

---

# MEMBERSHIP CODE

of the

# Alexis Indian Band #133

---



---

## **Membership Code of the Alexis Indian Band #133**

- 1. STATEMENT OF INTENT AND NOTICE**
  - 2. CONSENT OF THE ELECTORS OF THE BAND**
  - 3. DEFINITION**
  - 4. MEMBERSHIP OF THE ALEXIS INDIAN BAND #'133 PRIOR TO THE MEMBERSHIP CODE TAKING EFFECT**
  - 5. PERSONS ELIGIBLE FOR MEMBERSHIP IN THE ALEXIS INDIAN BAND #133**
  - 6. PERSONS NOT ELIGIBLE TO APPLY FOR MEMBERSHIP IN THE ALEXIS INDIAN BAND #133**
  - 7. APPLICATION AND BAND APPROVAL PROCEDURE**
  - 8. MEMBERSHIP REVIEW PANEL**
  - 9. CLERK OF THE BAND MEMBERSHIP LIST**
  - 10. VOLUNTARY REMOVAL FROM THE BAND MEMBERSHIP LIST**
  - 11. AMENDMENTS TO THE MEMBERSHIP CODE OF THE ALEXIS INDIAN BAND**
-

---

# **1. STATEMENT OF INTENT AND NOTICE**

- 1.1 The Alexis Indian Band #133 desires to determine and control the membership of the Band.**
  - 1.2 The Band Council, as the governing authority of the Band, has given the membership of the Alexis Indian Band #133 appropriate notice of the intention of the Band to assume control of the membership of the Band and establish a written membership code.**
  - 1.3 This Code shall be interpreted and applied in accordance with the principles of fundamental fairness, the rules of natural justice and the values, customs and traditions of the Alexis Indian Band.**
-

---

## **2. CONSENT OF THE ELECTORS OF THE BAND**

- 2.1 The majority of the electors of the Band have given their consent by way of petition to the Alexis Indian Band #133 assuming control of its membership and have approved the membership code.**

---

### 3. DEFINITION

*For the purpose of this membership code:*

- a) **“Band”** - means the Alexis Indian Band #133.
  - b) **“Band Member”** - means a person whose name appears on the Alexis Indian Band #133 membership list.
  - c) **“Child”** - means a person under the age of 18 years born in or out of wedlock, or legally adopted, or adopted under the custom of the Alexis Indian Band.
  - d) **“Elector”** - means a person defined as an “Elector” in the customary election regulations of the Alexis Indian Band #133.
  - e) **“Treaty Indian”** - means a person who, pursuant to *The Indian Act* R.S.C. 1970 c. 1-6, as amended. is registered as an Indian and whose name appears on the Indian registry
  - f) **“Spouse”** - means a person who is a husband or wife through marriage.
-

---

## **4. MEMBERSHIP OF THE ALEXIS INDIAN BAND #133 PRIOR TO THE MEMBERSHIP CODE TAKING EFFECT**

- 4.1 Persons whose names were actually entered on the Band list maintained by the Department of Indian Affairs immediately prior to the day on which this membership code takes effect, shall remain Band members and automatically, without application, have their names entered on the Alexis Band membership list maintained by the Band.**
-

## **5. PERSONS ELIGIBLE FOR MEMBERSHIP IN THE ALEXIS INDIAN BAND #133**

### ***5.1 Persons automatically eligible for membership under the Indian act:***

- a) The following persons who lost membership in the Band and Treaty Indian Status are entitled for membership in the Alexis Indian Band:**
  - i) women who married a person who was not a Treaty Indian;**
  - ii) persons born of a marriage entered into after the 4th day of September, 1951 and who had attained the age of twenty-one (21) years, whose mother and whose fathers mother are not persons who are status Indians, Band members, legitimate children of a Treaty Indian man or Band member, or legitimate children of a Treaty Indian woman or Band member;**
  - iii) illegitimate children of a female Treaty Indian Band member whose father was found not to be a Treaty Indian and whose names, upon protest, were struck from the Band membership list;**
  - iv) women Treaty Indian Band members who married a person who was not an Indian and who was without application for enfranchisement declared by the Governor-in-council along with her children to be enfranchised as of the date of the marriage, or other date as the order specified;**
  - v) the children of Treaty Indian women referred to in 57 (iv) who were enfranchised along with their mother.**

**5. *5.1 Persons automatically eligible for membership under the Indian act:***

- b) The above persons are automatically entitled, without application, to have their names entered on the Alexis Band membership list upon submitting satisfactory proof to the clerk and council of the Band of the following:**
  - i) that their names were omitted from the Indian registry and Alexis Band membership list as a result of the circumstances described above; and**
  - ii) that their names have been re-entered on the Indian registry maintained by the Department of Indian Affairs.**

**5.2 *Treaty Indian Spouses of Band Members***

**A Treaty Indian spouse of a Band member is eligible to apply for membership to the Alexis Indian Band upon submitting satisfactory proof to the clerk of the Band membership list of the marriage and that the spouse is a status Indian.**

**Band Member ► marries ◀ Treaty Indian.**

**This *Treaty Indian* spouse can apply for Band membership after marriage.**

### **5.3 *Children of Band members***

- a) **A child, both of whose parents are members of the Band, is eligible to apply for membership. Upon submitting satisfactory proof to the clerk of the Band membership list that both parents are members of the Alexis Indian Band, shall automatically have their names entered on the Band membership.**

***Band Member ► Child ◀ Band Member***

**This *Child* is automatically eligible for Band membership.**

- b) **A child of a Band member and a Treaty Indian person who is not a Band member is eligible to apply for membership subject to the application being made in writing by the parent, or guardian who is a Band member. Satisfactory proof must be submitted to the clerk of the Band membership list that the non-Band member parent is an Indian and the other parent is a Band member.**

***Band Member ► Child ◀ Treaty Indian not a Band Member***

---

~~**This *Band Member* must sponsor the application.**~~

**This *Child* can apply, providing the parent or guardian approves.**

---

### **5.3 Children of Band members**

- c) A child of a Band member and a non-Indian is eligible to apply for membership providing:**
  - i) that child has taken the surname of the Band member parent, and**
  - ii) the membership application is submitted in writing by the Band member parent who acknowledges paternity or maternity, as the case may be, of that person.**

***Band Member ► Child ◀ Non-Indian***

**This Child can apply for membership providing:**

- i) it takes the name of Band member;**
  - ii) Band member parent sponsors the application.**
  
  - d) in the event the Band member parent or guardian is deceased, incompetent, or unable to be located, the application may be sponsored by a Band member relative or grandparent of the applicant, or may be submitted by the Child upon reaching the age of eighteen (18) years.**
-

---

### **5.3 *Children of Band members***

#### **e) Proof of Paternity**

**When necessary proof of paternity of a child shall be presented in the form of a statutory declaration signed by the father of the child. In the event that such statutory declaration cannot be provided, proof of paternity may be obtained by way of a statutory declaration of the mother stating who the father of the child is in the event that the statutory declarations are not available or are found to be unacceptable to the clerk or the Band council, an order of the court may be obtained declaring the father of the child.**

---

---

## 6. PERSON NOT ELIGIBLE TO APPLY FOR MEMBERSHIP IN THE ALEXIS INDIAN BAND #133

### 6.1 *Non-Indians*

A person who is not a Treaty Indian is not eligible to apply for membership.

### 6.2 *Second Spouses*

The second spouse of a Treaty Indian person, who became a Band member by a previous marriage to a member of the Alexis Indian Band, pursuant to clause 5.2, is not eligible for membership even if that second spouse is a Status Indian.

<i>Band Member</i>	marries then dies or divorces	<i>Treaty Indian spouse becomes a Band member</i>	then second marriage to another person	this person cannot apply for membership
--------------------	-------------------------------	---	--	---

---

---

### **6.3 *Child of treaty Indian spouse and Non-Band Member***

The child of a Treaty Indian person, who became a Band member by marriage to a Band member pursuant to s. 5.2, and a non-Band member is not eligible to apply for membership.

<b><i>Band Member</i></b>	<b>marries</b>	<b><i>Treaty Indian</i></b>	<b>children before marriage</b>	<ul style="list-style-type: none"><li>• these children</li><li>• cannot apply</li><li>• for membership</li></ul>
---------------------------	----------------	-----------------------------	---------------------------------	--

### **6.4 *Second Generation***

The child of a person who is not a Treaty Indian and a Band member, that Band member being a person one of whose parents was not a Status Indian and who acquired membership pursuant to clause 5.3(c) is not eligible to apply for membership In the Band.

***Band Member***

<b><i>Non-Indian</i></b>	<b><i>Band Member</i></b>	<b><i>Child</i></b>	<b>This <i>Child</i> cannot apply for membership</b>
	<b><i>Non-Indian</i></b>		

---

---

## **6.5 *Persons Living With Band Members***

**A non-Band member who is living with a Band member is not eligible to apply for membership in the Band.**

***Band Member ► living with ◀ Non-Band Member***  
**This *Non-Band Member* cannot apply for membership**

## **6.6 *Conflict***

**In the event of any conflict between 5.5 and 5.6 of this code, then S.6 shall apply.**

---

---

## **7. APPLICATION AND BAND APPROVAL PROCEDURE**

- 7.1 Applications for membership in the Band shall be submitted in writing to the clerk with all necessary documentation and proof required to establish eligibility for membership.**
  - 7.2 Upon review of the completed documentation, the clerk shall, within thirty (30) days, notify the Band council in writing as to whether the person is eligible to be granted membership in the Band.**
-

---

**7.3 *The Band council, upon being satisfied that:***

- i) the person is duly eligible for membership;**
- ii) the applicant is of good character;**
- iii) granting of membership will not be harmful to the interests of the Band;**
- iv) that, in the sole opinion of the Band council, the Band has sufficient housing, land and other resources to accommodate new members;**

**shall, by way of a motion of the Band council, approve the membership application. The Clerk shall immediately post the decision of the Band council in public places on the Alexis Indian reserve.**

**7.4 If no written objection to the approval of membership is received by the clerk within a thirty (30) day period, commencing upon the posting of the decision, the clerk shall enter that person's name on the membership list of the Bank.**

---

- 
- 7.4 If no written objection to the approval of membership is received by the clerk within a thirty (30) day period, commencing upon the posting of the decision, the clerk shall enter that person's name on the membership list of the Bank.**
- 7.5 In the event that the application is denied, the applicant shall be immediately notified in writing of the decision of the Bank council. The Band council shall direct the clerk to immediately post the decision of the Bank council in public places on the Alexis Indian reserve.**
- 7.6 In the event, at the time of application, transfers the applicant is a member of another Indian Band, approval may be granted by the Band council, subject to that person providing proof to the clerk that he is no longer a member of any other Band.**
-

---

## **8. MEMBERSHIP REVIEW PANEL**

- 8.1 In the event that a member of the Band or applicant objects to the decision of the council regarding the approval or rejection of members, the objection and the reasons therefore shall be made in writing to the clerk within thirty (30) days of the posting of the decision of the Band council. The Clerk shall immediately refer the objection to the membership review panel (hereinafter “the Panel”).**
- 8.2 The Panel shall consist of three (3) Band members over the age of twenty-one (21) years and four (4) elders being members of the Band over the age of fifty (50) years, all of whom shall be appointed by the Band council. A lawyer shall also be appointed by the Band council to advise and assist the Panel. A quorum shall be any five (s) members of the Panel.**
-

- 
- 8.4 At the hearing, all interested parties to the dispute may make representations in writing or verbally either directly or through legal counsel to the Panel.**
- 8.5 The decision of the Panel shall be rendered, in writing, within thirty (30) days of the final meeting of the Panel. The decision of the Panel which shall be forwarded to all interested parties, shall be final and binding upon all parties to the objection and not subject to appeal to any court or other body, including the Band council.**
- 8.6 Persons whose application has been denied by the Band council or the membership review panel, are eligible to reapply in three (3) years following the date of the decision**
-

---

## **9. CLERK OF THE BAND MEMBERSHIP LIST**

- 9.1 The clerk of the Band membership list shall be a Band member appointed for a three (3) year term by the Band council. The terms of employment and remuneration are to be determined by the Band council.**
- 9.2 The clerk shall be responsible for maintaining the Band membership list; receiving applications for membership; obtaining necessary proofs of eligibility; upon being satisfied of eligibility of the applicant notify the Band council in writing of his decision as to the eligibility of the applicant; notifying the Band council of any changes to the Band membership list; and other duties as assigned by the Band council from time to time.**
-

---

## **10. VOLUNTARY REMOVAL FROM THE BAND MEMBERSHIP LIST**

**10.1 A member of the Band who has reached the age of eighteen (18) years may, by written notice to the Band council, request that their name be deleted from the membership list of the Alexis Indian Band. The Band council shall, by motion, approve the request only upon receipt of written confirmation or motion from the council of the other Band stating that the application for membership has been approved by that Band.**

---

---

## **11. AMENDMENTS TO THE MEMBERSHIP CODE OF THE ALEXIS INDIAN BAND**

- 11.1 The membership code of the Alexis Indian Band #133 shall not be subject to changes or amendments for a three (3) year period from its effective date.**
- 11.2 Amendments to the membership code shall be initiated and presented to the electors of the Band by the council of the Band or upon the written request of twenty-five percent (25) of the electors of the Band indicating the amendment requested.**
- 11.3 The Band council shall provide to the electors of the Band six (6) months notice of the proposed amendments to the membership code, Notice of the proposed amendments shall be publicly posted on the Alexis Indian reserve.**
- 11.4 Amendments to the membership code shall be consented to by a majority of the electors of the Band by way of referendum or petition held six (6) months after the posting of the proposed amendments.**
-