



Membership Code Engagement Session Feedback and Questions

General Feedback from Membership Code Engagement Sessions

We need to better explain how the Membership Code Committee will be established under new Code requirements

Better engagement and communication from Committee. More than just updates on the Website. Members want mailouts.

“Community Involvement” needs to be better defined.

Members would like to know numbers, if possible, on new Membership and how it has evolved since 2000.

Members would like Survey re-done.

Members have asked that the Membership Code Committee be personally contacting all Members who did not attend the engagement sessions and asking for their feedback.

Remove ‘Tse’Khene Nation’ and address as MLIB, as formally known.

Members want more information on Double Majority vs. Single Majority.

Adoptees section require more input.

Probation for Transferees requires more input.

Members would like to give input on Application Form.

Members would like to give input on who would form the Committee.

We need to focus on special engagement with Youth and Elders.

We need the survey published to the Website.

FAQ's to Address

Why are we ratifying this code? **This background information will be added into the document to better explain. Let's give explanations along the way to help interpret the required legal wording.**

Explain a double majority and what are the numbers needed if we were to vote at the AGA 2019? **Double majority is the current requirement which is that we need 50% of eligible MLIB Members to vote on the ratification, and of that 50%, we need a majority +1 to pass the ratification.**

What is the difference between the current Membership Code Committee and the Committee that would be established under the new code? **The current Committee was established to form the Draft document. The Committee proposed in the Draft would be formed to oversee all applications. As it currently stands, the Membership Administrator holds all of this power, and this can be perceived as a conflict of interest. Having a committee allows for multiple members to oversee applicants and discuss applications as a Committee which establishes clear consensus on pending applications and the decisions reached towards those applicants.**

How many Transferee applications are currently pending? **Approximately 30.**

Define quantum blood and lineage. **Blood quantum is a specific percentage of genetics required to meet the requirements to be considered for Membership. Lineage is purely about a hereditary connection to Membership to MLIB ancestors, regardless of the percentage of blood.**

Should criminals be allowed to live on Reserve? **The term "Criminal" is very ambiguous. It is difficult to say "no" as one could have a criminal record for not paying their fines, for driving too fast, or for making mistakes as a Youth.**

Why is there an Appeal Process? **Appeal processes are a necessary procedure for the Band to have to avoid any legal action taken by an applicant who was declined for Membership. Appeal processes are essentially a check valve to ensure that there was no bias on the Committee's behalf if an applicant was denied. All Membership Codes in Canada have appeal processes.**

Why existing Members with no bloodline may not be removed from Band List? **This is an option, however, MLIB would be open to legal battles which they may or may not lose in the courts. We have been advised by legal counsel that it is in MLIB's interest to avoid litigation at all costs.**

Can the child of one Band member and one non-Indigenous person be a Band Member? **As the draft currently stands, yes. MLIB has been highly cautioned by using blood quantum**

over lineage. Blood quantum can create divisions in the Nation. Many, if not most, of our Members are the children of mixed race. If we do not allow those who are not of mixed race to be considered for Membership, what will our Membership look like in 50 years?

What if Transferees can prove participation and community involvement prior to application? Will exceptions be considered? **Exceptions will not be considered.**

Clarify separation between Trust money and Band Business. **Trust Money is revenue generated by Treaty 8 monies that the Band received from the Government after negotiations were signed in 2000. Band Business revenues is any monies generated by MLIB or its entities.**

Explain why Entitlements is proposed to be taken out of Code. **Originally, the Committee decided to take entitlements out of the Code because it was diverting us from the purpose of the Code which is to preserve our culture and traditions. However, we took Member feedback and decided to leave it in the Code, but establish the difference between Membership (culture) and Citizenship (entitlements, or “privileges”) in order to distinguish the two and explain the importance of each separately.**

How will the vote go? Simple yes or no or will Members be able to vote on sections? **Because we are completely overhauling the Code and many sections are interdependent of one another, it would need to be a YES or NO, rather than section by section.**

Should a Membership Administrator be a Band Member? Discussions and explanations required. **With the current Code, there is potential for conflicts of interest with the Membership Administrator being a Band Member as they have the sole authority to authorize Membership applications. With the new Code, this power would be given to the Membership Committee, which would ensure that this responsibility is taken by a group of Members who must reach a consensus before admitting any new Members.**

More information required regarding Severalty Members. Can they be put on the “A” List? **Based on legal advisement, putting Severalty Members on the “A” List would have been an option when the first Membership Code was drafted. The first Code set a precedence for what Severalty Members were entitled to or not entitled to, including Membership. This precedence could open up MLIB to litigation. The new draft is set in place to avoid all potential litigation.**

How does this affect Bill C-31 Members? **We will find out more in June how this Bill affects the Code. But after consultations with Canada, it has been advised that those who were affected by Bill C-31 have the right to be considered for Membership if they meet the eligibility requirements**

Feedback on Draft Code

Section 2.0 'Membership Rules' needs clarification

Section 3.2 (b) – define 'hereditary' and Tse'khene Nation. Aren't there other similar First Nations? Why not leave 'Tse'khene Nation' as 'McLeod Lake Indian Band' which is what we are known as;

Section 3.3 – Where does a child of one severalty parent with a communal parent stand? Should use "enlisted" instead of "enrolled"

Section 4.6 – who will enforce this re committee member missing meetings? It will be their fellow Committee members – then the Code should state this;

Section 4.3 – Define "Inagural". Also: The process of how this is done needs to be included, i.e. who ensures this is done. Maybe we should have this as part of an election process. DISCUSSION;

Section 4.4 – Define 'elder' and 'youth'

Section 4.7 – clarify 'compensated' and how that is done – and clarify 'committee standards' to ensure there is no double dipping;

Section 5.13 – a member asked what is the suggested application fee? They were told \$300 to \$500. Discussion. We should not make it next to impossible for one to apply;

Section 5.3 – where the applications will be posted needs to be clarified, i.e. also there is no 'Band Council Office';

Section 5.5 – Suggestion to use 'appendix' for the 'application process'

Section 5.7 a) – is this two consecutive AGA meetings? This needs to be clarified;

Section 5.8 - Include that an application can be denied if it 'fraudulent' in any way.

Section 6.1 – who is the Chair of the AGA? Please clarify;

Section 6.4 – what is the process for this 'simple majority' vote? Please clarify;

Section 7.1 – Discussion on 'simple majority' versus 'double majority'. It was explained how each of these work and that it is up to the membership as to what is the final decision which will go into the Code;

Section 4.3 and 4.4 – regarding the membership committee, how the first committee is being selected needs to be clarified as well as the ages of the Youth and Elder needs to be included;

Section 4.6 (b) – define 'Band law';

Section 5.5 (c) – Why is a criminal record check being considered for applications? In the history of First Nations many of our youth probably have criminal records. DISCUSSION. Some members agree they would want to know if applicants have committed certain crimes, such as sexual crimes. This needs more discussion on the need for this item when applying.