

From the Desk of Kukpi7 Paul Fergus Michel

December 5, 2017

**Attention: Adams Lake Band Community**

**Re: Adams Lake Band Legal Update**

Adams Lake Band Membership,

As Kukpi7 Adams Lake Band it is my responsibility to correctly inform the Adams Lake Band members about the 2<sup>nd</sup> posting on our November 30, 2017 Adams Lake Band Newsletter of a "Notice to the Community" regarding our ALIB legal actions and also our newly passed Custom Elections Regulations.

The main concern is that the "Notice to the Community" comes from the former Adams Lake Band Community Panel that was dismissed of their duties in October 2017. This former ALIB Community Panel consisted of Maryann Yarama, Dave Nordquist, Lynn Kenoras (Duckchief), Sandra Lund, and Hilda (Annette) Jensen. The former Community Panel have already fulfilled their 3 year term and no longer represent Adams Lake Band as a Community Panel.

The former Adams Lake Community Panel has no authority to post unsanctioned legal opinions in our Adams Lake Band Newsletter and especially a legal opinion that has major flaws and errors. I want to help our Adams Lake Band members to understand this major breach of duty, unfair comment, indecency, and dishonesty that was brought forth by the former Community Panel. I am attaching to this letter a legal opinion from our Adams Lake Band lawyer, Scott Nicoll, that gives a better understanding of the "Notice to the Community" that was posted for the second time in our Newsletter on November 30, 2017. I am sending this to each door without posting in our Adams Lake Newsletter because I do not believe in using our Newsletter for political debate. This legal memorandum and notice has been created for the best interest of the Adams Lake Band and it follows my promise to be transparent, accountable, and honest.

Respectfully, Adams Lake Band Kukpi7 Paul Michel

To: Adams Lake Band Members

From: Adams Lake Band Lawyer, Scott L. Nicoll, Panorama Legal LLP

Re: LEGAL OPINION OF "NOTICE TO COMMUNITY"

On Page 2 is legal memorandum regarding the "Notice to the Community" that was published in our Adams Lake Band Newsletter, November 30, 2017

*Paul F Michel*  
*Dec 5, 2017*

Recently former members of the ALIB Community Panel circulated a "Notice to the Community". That Notice contained unfortunate mistakes and misinformation. It is important for our Band to proceed forward on the basis of the correct information. I would like all members of the Band to know and understand the following important points.

1. The new 2017 Election Rules do not mention any Community Panel. The Community Panel no longer exists. The new 2017 Election Rules were passed by Band Members at a General Band Meeting that had final reading on October 30, 2017 and then ratified by the Chief and Council by Band Council Resolution on November 7, 2017. If you receive anything that says it is from the "Community Panel", it is not. It may be coming from some people who were once members of the Community Panel when it existed. But it no longer exists.
2. The old Community Panel had no jurisdiction to decide how the Election Rules were amended. It was not their job. The old Community Panel did not have the ability to overrule the decision of the Band members at a General Band Meeting.
3. The former Community Panel had no authority or jurisdiction to retain legal counsel to provide a legal opinion on how to amend the ALIB Election Rules. That legal opinion is not a legal opinion asked for or provided to the ALIB.
4. The legal opinion that was attached to the Notice agrees and admits that the Election Rules can be amended if the amendments are "initiated" within one year of the Election Date. The ALIB initiated elections/governance committee in April/May 2015, there was an expression of interest for a governance/elections committee in January 2016, and a committee was formed in February 20, 2016. That is less than one year from the Election Date of February 28, 2015. Their own legal opinion admitted that was the last day any amendments could be initiated. That means the new 2017 Election Rules were properly done, even according to their own legal opinion!
5. The Notice says at paragraph 2 that the ALIB Band members have, in effect, chosen the wrong way for election appeals to be handled. It is not up the Community Panel to tell the ALIB Band members that they cannot decide for themselves how election appeals will be done. The Community Panel is not entitled to tell us, as ALIB Band members, how we should run our elections. That was not their job, or anyone else's job.
6. The Federal Court of Canada decision regarding Chief Paul Michel and the Community Panel is not over. The Federal Court of Appeal overturned the Federal Court of Canada decision regarding the other councillors, pointing out all the mistakes the Community Panel made in that case. The Community Panel has already given up their case against the Chief. But the Chief still believes it is important for the Federal Court of Appeal to confirm that, again, the Community Panel acted improperly and that they should be accountable. Any comments that give the impression that his case is over are misleading.
7. Lastly, the Election Rules were changed by all of the members of the ALIB to do away with the disruption and harm that the Community Panel's actions caused in our community in the last two years. It is time now to heal from that hurt and to move forward as a community. Our new 2017 Election Rules are an important part of how we must do that. In our new 2017 Election Rules we have an election appeal process that better conforms to our traditional values and our way of life. Not all in our community support this, and that is okay. We will not always all agree. We do all have to understand, however, that we have the right to decide how we run our own elections and government, and no one has the right to tell us differently. We must never forget that.