



Otipemisiwak Métis Government of the Métis Nation within Alberta

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Office of the President

December 1, 2023

Dear fellow Citizens,

Re: Draft District Council Model Bylaws

These are monumental times for the Métis Nation within Alberta. As we begin implementing our Constitution and setting up our Otipemisiwak Métis Government, our future is bright.

To aid with transition, it is my pleasure to share a revised version of the draft Model Bylaws for District Councils (enclosed). These draft bylaws are meant to be a starting point from which they can be revised and tailored to the needs and ambitions of the MNA's Citizens and communities in each District of the Métis Nation within Alberta. They are designed to be flexible, so that they can be adapted to each District's unique circumstances. Through this process we are excited to continue to work together towards a common goal: to see Métis self-determination in Alberta thrive at the community level.

The following will offer some background on how we got here, and an explanation of the work ahead. Moving forward, the Otipemisiwak Métis Government Self-Government team and I are eager to collaborate and work in a good way with existing Local leadership and newly elected District Captains with the shared aim of establishing District Councils across Alberta. I would also like to acknowledge the hard work of all our existing and past Local leadership who have worked hard and tirelessly for the benefit of Métis within Alberta.

Background: Denial and Resurgence

For generations, like-minded Métis came together to exercise their rights to self-determination and self-government through the Provincial, Regional, and Local Councils of the Métis Nation of Alberta (MNA). Federal and provincial governments, however, historically refused to recognize our governance structures. The MNA was forced to incorporate its Provincial, Regional, and Local Councils under the Alberta *Societies Act* in order to facilitate funding arrangements and intergovernmental relations. But we always knew what we were: a Métis government by and for Métis people.

Today, we are finally beginning to get the recognition we deserve. In November 2022, after years of consultation, Citizens of the Métis Nation within Alberta overwhelmingly approved the Otipemisiwak Métis Government Constitution in a province wide ratification vote. In February 2023, Canada and the MNA signed an updated self-government agreement, where Canada acknowledged the MNA as a Métis government and agreed to negotiate a self-government treaty. In June 2023, the federal government introduced Bill C-53 (the *Recognition of Certain Métis Governments in Alberta, Ontario and Saskatchewan and Métis Self-Government Act*). Bill C-53 is the legislative framework that enables the federal government to reach a modern-day self-government agreement (or modern treaty) with the

MNA. Similar to 26 First Nations who have signed self-government agreements with Canada, which removes them from the authority of the Indian Act federally, when Canada reaches a self-government agreement with the MNA, we will no longer need the *Societies Act* to give our governance structures legal status and to enable us to access to funding.

In the meantime, as a transitional step while modern-day treaty negotiations continue with Canada, we will continue to use the Alberta *Societies Act* to implement our Constitution. To this end, on May 27, 2023, a special meeting of MNA Citizens adopted a special resolution to repeal and replace the MNA's bylaws. The MNA's new bylaws enabled the Constitution to come into force in September 2023 with the election of the first Citizens' Council of the Otipemisiwak Métis Government. The Constitution now operates as the highest law of the Métis Nation within Alberta.

The Transition Plan & Otipemisiwak Métis Government Laws

The Constitution requires the Otipemisiwak Métis Government to have a plan developed to outline how Locals, Regions, and Affiliates would transition into the new governance structure under our ratified Constitution (the "Transition Plan"). To prepare the Transition Plan, the 2021 MNA Annual General Assembly called for the appointment of a Transition Committee. After consultation with MNA Citizens from across the province in more than a dozen community information sessions which included Local and Regional leadership, the Transition Committee presented a draft version of the Transition Plan to the 2023 MNA Annual General Assembly where Citizens were once again invited to provide feedback. Following this, the Transition Plan was approved in September 2023 by the MNA's Provincial Council.

Many of the questions related to the process of transitioning to the Otipemisiwak Métis Government are answered in the Transition Plan, and a copy is enclosed with this letter for your reference. The Transition Plan document is also available online: mnaconstitution.com/learn_more.

The Constitution also requires the Otipemisiwak Métis Government to have certain laws in place to regulate the government's core functions, such as citizenship, elections, code of ethics, and the establishment and operations of District Councils. The MNA developed these laws in consultation with Citizens, and the MNA's Provincial Council approved each of the laws necessary for the Constitution to come into force, prior to the September 2023 General Election. All laws passed by the Otipemisiwak Métis Government can be found online here: albertametis.com/governance/registry-of-laws.

District-Level Self-Determination

District-level self-determination is a key value in the Constitution. For this reason, the Constitution states that District Councils have authority and responsibility in relation to clearly defined subject matters for their Districts: operations; administration of business; consultation and accommodation; environmental monitoring; repatriation, ownership, and management of lands; consultation and voting on any modern-day treaty with the Crown. The draft District Council Bylaws set a solid foundation for District-level self-determination by reiterating this authority and responsibility.

Control of Assets by District Councils

From the beginning, MNA leadership has been committed to ensuring continued local and/or regional benefit and control of any interests and assets currently held by MNA Regions or Locals. I understand that some Locals have worked very hard to build companies, secure contracts, or buy land, and that will

not be disturbed. Nothing in the transition process requires any MNA Region or Local Council to transfer any asset to the central Otipemisiwak Métis Government if they do not want to. That unwavering commitment is embodied in the Constitution and the Transition Plan and will remain the ongoing approach of leadership under the newly elected leadership of the Otipemisiwak Métis Government.

Consultation and Accommodation

The transition process is designed to assist District Councils in effectively asserting, establishing, and advancing their community's right to be consulted and accommodated under the Province of Alberta's *Métis Credible Assertion: Process and Criteria*. Despite federal recognition, the Province of Alberta has refused to pursue consultation and accommodation with the MNA's Provincial, Regional, or Local Councils. One reason for this was a lack of clarity as to which level of the MNA's governance structures had authority to represent Citizens and communities for the purposes of Crown consultation. The Constitution and draft District Council Bylaws resolve this issue by clearly mandating District Councils to conduct consultation, where Métis rights, claims, and interests may be adversely impacted, on behalf of the Citizens and communities of their Districts.

The Otipemisiwak Métis Government is committed to supporting any District Council in their pursuit of operationalizing the Crown's Duty to Consult in representing the Citizens and communities of their Districts. The Otipemisiwak Métis Government is committed to ensuring that any supports related to Consultation and Accommodation will be designed and provided based on the unique needs of each District and only if requested from the District Council.

Next Steps

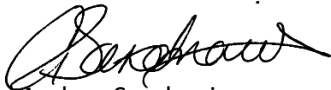
The Citizens' Council and I, along with the Self-Government Department remain deeply committed to advancing the transition of the Otipemisiwak Métis Government as efficiently as possible. To facilitate that progress, I appointed a District Relations & Transition sub-Committee of Cabinet (DRTC) on October 16th, 2023, who met with the Laws Group to work through these documents and their development, and referred them to Citizens' Council. The Citizens' Council then reviewed and approved the enclosed draft Model District Council Bylaws in principle at their regular meeting on November 20th, 2023. I can also advise that the Otipemisiwak Métis Government's Self-Government Department, as well as Transition Committee members have already met with some members of Local leadership to discuss the process of transitioning existing Local Councils to District Councils or, where no Local Councils exists, creating new District Councils.

Looking forward, I will be meeting with the DRTC in early December 2023 to develop a community engagement plan for implementation in the new year. Beginning in mid January, the Self-Government Department, DRTC, and Transition Committee members will begin meeting with Local leadership, and Métis Citizens in each of your communities, in planning sessions to discuss the transition process, the contents of this package, and to assist each community in finding a path to transition that best meets their unique needs. I am looking forward to seeing what changes are made to the Bylaw template to enable self-determination at the District level, because I know that you know your communities best.

If you'd like more information about the Transition Process or have any questions about this package, I invite you to reach out to the Transition Team, through the Self-Government Department, by sending an email to Shelly Gervais at sgervais@metis.org. Please watch our social media and our email newsletters over the next few months as we share updates about the transition progress.

We made history in passing a Métis Constitution, and we made history again in the largest ever Indigenous leadership election in Canada. I am committed to ensuring we don't lose that momentum and I look forward to working with each of your communities, in whatever way I can, to establish strong, democratic, and accountable District Councils for the benefit of all our Citizens and communities.

Sincerely,



Andrea Sandmaier

President

Otipemisiwak Métis Government

Encl. Draft District Council Bylaws
Citizens' Council Resolution re District Council Bylaws

Otipemisiwak Métis Government
DISTRICT COUNCIL MODEL BYLAWS
DRAFT FOR DISCUSSION

BYLAWS
OF
[NTD: NAME OF MÉTIS DISTRICT COUNCIL]

***Explanatory Notes:** These Model Bylaws are a template set of bylaws that may be adopted to facilitate the transition to and establishment of a District Council. These Model Bylaws ensure compliance with the Societies Act, Otipemisiwak Métis Government Constitution, and Otipemisiwak Métis Government Laws.*

*The **Annotations** in these Model Bylaws provide background information and indicate whether a section of these Model Bylaws may or may not be altered. For ease of reference, any text in [blue](#) may be altered.*

*Where reference is made to **[NTD]**, meaning ‘note to draft’, the District Council should fill out the required information.*

ARTICLE 1 NAME OF THE DISTRICT COUNCIL

Annotation: *Each District Council's interim name is determined in accordance with the District Councils Act. As per section 8 of the District Councils Act: "The name of a District Council must be the "District Council of [the name assigned to the District Council's District in Schedule A of the District Boundaries Act]." For now, District Councils will use the interim names assigned in the District Councils Act.*

- 1.1 This document gives authority and responsibility to [NTD: the name of District Council under the *District Councils Act*].

Annotation: *Article 1.2 may not be altered. The name of a District Council may be changed, but only in accordance with the process set out in the District Boundaries Act.*

- 1.2 The name of the District Council under Article 1.1 of these Bylaws may only be changed in accordance with OMG Laws.

ARTICLE 2 THE DISTRICT COUNCIL'S ROLE

Annotation: Article 2 may not be altered. *Article 2 sets out the fundamental role of a District Council and the relationship between a District Council and other government structures and Institutions of the Otipemisiwak Métis Government, based on the OMG Constitution and the fundamental principles applicable to a society under the Societies Act.*

- 2.1 The Citizens of the District intend that the District Council is and will be a branch and governance structure of the Otipemisiwak Métis Government and a part of the legal and administrative arm of the Otipemisiwak Métis Government and, subject only to the requirements of the Act, the District Council will be governed by and will conduct its affairs pursuant to these Bylaws, OMG Laws, and the Constitution.
- 2.2 The District Council will adhere to and abide by all OMG Laws insofar as they relate to or concern the District Council, as if those OMG Laws formed part of these Bylaws.
- 2.3 When a treaty between the Crown and Métis Nation within Alberta comes into effect, the treaty and federal implementation legislation will recognize the legal status and capacity of the Otipemisiwak Métis Government and its governance structures (including the District Council), and the District Council will be continued under federal law or wound down, as to be determined by the Citizens of the District.
- 2.4 The Citizens of the District willingly and exclusively mandate the District Council to serve, together with the Association, as the legal and administrative arm of the Otipemisiwak Métis Government to represent the Citizens of the District in relation to:
- (a) the purpose, goals, and responsibilities of the Otipemisiwak Métis Government as set out in the Constitution; and

- (b) the collectively-held Métis rights, interests, and claims of the Citizens of the District, their Métis communities, and the Métis Nation within Alberta.

2.5 Nothing in these Bylaws extinguishes, defines, creates, modifies, limits, restricts, or surrenders any rights, interests, or claims of the Métis Nation within Alberta or of any Citizen, including the inherent rights to self-determination and self-government.

ARTICLE 3 INTERPRETATION

Annotation: Article 3.1 defines the terms used throughout these Bylaws. The existing defined terms included in this Article **may not be altered**. However, District Councils may include additional defined terms as necessary.

3.1 In these Bylaws:

- (a) “**Act**” means the *Societies Act* (Alberta), as it may be amended from time to time;
- (b) “**Annual District Gathering**” means the annual general meeting of the Citizens of the District;
- (c) “**Association**” means the Métis Nation of Alberta Association, which serves as the legal and administrative arm of the Otipemisiwak Métis Government;
- (d) “**Association Bylaws**” means the bylaws of the Association;
- (e) “**Citizens’ Council**” means the Citizens’ Council of the Association, being its board of directors;
- (f) “**Citizen**” means a citizen of the Métis Nation within Alberta, being a member of the Association;
- (g) “**Citizen of the District**” means a member of the District Council, being a Citizen who ordinarily resides in the District;
- (h) “**Constitution**” means the Otipemisiwak Métis Government Constitution, as ratified by the Citizens in November 2022 in the form attached to these Bylaws as Appendix “A”, which is incorporated into and forms part of these Bylaws;
- (i) “**District**” means [NTD: [District’s name under the *District Boundaries Act*](#)], as defined in OMG Laws;
- (j) “**District Council**” means the [NTD: [Name of District Council](#)] which is a branch and governance structure of the Otipemisiwak Métis Government and a part of the legal and administrative arm of the Otipemisiwak Métis Government;

- (k) “**District Councillors**” means the board of directors of the District Council, to be comprised of a District Captain, District Secretary, District Treasurer, and any additional District Councillors as set out in these Bylaws;
- (l) “**Judicial Branch**” means one or more dispute resolution bodies created in accordance with Chapter 17 of the Constitution and Article 8 of the Association Bylaws;
- (m) “**OMG Law**” means a resolution adopted and designated as an OMG Law by the Citizens’ Council for purposes of the Association Bylaws and the Constitution;
- (n) “**ordinarily reside**” has the same definition as the definition of ordinary residence or residence under OMG Laws;
- (o) “**Otipemisiwak Métis Government**” means the Métis government that is the successor to the Métis Nation of Alberta and is exclusively authorized to represent the Métis Nation within Alberta, and that from that time relies on the Association, together with the District Councils, as its legal and administrative arm;
- (p) “**Special District Gathering**” means a meeting of the Citizens of the District other than the Annual District Gathering.

Annotation: Articles 3.2, 3.3, and 3.4 ***may not be altered.***

Part XI of the Self-Government Act includes rules of interpretation, including rules for computing delays.

- 3.2 Unless otherwise provided for in these Bylaws, all words and phrases used in these Bylaws will have a meaning consistent with the meaning of such words and phrases in the Constitution, OMG Laws, the Association Bylaws, or the Act, as applicable.
- 3.3 For greater certainty, a reference in these Bylaws to OMG Laws includes reference to:
 - (a) any amendments to that Otipemisiwak Métis Government Law;
 - (b) all Schedules to that Otipemisiwak Métis Government Law; and
 - (c) any regulations made under that Otipemisiwak Métis Government Law.
- 3.4 Any reference to day(s) or time(s) in these Bylaws will be computed in accordance with OMG Laws.

Annotation: Article 3.5 sets out the rules for interpreting these Bylaws and ***may not be altered.***

- 3.5 In order that the District Council may give effect to and uphold the Constitution in

accordance with the democratic and collective will of the Citizens of the District, the following will apply throughout these Bylaws:

- (a) these Bylaws are to be interpreted and applied in a manner consistent with the Constitution and OMG Laws as may be in force from time to time;
- (b) if there is a conflict between these Bylaws and the Constitution or an OMG Law, these Bylaws will be invalid to the extent of the conflict, subject only to the requirements of the Act;
- (c) all rules, regulations, policies, procedures, and standards enacted by the District Councillors are to be interpreted in a manner consistent with the Constitution and OMG Laws;
- (d) if there is a conflict between any rule, regulation, policy, procedure, or standard enacted by the District Councillors and the Constitution or an OMG Law, the rule, regulation, policy, procedure, or standard will be invalid to the extent of the conflict, subject only to the requirements of the Act; and
- (e) the Citizens' Council may resolve any uncertainty or ambiguity concerning the interpretation and application of the Constitution to the District Council, subject only to decisions and determinations of the Judicial Branch.

ARTICLE 4 CITIZENSHIP (DISTRICT COUNCIL MEMBERSHIP)

Annotation: Article 4 ***may not be altered.*** Section 3 of the District Councils Act provides that "Citizen of the District" means a Citizen who ordinarily resides in the District."

- 4.1 A Citizen of the District is a Citizen who ordinarily resides in the District.
- 4.2 A Citizen of the District will cease being a Citizen of the District upon the occurrence of:
 - (a) the Citizen of the District ceasing to be a Citizen; or
 - (b) the Citizen of the District ceasing to ordinarily reside in the District.
- 4.3 Every Citizen of the District will have those rights and obligations as set out in the Constitution, OMG Laws, and elsewhere in these Bylaws, in addition to any other rights and obligations afforded to them under the Act.
- 4.4 No membership dues, fees, or consideration will be payable by any Citizen of the District to the District Council in order to become a Citizen of the District.

ARTICLE 5 ELECTION OF DISTRICT COUNCILLORS (DISTRICT COUNCIL'S BOARD OF DIRECTORS)

Annotation: As per section 19(1) of the District Councils Act, a District Council:

- (a) must consist of a District Captain, a District Secretary, and a District Treasurer; and
- (b) may include additional District Councillors, as provided for in the District Council's Bylaws.

Therefore, the requirement for a District Captain, a District Secretary, and a District Treasurer in Article 5.1 **may not be altered**.

However, District Councils may decide the number of additional District Councillors, if any. A District Council can include a fixed number of additional District Councillors or may be set as a minimum or maximum number of additional District Councillors. For example: no less than two (2) additional District Councillors and no more than five (5) additional District Councillors

5.1 The District Councillors of [NTD: name of the District Council] must consist of:

- (a) a District Captain, a District Secretary, and a District Treasurer; and
- (b) [NTD: the number of additional District Councillors, if any].

Annotation: Section 21 of the District Councils Act sets out the qualifications for District Councillors. Article 5.2 **may not be altered**.

However, a District Council may include additional eligibility requirements for District Councillors in Article 5.3 or may simply delete Article 5.3 if there no other additional requirements.

5.2 Only Citizens of the District may be elected as District Councillors. To be a District Councillor, a Citizen of the District must meet any qualifications concerning eligibility for District Councillors as set out in OMG Law and these Bylaws.

5.3 [NTD: include any additional eligibility requirements].

Annotation: Article 5.4 **may not be altered**. The Constitution provides that "Subject to residency or other requirements set out in any Otipemisiwak Métis Government law, every Citizen who is sixteen (16) years of age or older is eligible to vote in Otipemisiwak Métis Government elections..."

Sections 17(a) and (b) of the District Councils Act provides that any rules made by a District Council under this Act must not derogate from the following sections of the Elections and

Referenda Act: sections (a) rules on voter eligibility under section 4(1) and (2)(a) and rules for ordinary residence under section 5.

- 5.4 All Citizens of the District sixteen (16) years of age or older and eligible to vote in an election for District Councillors under OMG Laws may vote in an election for District Councillors.

Annotation: Article 5.5 ***may not be altered.***

A District Council may make rules regarding the election of District Councillors in accordance with the District Councils Act. See Part IV of the District Councils Act for the limitations to the rules a District Council may include in their Bylaws.

- 5.5 Elections of District Councillors will be held in accordance with OMG Laws.

Annotation: Article 5.6 ***may not be altered*** as it reflects the language in the Constitution.

- 5.6 The District Captain is elected by the eligible Citizens of the District.

Annotation: Article 5.7 ***may be altered.***

As per section 19(2) of the District Councils Act: Unless otherwise provided for in the Bylaws, the District Captain must appoint District Councillors to the roles of District Secretary and District Treasurer within 30 days after the election for the District Council.

- 5.7 The District Secretary and District Treasurer will be appointed in accordance with OMG Laws from among the elected District Councillors.

Annotation: Article 5.8 ***may be altered.*** This is suggested language for when a District wants District Councillors to represent different areas within the District. In that case, the District Council will need to clearly define the different areas. In that case, we suggest that the District Council includes a map as an appendix to these Bylaws describing the subdivision of the District.

- 5.8 [NTD: Set out rules particular to elections for District Councillors for this District. For example:

District Councillors, other than the District Captain, are elected as follows:

- (a) one District Councillor ordinarily residing in [NTD: include placename], as defined in Appendix B of these Bylaws, to be elected by the eligible Citizens of the District ordinarily residing in [NTD: include same placename]; and
- (b) one District Councillor ordinarily residing in [NTD: include placename], as defined in Appendix B of these Bylaws, to be elected by the eligible Citizens of the District ordinarily residing in [NTD: include same placename.]

Annotation: Article 5.9 may be altered. District Councils may decide whether to include term limits.

5.9 District Councillors may be eligible for re-election.

Annotation: Only the duration of the term may be altered in Article 5.10.

Section 20(2) of the District Councils Act provides that: (2) Unless otherwise provided for in Bylaws, a District Councillor: (a) is elected to a term of four (4) years; and (b) may be eligible for re-election as a District Councillor.

A District Council may include terms other than 4 years.

Note that if terms are other than 4 years, or if terms are staggered, some of the elections for those offices will not coincide with the general election for Citizens' Council as run by the Chief Electoral Officer.

- 5.10 Subject to Article 5.11 [NTD: change this reference to Article 5.13 if using staggered elections], the term of a District Councillor will ordinarily be **four (4) years**, and the term of a District Councillor will commence and end in accordance with OMG Laws and these Bylaws.

Annotation: Article 5.11 provides how a District Council can have their elections for District Council coincide with the next Citizens' Council's general election. As a result of this Article, District Councillors elected in the first election will serve a term less than 4 years as they will be elected in 2024 and the following Citizens' Council general election will take place in 2027. This Article may be altered or deleted if a District Council does not want to align their elections with the Citizens' Council election.

- 5.11 The term of a District Councillor elected in the first election for District Council will be the balance of the term remaining until the next election for that District Councillor's office.

Annotation: Article 5.12 is suggested wording for a District Council that wants staggered elections and may be altered. Article 5.12 should be deleted if a District Council does not have staggered elections.

- 5.12 The District Councillors will have staggered terms so that no more than [NTD: insert number or percentage for how the District Council will be divided for staggered elections, ex: 2 or 1/3] of the District Councillors' terms end in the same year, unless a vacancy needs to be filled.

Annotation: Article 5.14 provides a rule for implementing staggered elections, with the terms of the first District Councillors being of different durations. After that, all District Councillors' terms will be 4 years. This Article **may be altered**. If a District Council is not using staggered elections, this Article should be **deleted**.

In a District in which a District Captain was elected in September 2023, if that District Council wants staggered elections, the District Captain must serve a four (4) year term, as they were elected for a four (4) year term.

- 5.13 To implement staggered terms, after the first election for District Councillors, the District Councillors must determine which District Councillors elected in that election will serve a term of [NTD: Insert number of years, ex: 2 years], and which District Councillors elected in that election will serve a term of [NTD: Insert number of years, ex: 4 years].
- 5.14 [NTD: Set out any other rules particular to elections and terms of District Councillors for this District].

ARTICLE 6 AUTHORITIES AND RESPONSIBILITIES OF THE DISTRICT COUNCIL

Annotation: Article 6 provides for the authority and responsibilities of the District Council. It is based on the authority and responsibility of District Councils set out in Article 15.7 of the Constitution and **may not be altered**.

- 6.1 The authority and responsibility of the District Council extends to the following matters:
- (a) the operation of the District Council, including the holding of meetings, elections, financial management, accountability, and reporting to the Citizens of the District;
 - (b) administration of the business of the District Council;
 - (c) the conduct of consultation and accommodation with the Crown, industry, and other Indigenous groups on behalf of the Citizens of the District regarding their rights, claims, and interests;
 - (d) environmental monitoring in relation to the District;
 - (e) repatriation, ownership, and management of lands for the use and benefit of the Citizens of the District;
 - (f) overseeing Institutions to develop and deliver programs and services for the benefit of the Citizens of the District;

- (g) consulting with the Citizens of the District regarding and voting on ratification of any modern-day treaty or land claims agreement with the Crown negotiated by the Otipemisiwak Métis Government on behalf of the Métis Nation within Alberta;
- (h) authority and responsibility regarding specified matters as delegated by the Citizens' Council; and
- (i) instituting and amending policies in relation to the above listed matters provided that such policies are consistent with applicable OMG Law.

ARTICLE 7 POWERS AND DUTIES OF DISTRICT COUNCILLORS

Annotation: Articles 7.1 and 7.2 *may not be altered.*

- 7.1 Subject to these Bylaws, the District Councillors will have the power to manage the affairs of the District Council in accordance with the Constitution, OMG Laws, and the Act.
- 7.2 The District Captain, the District Secretary, and the District Treasurer will have those duties as set out in OMG Laws.

Annotation: As per section 9(4)(d) of the Societies Act, the Bylaws must include the duties and powers of directors. District Councillors are considered the directors of the District Council. In addition to the duties of the District Captain, District Secretary and District Treasurer, the District Council may establish additional duties and responsibilities of directors and officers in the Bylaws, either generally or with respect to specific roles. As drafted, the Bylaws allow for the District Councillors to establish such other duties and responsibilities.

Article 7.3 may be altered or deleted.

- 7.3 The District Councillors may establish executive or officer roles of the District Council, and may establish such duties and responsibilities in respect of such roles, as they determine in the discretion, provided such roles, duties and responsibilities are not contrary to the Constitution, OMG Laws, these Bylaws and the Act.

ARTICLE 8 VACANCIES OF DISTRICT COUNCILLORS

Annotation: Article 8.1 *may not be altered.* Section 30 of the District Councils Act provides that: "If there is a vacancy in the office of a District Councillor, the Chief Electoral Officer may hold a by-election for that office no later than 90 days after the vacancy, except if the vacancy in the office occurs within 90 days before the next general election, in which case no by-election may be held."

- 8.1 In the event of a vacancy in the office of a District Councillor, a by-election for that office may be held as required in accordance with OMG Laws.

Annotation: Article 8.2 *may not be altered*. Section 31 of the District Councils Act provides that:

If at any time there are fewer than the minimum number of required District Councillors, the District Councillors must do only those things and take only those steps that are strictly necessary to:

- (a) fill the vacancy in accordance with section 30 of this Act;*
- (b) ensure the continued ordinary-course function of the District Council; and*
- (c) preserve and protect the property and interests of the District Council.*

- 8.2 If at any time there are fewer than the minimum number of required District Councillors, the District Councillors must do only those things and take only those steps as permitted under OMG Laws.

ARTICLE 9 REMUNERATION OF THE DISTRICT COUNCILLORS

Annotation: Articles 9.1 and 9.2 *may not be altered*. Section 27 of the District Councils Act provides that:

27 (1) A District Captain is entitled to be remunerated at a rate comparable to remuneration of persons having similar authority and responsibility elsewhere in Canada.

(2) A District Councillor may be remunerated for their service as determined in accordance with applicable Laws.

(3) A District Councillor may be reimbursed for reasonable travelling expenses for attending business of the District Council, meetings of the District Councillors, and any Annual or Special District Gathering, and all travelling expenses must be reviewed and approved by the District Treasurer.

- 9.1 The District Captain must be remunerated and may be reimbursed for reasonable expenses in accordance with OMG Laws.
- 9.2 District Councillors, other than the District Captain, may be remunerated and reimbursed for reasonable expenses as determined by the District Councillors.

ARTICLE 10 MEETINGS OF THE DISTRICT COUNCILLORS

Annotation: Article 10.1 is based on in section 36 of the District Councils Act and *may not be altered*.

- 10.1 Voting at meetings of the District Councillors will be conducted as follows:

- (a) only District Councillors may vote at a District Council Meeting;
- (b) subject to paragraph (c), each District Councillor has one (1) vote for each motion at a District Council Meeting; and
- (c) the District Councillor presiding over a District Council Meeting may only vote to break a tie.

Annotation: Article 10.2 ***may not be altered.***

The following Articles contain rules applicable to procedure for meetings of District Councillors, and a District Council may make additional rules or change those rules. All procedural rules must comply with OMG Law.

- 10.2 Procedure for meetings of District Councillors will be as set out in OMG Laws and these Bylaws.

Annotation: Article 10.3 ***may be altered*** to include a different quorum requirement.

As per section 38 of the District Councils Act, Bylaws must include rules on quorum requirements for meetings.

- 10.3 A quorum at any meeting of the District Councillors will be a majority of the District Councillors.

Annotation: Article 10.4 ***may be altered*** to include a different notice requirement other than five days. As per section 38 of the District Councils Act, a District Council must include rules in its Bylaws on notice requirements for calling meetings.

- 10.4 Notice of all meetings of the District Councillors will be given to each District Councillor at least five (5) days before the meeting. Notice may be delivered, mailed, or sent by electronic means.

Annotation: Article 10.5 and all of the following Articles in Article 10 ***may be altered***, as District Councils can determine the procedure applicable to their meetings. The following (Articles 10.5- 10.11) are suggested provisions.

- 10.5 A meeting of the District Councillors may be held without notice if all District Councillors 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.
- 10.6 No error or omission in giving notice of a meeting of District Councillors will invalidate such meeting or make void any proceedings taken at such meeting. A District Councillor

may, on their own behalf, at any time waive notice or any irregularity in respect of any such meeting and the District Councillors may ratify, approve, and confirm any or all proceedings of such meeting.

- 10.7 The District Captain will chair meetings of the District Councillors. If the District Captain is unable to chair a meeting of the District Councillors, the District Captain may, at their discretion, appoint another District Councillor to chair the meeting and absent such appointment the District Councillors may appoint a chair for a meeting.
- 10.8 A meeting of District Councillors may be held fully or partially by way of electronic means or other communication medium if all persons attending the meeting, whether in person or through such electronic means or other communication medium, are able to participate in the meeting.
- 10.9 A District Councillor participating in a District Council meeting by electronic means or other communication medium that permits all persons participating in the meeting to communicate is deemed to be present in person at the meeting.
- 10.10 Resolutions in writing signed by all District Councillors will be as effective as a resolution passed at a meeting of the District Councillors duly convened and held.
- 10.11 There will be no voting by proxy.

ARTICLE 11 CONDUCT OF DISTRICT COUNCILLORS

Annotation: As elected leaders of the Otipemisiwak Métis Government, District Councillors are subject to the Code of Ethics Act. Article 11.1 **may not be altered**. However, a District Council may include additional guidelines with respect to conflicts of interest or ethics in its Bylaws, provided that those rules do not conflict with OMG Laws, notably the Code of Ethics Act.

- 11.1 A District Councillor will at all times abide with OMG Laws concerning the conduct of District Councillors, including the Code of Ethics referred to in Chapter 26 of the Constitution.
- 11.2 [NTD: Include additional rules regarding the conduct of District Councillors, if any]

ARTICLE 12 REMOVAL OR SUSPENSION OF DISTRICT COUNCILLORS

Annotation: Article 12.1 **may not be altered**. Sections 28 and 29 of the District Councils Act sets out the general rules for suspension and removal of District Councillors.

A District Council may include additional rules regarding suspension or removal of District Councillors as long as those rules do not conflict with OMG Laws.

- 12.1 A District Councillor may be suspended or removed from office in accordance with OMG Laws.

- 12.2 [NTD: Include additional rules regarding suspension or removal of District Councillors, if any]

ARTICLE 13 ANNUAL DISTRICT GATHERING

Annotation: Article 13.1 and Article 13.2 may not be altered.

- 13.1 An Annual District Gathering will be held each calendar year on a date to be determined by the District Councillors in accordance with OMG Laws.
- 13.2 Procedure for meetings of Annual District Gatherings will be as set out in OMG Laws and these Bylaws.

Annotation: Article 13.3 may not be altered. The District Councils Act requires “at least 21 days’ written notice to the Citizens of the District of the time and place of the Annual District Gathering.” The Societies Act requires that special resolutions may only be adopted at a meeting for which 21 days notice was given.

- 13.3 The minimum requirements for notice of Annual District Gatherings will be as set out in OMG Laws and the Act.

Annotation: These Bylaws may include more detail as to notice as long as the rules do not conflict with OMG Laws. We include examples of notice details in Articles 13.3 and 13.4, which may be altered or deleted.

- 13.4 Notice of any Annual District Gathering may be provided to any Citizen of the District by email or post delivered to their most recent address as shown in the records of the Otipemisiwak Métis Government. Notwithstanding the forgoing, notice will be deemed sufficiently provided if given by newspaper or other media as determined by the District Councillors. Citizens of the District will be deemed to have received notice within seven (7) days of the date of publication or mailing, or on the same day as the date on which notice is given by email or other electronic means.
- 13.5 No error or omission in giving notice of an Annual District Gathering will invalidate the Annual District Gathering or make void any proceedings taken at that Annual District Gathering. A Citizen of the District may, on their own behalf, at any time waive notice or any irregularity in respect of any such meeting and the Citizens of the District may ratify, approve, and confirm any or all proceedings of such Annual District Gathering.

Annotation: Section 57 of the District Councils Act provides that:

(1) The quorum of an Annual District Gathering is ten (10) eligible Citizens of the District who are present in person at the gathering, who have registered and are qualified to vote at

the Annual District Gathering.

*(2) A District Council may provide for a higher quorum in its Bylaws. District Councils should indicate if they want a quorum higher than 10 Citizens. If so, they **may alter** Article 13.6.*

- 13.6 Subject to any minimum requirement for quorum under OMG Laws, the requirements for quorum at Annual District Gatherings will be [NTD: number of Citizens required for quorum].

***Annotation:** Article 13.7 **may not be altered**. The District Councils Act, section 58 provides that: “(1) All Citizens of the District have a right to attend, participate, and speak at the Annual District Gathering. (2) Only an eligible Citizen of the District may introduce a motion at an Annual District Gathering.”*

- 13.7 The rights of participation at Annual District Gatherings will be as set out in OMG Laws.

***Annotation:** Article 13.8 **may be altered** as the District Councils Act contains no rules for agendas. This language is a suggestion.*

- 13.8 The District Councillors may recommend the order of business to be considered at the Annual District Gathering, which the Citizens of the District may approve or reject, and if rejected, the Citizens of the District may approve a separate order of business.

***Annotation:** Articles 13.9 and 13.10 **may be altered** as the District Councils Act contains no rules for electronic meetings of the Annual District Gathering. This language is a suggestion.*

- 13.9 An Annual District Gathering may be held either fully or partially by way of electronic means or other communication medium if all Citizens of the District attending the Annual District Gathering, whether in person or through such electronic means or other communication medium, are able to participate in the Annual District Gathering.
- 13.10 A Citizen of the District participating in an Annual District Gathering by electronic means or other communication medium that permits all Citizens of the District participating in the Annual District Gathering to communicate is deemed to be present in person at the Annual District Gathering.

ARTICLE 14 VOTING AT ANNUAL DISTRICT GATHERINGS

Annotation: Article 14.1 *may not be altered*. Section 62 of the District Councils Act, provides that “Each eligible [16 years of age or older] Citizen of the District is entitled to vote at the Annual District Meeting provided: (a) they are present at the Annual District Gathering when the vote is called; and (b) they have registered at the Annual District Gathering.”

14.1 All Citizens of the District who meet the eligibility criteria set out in OMG Laws will be eligible to vote at Annual District Gatherings.

Annotation: Article 14.2 *may not be altered*. The District Councils Act, section 61, provides that “Every resolution at an Annual District Gathering must be decided by ordinary resolution unless otherwise required by the District Council’s Bylaws or any Otipemisiwak Métis Government Law.”

14.2 Decision-making will be made in accordance with OMG Laws.

Annotation: Article 14.3(a) *may not be altered*. As per section 61 of the District Councils Act, the Bylaws may provide for a higher threshold for certain types of resolutions.

Note that resolutions to change these Bylaws are already required to be adopted by at least 75% of members present at a meeting. If a District Council wants to include resolution that require a higher threshold, it must include those types of resolutions in these Bylaws.

14.3 The following resolutions must be decided by special resolution:

- (a) Resolutions that the Act specifies must be approved by special resolution;
- (b) [NTD: Include types of resolutions that require being passed by special resolution, other than special resolutions required by the *District Councils Act* or the *Societies Act*].

Annotation: Article 14.4 *may not be altered*. Section 62 of the District Councils Act provides that:

62 Each eligible Citizen of the District is entitled to vote at the Annual District Meeting provided:

- (a) they are present at the Annual District Gathering when the vote is called; and
- (b) they have registered at the Annual District Gathering.

14.4 Citizens of the District will be entitled to vote at Annual District Gatherings in accordance with OMG Laws.

Annotation: *The District Council Acts provides no rules regarding the procedure for voting at Annual District Gatherings. The following (Articles 14.5- 14.8) are suggested provisions. Articles 14.5-14.8 **may be altered** as long as the rules do not conflict with OMG Laws.*

- 14.5 Every question or resolution presented to the Citizens of the District will be decided:
- (a) by a show of hands, unless a secret ballot vote has been demanded in accordance with paragraph (b) below; or
 - (b) by a secret ballot vote if immediately following a vote by way of show of hands, the Citizens of the District entitled to vote adopt an ordinary resolution calling for a secret ballot vote. There will be no debate on that ordinary resolution and the vote on that ordinary resolution will be held by way of show of hands.
- 14.6 If a question or resolution is decided by a show of hands and not a secret ballot vote, a declaration by the person chairing the meeting that a question or resolution has been carried or lost and an entry to that effect in the minutes of the meeting will be sufficient evidence of the fact without proof of the number or proportion of the votes.
- 14.7 Any Citizen of the District attending an Annual District Gathering by electronic means or other communication medium who is entitled to vote at the meeting may vote by any electronic means or other communication medium that the District Councillors have made available for that purpose, and any such vote shall be counted as if made in person at the meeting by a show of hands or secret ballot.
- 14.8 There will be no voting by proxy.

ARTICLE 15 SPECIAL DISTRICT GATHERINGS

Annotation: *Article 15.1 **may not be altered**. Section 64 of the District Councils Act provides that the rules for District Gatherings (at sections 56, 57, 58, 59, 60, 61 and 62 of that Act) apply to a Special District Gathering.*

- 15.1 Unless otherwise provided for in this Article, Special District Gatherings will be governed in the same manner as Annual District Gatherings. Therefore, Article 13 will also govern Special District Gatherings, except to the extent it is in conflict with this Article.

Annotation: *Article 15.2 **may not be altered**. The District Councils Act, section 65, provides that “No business must be transacted or considered at a Special District Gathering other than the business and proposed resolutions listed in the notice for that Special District Gathering.”*

- 15.2 No business will be transacted or considered at any Special District Gathering except in accordance with OMG Laws.

Annotation: *The District Councils Act does not include rules regarding how Special District Gatherings may be called. Section 63 of the District Councils Act requires that “A District Council must make rules governing the requirements for notice of a Special District Gathering.” The wording in Article 15.3 is a suggestion and **may be altered**.*

- 15.3 A Special District Gathering will be called by the District Councillors as follows:

- (a) Upon receipt of a written request to call a Special District Gathering signed by a minimum of twenty-five (25%) per cent of the Citizens of the District; or
- (b) Upon a resolution approved at a meeting of the District Councillors where:
 - (i) proper notice of the meeting has been given; and
 - (ii) seventy-five (75%) percent of the District Councillors are present; and
 - (iii) seventy-five (75%) percent of the District Councillors vote in favour of the resolution to hold a Special District Gathering.

ARTICLE 16 VOTING AT A SPECIAL DISTRICT GATHERING

Annotation: *Article 16 **may not be altered**. Section 64 of the District Councils Act provides that the rules for voting at an Annual District Gathering apply to a Special District Gathering.*

- 16.1 Voting at Special District Gatherings will be the same as voting at Annual District Gatherings. Therefore, Article 14 will also govern voting at Special District Gatherings.

ARTICLE 17 RULES OF ORDER

Annotation: *This Article **may be altered**. A District Council is free to determine the procedure for its meetings.*

Section 38 of the District Councils Act provides that “Subject to the Constitution and this Act, a District Council must include rules in its Bylaws governing its practices and procedures, including but not limited to quorum and notice requirements for calling meetings.”

Section 60 of the District Councils Act provides that “The District Councillors may make rules governing the practices and procedures of the Annual District Gatherings insofar as they may apply without coming into conflict with the Constitution or this Act.”

- 17.1 Robert’s Rules of Order will govern proceedings of Annual District Gatherings, Special District Gatherings, and meetings of the District Councillors insofar as they may apply without coming into conflict with these Bylaws, the Constitution, or any Law.

ARTICLE 18 IMMUNITY

Annotation: This Article ***may not be altered***. This Article refers to the rule at section 70 of the District Councils Act.

- 18.1 No proceedings lie against a District Councillor, or against a person acting for or under the direction of such persons in accordance with OMG Laws.

ARTICLE 19 FULL AND FINAL DETERMINATION OF DISPUTES

Annotation: Article 19 may ***not be altered***. The District Councils Act, section 68 sets out the jurisdiction of the Judicial Branch in relation to District Councils.

- 19.1 The Judicial Branch will be the dispute resolution body for the District Council with such jurisdiction and powers as set out in OMG Laws, which for certainty includes the jurisdiction and power to decide and prescribe the resolution of any and all disputes arising out of the affairs of the District Council, the affairs between the District Council and the Association or any other District Council(s), and the affairs between any Citizen and the District Council.
- 19.2 For greater certainty, the Judicial Branch is intended to and serves as the chosen method of dispute resolution for the District Council pursuant to section 22 of the Act.
- 19.3 None of these Bylaws, the Constitution, or the fact of a Citizen becoming a Citizen of the District is intended to create a contractual relationship between the Citizen of the District and the District Council, any other Citizen of the District, the Association, or any Institution. For greater certainty, Citizens of the District do not, by sole virtue of being Citizens of the District, possess any property or contractual rights with the District Council, Institutions, or the Association. Nor does the District Council, by sole virtue of being a District Council, possess any property or contractual rights with the Association or its Institutions.

ARTICLE 20 BORROWING POWER

Annotation: Article 20 ***may not be altered*** as it reflects the rule at Section 51 of the District Councils Act and the Societies Act's rule on borrowing.

A District Council may make additional rules regarding its borrowing powers as long as those rules do not conflict with OMG Laws or the Act.

- 20.1 For the purpose of carrying out its authority and responsibilities, the District Council may borrow or raise or secure payment of money in such manner as the District Councillors see fit and in particular by the issue of debentures, but debentures may be issued only by Special Resolution of the Citizens of the District at an Annual District Gathering or Special District Gathering.

ARTICLE 21 AUDIT OF ACCOUNTS AND FINANCIAL RECORDS OF THE DISTRICT COUNCIL

Annotation: Article 21 **may not be altered.** The District Council must ensure compliance with all OMG Laws, including the Financial Management Act and District Councils Act.

- 21.1 The District Councillors shall at all times ensure compliance by the District Council with any OMG Laws (including any regulations and policies established under such OMG Laws) concerning the financial reporting, auditing, and financial management of the District Council.

Annotation: The District Councils Act, section 43, provides that a District Council may include a different date for the end of the fiscal year in their Bylaws. Article 21.2 **may be altered.**

- 21.2 The fiscal year of the District Council will end on the 31st day of March in each year.

Annotation: Article 21.3 **may not be altered.**

- 21.3 The books, accounts, and records of the District Council will be audited at least once yearly in accordance with OMG Laws (including any regulations and policies established under such Laws) and the Act.

Annotation: The Societies Act requires that the District Council prepare audited financial statements that are submitted to the Citizens of the District. Article 21.4 **may not be altered.**

- 21.4 A financial statement setting out the District Council's income, disbursements, individual expenses of the District Councillors, assets, and liabilities will be audited and signed by the District Council's auditor and presented at the Annual District Gathering in accordance with OMG Laws.

ARTICLE 22 BOOKS AND RECORDS OF THE DISTRICT COUNCIL

Annotation: Article 22.1 **may not be altered.** A District Council may include additional rules regarding books and records as long as those rules do not conflict with OMG Laws or the Societies Act.

- 22.1 The District Councillors will ensure that all necessary books and records of the District Council required by these Bylaws or any applicable statute or OMG Law, are regularly and properly kept in accordance with OMG Laws and the Act.

Annotation: Article 22.2 **may not be altered.** District Councils Act, sections 25(b) & 35 provide that the District Secretary is responsible for keeping minutes.

District Councils Act, s. 26(a) provides that the District Treasurer is responsible for keeping receipts and disbursements, books.

22.2 In addition to requirements established through policies by the District Councillors:

- (a) responsibility for keeping and maintaining minutes of the District Councillors, the Annual District Gatherings, and any Special District Gatherings will be as set out in OMG Laws;
- (b) responsible for keeping or causing to be kept a full and accurate account of receipts and disbursements and books belonging to the District Council will be as set out in OMG Laws.

Annotation: Article 22.3 *may not be altered* as it reproduces the rule at section 49(2) of the District Councils Act.

22.3 All accounting records and other books and records of the District Council will be kept at such place in the Province of Alberta as the District Councillors may decide and must at all times be open for inspection by any Citizen upon written application to the District Councillors.

ARTICLE 23 EXECUTION OF CONTRACTS AND OTHER DOCUMENTS

Annotation: Article 23 *may not be altered*.

23.1 Contracts and other documents requiring the signature of the District Council must be executed in accordance with OMG Laws.

ARTICLE 24 SEAL

Annotation: Article 24 *may not be altered*. The Societies Act (Alberta) requires the bylaws of a District Council to provide for the seal of the District Council. Article 25 of the Model Bylaws provides that the District Council will have a seal that will be kept by the District Secretary.

24.1 The District Council will have a seal in accordance with OMG Laws, and the seal will be kept, and used in accordance with OMG Laws.

ARTICLE 25 AMENDMENTS TO THE DISTRICT COUNCIL'S BYLAWS

Annotation: Article 25 *may not be altered*. Section 12 of the District Councils Act and the Societies Act require that bylaws of a District Council can only be amended or replaced by a Special Resolution of the Citizens of the District.

25.1 These Bylaws may be rescinded, altered, or added to only by:

- (a) special resolution of the Citizens of the District passed at a District Gathering; and
- (b) resolution of the Citizens' Council ratifying the special resolution of the Citizens of the District, whose ratification shall not be withheld unless the Bylaws do not conform to the Constitution or OMG Law.

ARTICLE 26 TRANSITION

Annotation: Articles 26.1 and 26.2 only apply to District Councils that are transitioning from a Local or Locals and, when they apply, ***may not be altered*** other than as required to reflect necessary transition matters. The MNA is available to assist Locals with the appropriate transition language to be included in this Article 26.

*For a District Council located in a District with no Local Councils, Articles 26.1 and 26.2 should be **deleted**.*

- 26.1 The District Council is the successor of the [NTD: Name(s) of relevant Local Council(s)].
- 26.2 Until the first election of the District Councillors as required under Article 26.3, the Local Council of [NTD: Name of relevant Local Council] will serve as the District Councillors, and the President thereof will serve as the District Captain.

Annotation: Article 26.3 ***may not be altered***.

- 26.3 An election of the District Councillors will be held within 180 days of the date the District Council is established and, unless re-elected, all District Councillors who held office prior to such election will cease to hold office on the date the results of such election are certified.

Appendix “A”: Otipemisiwak Métis Government Constitution

Disclaimer: Appendix A has been omitted from this draft of the Model District Council Bylaws.