice to the Members at a time, date and location chosen by the Board of Directors. The agenda for each AGM shall be provided to the Members no less than fourteen (14) days before the date of the AGM.
- 3.4 Special or Extraordinary General meetings (“SGM”) shall be held when circumstances deemed required by the Board of Directors on seven (7) days’ notice to the Members.
- 3.5 All Members shall be entitled to attend and participate at an AGM or SGM. Only those Members who are 18 years of age or older on the date of the AGM or SGM; who has been a resident of British Columbia for at least 6 months prior to the date of the AGM or SGM; and who has been a resident within the geographical area of the Society for no less than 30 days prior to the date of the AGM or SGM will be entitled to vote at a AGM or SGM.
- 3.6 The Chair for a general meeting shall be an individual appointed by the Board of Directors. If an individual is not appointed or is unavailable at the meeting the voting Members in attendance at the meeting shall elect an individual from the Members present at the meeting.
- 3.7 The quorum for the transaction of business as a general meeting is six (6) of the voting members.
- 3.8 If a quorum is not present within 30 minutes of the time set for the meeting, the meeting shall be adjourned to a date to be set but the Board of Directors and if a quorum is not present at that meeting within 30 minutes of the time set for that meeting, the Members who are present for that meeting constitute a quorum.
- 3.9 Voting at a general meeting shall be by show of hands unless a secret ballot vote is requested by a majority of the members in attendance.
- 3.10 Voting by proxy is not permitted.
- 3.11 All matters to be decided at a general meeting are decided by ordinary resolution and adopted by simple majority unless the matter is required, by these Bylaws to be decided by a special resolution or another resolution with a higher voting threshold.

#### **4. Directors**

- 4.1 The Board of Directors shall be comprised of no fewer than three (3) and no greater than twelve (12) directors who shall, from among them, appoint a director to hold the office of President and Vice-President one of which must be a Metis Nation of British Columbia Member; Treasurer; Secretary and Directors at Large.
- 4.2 The Board of Directors may include a Youth representative who, being 16 to 25 years of age may be hold a position as a Board member provided that the majority of the Board of Directors are over the age of 18 years.

- 4.3 The Board of Directors may also include a Women's representative as well as an Elder.
- 4.4 A directors' meeting may be called by the President or by two (2) other directors on seven (7) days' notice unless that notice period is waived by the directors.
- 4.5 50% of the members of the Board of Directors shall constitute a quorum.
- 4.6 The President of the Society and in his or her absence, the Vice-President shall be the Chairperson for meetings of the Board of Directors. In the event the President or Vice-President is not available or does not attend at a meeting of the Board of Directors, the directors in attendance at the meeting shall, upon confirming quorum, appoint a director from among them to be the chairperson for the meeting.
- 4.7 The Board of Directors may exercise all the powers and do all the acts and things that the Society may do and may, in the exercise of their duties and on behalf of and in the name of the Society, raise or secure funds and the payment or repayment of money in the manner they decide.
- 4.8 The Board of Directors may institute annual Membership fees and such other fees or charges as are reasonable and necessary for application for membership or for the provision of services by the Society.
- 4.9 An officer who has been appointed to hold an office as set out in Sub-Article 3.2 may be suspended or removed from office by a majority vote of the Board of Directors at attendance at a meeting of the Board called for that purpose. The suspension or removal of a director from a position as an officer does not suspend or remove that director from his or her position as a director.
- 4.10 A person is disqualified from being a director when he or she holds a position with the MNBC pursuant to which that person receives remuneration or income. A person is not disqualified from being a director if that person receives an honorarium, salary or per diem for performing the duties of a director of the Society.
- 4.11 A director may be removed from office:
- a) when he or she is disqualified;
  - b) when he or she is convicted of an offence carrying a penalty of two years or greater; or
  - c) when he or she has been removed by a majority vote of the Members in attendance and entitled to vote at an AGM or an SGM when notice of that director's removal has been provided to the director prior to the AGM or SGM.
- 4.12 A director may be suspended by a vote of the majority of the Members of the Board of Directors. A director so suspended may appeal the suspension to the Elders Council whose decision shall be final and binding.
- 4.13 A director shall be given notice of any proposed resolution to remove or suspend that director and he or she shall be given an opportunity to speak to the Board of Directors or to the Society Members in attendance at an AGM or SGM where the removal or suspension will be subject to

discussion and/or vote.

- 4.14 The Board of Directors, by majority vote, shall appoint a Métis Citizen to fill a vacancy on the Board of Directors and that person shall hold office for which there was a vacancy until a SGM called for that purpose or an AGM is held at which time nominations for the vacant position shall be accepted and the position filled by an election in accordance with the provisions of these Bylaws.
- 4.15 A director shall not be remunerated for performing his or her duties as a director.

## **5. Elections**

- 5.1 Subject to the provisions of these Bylaws a director's term of office shall be two (2) Years.
- 5.2 Directors shall be elected in an election held at the AGM in the year on which the term for those Directors shall expire or shall have expired.
- 5.3 The number of terms that a Métis Citizen may hold office as a Member of the Board of Directors is unlimited.
- 5.4 Subject to the provisions of these Bylaws, any Member who is eighteen (18) years of age or older may, if qualified, be nominated and, if elected, hold office as a Board member, except in the case of a designated youth representative who may be 16 or 17 years of age.
- 5.5 Associate Members shall not be entitled to a vote at elections.
- 5.6 Members shall be entitled to vote in an election for a member of the Board of Directors if that Member:
- a) is 18 years of age or older as of the date of the election;
  - b) has been a resident of British Columbia for at least six (6) months prior to the date of the election; and
  - c) has been a resident within the geographical area of the Society area for no less than thirty (30) days prior to the date of the election.
- 5.7 Members may receive nomination papers for available positions on the Board of Directors from a member of the Board of Directors at least ten (10) days prior to the date of the AGM but may be nominated and allowed to stand for office from the floor at an AGM.
- 5.8 Nominations for available positions on the Board shall be accompanied with the following documents, the absence of which shall disqualify that candidate:
- a) proof of residency; and
  - b) the applicable Provincial Métis Citizenship Card.

## **6.0 Relationship with MNBC**

- 6.1 The Society acknowledges that the MNBC is the governing Provincial body of the Métis Citizens in British Columbia and in the geographical Area of the Society.
- 6.2 The Society shall maintain its relationship with the MNBC through a Community Governance Agreement with the MNBC that sets out the requirements for accountability, mutual recognition and dispute resolution.
- 6.3 Any provisions of these Bylaws that are inconsistent with the MNBC Constitution shall be null and void as it relates to that matter. The Society acknowledges that the governance of the Community is intended to be consistent with the provisions of the MNBC Constitution.

## **7.0 Dissolution**

- 7.1 As per Constitution in the event of winding up or dissolution of the Association, funds and assets of the association remaining after satisfaction of its debits and liabilities, shall be given or transferred to a local Aboriginal organization, decided upon by the last sitting member(s) of the Executive Committee. This provision is unalterable.

## **8.0 Amendment**

- 8.1 Except for those Bylaws that provide for matters relating to Associate Members that include Bylaws 2.10, 2.11, 2.16 and 5.5, these Bylaws shall only be amended by a Special Resolution requiring 75% of the Society Members in attendance at a AGM or SGM where no less than fifteen (15) days notice of the proposed amendment has been given.
- 8.2 Amendments to Bylaws 2.10, 2.16, 2.15, 2.16 and 5.5 shall only be amended by a Special Resolution requiring 85% of the Members in attendance at an AGM or SGM where no less than thirty (30) days notice of the proposed amendment has been provided to the Members.
- 8.3 Except as provided elsewhere in these Bylaws, all proposed amendments to the Bylaws must be registered with the Board of Directors no less than ten (10) days prior to the date of the AGM or SGM and if approved, shall come into effect on the later of the date at which it is filed with the registrar of Societies or the date specified in the special resolution.
- 8.4 All amendments to the Bylaws shall be appended to the Bylaws.

## **9.0 Seal**

- 9.1 The Directors may provide a common seal for the Association.
- 9.2 The common seal shall be affixed only when authorized by the resolution of the Directors.

## **10.0 Borrowing**

- 10.1 In order to carry out the purpose of the Association, the Directors may on behalf of and in the name of the Association raise or secure the payment of money in a manner they decide, and, in particular without limiting the foregoing by the issue of debentures .

- 10.2 No debentures shall be issued without a special resolution.
- 10.3 The members may by special resolution restrict the borrowing powers of the Directors, but a restriction expires at the next AGM.

#### **11.0 Notice to Members**

- 11.1 A notice may be given to a member either personally or by mail or email to him/her at registered address
- 11.2 A notice sent by mail shall be deemed to have been given/received on the seventh (7<sup>th</sup>) day following the day that the notice was posted.

#### **12.0 Elders Council**

- 12.1 The Elders Council will require a unanimous vote of the Elders Council membership for appointment
- 12.2 There shall be six (6) Elders on the Elders Council or such numbers as the Elders Council may from time to time determine.
- 12.3 Elders can resign from council.
- 12.4 Elders shall mediate disputes between members of the Association when requested by the Directors of the Association.
- 12.5 The decisions of the Elders is binding on the Association and all members.
- 12.6 The Association shall strive for gender parity on the Elders Council.
- 12.7 Any matter can be referred to the Elders Council.
- 12.8 A quorum of the Elders Council shall be four (4) or whatever the number that makes it a majority of the Elders Council.