

OTIPEMISIWAK MÉTIS GOVERNMENT

BILL 2024-01

An Act to amend the *District Boundaries Act*


FIRST READING
MAY 29, 2024

SUMMARY

This enactment amends the *District Boundaries Act* to:

- (a) increase the number of members to be appointed to a District Boundaries Commission to six (6), comprising a chairperson and five (5) other members; and
- (b) remove the ability of the chairperson to vote on motions of a District Boundaries Commission except when required to break a tie;

to maintain the principle of equal and balanced representation of each of the Territories of the Otipemisiwak Métis Government.



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District Boundaries Act

AMENDMENTS TO THE ACT

1. Section 9 of the Act is amended by:

- a. replacing “must appoint five (5) members to a Commission” with “must appoint six (6) members to a Commission; and
- b. replacing “being a chairperson and four (4) other members” with “being a chairperson and five (5) other members”.

2. Section 10 of the Act is amended by:

- a. replacing the following line in subsection (4): “The four (4) remaining members of a Commission must be Citizens eligible to vote under the Constitution and Otipemisiwak Métis Government Law.” with “The five (5) remaining members of a Commission must be Citizens eligible to vote under the Constitution and Otipemisiwak Métis Government Law.”

3. Section 16 of the Act is amended by:

- a. adding the following paragraph as subsection (2): “The chairperson must not vote on any decision of the District Boundaries Commission, except when required to break a tie.”; and
- b. renumbering the existing subsection (2) as subsection (3).

**SCHEDULE I:
EXCERPT OF AMENDED PROVISIONS**

District Boundaries Act (as amended)

Appointment of members of a Commission

9 The Citizens' Council must appoint six (6) members to a Commission, being a chairperson and five (5) other members.

Qualifications of members

10 (4) The five (5) remaining members of a Commission must be Citizens eligible to vote under the Constitution and Otipemisiwak Métis Government Law.

Voting

16 (1) Each member has one (1) vote for each decision of the Commission.

(2) The chairperson must not vote on any decision of the Commission, except when required to break a tie.

(3) If there is a tie in votes at a Commission's meeting, the chairperson has a deciding vote.

MÉTIS VOICES. OTIPEMISIWAK MÉTIS GOVERNMENT.



DISTRICT BOUNDARIES ACT

Journey to Otipemisiwak Métis Government

SEPTEMBER 2023

Otipemisiwak Métis Government District Boundaries Act

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PREAMBLE

WHEREAS section 15.1 of the *Otipemisiwak Métis Government Constitution* provides that the Territories of the Métis Nation within Alberta are subdivided into Districts for the purposes of good governance and the effective representation of Citizens;

WHEREAS section 15.2 of the *Otipemisiwak Métis Government Constitution* provides that the Otipemisiwak Métis Government shall maintain a law setting out:

- (a) the criteria and process for the establishment or alteration of Districts; and
- (b) the boundaries of all Districts.

WHEREAS section 31.1 of the *Otipemisiwak Métis Government Constitution* provides that wherever the *Otipemisiwak Métis Government Constitution* provides that the Otipemisiwak Métis Government shall maintain a law regarding a matter, the Métis Nation of Alberta Association's Provincial Council shall adopt such laws by resolution, which will be considered laws of the Otipemisiwak Métis Government, prior to the coming into force of the Constitution;

NOW THEREFORE the Otipemisiwak Métis Government enacts as follows:

PART I: INTRODUCTORY PROVISIONS

Short title

1 This Act may be cited as the *District Boundaries Act*.

Application

2 This Act applies to the establishment of Districts and the alteration of District boundaries and names.

Definitions

3 In this Act:

- (a) “**Act**” means the *District Boundaries Act*, including its Schedules and any amendments to the Act;
- (b) “**Chair**” means the person appointed to the office of Chair of the Otipemisiwak Métis Government;
- (c) “**chairperson**” means the person appointed to the role of chairperson of a Commission under section 9 of this Act;
- (d) “**Commission**” means a District Boundaries Commission of the Otipemisiwak Métis Government established under section 8 of this Act;
- (e) “**Constitution**” means the *Otipemisiwak Métis Government Constitution*;
- (f) “**District**” means a subdivision of the Territories as established under the Constitution and this Act;
- (g) “**member**” means a person appointed to a Commission under section 9 of this Act and includes the chairperson; and
- (h) “**Territory**” means an integral and indivisible component of the Métis Nation within Alberta depicted in Schedule A to the Constitution.

PART II: ESTABLISHMENT OF DISTRICTS

Establishment of Districts

4 (1) The Territories are hereby subdivided into a maximum of 22 Districts with the boundaries and names as set out in Schedule A to this Act.

(2) A District's boundary may not extend beyond the boundary of the Territory in which it is located.

PART III: CRITERIA FOR ALTERATION OF DISTRICT BOUNDARIES AND NAMES

Criteria for altering District boundaries

5 In making recommendations as to the alteration of District boundaries, a Commission or a District Council must consider the following criteria, in accordance with this Act:

- (a) effective representation of Citizens;
- (b) historic Métis presence in the area;
- (c) the location of former Métis local(s) affiliated with the Métis Nation of Alberta Association;
- (d) the location of Metis Settlement(s) within the meaning of Alberta's *Metis Settlements Act*;
- (e) input from District Councils and Citizens;
- (f) demographic considerations including the sparsity, density, or rate of growth of the population of Citizens in any part of Alberta;
- (g) geographic considerations including:
 - (i) remoteness and accessibility, including the availability and means of communication and transportation between various parts of Alberta;
 - (ii) size, area, and shape of Districts; and
 - (iii) natural geographical features and artificial geographical features such as roads;
- (h) common community interests including a distinctive collective identity, living together in the same geographic area, and sharing a common way of life;
- (i) traditional land use;
- (j) the representation of both urban and remote community interests;

- (k) existing political and administrative boundaries; and
- (l) the desirability of understandable and clear boundaries.

Criteria for altering District names

6 (1) In making recommendations regarding altering District names, a Commission or a District Council must consider, in accordance with this Act:

- (a) Citizens' input;
- (b) the history and culture of Métis; and
- (c) the natural geographical features in the affected District.

(2) The name of a District must not be confusing or obscene.

PART IV: DISTRICT BOUNDARIES COMMISSIONS

Duties of a Commission

7 (1) A Commission's duties include:

- (a) reviewing the existing District boundaries and names established under this Act; and
- (b) making recommendations as to the alteration of District boundaries and names in accordance with the procedure and criteria set out in this Act.

(2) The members of a Commission must act impartially and in good faith in the exercise of their duties and functions.

Establishment of a District Boundaries Commission

8 A Commission must be established by the Citizens' Council:

- (a) no later than one (1) year after the Constitution comes into force; and
- (b) after that, in the 180 days following every second general election.

Appointment of members of a Commission

9 The Citizens' Council must appoint five (5) members to a Commission, being a chairperson and four (4) other members.

Qualifications of members

10 (1) There must be a member ordinarily resident in each of the Territories.

(2) The members of a Commission must reflect the diversity of the Citizens of the Métis Nation within Alberta, including but not limited to age, gender, and rural and urban backgrounds.

(3) The Citizen's Council must appoint a chairperson:

(a) who is either:

(i) the Chair;

(ii) Chief Electoral Officer; or

(iii) a member or a former member of the Judicial Branch, or a former member of the Métis Judiciary Council; and

(b) is responsible for the administration and operation of a Commission.

(4) The four (4) remaining members of a Commission must be Citizens eligible to vote under the Constitution and Otipemisiwak Métis Government Law.

Ineligibility

11 A member of a Commission may not be:

(a) an elected member of the Citizens' Council, a District Council, the Legislative Assembly of Alberta, or the House of Commons; or

(b) an employee of the Otipemisiwak Métis Government.

Term of member

12 The term of a member of a Commission:

(a) commences on the date the member delivers a written acceptance of their appointment to the Chair; and

(b) ends on the date:

(i) the Commission completes its duties under this Act;

(ii) they resign; or

(iii) they are removed from their appointment by special resolution of the Citizens' Council.

Remuneration

13 (1) A member of a Commission is entitled to be remunerated for their services on a Commission payable at a rate:

(a) determined by Citizens' Council; and

(b) that must be comparable to the remuneration of persons having similar authority and responsibility elsewhere in Canada; and

(2) A member of a Commission is entitled to be reimbursed for their reasonable travelling and living expenses while away from their ordinary place of residence in the course of their duties as members of a Commission.

Quorum

14 The quorum for a Commission meeting is three (3) members.

Decision-making

15 All Commission decisions must be made by a majority vote.

Voting

16 (1) Each member has one (1) vote for each decision of the Commission.

(2) If there is a tie in votes at a Commission's meeting, the chairperson has a deciding vote.

Rules of procedure

17 A Commission may make rules governing its proceedings, including the conduct of its business, any hearing held by one or more of its members, and the acceptance of written submissions.

Staff

18 (1) A Commission may employ or retain persons that it considers necessary for the administration and operation of a Commission, including a person to provide administrative and secretarial services to the Commission.

(2) Subject to the approval of the Citizens' Council, a Commission may determine the conditions of employment, the remuneration, and reimbursement for expenses of the persons employed or retained by the Commission.

PART V: PROCEDURE FOR ALTERING DISTRICT BOUNDARIES AND NAMES

Consultations

19 (1) Before issuing its preliminary report under section 23 of this Act, a Commission must give all District Councils an opportunity to provide any recommendations a District Council may have for altering its District's boundary or name.

(2) If a Commission proposes to alter a District boundary or name in its preliminary report under section 23 of this Act, the Commission must then:

(a) hold at least one (1) public hearing in the affected District; and

(b) if a District Council has been established in that District, consult with that District Council.

Public hearings

20 (1) A Commission may hold hearings at the places and times it considers appropriate to enable representations to be made as to District boundaries and names.

(2) A Commission must give reasonable public notice of the time, place, and purpose of any public hearings held by it.

(3) Any Citizen may make representations at a public hearing or submit written submissions to the Commission in accordance with any rules of procedure made by the Commission under section 17 of this Act.

Recommendation from District Council

21 If a District Council wishes to recommend a change to its District's boundary or name, the District Council:

(a) must consult the Citizens ordinarily resident in its District; and

(b) may then submit to the Commission a recommendation for a change to its District's boundary or name in accordance with the criteria for District boundaries and names under this Act to the Commission.

Commission bound by District Council recommendation

22 (1) If a Commission receives a joint recommendation for the alteration of a boundary from all the District Councils whose Districts share that boundary in accordance with the criteria for District boundaries under this Act, the Commission must recommend that boundary change in its final report under section 24 of this Act.

(2) If a Commission receives a recommendation from a District Council for a change to that District's name in accordance with the criteria for District names under this Act, the Commission must recommend that name in its final report under section 24 of this Act.

Preliminary report

23 (1) Within one (1) year of the date on which a Commission is established, the Commission must submit to the President a report that:

(a) includes a description and map of any proposed alterations to District boundaries and the reasons justifying any proposed alterations to District boundaries based on the criteria under section 5 of this Act; and

(b) includes any proposed changes to District names and the reasons justifying any proposals in accordance with section 6 of this Act.

(2) On receipt of the report under subsection (1), the President must cause the report to be made public.

Final report

24 (1) Within 180 days of the date it submits the preliminary report under section 23 of this Act, a Commission must, after considering any representations made to it, submit a final report to the President.

(2) A final report must include the content listed under subsection (1) of section 23 of this Act.

(3) The President must:

(a) make the final report public in the same manner as the preliminary report under section 23 of this Act; and

(b) table the final report before the Citizen's Council during the Citizens' Council's first meeting following the publication of the Commission's final report.

Time extension

25 The Citizens' Council may extend the time to prepare the preliminary report under section 23 of this Act or the final report under section 24 of this Act as it considers necessary.

District boundaries and names bill

26 (1) At the first meeting of the Citizens' Council following the publication of the final report under section 24 of this Act, the President must introduce a bill to amend Schedule A of this Act to establish any new District boundaries and names in accordance with the Commission's final report, except if the Commission recommends in its final report that no alterations to District boundaries or names be made.

(2) At a meeting of the Citizens' Council at least 30 days after a bill's introduction under subsection (1), the Citizens' Council may, by resolution, either:

- (a) adopt the bill, with or without amendment; or
- (b) send the bill back to the Commission with recommended amendments or questions for the Commission's consideration.

(3) No later than 30 days after receiving the bill for consideration under subsection (2):

- (a) a Commission must submit the Commission's responses to the President;
- (b) the President must table the Commission's responses at the Citizens' Council; and
- (c) President must re-introduce the bill with any amendments recommended by the Commission in its response.

Commencement date of bill

27 (1) A bill under section 26 of this Act must state that the amendments to Schedule A of this Act come into force on the date that the Chief Electoral Officer issues the notice of vote in the next general election following the bill's adoption.

(2) Until a bill under section 26 of this Act comes into force, the existing District boundaries and names as set out in Schedule A must be maintained.

PART VI: GENERAL

Powers of Chief Electoral Officer

28 (1) If a District boundary is uncertain, the Chief Electoral Officer may make a determination as to the District's boundary only to the extent necessary to correct the uncertainty for the purpose of conducting an election under the *Elections and Referenda Act*.

(2) If the Chief Electoral Officer makes a determination under subsection (1):

- (a) the Chief Electoral Officer must notify the Cabinet as soon as practicable of that determination and include the reasons for the determination in their report under section 118 of the *Elections and Referenda Act*; and
- (b) the next established Commission must consider the Chief Electoral Officer's determination under subsection (1).

Immunity

29 No proceedings lie against a Commission, a member of a Commission, or any person acting under the direction of a Commission, for anything done, or omitted to be done:

(a) in accordance with Otipemisiwak Metis Government Law; and

(b) in good faith in the exercise or performance or the intended exercise or performance of a power, duty, or function under this Act.

Power to make regulations

30 The Cabinet may make any regulations it deems necessary or advisable for the purposes of this Act.

Amendment

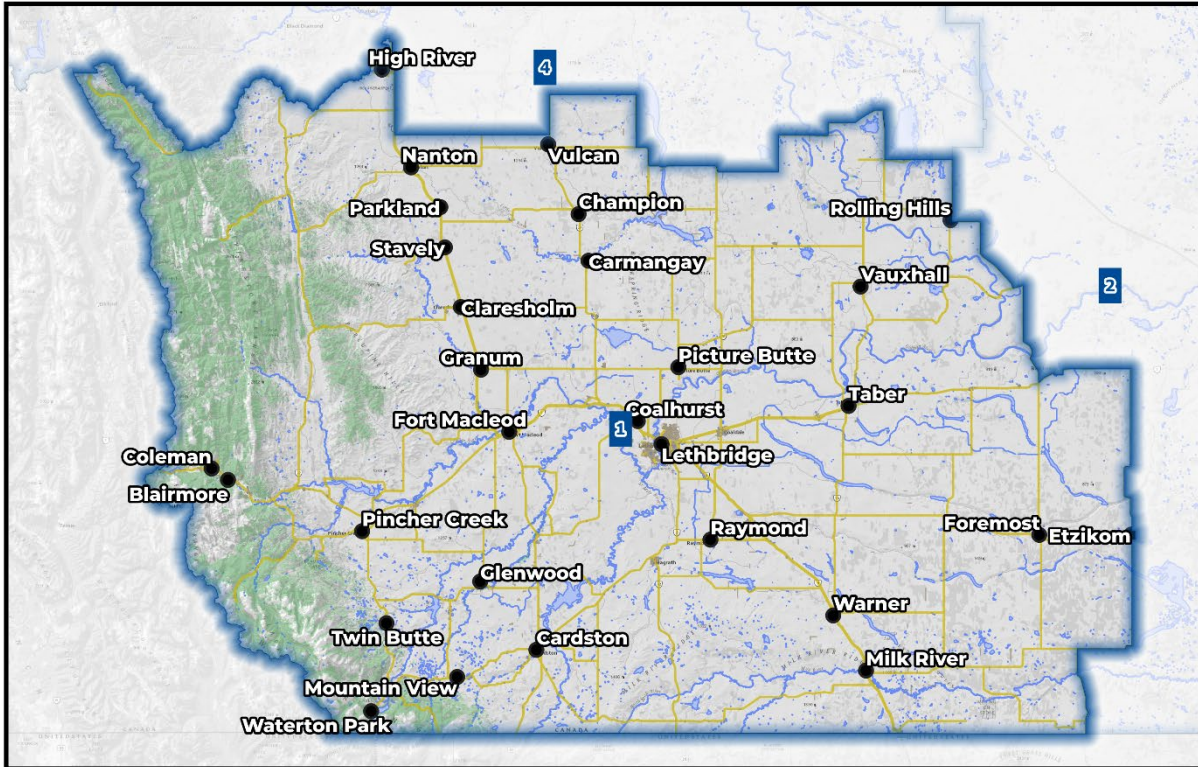
31 This Act may be amended in accordance with the procedure set out in Otipemisiwak Métis Government Law, except for Schedule A which may be amended or repealed only in accordance with the procedure set out in Part V of this Act.

Commencement

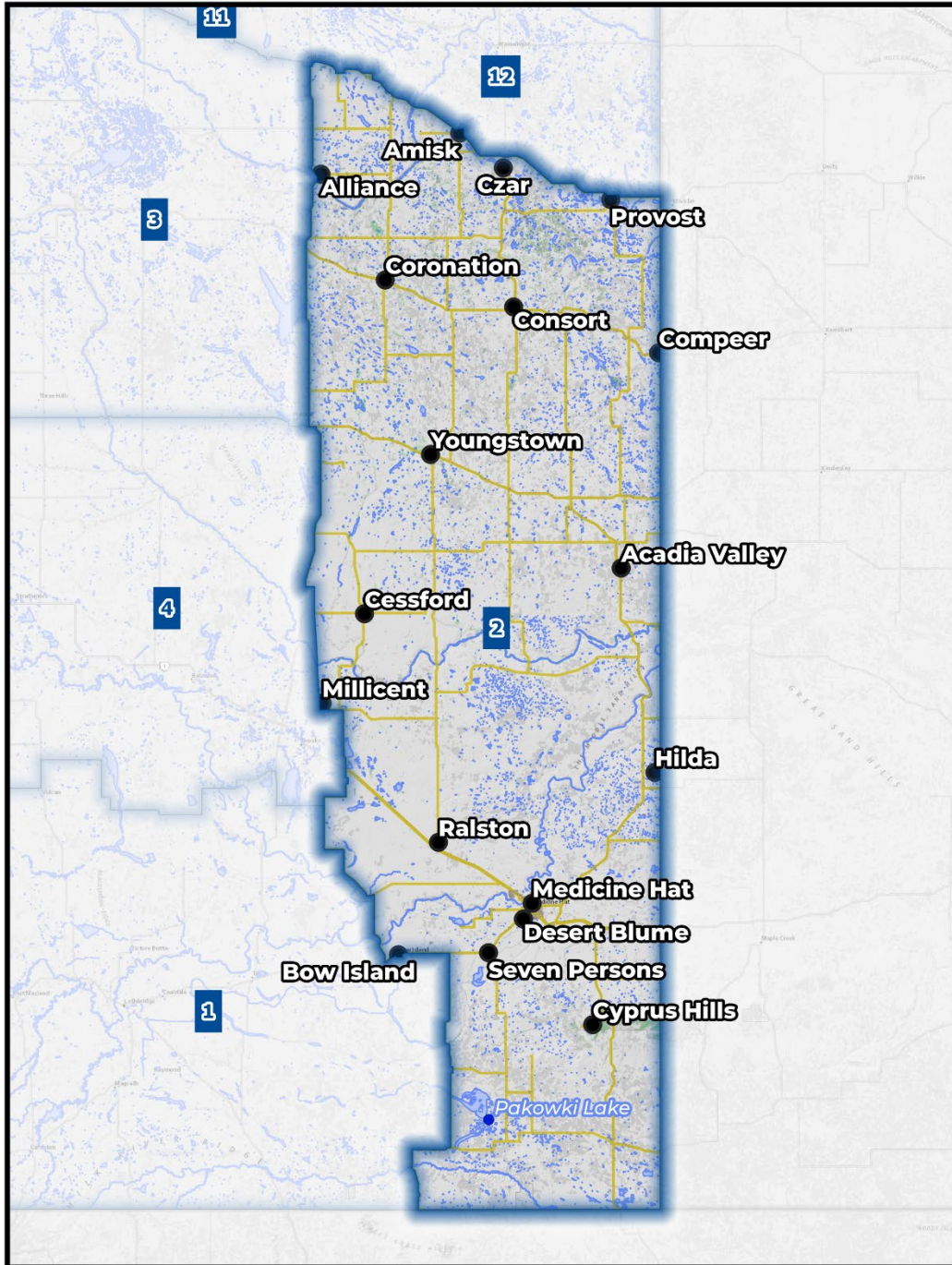
32 This Act comes into force on the date the Constitution comes into force.

SCHEDULE A: MAPS OF DISTRICT BOUNDARIES AND NAMES

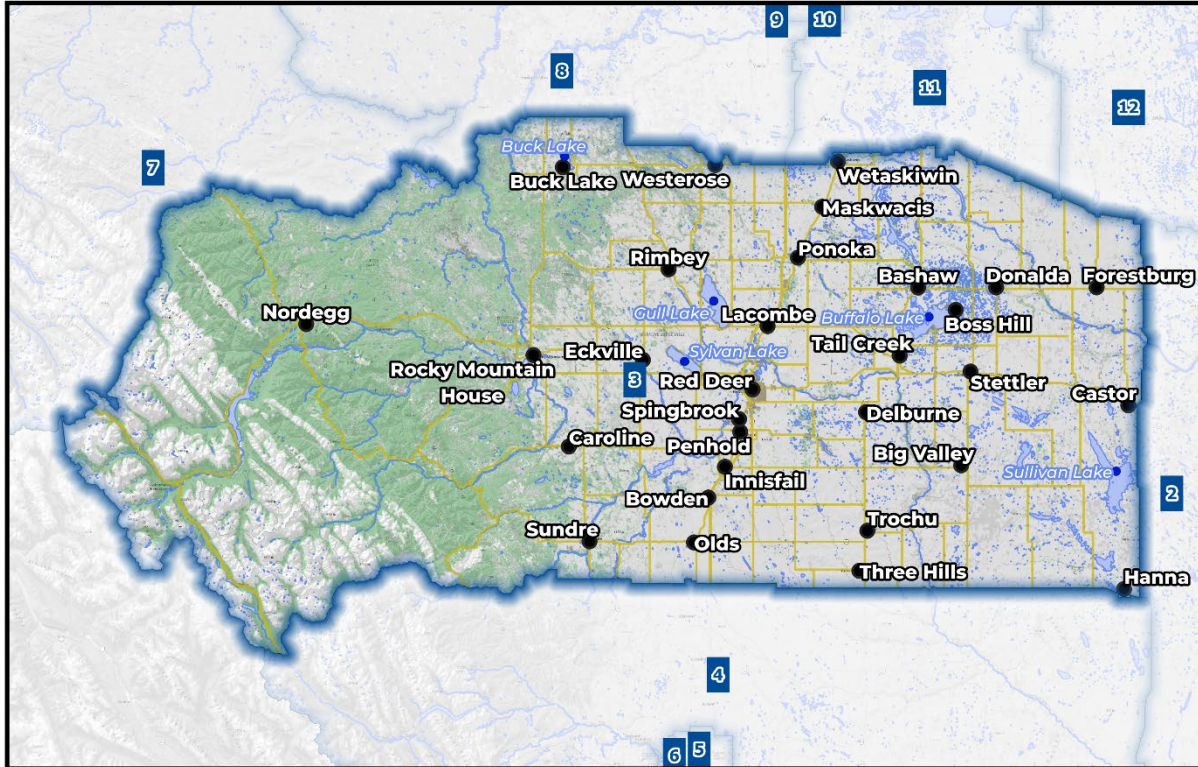
District 1: Foothills Métis District



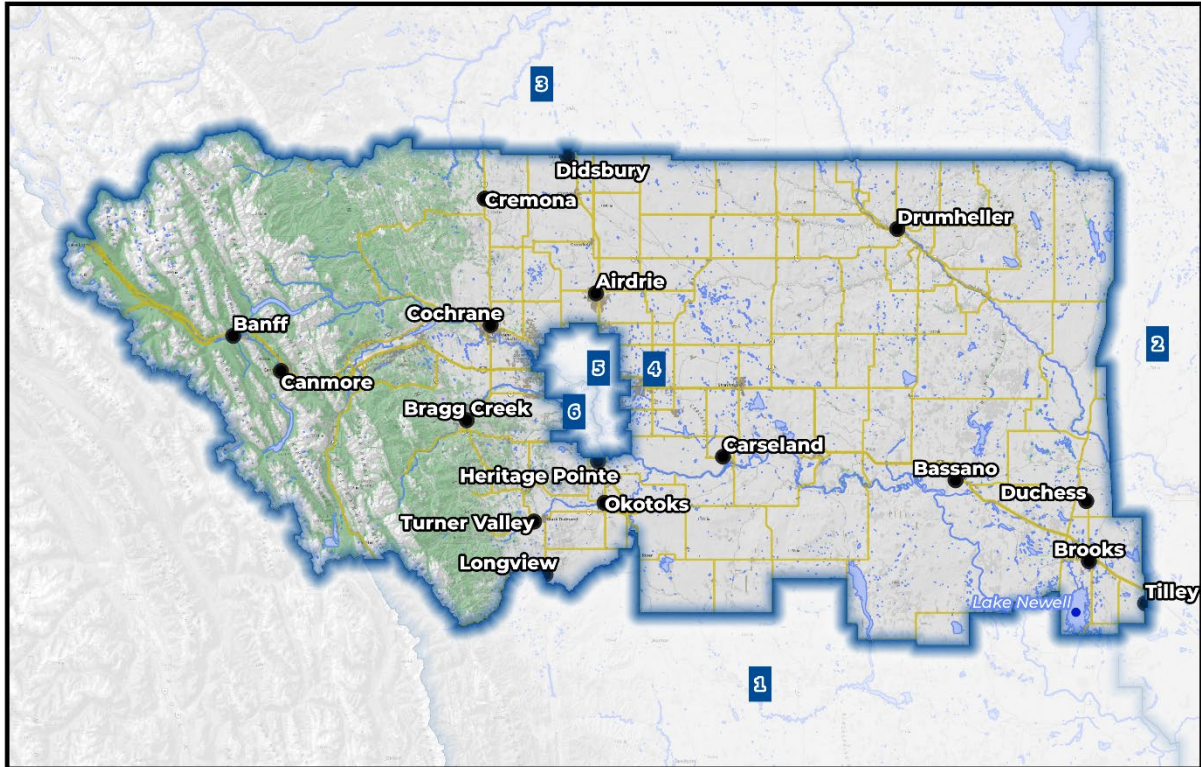
District 2: Medicine Hat Métis District



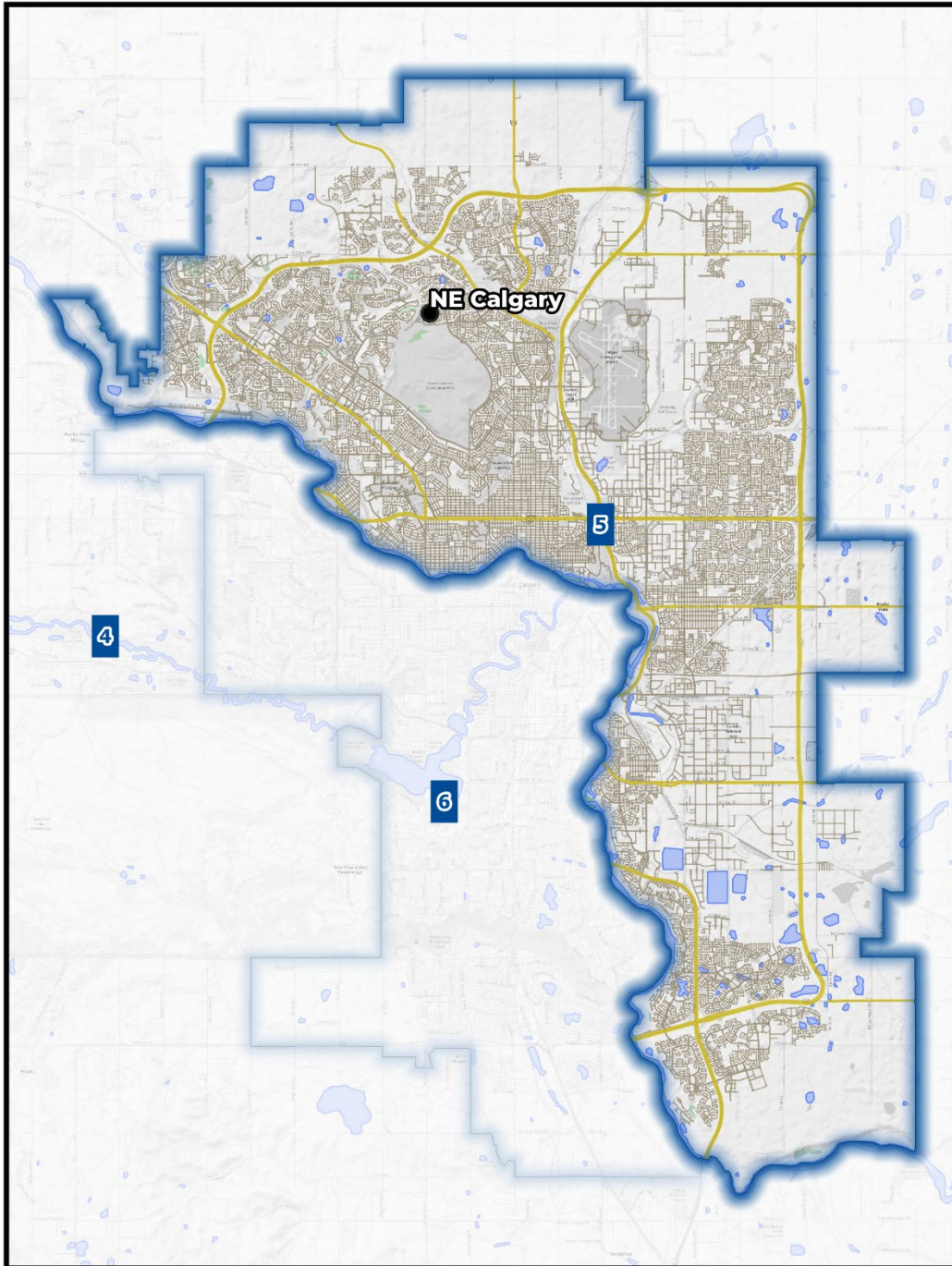
District 3: Red Deer Métis District



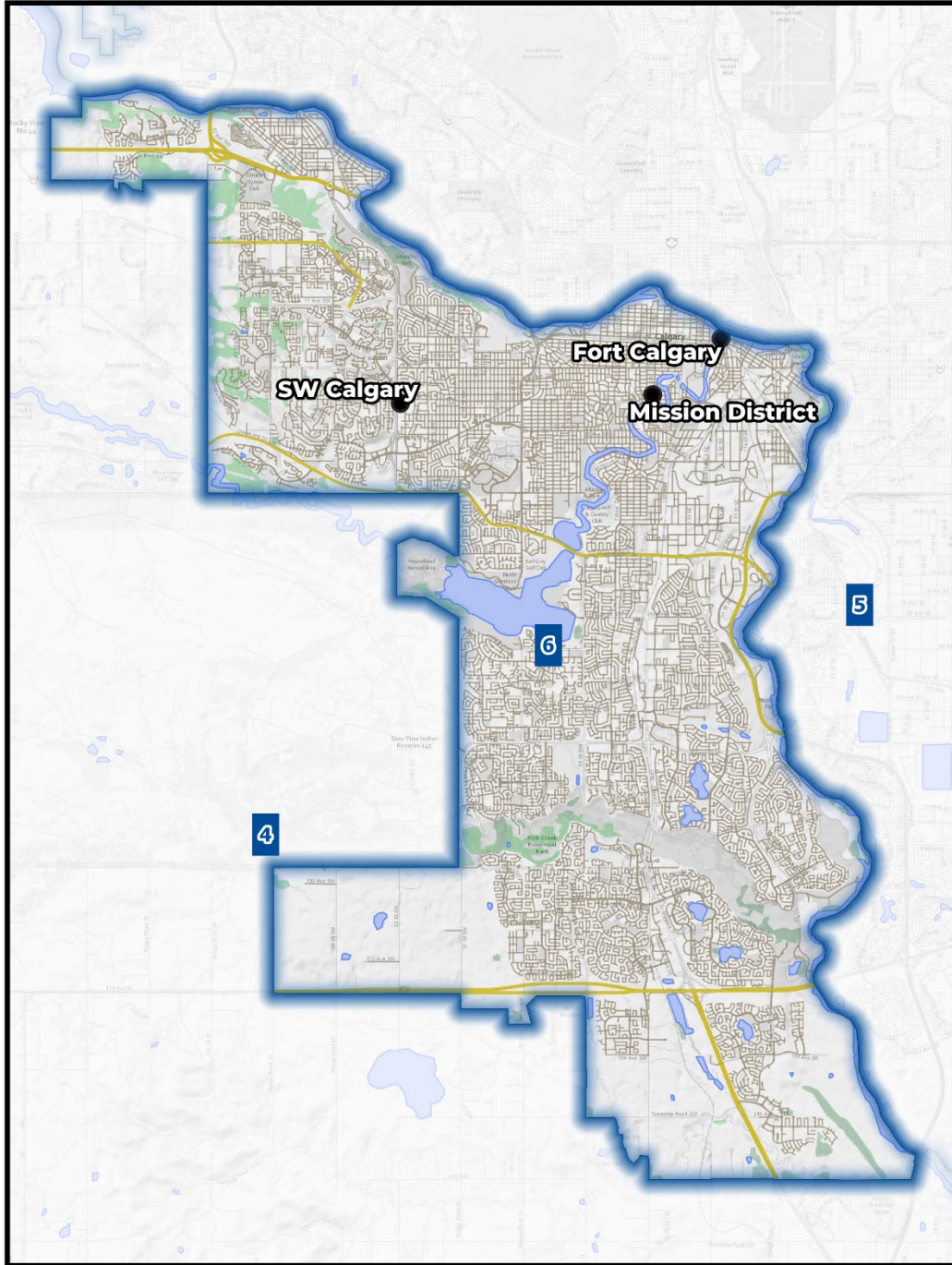
District 4: Rocky View Métis District



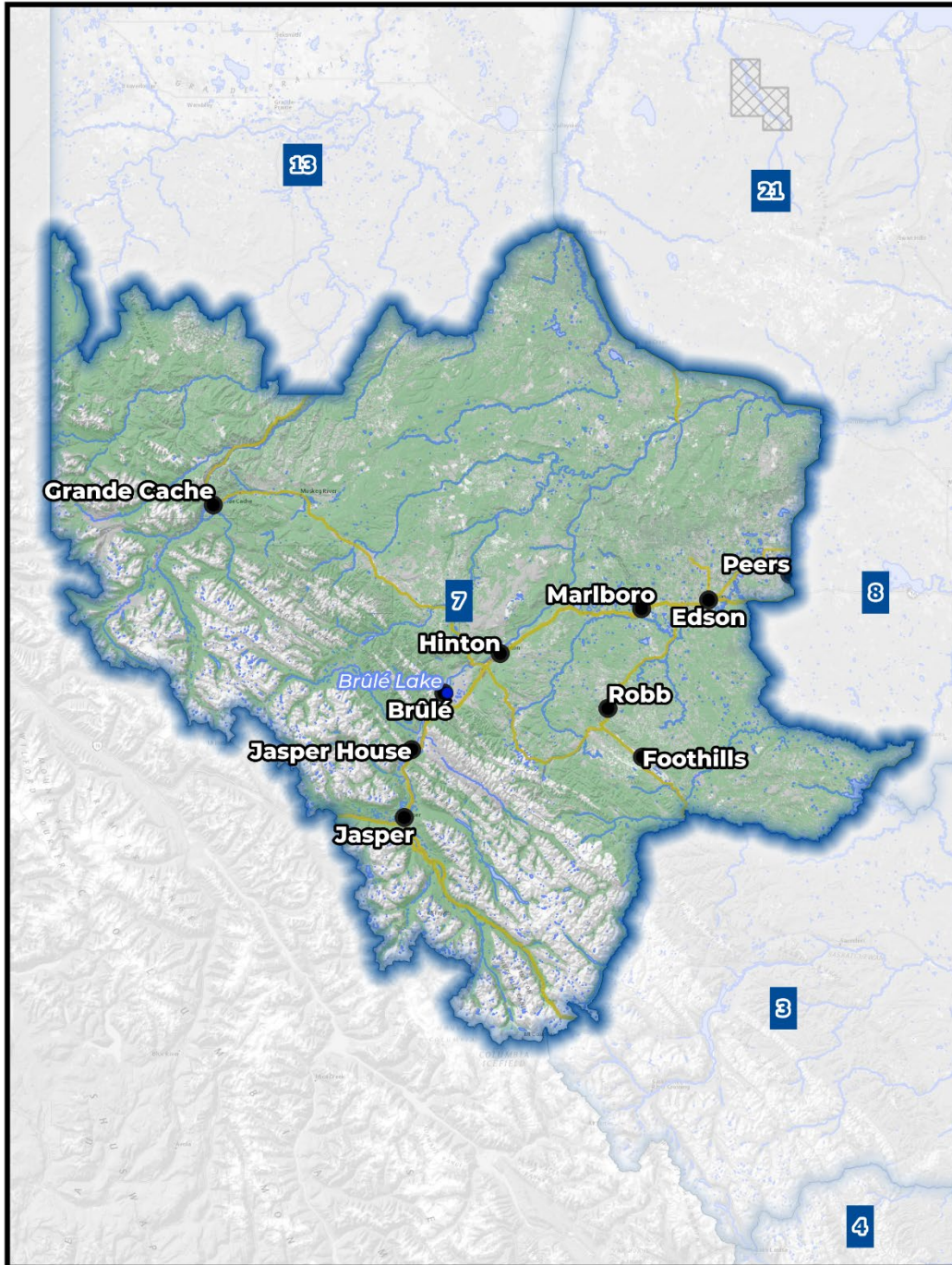
District 5: Calgary Nose Hill Métis District



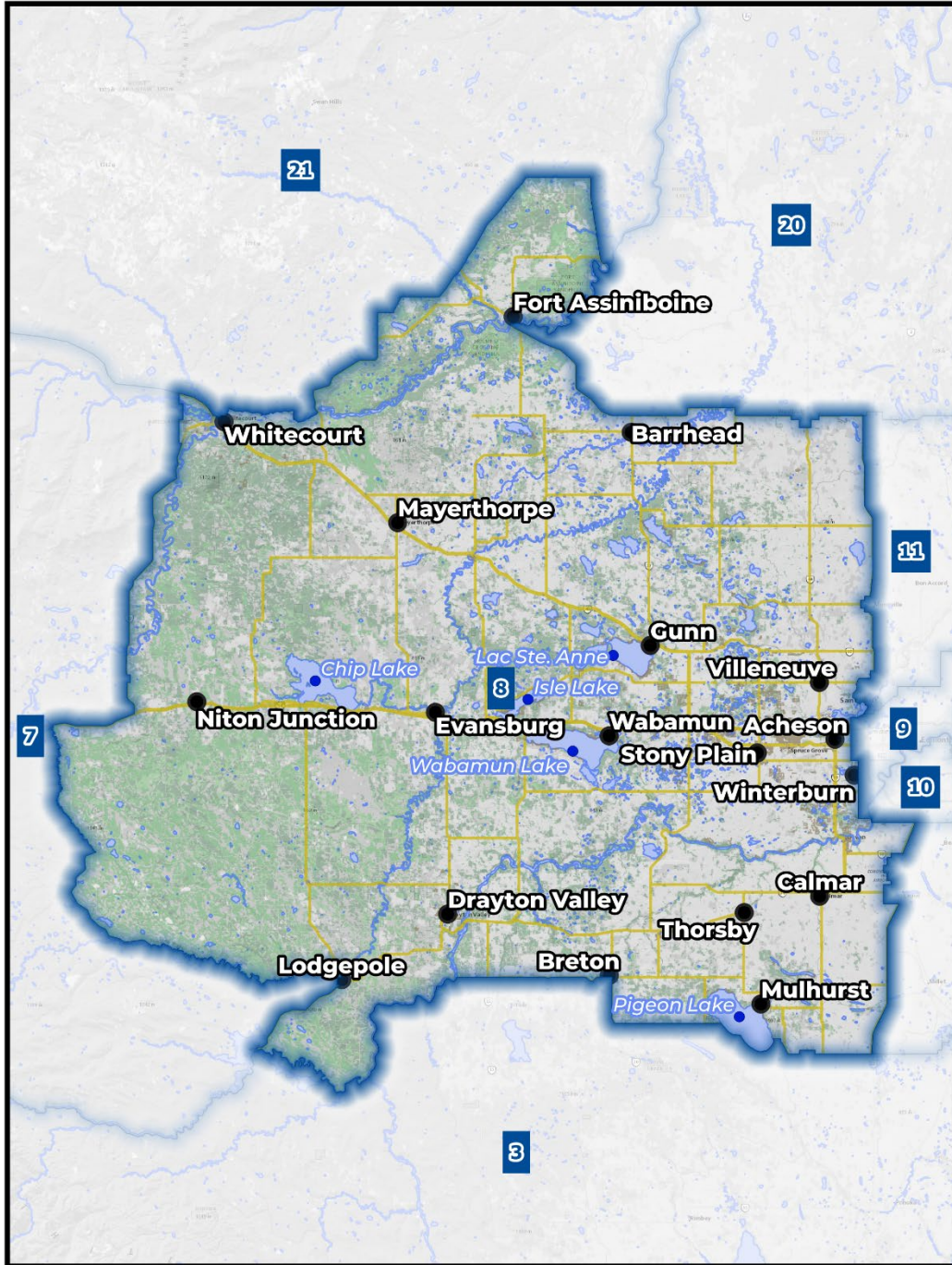
District 6: Calgary Elbow Métis District



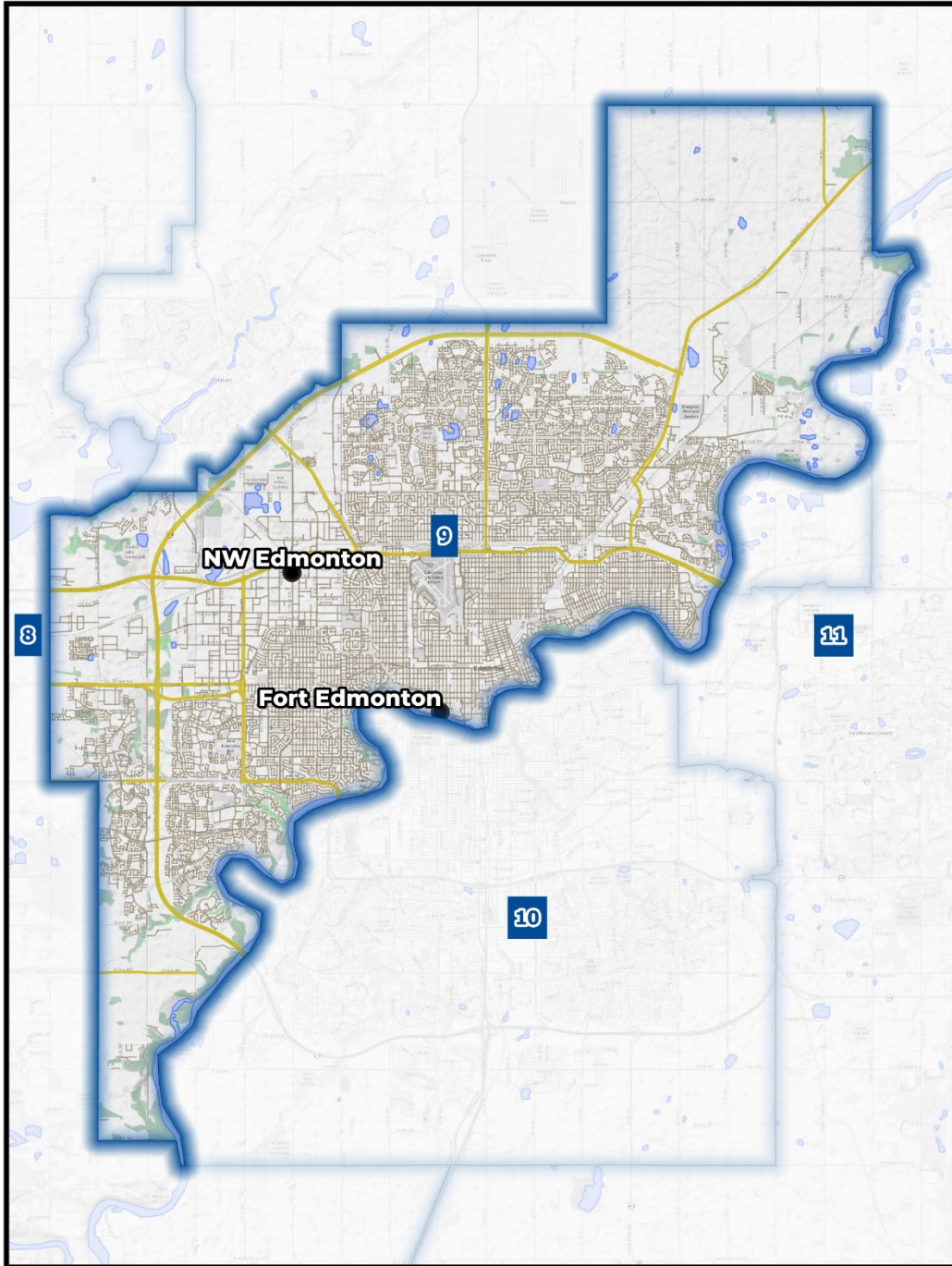
District 7: Jasper House Métis District



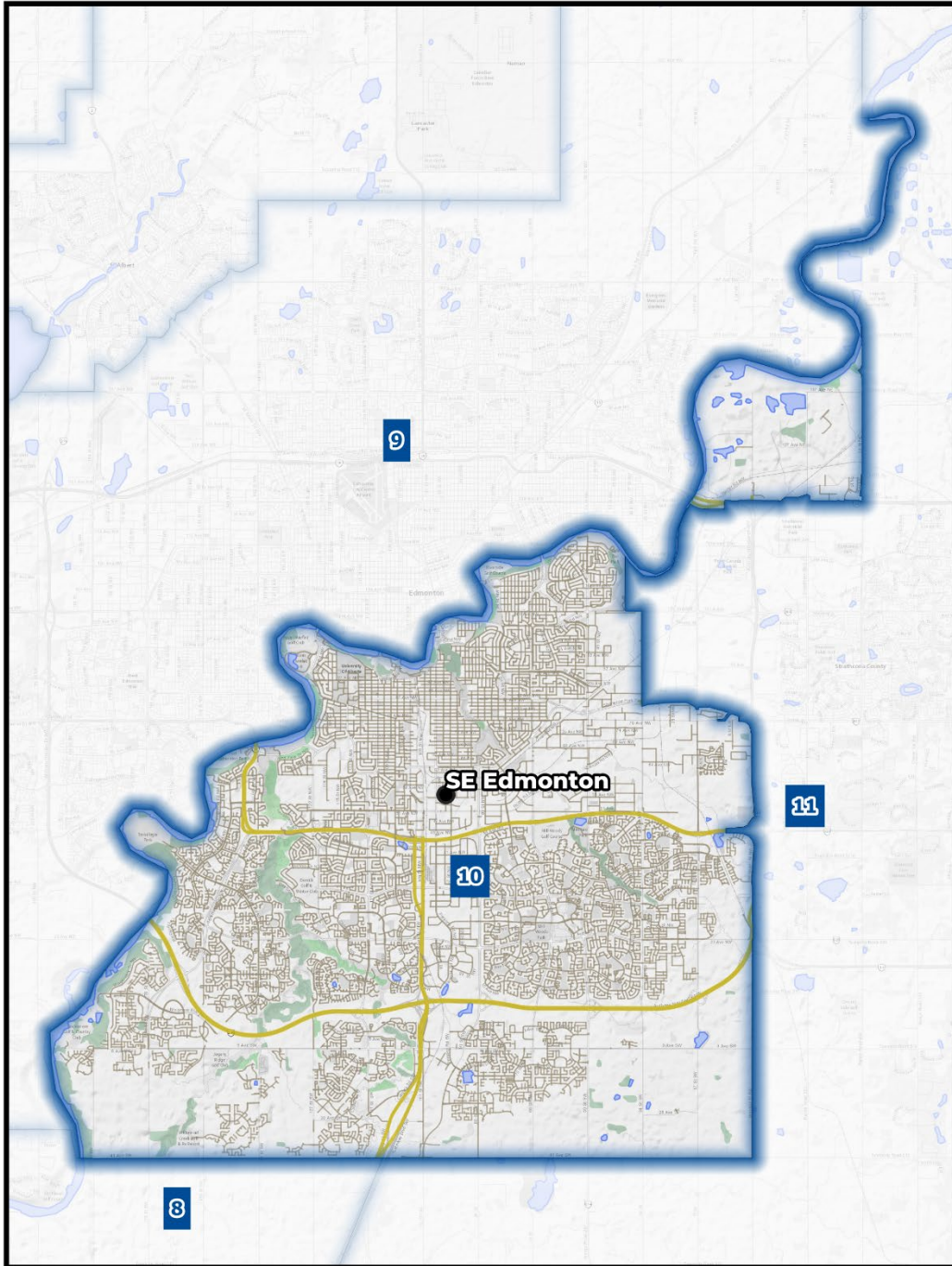
District 8: Lac Ste. Anne Métis District



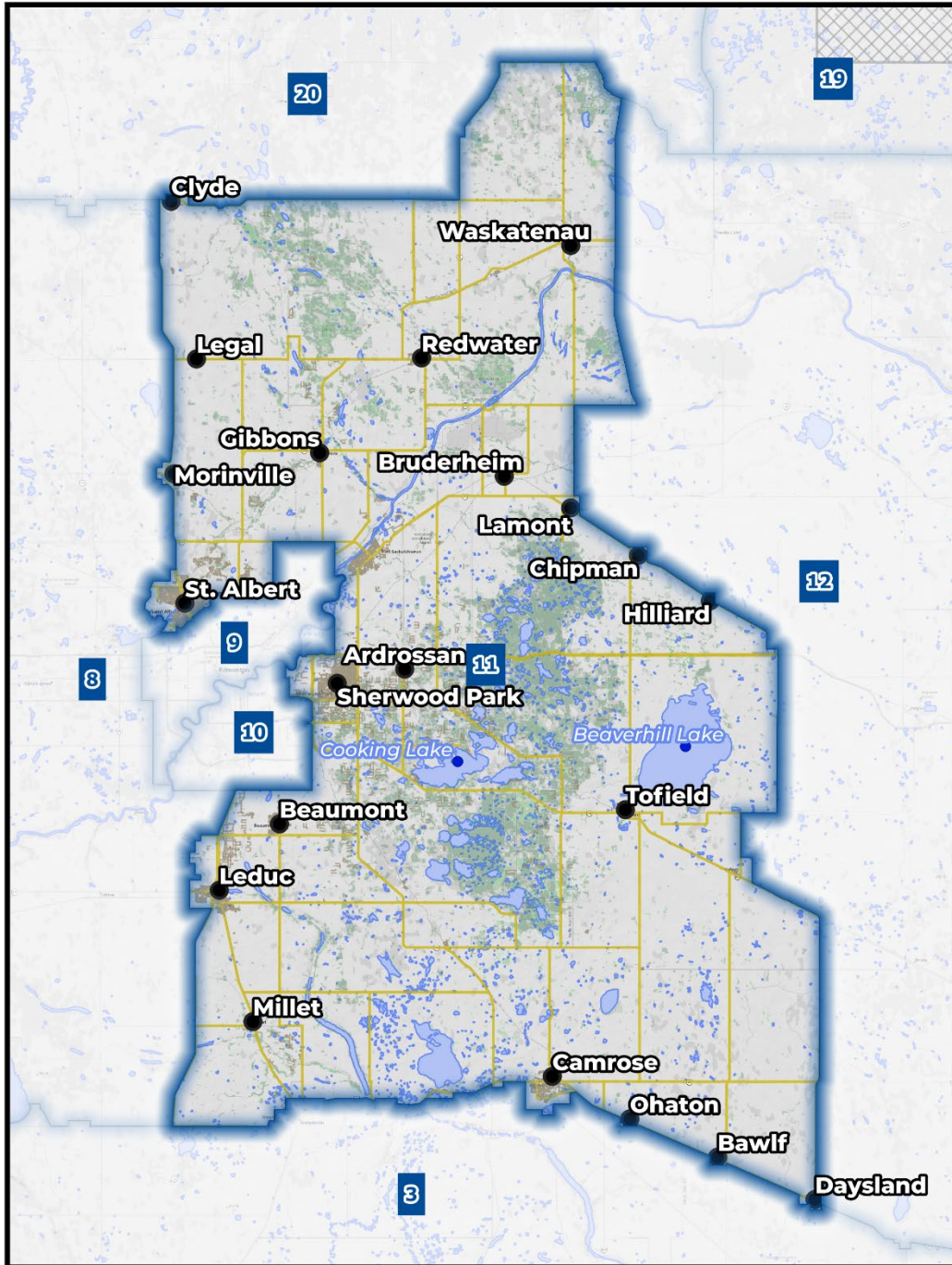
District 9: Fort Edmonton Métis District



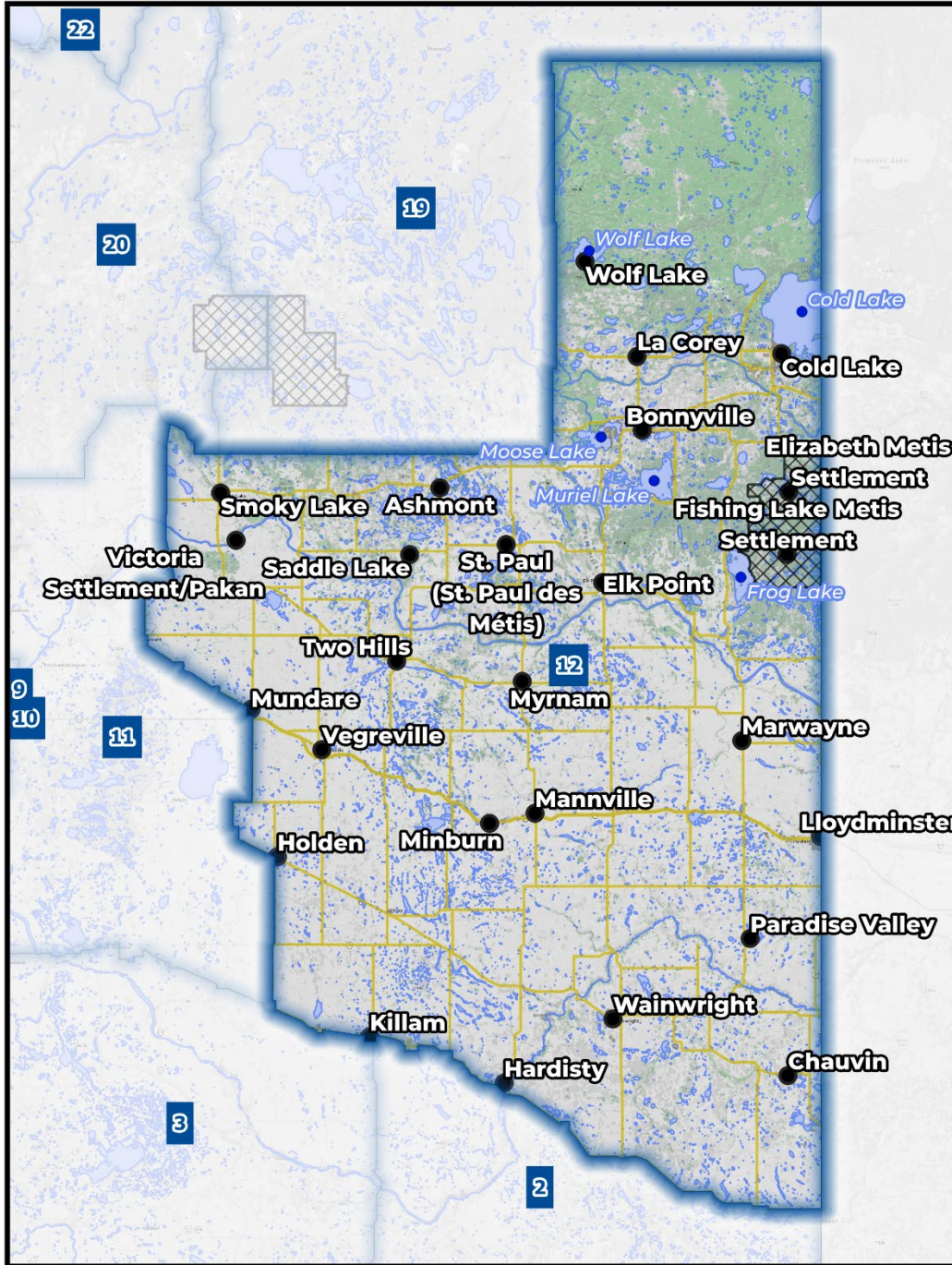
District 10: Edmonton Whitemud Métis District



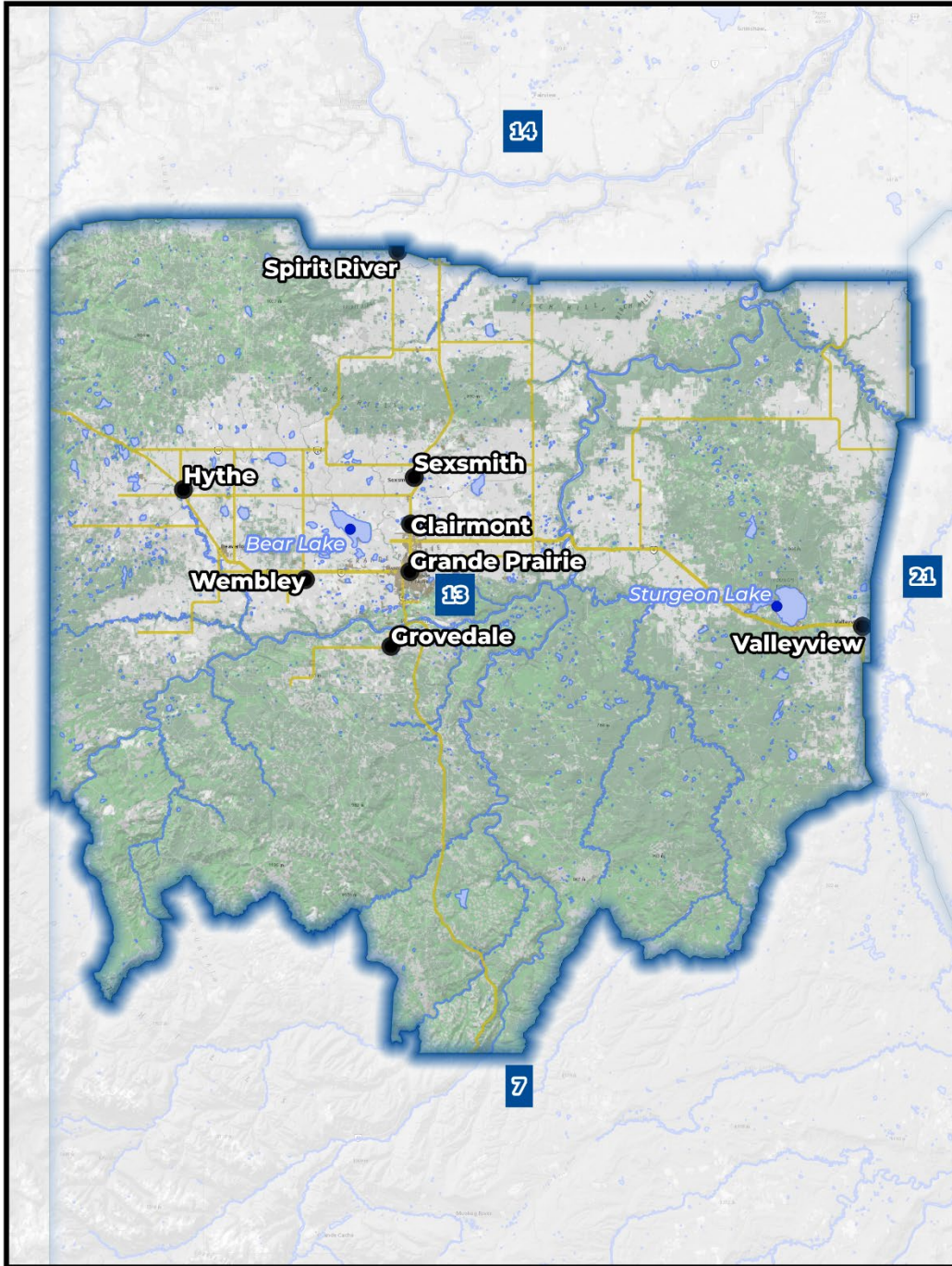
District 11: St. Albert Métis District



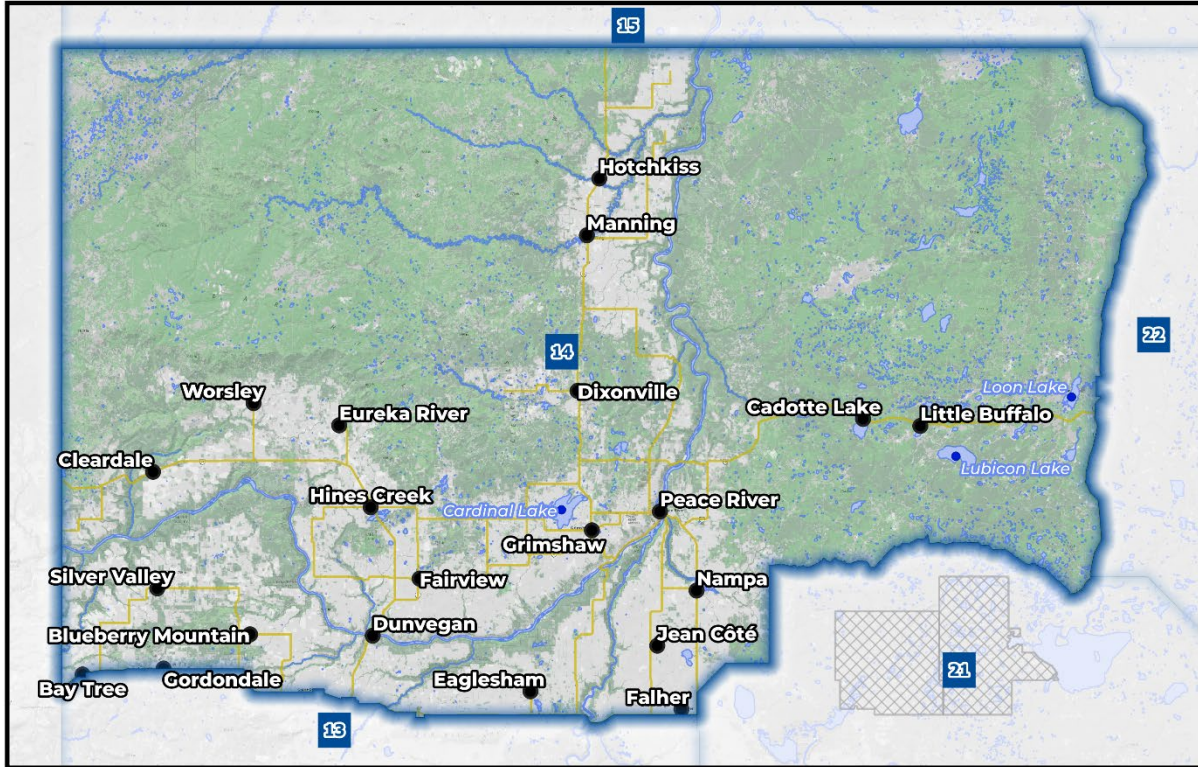
District 12: St. Paul-Cold Lake Métis District



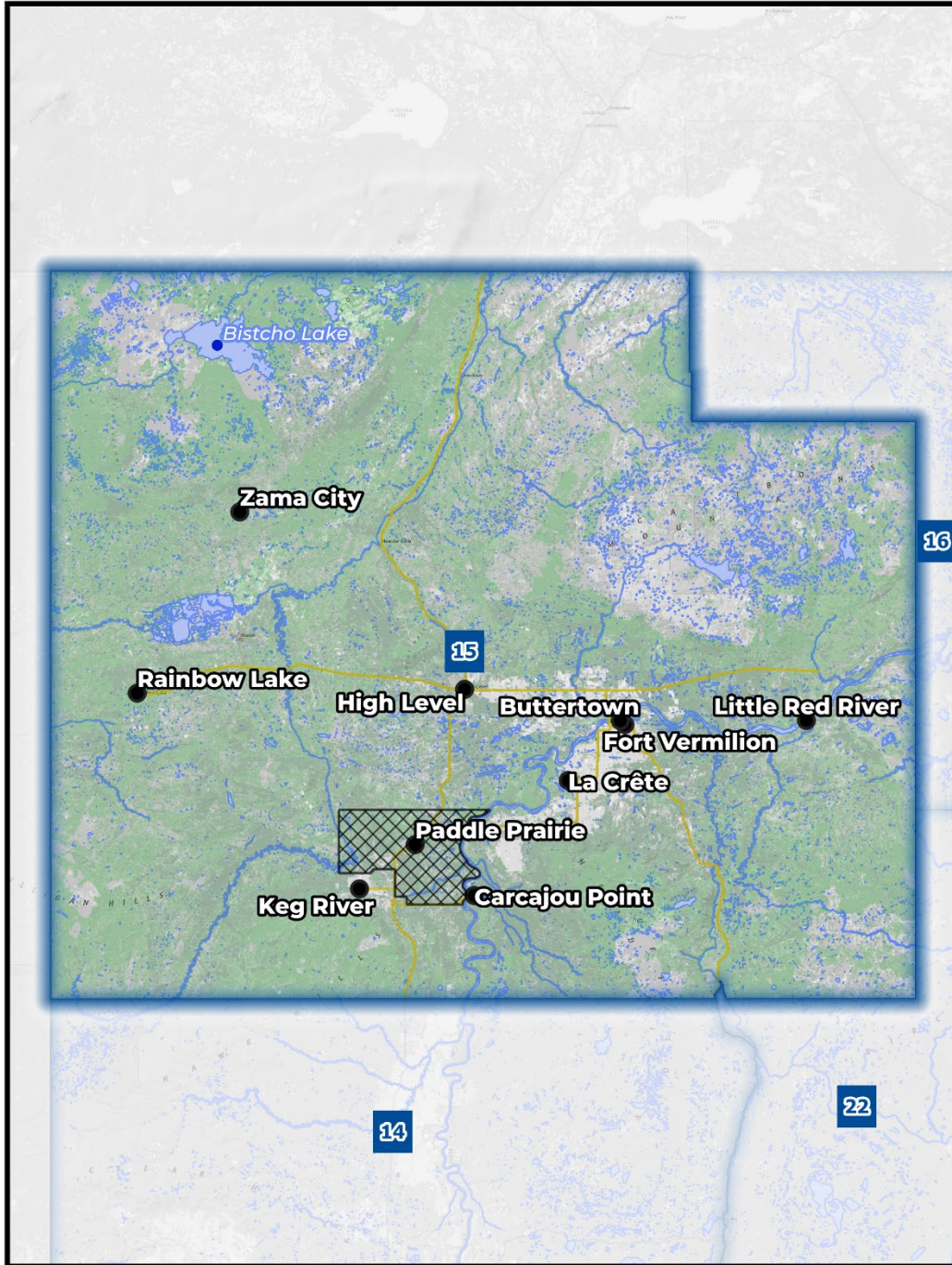
District 13: Grande Prairie Métis District



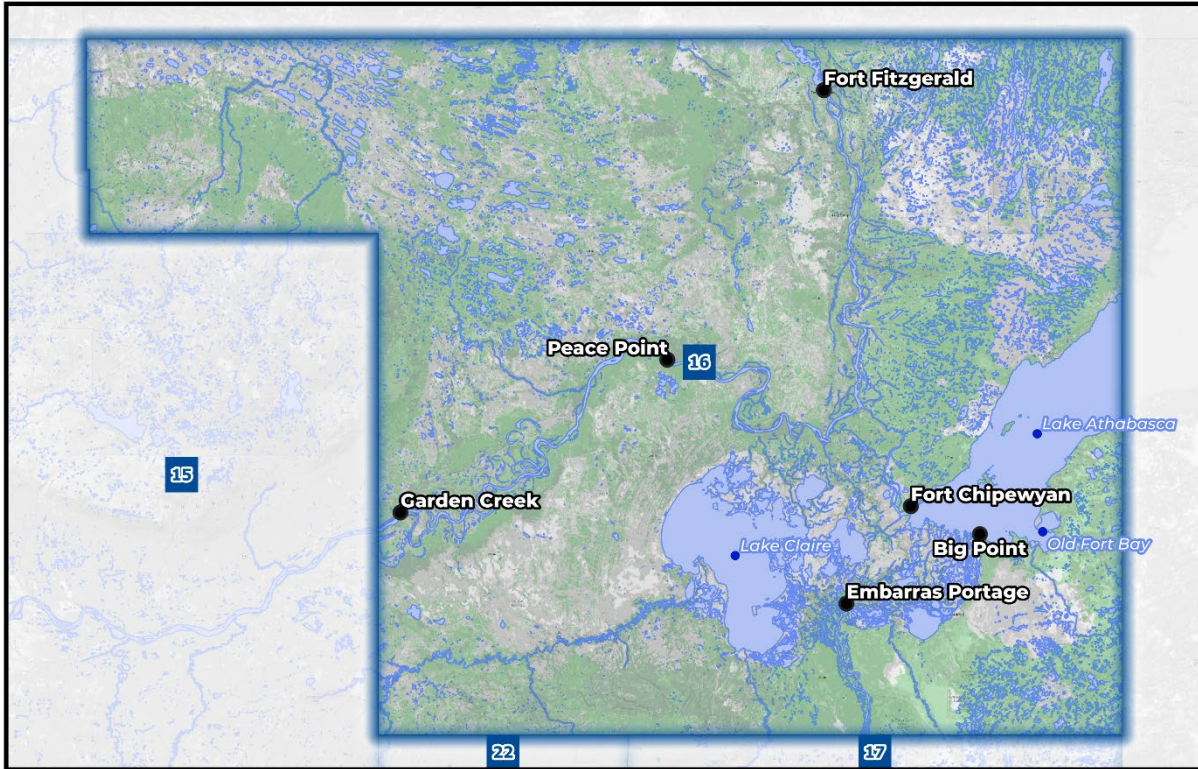
District 14: Peace River Métis District



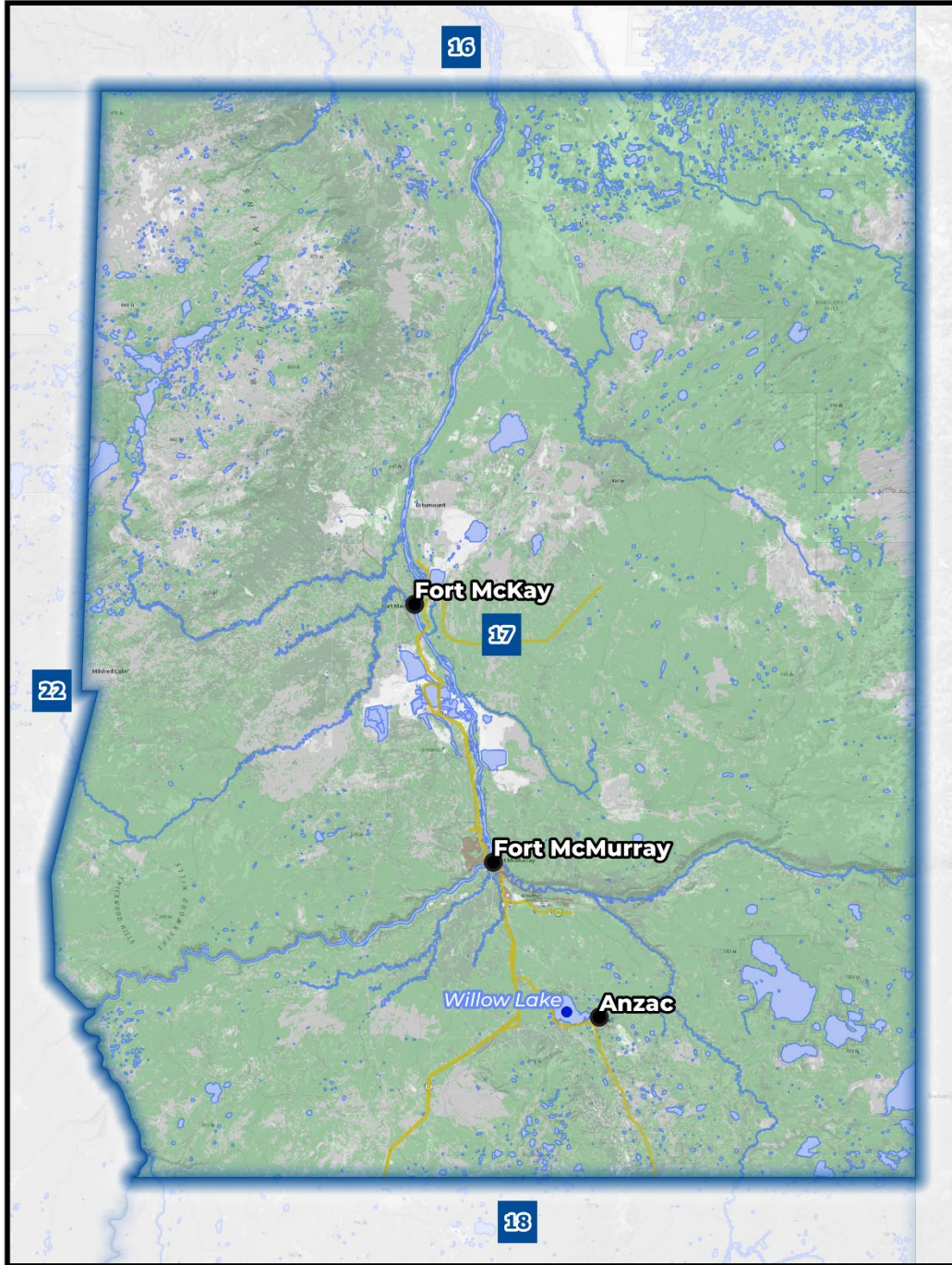
District 15: Fort Vermilion Métis District



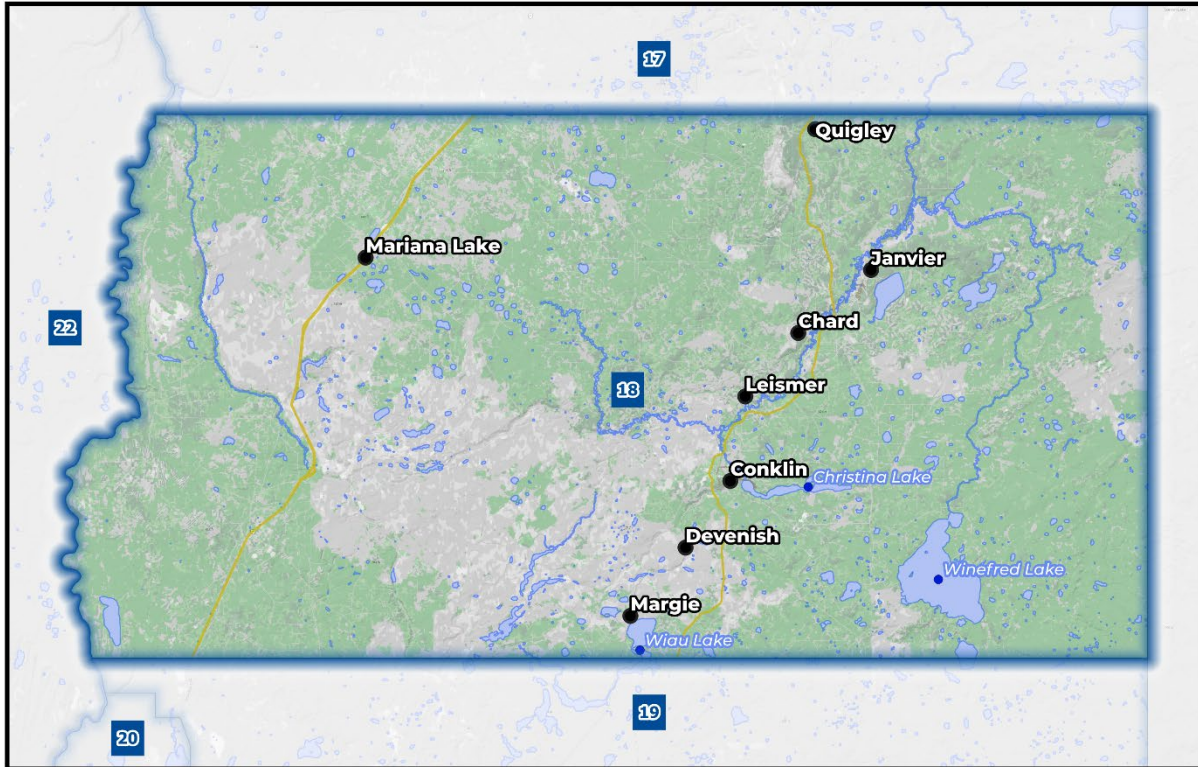
District 16: Fort Chipewyan Métis District



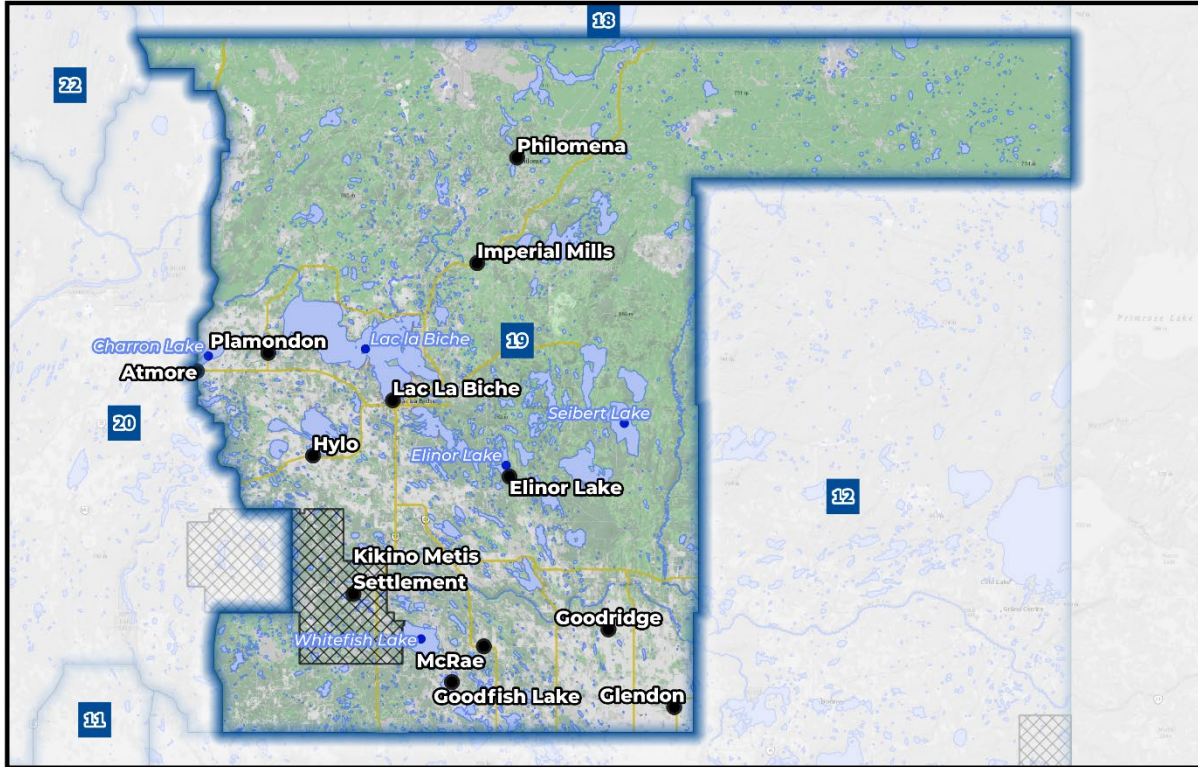
District 17: Fort McMurray Métis District



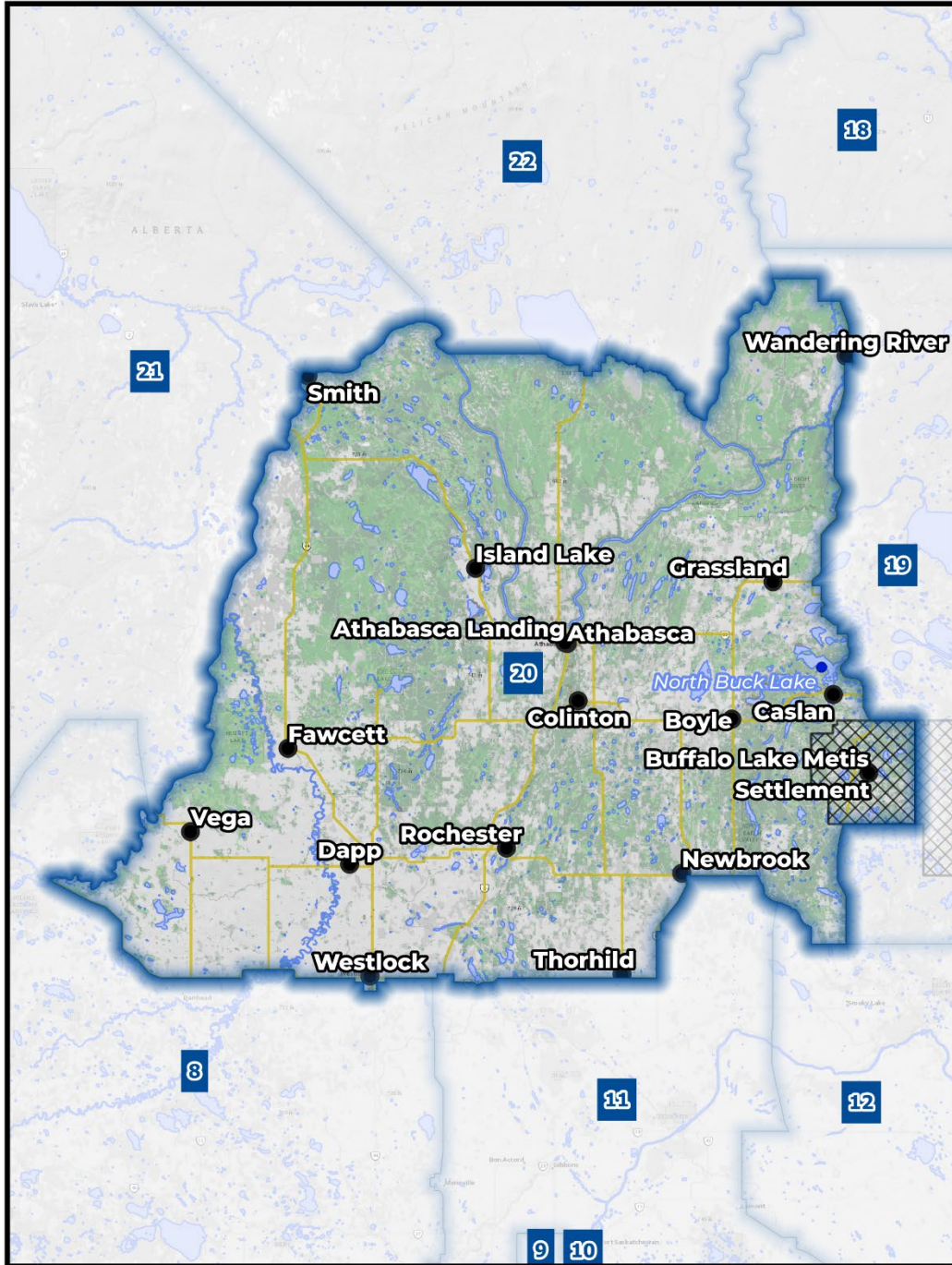
District 18: Conklin Métis District



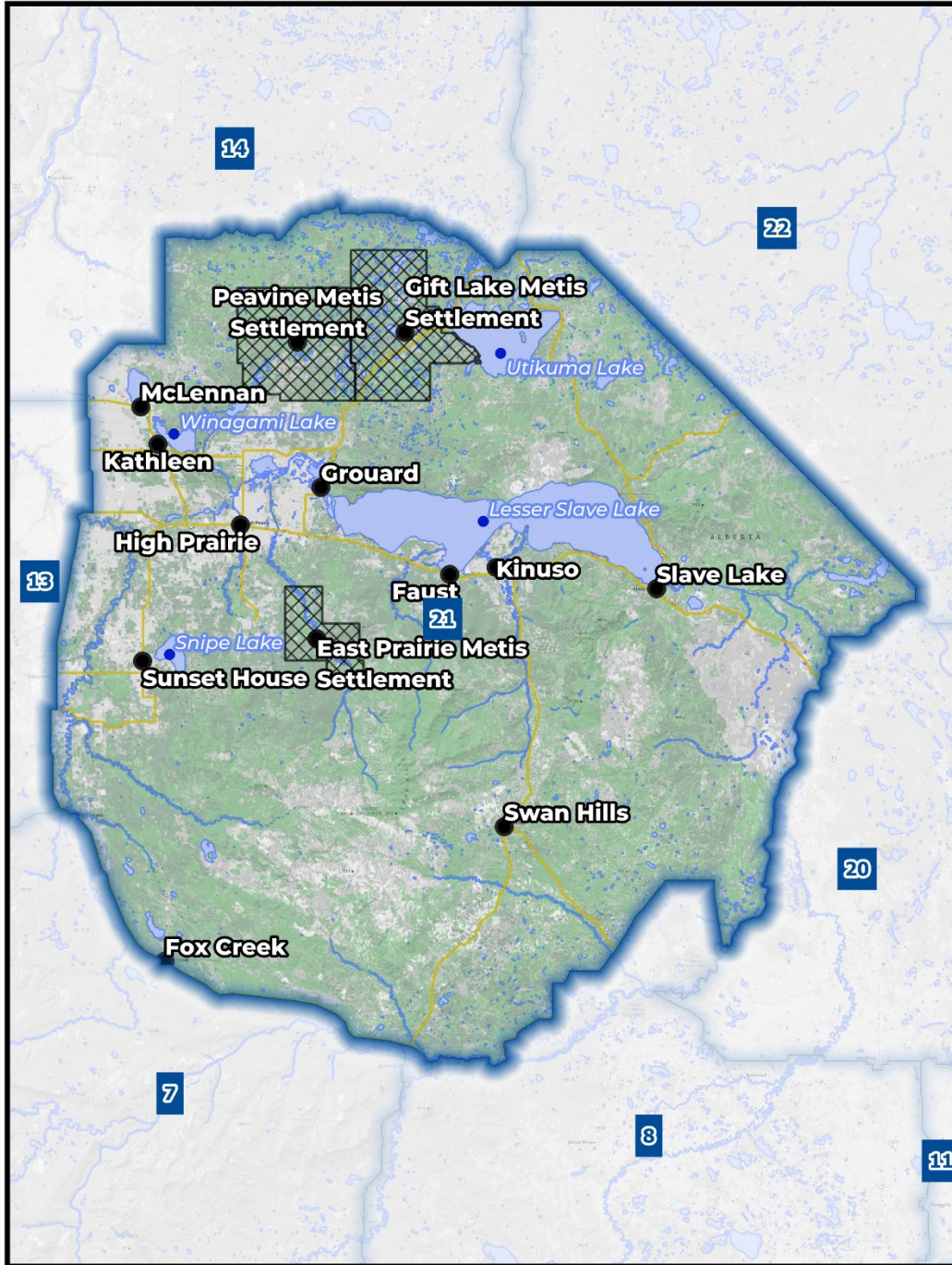
District 19: Lac La Biche Métis District



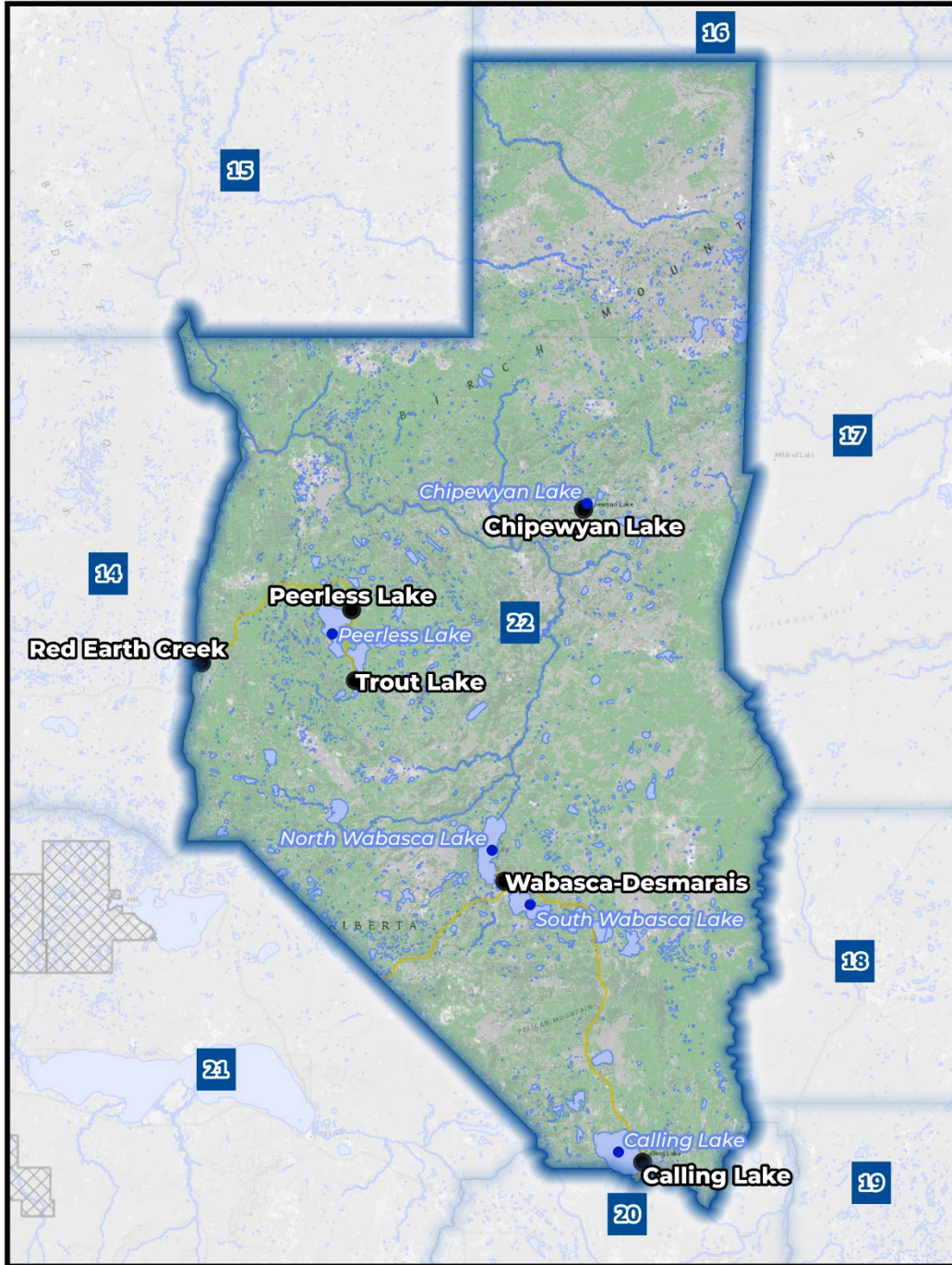
District 20: Athabasca Landing Métis District



District 21: Lesser Slave Lake Métis District



District 22: Wabasca-Desmarais Métis District



LIST OF DISTRICTS LOCATED IN EACH TERRITORY

District #	Territory	Interim District Name
1	Battle River Territory	Foothills Métis District
2	Battle River Territory	Medicine Hat Métis District
3	Battle River Territory	Red Deer Métis District
4	Battle River Territory	Rocky View Métis District
5	Battle River Territory	Calgary Nose Hill Métis District
6	Battle River Territory	Calgary Elbow Métis District
7	North Saskatchewan River Territory	Jasper House Métis District
8	North Saskatchewan River Territory	Lac Ste. Anne Métis District
9	North Saskatchewan River Territory	Fort Edmonton Métis District
10	North Saskatchewan River Territory	Edmonton Whitemud Métis District
11	North Saskatchewan River Territory	St. Albert Métis District
12	North Saskatchewan River Territory	St. Paul-Cold Lake Métis District
13	Peace River Territory	Grande Prairie Métis District
14	Peace River Territory	Peace River Métis District
15	Peace River Territory	Fort Vermilion Métis District
16	Lower Athabasca Territory	Fort Chipewyan Métis District
17	Lower Athabasca Territory	Fort McMurray Métis District
18	Lower Athabasca Territory	Conklin Métis District
19	Lower Athabasca Territory	Lac La Biche Métis District
20	Lower Athabasca Territory	Athabasca Landing Métis District
21	Lesser Slave Lake Territory	Lesser Slave Lake Métis District

District #	Territory	Interim District Name
22	Lesser Slave Lake Territory	Wabasca-Desmarais Métis District

