

## MEMO

TO: Nipissing First Nation

FROM: Fred Bellefeuille, Barrister & Solicitor

DATE: November 1, 2020

Re: Report on Zoom Election Code Consultations October 28, 2020

---

On October 28, 2020 from 7 pm to 8:10 pm, I facilitated a Nipissing First Nation Zoom community consultation in regards to proposed changes to the Nipissing First Nation Custom Election Regulations. The meeting was promoted via the NFN website, Facebook and other social media and was preceded by a mail out of the proposed changes. The agenda for the meeting was simple, the main changes proposed by the election code review committee was presented and then the remainder of the meeting was provided for member feedback. The Zoom event had 14 to 15 band members in attendance.

The primary feedback from attendees at the meeting can be summarized as follows:

- 1) Two participants felt strongly that the zoom consultation is insufficient given the importance of the issue. We explained that this zoom event is a continuation of in person and survey consultations held since 2018. We advised that in person consultations prior to the pandemic had 9 participants in 2018 whereas this zoom has 15 members from as far away as Calgary.
- 2) A participant advised that the survey in 2018 demonstrated that the majority of respondents were against one of the proposed amendment concerning the 100 km radius they felt 60 km would be better. We advised that the feedback of the survey which included 72 responses was considered by the committee but had to be balanced with the Nipissing First Nation constitution that states that all band members are equal before and under the law, this includes being treated equal regardless of place of residence. The committee felt that the 100 km radius was a reasonable compromise as to the survey results and the constitution of the First Nation and let the community decide by vote;
- 3) We also received supportive feedback for the proposed amendments and work of the committee as addressing the need to open things up more to off reserve membership including these amendments to the election code;
- 4) We also received feedback that provided that we (NFN) are making other efforts to support off reserve membership more and that is good;
- 5) There was participant feedback concerning the threshold of the vote to approve the amendments. The participant stated it must be set. It was explained that the threshold is a simple majority of votes cast as set out in the election code itself.
- 6) There was a question concerning whether our election code is open to human rights complaints. We advised that yes, it is hoped that the ratification vote will assist in defending any such complaints if they should arise.

We also received typed feedback in the chat feature of the zoom program. The following is the comments we received:

Less than 10% of the status population did the survey. This is an extremely poor sample size to base decisions upon.

Having a threshold should be a no brainer

I think that the Chief and Council needs to be brought up to date about this Committee and the wish to push forward some things that are not necessarily needed. I do believe that thresholds have to be set!

We also received four email concerning feedback points prior to and right after the Zoom session. These emails were primarily from participants of the Zoom meeting reiterating their points as outlined above.