



## FORT NELSON FIRST NATION

### SECOND NOTICE OF PROPOSED AMENDMENTS TO THE MEMBERSHIP CODE

#### 1. Proposed Amendments

The Fort Nelson First Nation (“FNFN” or “Nation”) manages its own membership list according to the rules outlined in the *Fort Nelson First Nation Membership Code, 2004* (“**2004 Code**”). Under the 2004 Code, FNFN and its members have the authority to determine what persons may become a member of the Nation rather than relying on Indigenous Services Canada to manage the Nation’s membership list. FNFN has been managing its own membership list since 1987.

Council has been carefully reviewing the 2004 Code over the past year, and Council believes that it is in the best interest of the Nation to update and amend the 2004 Code to ensure:

- that the Nation’s traditional values, customs and practices for determining membership are accurately reflected; and
- there is a clear and transparent process for applying for membership, reviewing and voting on new membership and revoking membership, and appealing decisions to deny or revoke membership.

As such, Council has been working closely with the Nation’s legal counsel to amend the 2004 Code (“**Proposed Amendments**”) and wishes to present the Proposed Amendments to FNFN members to obtain feedback and comments before holding a formal vote on whether to approve the amendments. Council plans to present the Proposed Amendments in phases. On July 27, 2020, Council invited members of the Nation to review Section 5 (Eligibility for Membership) and submit comments by August 7, 2020.

#### 2. Next Steps

At this time, Council invites members of the Nation to review Section 8 (Probationary Membership), Section 9 (Membership Meeting) and Section 10 (Membership Vote) of the Proposed Amendments. If you wish to submit written comments, your written comments must be received by the Nation at the address set out below on or before **4:00 pm on September 11, 2020**. Council will consider all written comments prior to finalizing the Proposed Amendments.

A copy of Sections 8, 9 and 10 of the Proposed Amendments are attached to this newsletter. You may also obtain a copy from the Nation at the address set out below.

For further information or questions regarding Sections 8, 9 and 10 of the Proposed Amendments or this Notice, please contact: Kristin Lowe, Executive Assistant to the Chief – Clerk to Council at 2026 Kennay Yah Road, RR 1, Mile 295 Alaska Highway Fort Nelson, BC V0C 1R0, by telephone at (250) 774-7257 or by email at [kristin.lowe@fnnation.ca](mailto:kristin.lowe@fnnation.ca).

We look forward to receiving your feedback.

## **ATTACHMENT**

### **8. PROBATIONARY MEMBERSHIP**

#### **Conditions**

- 8.1 A person who is added to the Probationary List as a Probationary Member, shall be added to the Probationary List subject to the following conditions:
- a. A Probationary Member is not eligible for rights of membership including the right to vote, to run for Council, or the right to housing on reserve unless otherwise entitled in law;
  - b. A Probationary Member must agree to acquire a demonstrable knowledge of the way the life of the Nation and must prove themselves capable to be a worthy and contributing member of the Nation; and,
  - c. A Probationary Member must show a genuine interest to reside or establish an ongoing presence within the Nation's reserve lands.
- 8.2 A Probationary Member shall not be entitled to retroactive rights or benefits of membership if or when accepted as a Member of the Nation.

#### **Posting**

- 8.3 Chief and Council will direct the Membership Registrar to post notice of a decision to add a person's name to the Probationary List as a Probationary Member in a visible place where it can be read by the Members of the Nation for at least six months following such decision.

### **9. MEMBERSHIP MEETING**

- 9.1 The Nation must hold at least one Membership Meeting each calendar year for the purpose of providing an opportunity for Probationary Members to present information to the Electors on whether such person should be accepted as a Member of the Nation.
- 9.2 Chief and Council will set the date, place and time for a Membership Meeting.
- 9.3 A Membership Meeting will be open to all Members.

## **Notice of Meeting**

- 9.4 As soon as practicable after setting a Membership Meeting, Chief and Council will direct the Membership Registrar to:
- a. Prepare a Notice of Meeting that contains:
    - i. The date, place and time of the Membership Meeting; and,
    - ii. A list of all persons who have or will have been admitted as a Probationary Member for a period of at least one year as of the Membership Meeting.
  - b. Provide the Notice of Meeting at least 90 days before the Membership Meeting; as follows:
    - i. By mail or delivery in writing to each Probationary Member listed in the Notice of Meeting;
    - ii. By posting in visible places where it can be read by the Electors of the Nation before a Membership Meeting.

## **Rules**

- 9.5 Council must establish policies and procedures to carry out a Membership Meeting, including to:
- a. Provide a reasonable opportunity for a Probationary Member to reschedule their attendance at a Membership Meeting at least once, if necessary;
  - b. Provide an interpreter, hearing support or other assistive or adaptive service as may reasonably be required to support the attendance and participation of a Probationary Member at a Membership Meeting;
  - c. Provide an opportunity for off-reserve Members to participate in the Membership Meeting, including but not limited to video or telephone conference;
  - d. Permit a parent or guardian of such Minor to provide information on behalf the Minor at the Membership Meeting (or to rely on any other accommodation provided under this section); or,

- e. Any combination of the above as may be applicable.
- 9.6. A Probationary Member listed in a Notice of Meeting must be present at the Membership Meeting and provide information to Electors on whether such person should be accepted as a Member of the Nation according to this Code.

## **Result**

- 9.7. If a Probationary Member attends a Membership Meeting and provides information to the Electors as required under this Code, the Membership Registrar will submit their name to the Electors for a Membership Vote.
- 9.8. If a Probationary Member fails to attend a Membership Meeting and provide information to the Electors as required under this Code, unless otherwise permitted under this Code or required in law:
- a. that person shall cease to be a Probationary Member of the date of the Membership Meeting;
  - b. the Membership Registrar will remove the person's name from the Probationary List; and,
  - c. the Membership Registrar may not submit their name to the Electors for a Membership Vote.

## **10 MEMBERSHIP VOTE**

- 10.1. The Nation must hold at least one Membership Vote each calendar year for the purpose of allowing the Electors to determine whether a Probationary Member should be accepted as a Member.
- 10.2. Chief and Council will set the date for the Membership Vote after the Membership Meeting is held under Article 9.
- 10.3. The Membership Vote will be open to all Electors.
- 10.4. Electors who reside on-reserve will vote in person, and those Electors who reside off-reserve will vote by mail in respect to the Membership Vote, unless otherwise necessary to accommodate a temporary absence from the place of residence.

## **Notice of Vote**

10.5 Chief and Council will advise the Membership Registrar of the date for a Membership Vote and direct the Membership Registrar to:

- a. Prepare a Notice of Vote; which includes:
  - i. A list of Electors as of the date of the Membership Vote;
  - ii. A list of Probationary Members who have attended a Membership Meeting as of the date of the Notice of Vote;
  - iii. A Membership Ballot for Electors as of the date of the Membership Vote to vote on whether a Probationary Member will be accepted as a Member of the Nation; and,
  - iv. The date, place and time that Electors may vote either in person or by mail-in Membership Ballot.
- b. Provide a Notice of Vote at least 45 days before the Membership Vote; including as follows:
  - i. By mail or delivery in writing to each Probationary Member listed in the Notice of Vote;
  - ii. By mail or delivery in writing to each of the Electors; and,
  - iii. By posting on reserve or providing by any additional means that the Membership Registrar, in consultation with Chief and Council, considers necessary or useful for providing the Notice of Vote to Electors.

## **Rules**

10.6 Chief and Council must establish policies and procedures to hold a Membership Vote; including to ensure the following rules apply to a Membership Vote:

- a. An Elector who has voted by a mail-in Membership Ballot is not entitled to vote in person at a polling station;

- b. An Elector who is an Immediate Family Member of a Probationary Member being considered in a Membership Vote is not entitled to vote regarding their respective family member;
- c. The Membership Registrar must verify the authenticity and entitlement of each Elector to provide a Membership Ballot, including to ensure that an Immediate Family Member does not vote regarding their respective family member; and,
- d. If requested by an Elector who is unable to read, is incapacitated by blindness or other physical cause or requires assistance for any other reason, the Membership Registrar will assist that Elector in marking their Membership Ballot as directed by the Elector in confidence.

10.7 The Membership Registrar, in consultation with Chief and Council, will be responsible for verifying and determining the results of the Membership Vote.

### **Decision**

10.8 If a majority of eligible Electors who sign and deliver a valid Membership Ballot to the Membership Registrar on or before the date of the Membership Vote agree that a Probationary Member shall be accepted as a Member:

- a. that person shall be accepted as Member as of the date of the Membership Vote; and,
- b. the Membership Registrar must add that person's name to the Membership List.

10.9 If a majority of eligible Electors who sign and deliver a valid Membership Ballot to the Membership Registrar on or before the date of the Membership Vote do not agree that a Probationary Member shall be accepted as a Member:

- a. that person shall cease to be a Probationary Member as of the date of the Membership Vote; and,
- b. the Membership Registrar may not add that person's name to the Membership List unless otherwise directed on appeal.

10.10 A decision of the majority of eligible Electors made under section 10.8 may be appealed according to Article 13.