

**Band Member Transfer Policy &
Council Pay Increase Community Meeting Report**



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Background Information

Sipekne'katik is one of 13 Mi'kmaq First Nation bands located in Nova Scotia. According to the band's website, Sipekne'katik is the second largest Mi'kmaq band in Nova Scotia and includes the communities of Indian Brook (located in Hants County near the village of Shubenacadie) as well as the communities of New Ross, Dodd's Lot, Wallace Hills and Grand Lake. The website for the Sipekne'katik band can be found at <http://www.sipeknekatik.ca>.

The Sipekne'katik band operates under the federal *Indian Act* of Canada. The elected "band council", made up of an elected Chief and 12 councillors. As elected officials, the Chief and Council are responsible for the following:

- Represent the band and its members;
- Make decisions in the best interest of band members;
- Ensure proper administration of programs and services to community members.

The office of administration of the band council is called the "band office", or more specifically in this instance, the Sipekne'katik band office (*Indian Act, 1985*).

Community Engagement

The purpose of the community engagement session was to gather community input from Sipekne'katik Band members regarding the proposed Sipekne'katik Band Transfer Policy. The second part of the community engagement session covered discussions regarding the Band Councils request for an increase in their compensation, and to explore compensation parity and cost of living increases. It is important to note that 61 Band Members attended the community engagement session during the evening of March 30, 2017. Notice of the meeting was posted to the Band social media sites, website, with paper copies of the notice delivered door to door within Indian Brook First Nation.

Community Engagement Challenge

During the community engagement session, a Band Member raised an important issue regarding meaningful community engagement.

For high level issues, such as land designation, a community referendum is required. A referendum would require developing information packages that narrow down a complex issue, making it possible for Band members to vote yes or no. The Band membership can either show up at a polling station to vote on the issue, or mail in their vote as outlined in the information package

Another method of community engagement is to hold a plebiscite. The Band's interpretation of a plebiscite is very similar to a referendum, excluding the mail out package and mail out voting processes. Generally speaking, a vote would be held at a polling station, and it would be the Band Members civic responsibility to

participate in the process. The between a plebiscite and a referendum is that the latter is not legally binding.

The third method used for community engagement, is to provide notices to Band membership about a particular issue requesting feedback during a town hall style community meeting. This mythology of community engagement does not involve a voting process, but rather creates a venue to have an open discussion with membership surrounding various issues and challenges.

The challenge for Sipekne'katik administration is what qualifies as meaning community engagement. Currently, to engage with Band Membership the Band's Community Engagement Policy is the method utilized (<http://sipeknekatik.ca/sipeknekatik-band-community-engagement-policy/>).

The challenging questions regarding community engagement are:

- Where does the administrations responsibility meet with the memberships civic responsibility?
- What constitutes as meaningful community engagement?
- What is the threshold to hold a referendum and plebiscite?

Sipekne'katik Band Transfer Policy

In summary, the criteria provided in Sipekne'katik's Band Transfer Policy outlines that one must have a close connection with the community, and be a registered Indian pursuant to Canada's Indian Act. This new policy is considered a substantive change to Sipekne'katik Band's membership registration process, requiring community engagement before implementation and approval. Pursuant to the Community Engagement Policy, a community engagement session was held on March 31, 2017 to gather feedback regarding the policy.

Facilitators Observations

Band Members that attended the community engagement session were in favor of the proposed Band Transfer Policy. One comment that resonated within the discussion was to include a child abuse registry check in the membership application process.

Sipekne'katik Band Transfer Policy Community Survey

During the community Engagement session surveys were handed out asking if Band members were in support of the proposed policy, and to outline any concerns they had. The following is the result of that survey. It should be noted that Band members were advised these surveys were not considered a vote, but rather a request for general feedback.

Sipekne'katik Band Transfer Policy Questionnaire Data

- 35 Surveys were received

Do you support the proposed Band Transfer Policy?

YES	NO
30	3

**Please note that one questionnaire had both yes and no, and the other questionnaire did not answer this question.*

Based on the discussions and your review of the policy, do you have any thing that you feel should be included or removed from the policy? If so, please provide your answers in the box below. (The following are the responses provided by Band Members to the above question)

- A lot of great points were brought up, and it would be good, to have monthly/bi-monthly meetings about these issues as they will change. All the time 😊.
- People been waiting for years already to change over. Kids, Adults, Elders.
- All as long that person is put threw criminal checks
- Sex offenders out
- Community votes or committee of so many to help decide
- Should be custom every 5 years to be looked at
- Would like to have a policy that a non-native married into a Band and receive benefits.
- We will do better for our community treaty benefits, xmas bonus etc, why do they (white/black) continue to get benefits. Pay their light bill, live off reserve and get these utilities paid. Why are we still caring for them-they re-married their kind. Our responsibility should end. They re-marry out (Band Person) keep them out
- Sounds good to me as discussed.
- Thank you, This is very good to our community members
- I feel that people should not be transferred into the band without the heritage of being Mi'kmaq. They should have people make sure they have Mi'kmaq decent.
- I doubt people will want it
- Minus the criminal record check. To many natives with records and don't want to go to the cops to be apart of their own band.
- I can't not say yes or no at this time due to no having a final draft. This is an incomplete picture and unfair process to say yes or no
- Any new membership from other bands, should be made through BCR
- People who get divorced for horrific crimes. They should go back to their own community

- If we can not treat our existing Band members fairly and help them do the best of their abilities. Focus on our own people first.
- With community ref
- Concern that individuals connect to community will be overlooked or turned away for minor offences.
- Policy should clarify what would make a person not eligible.
- Clarification-more detail on criminal check. Minor infraction etc should be clarified in the policy.
- Currently individuals are being denied membership acceptance. Turn around wait is long. Waiting without social assistance. Accept Jordan principle people should get support during transition process.
- Not acceptable for individuals to wait 6-8 weeks without any assistance.

Band Council Compensation Increase

Sipekne'katik Band Council are amongst the lowest paid Mi'kmaq politicians in Nova Scotia. To review compensation of other Band Council groups please visit (<http://fnp-ppn.aandc-aadnc.gc.ca/fnp/Main/Search/FFListGrid.aspx?lang=eng>). The Band Council have requested to engage with Band Members surrounding their current compensation, while having discussions about compensation parity and cost of living increases.

Facilitators Observations

Increasing the Council's compensation sparked lively debate amongst those who were in attendance. It should be noted that the discussion also explored other important matters of the Band. In the facilitators opinion, many of these other topics were important or directly related to the Council getting an increase in their compensation. For example, one Band member spoke about a profit-sharing regime to be distributed to all band members, which is to be taken from the Band's own source revenue. Other comments made outlined concerns on the community engagement process, as provided in the section above. Several Band Members felt that being a Band Councilor is not a fulltime job, and were troubled that raises were being considered.

Another lively debate that took place was regarding a Chief and Council pay-scale based on terms in office, education, and experience. There were some that supported this idea, while others felt that a Chief and Council pay-scale would create inequity amongst the Band's politicians.

In the facilitators opinion, there were many that were in support of the Council getting an increase in pay, while there were others there were vocal against it.

Sipekne'katik Band Chief and Council Raise Community Survey

During the community Engagement session surveys were handed out asking if band members supported the Band Council getting an increase in their yearly compensation, what pay level they found appropriate, and provided general feedback regarding this topic. It should be noted that Band members were advised these surveys were not considered a vote, but rather a request for general feedback.

Sipekne'katik Chief and Council Raise Questionnaire Data

- 43 Surveys were received

Are you in favor of Council getting an increase in their yearly compensation?

YES	NO
28	13

**Two surveys did not answer the question but provided comments.*

If you are in favor of Council getting an increase in their yearly compensation, what amount do you feel is appropriate (Please check the box below). Please note the current Council compensation is \$38,520.

Salary Amount	Number of Respondents that a Agreed to the corresponding pay increase
\$40,000	5
\$42,000	4
\$44,000	2
\$46,000	12

*Please note not all surveys provided answers to this question.

If you don't agree with Council getting an increase in their yearly compensation, please explain why in the box provided below. (The following are the responses provided by Band members to the above question).

- No way
- Current leadership is only 4 months old. Once they have some time to get a feel for their jobs. Should be based on seniority, knowledge. Also, should have some sensitivity training.
- See the campaign promises we heard it wasn't have the money but they wanted to be there for the people. They lie!
- Work 5 days a week and yea maybe
- They need to be broken down more. Base for council experience, years served, education etc. Year for it value. Pay individuals what they are worth. Retro should not be provided.
- Winning a popularity contest does not make you smart. Nor does it make you take the people into your caring heart.
- Chief interrupts Band business that needs to get done

- Band Council meeting being cancelled and not rescheduled in the same week. Lack of band business being conducted, need to see more meeting attended and band business completed before there is a raise
- Chief and Council should think and help their people before asking for more money. Increase their welfare first. Some people struggle to buy food.
- Should think and help their people before asking for more money. Increase welfare first, some people struggle to buy food
- I think the salary should stay the same if no grade 12
- Grade 12 then a raise
- The more education the more of a raise
- As long as they continue to work together and do good for the community as a whole
- What is the next step? When or was the timeline for this process to be completed.
- Include both Chief and Council. This may extend past current Chief and Council. If one refuses, then freeze for term of the individual
- Is there going to be future engagement on this matter?
- Chief and council should make the same as each other. Each councilor has the same vote power and represents our community equally. Therefore, all should get paid the same.
- Up for it as long as my kids have a good future.
- If giving raises meet in the middle only if it can be afforded
- Pay increase needed
- Should be responsible for attendance
- Cost of living raises
- I am in total agreement in giving the Council a raise. But in agreement that if they don't show up for a meeting, their pay should reflect their attendance. Only valid excuses should be accepted for absences
- I don't feel informed enough to make this decision yet. Right now, I say no, but there might be some valid reasons and if done properly and transparently, and as long as it's fair, MAYBE
- I honestly feel that each individual should be paid by the level of education they hold and what assets that they bring to the table. (ie how is their attendance for meetings, vs, their attendance during the regular work week). Also, if each person (councilors this is...) holds more than one job, then NO. If this is not the case, then each department should be paid, according to their asset, or training, and education.

Facilitator Recommendation

As outlined earlier in this report, there were many questions and concerns surrounding what constitutes meaningful community engagement. It is understood, that as elected officials, the Chief and Council have the authority to make decisions on behalf of their constituents. However, there were many concerns from the Band members regarding when a plebiscite or referendum should be offered to gather community input. Overall, the challenge is what method of community engagement is acceptable and for what issues. It is the facilitator's recommendation that the Chief and Council engage with their Band

Members through a community referendum, to determine what level of community engagement is required for various issues.