



# Alexander First Nation Information Package

November 26, 2021

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# Alexander First Nation

Tan'si Alexander,

Chief and Council are recommending to all of Alexander's members to consider voting in the upcoming ratification vote for the Trust Account Claim, which will approve settling our long standing legal claim that the Alexander First Nation (AFN) had against Canada for almost 20 years. Canada has offered the amount of \$7,470,269.00 as a full and final settlement of this legal claim.

The terms that you will be voting on are the terms contained in the Settlement Agreement, and a copy can be obtained from Casey Auigbelle at 780.939.5887. This information package will contain a brief summary of the terms, for you to review.

We are recommending that we, as a Nation, vote YES on the ratification agreement, so that the money that has been offered can go to programming for all of our members. You will see in the attached budget where we propose to put the money for your benefit, which includes a one-time payment of a per capita distribution of \$500.00 right before Christmas.

Should the ratification vote fail, we will have to go back to the Specific Claims Tribunal, where we will have an outside decision-maker interpreting our sacred Treaty rights. Further, if the vote fails, we will not be able to provide any PCD this holiday season.

We look forward to hearing from you at our upcoming Information Sessions on Zoom, November 30 and December 2, 2021 at 5 pm (Mountain Time).

In the meantime, please ensure you vote online (December 8 until 8:59 am on December 13, 2021) or in-person at the Community Centre (December 13, from 9 am until 8 pm).

Hiy hiy,

**Chief and Council**



# TRUST ACCOUNT CLAIM SETTLEMENT AGREEMENT OVERVIEW

## 1. Trust Account Claim Settlement Agreement History

Alexander First Nation settled the 1905 Surrender Claim in 2002. That claim was made because in 1905 some of AFN's reserve lands had been sold improperly by the Crown. The monies that had been received from the sales were kept in trust accounts operated by the government of Canada.

When the 1905 Surrender Claim was settled, AFN and Canada could not agree on how to deal with the way Canada had used the money that had been held in trust, especially in relation to medical and relief expenses.

Following the settlement of the 1905 Surrender Claim, we brought a lawsuit in Federal Court saying that there were Treaty breaches associated with the management of the trust funds. In particular, we said that Canada had not lived up to the "medicine chest" and "relief" clauses of Treaty 6. We also presented a Specific Claim to Canada. In 2011 the Specific Claim was rejected and we appealed to the Specific Claims Tribunal, for the trust accounting discrepancy claim ("Legal Claim").

## 2. The Legal Claim

The Legal Claim is that Canada had an obligation under Treaty 6 to pay medical expenses and "relief" expenses from government money. Instead, we have claimed that, in violation of these treaty rights, the Indian Agents improperly used Alexander's trust funds to pay for these expenses. The amounts in issue are not large, but the principle that the Crown must consider and implement its Treaty obligations in managing trust moneys is important to Alexander and to all Treaty 6 First Nations.



### 3. The Settlement

On January 15, 2021, Canada offered Alexander a settlement offer in the amount of \$7,470,269.00 for the full and final settlement of the Alexander First Nation v Her Majesty the Queen in Right of Canada with the specific claim. In return, Alexander has to dismiss the specific claim without costs, and the litigation in the related Federal Court Action, *Chief Victoria Arcand v Her Majesty the Queen in Right of Canada*, and we must hold a ratification vote whereby a minimum of 50% plus one of the voters that vote in the process are in favour of the settlement agreement. This requirement has been updated based on our negotiation with Canada.

The “Trust Account Claim Settlement Agreement” (Settlement Agreement) was initialled by Chief George Arcand (Jr) and Canada in November of this year. Copies of the Settlement Agreement can be obtained from Casey Auigbelle, please call 780.939.5887.

#### a. Summary of Settlement Agreement

The terms within the Settlement Agreement set out, among other things, for how the ratification vote must be conducted, which will be in person and electronically, and that a simple majority (50%+1) must be obtained of those that vote. For example, if 1300 eligible voters show up both to vote electronically and in-person, then 651 people must vote yes. (Ratification requirements are in section 6.0 of the Settlement Agreement).

The Settlement Agreement also sets out:

1. A general history of the Legal Claim in the preamble, and definitions (section 1.0);
2. The compensation amount of \$7,470,269 for full and final settlement of the Legal Claim (section 2.0);
3. A release and indemnification of Canada’s liability and obligation for the items in our Legal Claim (in which we allege were improper uses of our trust account claim to pay for items owed to us through our Treaty rights) (sections 3.0 and 4.0);
4. Conditions Canada must comply with under this Settlement Agreement, for example: Canada receiving all relevant documents we must send them following the vote; putting funds aside to send to us; and giving the Minister



the ability to sign off on the Settlement Agreement once ratified by the community. (section 7.0);

5. We also must do a few things, in the “Representations and Warranties” sections, which require us to hold an information session with our legal counsel, financial advisor and Nation Members, and further that Canada does not get to say how we spend the settlement monies. (section 10.0);
6. General legal language including dispute resolution, amendment process, notice, programs and services (What does this mean) and general provisions (sections 11.0 - 15.0);
7. We have included very specific language in section 15.2 which states “This Settlement Agreement is entered into by Canada and the First Nation without any admission of fact or liability whatsoever with respect to the Claim, including but not limited to any admissions regarding the interpretation to be given to the medicine chest and relief clauses in Treaty 6”, to reflect the guidance given by the Elders of AFN, who said we should never have a foreign body interpret our Treaty rights; and
8. At the end of the Settlement Agreement there are various “Schedules” that deal with the paperwork that is necessary under the Settlement agreement, including the Voting Guidelines and forms that must be provided following the successful passing of the Settlement Agreement.

#### **4. Ratification Vote**

**Online December 8 to 8:59 am up to December 13, and In-person December 13, 2021**

Eligible voters are defined as anyone 18 and over who is a member of the Alexander First Nation (both on and off reserve).

To vote electronically, you must register at [www.efdx.ca/afn](http://www.efdx.ca/afn), prior to being able to vote. Electronic voting will be open from December 8, 2021 at 9 a.m. (Mountain Time) until December 13, 2021 at 8:59 am. Pre-registration to vote electronically will be open from 9 am (MT) December 5, 2021 until December 7, 2021 at midnight (MT). You will not need to pre-register to vote in-person on December 13, 2021.

Voting in person will be conducted at the Alexander First Nation Community Centre on December 13, 2021 with polls opening at 9 am and closing at 8 pm (MT).



Our Ratification Officer has been appointed under the terms of the Settlement Agreement, and shall be Loretta Pete Lambert. Ms. Lambert can be reached by phone 306.343.7383, fax 1.877.339.7781, email [loretta@petelambert.ca](mailto:loretta@petelambert.ca), or mail Suite 140-203 Packham Ave. Saskatoon, SK S7N 4K5

*To be clear, the vote is not connected to the TOPGAS/OMAC Settlement Agreement, which was already approved in 2020. This vote is not for the budget proposed by Chief and Council, it is just for the Trust Account Claim Settlement Agreement.*

## **5. Outcome of the Vote**

If the Ratification Vote does not pass, then we will have to continue going to court, with no expectation of receiving the \$7.4 million, and we might not get anything at all, or perhaps even less, if the Specific Tribunal Decision decides so.

However, if the Vote results are in the positive then a Per Capita Distribution will be provided December 14, 15 and 16.

### **6. Per Capita Distribution**

With the upcoming ratification vote for the Trust Account Claim Settlement (Settlement), AFN is preparing for a successful passing of the Settlement terms. If enough people vote “YES” Chief and Council will issue a one-time payment of \$500.00 as a Per Capita Distribution (PCD) from the settlement amount.

To prepare for the PCD, the administration team has set up an online pre-registration system for Members to begin applying for their (and any minor(s)) PCD, whether in-person or via electronic funds transfer (EFT). You can access this at [www.alexanderfn.com](http://www.alexanderfn.com).

The **DEADLINE** to pre-register is December 5, 2021 at midnight, but if you miss this deadline you can still pick your cheque up in person for yourself and any minor(s) without having to pre-register – although we strongly urge you to pre-register to avoid any delays in processing your PCD.

If the Settlement is passed by the AFN Members on December 13, cheques for the PCD will be handed out in-person on December 15 (in Alexander), December 16 (in Edmonton, location TBD) and after December 17 (for EFTs, with some banks taking time to process after this date). If the Settlement is not passed, no PCD cheques will be distributed on these dates.



**Please vote in the upcoming  
ratification vote  
ELECTRONICALLY between  
December 8 up to 8:59 am  
(MT) on December 13, 2021,  
and IN PERSON December 13,  
2021, between 9 am and 8 pm  
(MT) at the Community  
Centre!!**



# Proposed Budget

## Capital Account Legal Action Proposed Budget

Canada's Offer	\$7,470,269,00
PCD \$500 / member X 2317	\$1,158,500 Million
<b>Legal Costs</b> <ul style="list-style-type: none"> <li>○ Bob &amp; Alan success fee</li> <li>○ Outstanding accounts <b>37K</b></li> <li>○ Costs to complete estimating <b>65K for total of 102K</b></li> </ul>	\$275K
<b>Youth Center</b> <ul style="list-style-type: none"> <li>○ We would need to raise more but this would help with design and fundraising</li> </ul>	<b>1 Million</b>
<b>Cow and Plow Legal Costs</b>	<b>250K</b>
<b>Roads and Driveways</b>	<b>500K</b>
<b>Housing and Renos</b> <ul style="list-style-type: none"> <li>○ The RBC proposal has identified a good budget and we would need to insure we include           <ul style="list-style-type: none"> <li>▪ A) Off-Reserve purchase</li> <li>▪ B) On-Reserve home assistance</li> <li>▪ C) Reno assistance this for the 50/50 up a max. We would also need to ensure off-reserve gets \$200a % of new housing</li> </ul> </li> </ul>	<b>\$3,886,769 Million</b> <ul style="list-style-type: none"> <li>▪ Infrastructure <b>200K</b></li> <li>▪ Off reserve renos/purchase <b>200K</b></li> <li>▪ 6 Elders homes X 140K = <b>840K</b></li> <li>▪ 10 Regular home X 190K = <b>1.9 Million</b> <ul style="list-style-type: none"> <li>○ Total <b>2.74 Million</b></li> </ul> </li> <li>▪ Reno           <ul style="list-style-type: none"> <li>○ Major 5 X 60K = <b>300K</b></li> <li>○ Minor 5 X 15K = <b>75K</b></li> <li>○ Moderate 10 X 30 = <b>300K</b></li> <li>○ Total <b>1.675 Million</b></li> </ul> </li> </ul> <p>(we will have to recalculate these figures when we convene next week, as you will see, they don't add up)</p>
<b>Public Works Building</b>	<b>400K</b>
<b>TOTAL</b>	<b>\$7,470,269</b>





# Notice of Ratification Vote

## **NOTICE OF A RATIFICATION VOTE**

### SUMMARZIED VERSION

#### *In Person Voting*

Date: December 13, 2021

Time: 9:00AM – 8:00PM

Location: Alexander Community Hall

#### *Electronic Voting (Online)*

POLLS OPEN: Starting Wednesday 9:00AM, December 8, 2021

POLLS CLOSE: Monday, 8:59AM, December 13, 2021

**\*\* Pre-Registration is required for Electronic Voting \*\***

Pre-registration for the virtual voting will be open  
December 5, 2021, at 9:00 a.m. until December 7, 2021, at midnight.  
Registration and electronic voting will continue up to the opening of polls on the Official Voting Day.  
For assistance, please call the technician at 403.616.2117

Electronic and paper copies of the Alexander First Nation Trust Account Claim Settlement Agreement, the Alexander First Nation Trust Account Claim Settlement Agreement Voting Guidelines may be obtained from Casey Auigbelle, at the caseyauigbelle@yahoo.ca, telephone 780.939.5887.

An Information Meeting on the Alexander First Nation Trust Account Claim Settlement Agreement will be held as follows:

Day 1 - Tuesday November 30, 2021 (5:00PM to 7:00PM)

Day 2 - Thursday December 2, 2021 (5:00PM to 7:00PM)

Registration is required via Zoom – coordinates to be provided on Facebook, www.alexanderfn.com, and other social media accounts.

**AND TAKE FURTHER NOTICE** that all Members of Alexander First Nation who are 18 years of age or older as of the date of the Official Voting Day of the Ratification Vote are eligible to vote.

