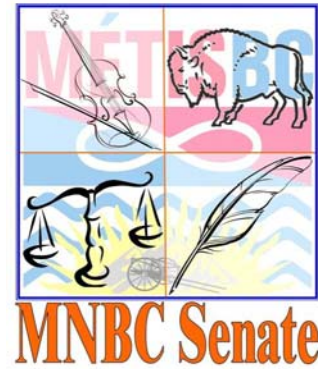


Senate Meeting Minutes

Vancouver, B.C., November 22-23, 2006

Senators present: Al Edkins, Ron Snider, Philip Gladue, Gerald Pope, Bob Adams and Bill Thibeault

Administrative assistant: Dean Trumbley



November 22, 2006

1. Call to order at 09:00 hr
2. Opening prayer conducted by Senator Gladue.
3. Correspondence and previous minutes.

The minutes of the meeting of May 31-June 3 in Kamloops and of September 28 in Kelowna were circulated.

Motion: *That the minutes of the meetings in Kamloops and Kelowna be accepted as circulated.*

Moved by: *Senator Pope*

Seconded by: *Senator Gladue*

Carried

4. Committee Reports

The binder containing the agenda and supporting documents for the meeting were circulated. Mr. Trumbley spoke to the various sections of the binder, draft policies and procedures, precis on roles and responsibilities, forms for appeal process and PowerPoint presentation on registry database in place for the Senate. Also in attendance for portions of the meeting will be guests from the Office of the Federal Interlocutor (OFI) and the Ministry of Aboriginal Relations and Reconciliation (MARR).

5. Discussion on Survey from Turtle Island Consulting Services Inc.

Should the survey be answered by individual senators or by the Senate as a body? Question moved to New Business section of agenda for further discussion.

In regards to business cards and cell phones for each Senator, the MNBC is facing funding concerns. The line of credit is limited, and for now discretionary items such as the above are on hold while until federal funding approved. There is a deficit projection of almost \$9,000.00 for the year and with MNGA sittings and citizenship appeals are projected to be close to \$20,000.00. The honorarium for Senators is expected to be an item of concern for OFI and MARR.

IN CAMERA SESSION

6. Budget discussion

After discussion, it was communicated that the Senate recognizes the need to be fiscally responsible. The question was directed, if the honorarium is removed for the remainder of the year, where does it go? If a budget is submitted and approved, then gets changed half-way through the year, why bother with a budget. The honorarium has been used by senators to cover travel and training, is not really an honorarium. Mr. Trumbley mentioned that if the funding is used for that it perhaps should be presented as travel and training, but would need supporting information for that.

IN CAMERA SESSION

Discussion on resignation of Senator Beauchesne. The resignation of a Senator is to the Regional Governance Council that appointed that Senator.

7. Screening Senator

The concept of a screening Senator was discussed, for appeals of all kinds to stop frivolous and/or vexatious submissions from coming forward to the full Senate consideration. It was felt that the screening Senator could not be one of the Senators on the dispute resolutions board. Concept of a Senate Clerk at the MNBC office to provide the screening function. If we have that, we also need a process whereby an individual could appeal that decision.

IN CAMERA SESSION

Meeting with representatives of Board of Directors. Screening Senator discussion resumed. The concept of a Senate Clerk, with the advice of legal counsel, carrying out the screening as a bureaucratic process was accepted. All complaints would go forward to the MNBC office for the Clerk to address. With that, there is a need to set out policies and procedures for the process for complaints.

For the election appeals board, it was felt that two or three Senators would be enough to handle that process. An odd number was felt required, so three Senators on the board. Senator Adams and Senator Edkins are currently on the board. A third Senator is to be appointed. If an appeal comes forward that impacts the region of one of the Senators on the board, would also have an alternate that is to serve for that appeal only. Should we call it the Dispute Resolutions Board or another term? Right now, decisions are based on written submissions, we need to look at our process and discuss potential need for opportunity for hearings. It was noted that with appeals, there will be costs to those lodging a complaint, so should there be an avenue for recovery of costs to complainant. Decision was that such was not available. Process discussion was that the Clerk gets the caseload together, the information is sent to Senator Edkins and Senator Adams. They, along with the closest sitting Senator, are the tribunal for determinations.

Joe Gereluk joined the Senate for part of the meeting.

Discussion on Citizenship Appeals process. Senator Adams and Senator Edkins should not be on Citizenship Appeals Tribunal, as are on dispute resolution and elections appeal committees already, and there is concern on possible conflict situations. Still it is felt that every senator should get the opportunity to be part of the process, but just to watch for possible conflict of interest situations. With any possible conflict, need to fully step aside from the tribunal.

8. Senate Forms

Forms are needed to have an identified process for placing items before the Senate. Note that the appeals are an administrative process for the Senate, and are not adversarial in nature. The forms are the way for individuals to state to the Senate that they have a problem. Forms will be posted on web-site with instructions for use. The forms are an important part of the records for Senate activities. Timelines will be spelled out in "Policies and Procedures" for all appeals. The Senate expects to deal with most appeals based on written submissions, but there will be an allowance for oral hearings if the circumstances dictate.

It was suggested that two more forms be added to the nine outlined in the binder. One would be a waiver to the privacy of forms brought forward to the Senate for decision. Alternatively, each form could have a waiver at the bottom. Another form would be a Special Case Form, as an example, the MNBC may come to the Senate of such importance to the Nation that they want the Senate to make a decision on it. Thus the Senate would serve as a sounding board or advisory body to the MNBC when requested.

Note that the decisions of the Senate are final and binding within the Nation, but that decisions can still be challenged in Court. The forms are set up specifically so that they cannot be mistaken for a Court document; they are unique to the MNBC Senate.

Changes Suggested to Forms:

“Appeal Application or Request for Appeal Hearing” – add i.e. to bracketed examples. Thus wording would be “*AND FURTHER TAKE NOTICE that if the request for the appeal hearing is granted the Métis Nation British Columbia will be asked to (i.e. set aside the decision – refer the decision to another administrative body – pay the costs of the appeal – pay the Appellant’s/Respondent’s costs – other)*”

“Decision of the Métis Nation British Columbia Senate” – change title below final signing line from “*Senate Registrar*” to “*Senate Clerk*”

***Motion:** That we accept the forms with amendments to reflect the changes as per our discussion.*

***Moved by:** Senator Snider*

***Seconded by:** Senator Pope*

Carried

Forms as presented and discussed were:

- Appeal Application or Request for Appeal Hearing
- Affidavit in Support of Application or Response
- Response to Request/Appeal
- Request
- Notice of Settlement or Abandonment
- Demand to Provide a List of Documents and Notice to Produce the Documents
- List of Documents of the Applicant/Respondent
- Decision of the Métis Nation British Columbia Senate
- Certificate of Costs

Joe Gereluk also began the review of the paper in Tab 6 of the binder, “Memorandum regarding the role and responsibilities of the Senate to be presented to the Senate meeting – November 21 – 23, 2006.”

Discussion on oath to be administered at appeals where evidence is to be presented. It was felt that an oath should be specific to the Métis people, a culturally significant oath. Decision to have individual hold sash in right hand and state: “**I affirm by the Métis people who went before me, the children who come after me, to speak the truth on matters and questions placed before me (so help me God, optional).**”

Adjourn for day.

November 22, 2006 – 8:30 a.m.

The robes for the Senators were presented by Mr. Trumbley. All Senators decided to wear the robes for the day.

Joe Gereluk joined the Senate to continue the review of the precis, “Memorandum regarding the role and responsibilities of the Senate to be presented to the Senate meeting – November 21 – 23, 2006.”

The Senate was joined by Hans von Donhoff, a representative of the Office of the Federal Interlocutor. Hans spoke to the Senate as being an important part of the foundation for the future for the Métis Nation.

9. Citizenship Registry

A presentation was carried out by Laurel Katernick, Registrar for MNBC, on the citizenship registry in use. The presentation covered the application package and Métis citizenship components. Laurel then provided an example of the work done on each of the components, and an example of the work that would accompany an appeals process through her office.

***Motion:** That we accept the appeal package and process as presented by the Registrar as the process and forms to be used for appeals to the Senate. Further to this, once the policies and procedures are ratified, the letter from the Registrar's office to applicants will be modified to show the avenue of appeal open to them.*

***Moved by:** Senator Snider*

***Seconded by:** Senator Adams*

Carried

10. Senate Policies and Procedures

We were joined by Milt Wright of the Ministry of Aboriginal Relations and Reconciliation.

The Senate, with Mr. Trumbley, then engaged in a review of the Senate Policies and Procedures document. Based on the discussions from the afternoon, Mr. Trumbley will be making revisions to the document in preparation to bringing it forward to the Métis Nation Governing Assembly on December 14 or 15 for ratification.

Items of discussion:

a) Conduct of Elections

The Senate has a role in the conduct of elections, but not in conducting elections. Caution is needed to ensure the Senate does not get involved in elections. The Senate has an overseer role which comes into play only if an issue or appeal is brought forward.

b) Regional and Community Disputes

If a region or community is in dispute with the MNBC and/or Regional Governance Council that cannot be worked out, the final appeal avenue is to the Senate. This would only be in the case of items that affect the community or region as a whole. The role of the Senate is unclear, but there may be a need for the full body of the Senate to sit as mediator or arbitrator for the issue.

c) Citizenship Appeals Tribunal

There is a sense of urgency in getting the first appeals in process. Suggested that for the future, we tie appeals to the regular sittings of the Senate, add a day before or after the Senate sitting for citizenship appeals. This would reduce the number of trips, and the costs. The Senate will have to wait until after the ratification by the MNGA to set a date for the first Tribunal sitting.

d) Policies and Procedures Manual

Need a couple of Senators to sit with Mr. Trumbley for the final review prior to presenting to the MNGA. Dates of December 12 and December 13. Senator Snider and Senator Edkins will meet with Mr. Trumbley on those dates.

Meeting adjourned: 3:30 p.m.

Approved: _____
Bill Thibeault, *Senate Secretary*