

LAKAHAMEN BAND MEMBERSHIP CODE

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WHEREAS the objective of the Lakahahmen Band membership code is to protect the cultural integrity and social harmony along with maintaining and enhancing economic stability and to ensure continued peace and good order among the members of the Band;

AND WHEREAS section 35 of the Constitution Act, 1982 recognizes and affirms the existing aboriginal and treaty rights of the aboriginal peoples of Canada;

AND WHEREAS section 25 of the Constitution Act, 1982 protects our aboriginal rights from any abrogation or derogation by the Charter of Rights and Freedoms in the Constitution Act, 1982;

AND WHEREAS section 10 of the Indian Act, 1985, provides that a Band may assume control of its membership with the consent of a majority of the electors of the Band;

AND WHEREAS a majority of the electors of the Lakahahmen Band have duly consented;

NOW THEREFORE, the Lakahahmen Band enacts as follows:

SHORT TITLE

*Short Title*                    1. This enactment may be cited as the  
Lakahahmen Band membership code.

DEFINITIONS

2. For the purposes of this code:

- Band Council*                    - means the Chief and Councillors duly  
elected by the Lakahahmen electorate.
- Band List*                        - means the list of persons enrolled in  
the Lakahahmen Band pursuant to this  
membership code.
- Child*                                - means any individual who has not  
reached the age of 18 years.
- Department*                       - means the Department of Indian  
Affairs and Northern Development.
- Electors*                            - means all those individuals on the  
Lakahahmen Band list who have reached the age  
of 18 years and are normally resident on the  
Lakahahmen reserve.
- Indian*                                - means a person who is registered or  
is entitled to be registered as an Indian  
within the meaning of the Indian Act.
- Indian Descent*                    - means having ancestors with Indian  
status.
- Renouncement  
of Membership*                    - means giving up rights to membership.
- Spouse*                                - means partner by legal or traditional  
marriage.

Words importing the singular include the  
plural and vice versa; and words importing a  
male person include a female person and vice  
versa.

MEMBERSHIP CRITERIA

*Base  
Enrollees*

3. All persons, whose names were on the Band list prior to April 17, 1985 are considered base enrollees and will continue to be on the list after enactment of this code. However, base enrollees are subject to all provisions in this code relating to loss of membership.

*Children of  
Base Enrollees*

4. Subject to sections 3, 8, 9(2) and 9(3) of this code, all children of base enrollees will be entitled to Lakahahmen Band membership.

*Restored  
Members*

5. All persons who lost membership under the old Indian Acts prior to the coming into force of Indian Acts, R.S., 1985, C27, shall be considered restored members and shall be entitled to reinstatement on the Band list.

*Children of  
Restored  
Members*

6. All children of restored members shall be entitled to Band membership.

*All Other  
Children*

7. Subject to sections 4, 6, 8, 9(2) and 9(3) of this code, children must have at least one natural parent that had or was entitled to have Lakahahmen Band membership, whether living or deceased, to be entitled to Lakahahmen membership.

APPLICATION FOR MEMBERSHIP

In accordance with the criteria set out in this code, the following individuals may apply for Lakahahmen Band membership. Guardians may apply on behalf of an individual.

*Adoptees*

8. Upon application, adopted children may be granted membership in the Lakahahmen Band provided:

- (a) the child has been adopted by a Lakahahmen Band member through a legal or Lakahahmen custom adoption procedure,
- (b) the child is of Indian descent, and
- (c) the child ceases to be a member of any other Indian Band upon enrollment in the Lakahahmen Band.

*Spouses*

9.(1) Spouses of Lakahahmen Band members may be granted membership in the Lakahahmen Band provided the applicant:

- (a) can prove Indian status,
- (b) has already resided with his or her spouse for a minimum period of three (3) years, and
- (c) receives consent of 50% plus one of the eligible electors of the Lakahahmen Band. A referendum shall be held specifically for that purpose, and
- (d) renounces his or her Band membership in the former Band upon fulfillment of the requirements described in section 9 (1)(a)(b) and (c).

*Widows and  
Widowers*

(2) Where a person, who acquired Lakahahmen Band membership through marriage, becomes widowed, that person shall retain membership until death, or marriage to a non-Lakahahmen Band member, or marriage to a Lakahahmen member who also received Lakahahmen membership through marriage; however, membership may not be conferred by that person upon any child resulting from a union with a non-Lakahahmen Band member or other Lakahahmen member that also received membership through marriage.

## INTERTRIBAL TRANSFERS PROCEDURES

The transferee must approach the Band they desire to transfer to for a verbal agreement then proceed to:

1. A consensus form acquired from the membership clerk needs to be signed.
2. A BCR is required from the Band accepting the transferee. The membership clerk can do the typing.
3. A BCR is required from the Band releasing them.
4. The membership clerk will send all of these documents to INAC in Ottawa. This process takes 3-6 months.
5. Apply for membership to the desired Band according to their Membership Code regulations.
6. A new registry group number will be provided to the transferee. ie.

Band #	family #
549 63341	02

These steps were derived from a telephone conversation with Leona George, Membership Clerk, on May 22, 1990.

Leona Charleyboy,  
LGA

*Separation and  
Divorce*

(3) Where a person, who acquired Lakahahmen Band membership through marriage, becomes divorced or separated, that person shall retain membership until death, or marriage to a non-Lakahahmen Band member, or marriage to Lakahahmen member who also received Lakahahmen membership through marriage; however, membership may not be conferred by that person upon any child resulting from a union with a non-Lakahahmen Band member or other Lakahahmen member that also received membership through marriage.

*Intertribal  
Transfers*

10.(1) Membership may be granted to a member of another Indian Band provided, the applicant:

- (a) agrees to a probationary period of two years prior to enrollment during which time the applicant must attend Lakahahmen Band meetings to better understand the Lakahahmen way of life, and
- (b) receives consent of 50% plus one of the eligible electors of the Band. A referendum shall be held specifically for that purpose, and
- (c) renounces his membership in his former Band upon fulfillment of the requirements described in section 10(a) and 10(b).

10.(2) Transferees with Lakahahmen blood will be granted membership upon application, and will acquire the same rights as a base enrollee, provided the applicant:

- (a) renounces his or her membership in the former Band.

10.(3) Transferees with no Lakahahmen blood are not entitled to be a candidate for an elected office of the Lakahahmen Band; although, transferees are allowed to vote in elections and referendums.

*Non-Indians*

11. All non-Indians that are not specifically acknowledged in this code will not be entitled to Lakahahmen Band membership.

LOSS OF MEMBERSHIP

*Transfers*

12.(1) A person ceases to be a member of the Lakahahmen Band when that person becomes a member of another Indian Band.

*Erroneous Membership*

(2) Any person whose name was wrongfully entered on the Lakahahmen Band list through error, omission, oversight or any other reason shall be removed from that list and shall be considered never to have been a Lakahahmen Band member.

*Protection of the Community*

(3) The Lakahahmen Band may convene at a special Band meeting specifically to revoke the membership of a Lakahahmen member, upon proof of severe anti-social behavior detrimental to the peace, order and good government of the Lakahahmen community. A minimum 80% majority of the Lakahahmen Band's membership who have reached the age of eighteen (18) years consent before the Lakahahmen Band can revoke a persons membership in the Band.

*Abandonment of Residence*

(4) If any member abandons his residence on the Lakahahmen Reserve for a minimum period of one (1) year, that person may be removed from the Lakahahmen Band list if his absence causes the Lakahahmen Band to assume a financial liability on his behalf. A minimum 80% majority of the Lakahahmen Band's membership who have reached the age of eighteen (18) years must consent before the Lakahahmen Band can revoke a persons membership in the Band.

*Adoptees*

(5) Lakahahmen children adopted out of the community by non-Lakahahmen people shall be removed from the Lakahahmen Band list with the understanding that the child would be eligible for reinstatement upon reaching the age of majority.



RENOUNCEMENT OF MEMBERSHIP

Voluntary

13.(1) A Lakahahmen member may renounce his membership providing he has reached the age of majority.

Children

(2) A Lakahahmen member who has not reached the age of majority may have their membership renounced by his or her parents or guardians; however, the child is eligible for reinstatement upon reaching the age of majority.

ADMINISTRATION

Enrollment  
Officer

14.(1) The Sto:lo Nation Services Branch shall administer the duties of Enrollment Officer.

Duties

(2) The Enrollment Officer will carry out the following duties:

- (a) maintain the Band list,
- (b) make additions and deletions to the Band list in accordance with the Membership Code,
- (c) record dates of Band list additions and deletions,
- (d) process applications,
- (e) notify Band members of membership applications,
- (f) maintain an organized filing system for all documents and correspondence pertaining to Band membership,
- (g) notify Chief and Council of all decisions regarding applications,
- (h) notify applicants of decision in writing,
- (i) process membership code amendment proposals,
- (j) process appeals, and
- (k) carry out any other duties related to membership administration as authorized by the Council.

## APPEALS

### *Terms of Reference*

15.(1) The Lakahahmen Band membership shall be responsible for hearing appeals of decisions made by the Enrollment Officer. Upon completion of the hearing, the Band membership who have reached the age of eighteen (18) years shall render a judgement supportive or overturning the decision of the Enrollment Officer or make any other order appropriate under the circumstances. The Band shall maintain files at the Band office of all documents relating to appeals.

### *Appeal Process*

(2) A person or group of people may appeal the decision of the Enrollment Officer within one year of the decision. Only one appeal per decision will be permitted. All appeals shall be in writing and delivered to the Enrollment Officer. Within one month of notification, the Lakahahmen Band membership shall set a hearing date for the appeal. The Band shall hear both sides of the case including any relevant witnesses. Within one month of the hearing, the Band shall render a decision and give reason for the decision. The Band's post hearing decision may:

- (a) uphold the decision of the Enrollment Officer,
- (b) order the Enrollment Officer to reverse his/her decision,
- (c) make any other order appropriate under the circumstances.

The decision of the Band is final.

## AMENDMENTS

16.(1) Amendment proposals shall be in writing and delivered to the Enrollment Officer. All amendment proposals shall be accompanied by a petition showing support from at least 30% of the eligible electorate of the Band. The Lakahahmen membership code may be amended after:

- (a) one month notice is given to the Lakahahmen Band members that an amendment has been proposed,
- (b) consultation with the Lakahahmen Band members relating to the amendment, and
- (c) consent from the majority of the eligible electorate which is 50% plus one.

Referendums pertaining to membership code amendments may occur after at least one year has passed since the last referendum had been held or since the enactment of the membership code.

(2) Notwithstanding the amendment procedure prescribed in this section, the Council shall call a general Band meeting within ninety (90) days of the first anniversary of the coming into force to review this code.

## LIABILITY

17. The Lakahahmen Band or its members shall not be liable for any claims, losses or damages resulting from the deletion or addition of an individual's name to the Lakahahmen Band list.

EXTRAORDINARY MEETING

18. In the event that a membership issue arises that is not addressed by this membership code, the Lakahahmen Band Council may call an extraordinary meeting of the Band membership to resolve any problems created by this issue.

SEVERABILITY

19. If any part of these rules is declared to be invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the validity or enforceability of any other part of these Membership rules.

COMING INTO FORCE

20. These rules shall come into force on the 19th of October 1988.

Amended June 20, 1990.