MÉTIS VOICES. OTIPEMISIWAK MÉTIS GOVERNMENT.

KAHSKETAKIHK REGULATION

For the Self-Government Act

Kahsketakihk Council of Elders and Knowledge Keepers Regulation for the Otipemisiwak Métis Government Self-Government Act

PREAMBLE

WHEREAS section 13.2 of the *Otipemisiwak Métis Government Constitution* provides that one of the goals and responsibilities of the Otipemisiwak Métis Government is to protect and promote Métis traditional and cultural knowledge;

WHEREAS section 16.11 of the *Otipemisiwak Métis Government Constitution* provides that the Citizens' Council shall appoint a council made up of elders or knowledge keepers from among the Citizens to provide advice and support;

AND WHEREAS section 70 of the *Otipemisiwak Métis Government Self-Government Act* provides that as soon as practicable following a general election, the Citizens' Council must appoint a council made up of Elders or Knowledge Keepers from among the Citizens to provide advice and support;

NOW THEREFORE the Otipemisiwak Métis Government enacts the following Regulation in accordance with the *Otipemisiwak Métis Government Self-Government Act*.

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PART I—INTRODUCTORY PROVISIONS

Short title

1 This regulation may be cited as the *Kahsketakihk Regulation*.

Application

2 This regulation is enabled by the *Otipemisiwak Métis Government Self-Government Act* and applies to the structure, appointment, and operation of a council made up of Elders or Knowledge Keepers under Part VI of the Act.

Interpretation

3 (1) In this regulation:

(a) "**Act**" means the *Otipemisiwak Métis Government Self-Government Act*, including any amendments to the act;

(b) "**Cabinet**" means the executive council of the Otipemisiwak Métis Government as provided for in the Constitution;

(c) "**Cabinet meeting**" means a meeting of the Cabinet under section 83 of the *Self-Government Act*;

(d) "**Chair**" means the person appointed to the office of the Chair of the Otipemisiwak Métis Government under section 56 of the *Self-Government Act*;

(e) "**Citizen**" means a Métis individual who is registered as a Citizen of the Métis Nation within Alberta in the Register of Citizens;

(f) "**Citizens' Council**" means the legislative branch of the Otipemisiwak Métis Government as provided for in the Constitution;

(g) "**Constitution**" means the *Otipemisiwak Métis Government Constitution*;

(h) "**Council meeting**" means a meeting of the Citizens' Council under section 37 of the *Self-Government Act*;

(i) "**District Council**" means a branch of the Otipemisiwak Métis Government as defined in the Constitution and as established under the *District Councils Act*;

(j) "**elected official**" means the President, Women's Representative, Youth Representative, Citizens' Representatives, District Captains, and any additional District Councillors;

(k) "**honoraria**" means a monetary gift given in appreciation for the time and knowledge shared by an Elder or Knowledge Keeper;

(l) "**officer**" means an officer of the Otipemisiwak Métis Government or of an Institution as provided for in the Constitution or Otipemisiwak Métis Government Law;

(m) "**ordinary resolution**" means a motion passed by not less than fifty percent (50%) plus one (1) vote of:

(i) the Representatives that are present at a Council meeting;

(ii) the Cabinet members that are present at a Cabinet meeting;

(iii) the eligible Citizens entitled to vote at a gathering.

(n) "**Otipemisiwak Métis Government Law**" means a duly enacted law of the Otipemisiwak Métis Government;

(o) "**political influence**" means the ability of an individual or group to influence or direct the actions or decisions of another individual or group in their official capacity;

(p) "**public official**" means an elected official and officer;

(q) "**Public Registry**" means the Otipemisiwak Métis Government's electronic registry established under Part VIII of the *Self-Government Act*;

(r) "**Representative**" means a member of the Citizens' Council, being the President, Citizens' Representatives, the Women's Representative, and the Youth Representative;

(s) "**special resolution**" means a motion passed by not less than seventy-five percent (75%) of:

(i) the Representatives that are present at a Council meeting;

(ii) the Cabinet members that are present at a Cabinet meeting;

(iii) the eligible Citizens entitled to vote at a gathering.

(t) "**Territory**" means an integral and indivisible component of the Métis Nation within Alberta depicted in Schedule A to the Constitution;

(2) If this regulation is silent on a matter, the Citizens' Council has the authority to make determinations on that matter.

PART II—STRUCTURE AND ROLE

Name

4 The council made up of Elders and Knowledge Keepers under section 70 of the Act will be called Kahsketakihk, meaning “those that know”.

Role of Kahsketakihk

5 Kahsketakihk will act in an advisory and supportive role to the Citizens’ Council and Cabinet of the Otipemisiwak Métis Government.

Terms of Reference

6 (1) Kahsketakihk shall develop a Terms of Reference governing its organization, values, practices, procedures, and all other matters specified in this regulation, subject to the Constitution and Otipemisiwak Métis Government Law.

(2) Such Terms of Reference developed by the Kahsketakihk shall be referred to Citizens’ Council for review and approval.

(3) The Kahsketakihk Terms of Reference as approved by the Citizens’ Council shall form a Schedule to this Regulation.

Appointment of members

7 (1) Kahsketakihk shall be composed of 10 members.

(2) The Citizens’ Council must appoint the members by ordinary resolution.

(3) The Citizens’ Council may re-appoint a member to Kahsketakihk.

Qualifications of members

8 (1) There must be two Kahsketakihk members ordinarily resident in each of the Territories.

(2) The Citizens’ Council must strive to reflect the diversity of the Citizens of the Métis Nation within Alberta, including but not limited to gender, 2SLGBTQIA+ identity, and rural and urban backgrounds, in the membership of Kahsketakihk.

(3) A member of Kahsketakihk must be:

(a) a Citizen; and

(b) over the age of 18 at the time of their appointment.

Ineligibility of members

9 (1) A member of Kahsketakihk 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 or an Otipemisiwak Métis Government Institution.

Term of members

10 (1) The term of a Kahsketakihk member:

(a) commences on the date they are appointed by the Citizens' Council; and

(b) ends on the date their term expires, except if:

(i) they resign by delivering a written resignation to the Chair; or

(ii) they are removed in accordance with the removal provisions established in the terms of reference adopted by Kahsketakihk.

(2) Subject to subsection (3), a Kahsketakihk member must be appointed for a four-year term.

(3) For the first appointments to Kahsketakihk following the date this regulation comes into force, one Kahsketakihk member ordinarily resident in each Territory must be appointed for a two-year term.

Oath

11 Before beginning their duties under this regulation, a Kahsketakihk member must take an oath that they will faithfully and impartially perform their duties and not divulge any confidential information received by them in the context of their duties, except in accordance with this regulation.

PART III—OPERATIONS

Honoraria and expenses

12 (1) Kahsketakihk members will be presented honoraria at the following set rate:

(a) Honoraria based remuneration rate of:

(i) Less than 4 hours: $250;

(ii) Between 4 and 7 hours: $400; and

(iii) Full-day (7+ hours): $500.

(2) Kahsketakihk members may also receive travel and expense reimbursement, when applicable. Eligible expenses include:

(a) Mileage or reimbursement for transit;

(b) Accommodation;

(c) Meals; and

(d) Incidentals.

(3) Kahsketakihk members will be compensated for reasonable expenses in accordance with the Kahsketakihk Expense Policy.

Meetings of the Citizens' Council

13 (1) At least one Kahsketakihk member will be invited to be present at all regular meetings of the Citizens' Council and Cabinet.

(2) The Kahsketakihk member(s) invited to a particular meeting of the Citizens' Council or Cabinet will be determined in accordance with the terms of reference adopted by Kahsketakihk.

(3) A Kahsketakihk member in attendance at a meeting of the Citizens' Council or Cabinet is permitted to participate in that meeting in a non-voting capacity.

(4) A Kahsketakihk member may be invited to deliver opening, closing, and mealtime blessings or prayers at a meeting of the Citizens' Council or Cabinet.

Meetings of Kahsketakihk

14 (1) Kahsketakihk will convene for at least four meetings annually.

(2) Meetings of Kahsketakihk will be called and notice of meetings will be given in accordance with the terms of reference adopted by Kahsketakihk.

Requests for advice

15 (1) Advice shall be requested from Kahsketakihk regarding a specific matter:

(a) in such manner as established in the terms of reference for Kahsketakihk; or

(b) by ordinary resolution of the Citizens' Council or Cabinet.

(2) Kahsketakihk shall provide its response to a request for advice in the manner and form established in the terms of reference adopted by Kahsketakihk.

PART IV—VACANCIES AND REMOVALS

Leaves of absence

16 (1) A Kahsketakihk member may take a leave of absence from their role by delivering written notice of their leave to the Chair of the Citizens' Council.

(2) Additional rules that govern the procedure that applies in the event of a leave of absence from Kahsketakihk may be established in the terms of reference adopted by Kahsketakihk.

Removal of members

17 (1) A Kahsketakihk member's appointment is automatically revoked and their role is vacant if:

(a) that member is no longer a Citizen; or

(b) that member is no longer ordinarily resident in the territory for which they were appointed.

(2) A Kahsketakihk member may be removed from Kahsketakihk and their role declared vacant:

(a) by special resolution of the Citizens' Council; or

(b) by order of the Judicial Branch pursuant to an Otipemisiwak Métis Government Law that provides for the member's removal.

(3) Additional rules that govern the procedure that applies in the event of a removal from Kahsketakihk may be established in the terms of reference adopted by Kahsketakihk.

Vacancy

18 (1) In the case of a vacancy on Kahsketakihk the Citizens' Council must appoint a person to fill the vacancy within 90 days unless otherwise decided by Citizens' Council.

(2) Additional rules that govern the procedure that applies in the event of a vacancy on Kahsketakihk may be established in the terms of reference adopted by Kahsketakihk.

PART V—CONDUCT

Conduct of public officials and employees

19 A public official or employee of the Otipemisiwak Métis Government must not seek to influence or bias Kahsketakihk or an individual Kahsketakihk member in their work.

No political influence

20 (1) A Kahsketakihk member must make decisions and perform their duties independently from political influence.

(2) A Kahsketakihk member must not engage in political or campaign activity, relating to the Otipemisiwak Métis Government, on behalf of any campaign, candidate, or in favour or against an answer to a referendum question while the person is so appointed.

Rules of Ethics

21 Part II of the *Code of Ethics Act*, "Rules of Ethics", applies to a Kahsketakihk member as though the member is a public official.

Conflict of interest

22 (1) A Kahsketakihk member must not perform a duty or make or participate in making a decision in their capacity as a Kahsketakihk member if the Kahsketakihk member has a conflict of interest.

(2) A Kahsketakihk member has a conflict of interest if:

(a) The Kahsketakihk member knows; or

(b) A well-informed person could reasonably have the perception;

that in performing a duty or making or participating in making a decision in their capacity as a Kahsketakihk member, there is the opportunity to further that member's private interests.

(3) A Kahsketakihk member's private interest does not give rise to a conflict of interest if that interest:

(a) is of general application;

(b) is the same as those of a broad class of Citizens;

(c) relates to their compensation or benefits as a Kahsketakihk member; or

(d) is so trivial that the interest could not be reasonably perceived as likely to influence the Kahsketakihk member in the performance of a duty or making or participating in making a decision

Procedure on conflict of interest

23 Rules governing the procedure that applies in the event that a Kahsketakihk member has a conflict of interest must be established in the terms of reference adopted by Kahsketakihk.

Restrictions on employment

24 A Kahsketakihk member must not have any employment that creates a conflict of interest with their duties.

Protocol

25 The use of traditional protocol when requesting the advice or support of Kahsketakihk or an individual Kahsketakihk member must be addressed in the terms of reference adopted by Kahsketakihk.

PART VI—GENERAL

Review

26 (1) As soon as practicable and no more than 180 days following the first appointments to Kahsketakihk, this regulation will be reviewed by Kahsketakihk and any resulting suggested amendments submitted to the Cabinet for consideration.

(2) Citizens' Council must have the opportunity to provide input on any suggested amendments submitted to the Cabinet for consideration.

Amendment

27 This Regulation may be amended by ordinary resolution of the Cabinet.

Commencement

28 This Regulation comes into force when it is deposited into the Public Registry.