

Kâ isi Nâtama ôta ati Nîkân: Chartered Community Act

ARTICLE 1: Title and Purpose

- 1.0 This Act may be cited as "*The Chartered Community Act*" or "*Kâ isi nâtama ôta ati nîkân Act*"
- 1.2 The purpose of this Act is to establish a set of agreed upon standards to guide the implementation of the *Tapwâkîmotân Ta Wîcihitoyahk* (Chartered Community Partnership Agreement) as a core element of nation building as the self-determined Métis Nation in British Columbia.
- 1.3 This Act provides the broad outlines of a respectful and collaborative relationship between and among Chartered Communities and MNBC and Métis Citizens by putting all Citizens and future generations at the centre of actions taken.

ARTICLE 2: Guiding Principles

2.0 The following principles will guide this Act and all Agreements relating to the Act, to help us walk together in a good way and following the principles of wahkotowin.

- 2.1 **Kwayes'kwât'sowin (Integrity):** We are honest with ourselves, our colleagues, our communities and our partners. We are reliable and follow through on our word.
- (a) MNBC and Chartered Communities agree to act and behave honestly, directly, and respectfully at all times, in public, private, formal and informal settings. Communities are responsible to other communities, citizens and MNBC to engage in respectful, meaningful relationships, and acknowledge that the actions and statements of one Community can reflect on other Communities.
 - (b) MNBC is responsible to Chartered Communities and Citizens, and to ensure the legislation articulated for the Nation by the MNGA and affirmed by Citizens are followed and engage in relations that include meaningful consultation and are as transparent as possible.
- 2.2 **Manâcihitowin (Respect):** We respect ourselves, others and all Creation.
- (a) MNBC and Chartered Communities have a collective responsibility to build and maintain respectful bilateral and collective relationships, through consistent, accurate communication and acting in partnership with community representatives, Métis Citizens, and MNBC representatives (elected officials and representatives and/or staff).
 - (b) MNBC has an obligation to clearly explain the reasons for any decisions which have direct impacts to Chartered Communities.
- 2.3 **Kisîwât'sowin (Kindness):** We show and practice lateral kindness in our organization and to everyone with whom we interact on behalf of MNBC. We practice kaa-wiichihitoyaahk: we take care of each other.

- (a) MNBC, its elected officials and representatives, and staff are responsible to ensure that Communities and Métis Citizens in every Community are treated kindly and respectfully and are provided access to the resources available to them on request. If those resources are not available, MNBC has an obligation to clearly explain why they are not available and identify possible alternatives.
 - (b) Communities are responsible to treat other Communities, MNBC and its representatives, with kindness. Communities and Métis Citizens recognize that MNBC must operate in the best interests of the Métis Nation as whole and within its own legislative and policy boundaries, and that any actions, or lack of action taken by MNBC is not a slight against that Community.
- 2.4 **Atoskâtowin (Teamwork):** We work together and actively seek opportunities to share information, collaborate on initiatives, and practice reciprocity for stronger outcomes. We embrace teamwork to achieve greater potential for success.
 - (a) MNBC and Communities agree to a collaborative, constructive approach that places Citizens and future generations at the centre of the relationship and decision-making process.
- 2.5 **Ahtisihcikêwin (Innovation):** We draw on the spirit of Métis innovation and bring forward our curiosity and creativity to problem solve and develop new solutions for our people.
 - (a) MNBC and Communities are responsible to keep curiosity at the forefront of any discussions or negotiations that lead to building a collaborative and respectful relationship or supplying services and supplies to a community.
- 2.6 **Tâpahtiyim'sowin (Humility):** We show and practice cultural humility and cultural agility. We are open to new ideas and recognize the wisdom that surrounds us from others who carry experiences different than ours.
 - (a) MNBC and Communities are responsible to ensure that all Métis citizens have an equal opportunity to share experiences and knowledge in a way that centres reciprocity and values unique perspectives and knowledge.
- 2.7 **Sîpihkisôwin (Resilience):** We are resilient and do not fear challenges or setbacks but remain courageous and learn from each step of the journey. We channel the courage of our Métis ancestors who faced adversity and remained resilient.
- 2.8 **(Autonomy):** We the Otipemisiwak (people who own/govern ourselves) honour our roots within Chartered Communities and the collective leadership through which our governance structure is rooted. We work with the shared goal of supporting our communities and cultivating a future where Metis people thrive. Within this context;
 - (a) MNBC respects the Autonomy of Chartered Communities to build relationships within established community boundaries, and within the boundaries of their respective region at the Regional Governance Council (RGC) level, and will, as

much as possible, support Community decisions within those boundaries and regions.

- (b) Chartered Communities respect and collaboratively work with MNBC's responsibility to carry and uplift Métis voices and perspectives as understood through established collective governance practices, in the international, national and provincial realms, and will as much as possible, support MNBC's relationships and decisions within those boundaries.
- (c) Autonomy honours the strength and leadership of all Chartered Communities and MNBC, while walking with a shared voice.

2.9 **Ta-kaskîtamâtoyahk (Collective Accountability):** MNBC and Communities recognize that there are accountabilities between and among all parties, as well as accountability to all Métis citizens to always act in their best interests, and to put children at the centre of decision-making.

ARTICLE 3: Collective Accountability

3.1 MNBC and Chartered Communities recognize that:

- (a) Chartered Communities are the experts on local relationships and Citizen needs within their community boundaries.
- (b) MNBC represents Métis Citizens and Chartered Communities at the provincial, national, and international levels.
- (c) There are reciprocal obligations between and among MNBC and Chartered Communities, defined as bilateral and collective responsibilities.

3.2 In addition to the principles set out above, MNBC recognizes that Chartered Communities:

- (a) Are the foundation of MNBC, and through the MNGA, provide guidance to the Board of Directors on behalf of Citizens living within their respective Communities.
 - (i) MNBC agrees to politically support the local initiatives of the Community where those initiatives are consistent with the objectives and values of MNBC.
- (b) Serve the purpose of representing, supporting, providing services, and/or providing connection for the collective of Métis people within the agreed upon boundaries of the Community.
- (c) Have established relationships with other local authorities within their boundaries, and MNBC respects and honours those relationships.
- (d) Are Autonomous in their day-to-day functioning, and MNBC agrees to meaningfully consult and consider the needs of the Community are considered when making decisions that affect the Community.

3.3 In addition to the principles set out in this Act, Chartered Communities recognize that MNBC has responsibilities in support of communities and citizens, including:

- (a) Serving as a fiscal intermediary for certain funds received from other levels of government and distributing those funds to Chartered Communities in accordance with applicable agreements and priorities;

- (b) Requiring financial and activity reporting related to distributed funds, to be submitted by Chartered Communities on schedules and in formats agreed upon by both parties;
- (c) Providing, upon request, support to help Chartered Communities to maintain good standing under MNBC legislation and the BC Societies Act;
- (d) Employ available personnel with expertise in governance, finance, communications, and other areas, to assist Chartered Communities upon request and subject to limitations jointly set by the Chartered Community and MNBC;
- (e) Upholding transparency in its dealings with Chartered Communities, as outlined in the *Chartered Community Partnership Agreement* and other applicable legislation or policy;
- (f) Ensuring that all MNBC Citizens, including those in areas not served by an active Chartered Community, have access to benefits, services, and representation.
- (g) Ensuring that Chartered Communities have consistent access to relevant and up to date citizenship information, including but not limited to membership lists.

These responsibilities shall be carried out in a manner consistent with the principles of mutual respect, accountability, and collaboration.

ARTICLE 4 – Tapwâkîmotân ta wîcihitoyahk (Chartered Community Partnership Agreement)

- 4.0 The relationship between MNBC and a Chartered Community is official when a Community and MNBC sign a Chartered Community Partnership Agreement.
- 4.1 After a Community and MNBC enter into a Tapwâkîmotân ta wîcihitoyahk, the Community and MNBC mutually recognize the jurisdiction of the other partner other.
- 4.2 Chartered Communities are entitled to establish their own membership eligibility criteria, however,
 - (a) Community Board Members must be MNBC citizens prior to election or appointment and must maintain their MNBC citizenship throughout their term;
 - (b) Chartered Communities must review and approve new citizens from MNBC within 90 days of their notification. If the community does not wish to accept a new member from MNBC citizenship they must provide a written rational to MNBC citizenship office within the 90-day window.
 - i. MNBC citizens within the geographic boundaries are automatically assigned to community membership unless the community provides written rational for their exclusion within the 90-day period.
 - ii. If a written rational to deny a prospective community member is received MNBC citizenship staff will work with the prospective member and community to determine a mutually acceptable solution.
 - (c) Membership must not bring MNBC or the registry into disrepute. Membership may fulfil the community acceptance requirement outlined in the national definition, but is not necessarily a guarantee of MNBC citizenship;
 - (d) MNBC may provide supports or funding for programs or services that is restricted to MNBC Citizens; and

- (e) The Community may have a category of members who are not Métis Citizens, and may manage their membership as they see fit, subject to any restrictions in any agreement with MNBC.

ARTICLE 5 – Foundational Agreements

- 5.0 The following constitute the foundation of the *Chartered Community Partnership Agreements* and come into effect upon a Community and MNBC entering into an agreement.
- 5.1 MNBC is the recognized Métis government in British Columbia.
- 5.2 Where there is a discrepancy between MNBC Legislation or, and the bylaws, or practices of the Community, the MNBC legislation shall prevail.
- 5.3 Each Chartered Community is the exclusive Métis Community within the geographic boundaries of the Community, established by the RGCs and amended as established in relevant legislation.
- 5.4 The MNBC Board of Directors and Chartered Community Boards must comply with MNBC legislation, as approved by the MNGA, and ratified by Métis Citizens at an AGM.
- 5.5 The MNBC Board of Directors and Chartered Community Boards must comply with all provincial and federal legal and legislative requirements, including but not limited to, applicable privacy legislation and the *Societies Act*, until such time as Métis self-government is achieved.
- 5.6 The Chartered Community will maintain all records as required by the *Societies Act*, including:
 - (a) MNBC Oath of Office for Chartered Communities for each Director;
 - (b) Certificate of Good Standing with BC Societies Act or a current annual report;
 - (c) Updated and Amended Bylaws;
 - (d) Transparent financial records;
 - (e) Membership records; and
 - (f) Board meeting records, including minutes of each meeting that include each decision made by the Board on behalf of their community.
- 5.7 In the manner established in the Agreement, MNBC will support Chartered Communities with records keeping, generation and filing. This includes but is not limited to establishment of procedures whereby records would be shared with MNBC or are required as set out in the Agreement.
- 5.8 In the manner established in section 4 of the Agreement, MNBC and Chartered Communities have a mutual responsibility to take all reasonable steps to protect citizenship and membership information. Once an appropriate data sharing agreement or privacy agreement has been made, MNBC and Chartered Communities agree to share, on request, all relevant citizenship, and membership lists to facilitate citizen engagement and services.

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5.9 Both MNBC and Communities agree to uphold democratic standard and good governance:

- (a) MNBC elections will be conducted in alignment with the *Electoral Act* and other MNBC Legislation.
- (b) Communities will hold elections for positions on their Board in accordance with the MNBC Constitution and the Tapwâkîmotân ta wîcihitoyahk they sign with MNBC.
- (c) Communities and MNBC agree to hold an Annual General Meeting once per year.

5.10 MNBC and Chartered Communities agree to facilitate representation in all Boards, Committees, and other bodies subsidiary to the MNBC or Community Board for underrepresented people and groups who experience intersectional disadvantage and/or inequities in a manner established by the Agreement, including,

- (a) Women;
- (b) Youth;
- (c) 2SLGBTQIA+; and
- (d) Elders and Seniors

5.11 In all interactions, MNBC and Chartered Communities strive to maintain good relations. This includes

- (a) Understanding that MNBC and Chartered Communities will have different relationships with different groups and entities.
- (b) Recognizing that many Chartered Communities and MNBC offices and activities are on the unceded, traditional territories of First Nations across British Columbia, and that this is considered in actions taken by Communities and MNBC.

ARTICLE 6: Dispute Resolution

6.0 Chartered Communities agree to develop their own conflict resolution process to facilitate Kwayes'kwât'sowin within their communities. MNBC can provide a template or assist with the development of this policy. The policy must include the following principles,

- (a) A consensus-based resolution process that provides all parties with equitable opportunities to build positive relationships and supports with guidance and oversight from Kêhtê ayak (the old ones).
- (b) All processes must centre around central Métis values including but not limited to, Kwayes'kwât'sowin (Integrity), Manâcihitowin (Respect), Kisîwât'sowin (Kindness), Atoskâtowin (Teamwork), Tâpahtiyim'sowin (Humility), and Nîstanân kâpâstâhowinan (Collective Accountability)

6.1 MNBC and Chartered Communities agree to manage disputes regarding the clauses within the Chartered Community Act and Agreement as outlined in the *Chartered Community Partnership Agreement* section. All other conflicts including interpersonal conflict will be managed according to the Chartered community conflict resolution process or MNBC conflict resolution policies.

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- 6.2 The MNBC Dispute Resolution processes pursuant to this Act may be amended with the approval of the MNGA.
- 6.3 Where a matter in dispute cannot be resolved through the MNGA, dispute resolution processes, may be referred, in writing and with notice to the other parties, to the MNBC Senate for determination. The determination from the Senate shall be final and binding on the Parties.

Schedule: Definitions

The definitions as laid out, are applicable to both the Chartered Community Act and Chartered Community Partnership Agreement. Northern Michif as written by Language Keepers Vince Ahenakew of Île-à-la-Crosse, SK and Laura Burnouf of Beauval, SK.

“Act” shall mean the Métis Nation Kâ isi Nâtama ôta ati Nîkân: Chartered Community Act.

“Autonomy” means, with respect to Chartered Communities, the ability, authority, and responsibility of a Chartered Community to govern its members and organization within the limits and responsibilities mutually defined by the Community and its Citizens, of that Community in a manner that, is deemed acceptable by the members of that Chartered Community;

- (a) represents the best interests of that Community and upholds the good reputation of Métis people, MNBC, and Communities;
- (b) aligns with the shared values/ goals established by the MNBC legislative process;
- (c) respects the *Chartered Community Partnership Agreement* as defined in this Act; and
- (d) complies with the MNBC Constitution and MNBC Legislation.

Without undue interference from the MNBC Board of Directors or any other MNBC governing structure. This does not negate the value of building mutually beneficial relationships with MNBC partners, departments and staff whenever possible.

“Bilateral Responsibility” means responsibilities shared between MNBC and a Chartered Community, including the terms set out in MNBC Legislation and the *Tapwâkîmotân Ta Wîchitoyahk*.

“Chartered Community” or **“CC”** means a Métis Community that has entered into a *Tapwâkîmotân Ta Wîchitoyahk* with MNBC.

“Chartered Communities” means all Communities that have signed a *Tapwâkîmotân Ta Wîchitoyahk* with MNBC, collectively.

“Tapwâkîmotân ta wîchitoyahk” (Chartered Community Partnership Agreement) means the written document that sets out the terms of the relationship between a Community and MNBC.

“Conflict of Interest” means that a member, an immediate family member, or a close business associate of the member:

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- (a) Has a personal or professional interest in the matter at hand that is separate from their role as a community member and/or MNBC Citizen;
- (b) The interest is distinct from the interests of Métis Nation British Columbia (MNBC), such that the activities could negatively affect MNBC's ability or authority to negotiate on behalf of and represent Métis people in British Columbia;
- (c) The interest is distinct from the interests of the Community such that the activities could negatively affect the Community's local ability or authority represent their members;
- (d) Stands to realize a personal or professional benefit from a favourable decision on the matter that does not provide a similar benefit to MNBC or its Chartered Communities; or,
- (e) Will provide a benefit to a Métis organization other than MNBC or its Chartered Communities.

"Constitution" means the Constitution of the Métis Nation British Columbia (the "MNBC") as amended from time to time.

"Council Chairs" means,

- (a) The Provincial Métis Women's Chairperson "MWBC Chair";
- (b) The Provincial Youth Chairperson "MYBC Chair"; and,
- (c) The Provincial 2SLGBTQIA+ Chairperson "M2SBC Chair".

"Executive" means the Executive members of the MNBC Board of Directors as set out in the Constitution.

"Fiduciary Duty or Obligation" means a legal obligation or responsibility to act in the best interest of MNBC Citizens.

"Legislation" means laws and/or acts and includes resolutions that introduce new or amend existing laws and/or acts.

"Intersectional Disadvantage" refers to the compounded disadvantages Métis Citizens experience due to the interplay of their Indigenous Identity with other social categorizations, including but not limited to gender, gender identity, class, and disability.

"Métis Citizen" or **"Citizen"** means the same as set out in the Constitution and determined by the MNBC Citizenship Act.

"Métis Citizenry" means all MNBC Citizens, collectively.

"Meaningful Consultation" refers to the process of active engagement with rightsholders and partners within the MNBC framework to reach a consensus on any planned actions that will impact the Nation or Community.

"Métis Nation British Columbia" means the government that represents Métis Citizens in British Columbia, and is responsible for operationalizing core functions, programs, and services on behalf of Métis Citizens.

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“Métis Nation Governing Assembly” (MNGA) means the legislative body of the MNBC, as set out in the Constitution.

“Métis Nation British Columbia Board” or **“MNBC Board of Directors”** means the same as in the Constitution.

“Mutual Responsibility” or **“Collective Responsibility”** means that MNBC and the Chartered Community Board both accept the responsibility to:

- (a) Act in the best interests of MNBC Citizens and Community Members;
- (b) Uphold the good name of Métis people and Nation; and
- (c) Support one another through mutually beneficial relationships.

“Regions” shall mean the MNBC regions as defined by the Constitution.

“Senate” shall mean the MNBC Senate.