

Key First Nation***Pelly Haylands Trust Department******General Newsletter April 29, 2010***

Anin-sikwa/Greetings!

The Chief and Council of the Key First Nation would like to extend a very warm greeting to every Key First Nation Band Member as the 2010 spring season arrives. The Chief and Council provide this newsletter/report as a convenience to the KFN band membership. This update shall summarize the year's activities in relation to the Pelly Haylands (PHL) Trust Agreement, as well as provide a summary of the High-lights of the Trust Agreement. This newsletter has also been presented to the KFN Band Membership as a duly convened General Band Meeting Report for the date of April 29th, 2010.

In presenting this newsletter it should be noted by the membership that there is a tremendous economic benefit that will be provided by the Pelly Haylands Trust Agreement to the membership for generations to come. In order to ensure the maximum potential of PHL benefits are reached and are utilized to the most effective extent, Chief and Council have embarked upon a policy development initiative.

This policy development shall be spearheaded by a Pelly Haylands Committee that will be comprised of membership of the Key First Nation. Chief and Council are now taking applications for membership to this committee from both on and off reserve band members. In order to apply members must submit a letter of application indicating their desire to sit on this committee along with a personal resume and a CPIC clearance check.

In requiring these application prerequisites, the Chief and Council would like to ensure that successful applicants will possess the appropriate personal and professional backgrounds for this important committee. This committee shall be mandated with guiding the effective coordination and management of the benefits that flow from the Trust Agreement.

These areas of policy development shall include but may not be limited to; PHL Land Acquisitions, and guiding Economic Development policies with respect to the use of revenues derived from acquired lands, and, and finally operational guiding policies that will ensure the fair, transparent and standard usage of the Band Development Process. This policy development initiative has been made possible by the Band Development Request Project presented to and approved by the Band Members in attendance at the November 23, 2009 Member Approval Meeting, and which was titled Policy Development Package for Lands Trust & Economic Development.

Additionally this committee may also serve as an information conduit and recommendation body for other land claims that Key First Nation has in the works. In terms of other Land Claims it should be noted that the Key First Nation 1909 Unlawful Land Surrender is still an active file.

This Land Claim is currently in the process of being resubmitted to the Indian Claims Commission in Ottawa. This resubmission shall be bolstered by the securing of services of a reputable Hand-Writing Expert by the name of Brian Lindblom. So stay tuned on this matter for future developments as there is a real potential of this claim being successful.

In closing these opening comments please be advised that band members are encouraged to communicate with the Pelly Haylands Trust Manager if there are any questions or concerns, or if you just want to keep informed of the latest developments in the Trust Department. Band Members may contact the Trust Manager by e-mail at ctosoup@ymail.com, or they may join the Key First Nation Facebook group, or by telephone at the Key First Nation Band Office.

1. General Timeline of Events of PHL Negotiations and Settlement

- ❖ The Pelly Haylands Trust Agreement has been in effect since September 18, 2008.
- ❖ Pelly Haylands Negotiations commenced in August 2000.
- ❖ Negotiations were completed in late 2005.
- ❖ Early 2006, First Nation Referendums are held at Key, Keeseekoose and Cote First Nations in order to accept the global settlement amount offered by Canada to the three Sauteaux First Nations.
- ❖ Following the referendum process to formally accept and adopt the Pelly Haylands Trust Agreement legal appeals delay final ratification of the settlement by the Minister of Indian Affairs.

- ❖ Legal appeals to the KFN PHL Referendum and Settlement are exhausted on the date of September 6, 2008. The Minister of Indian Affairs signs off on the KFN PHL Settlement ratifying the deal September 2008.
- ❖ September 18, 2008 the Key First Nation Pelly Haylands Trust Agreement becomes effective.
- ❖ May 20, 2009 Chief and Council hire a Pelly Haylands Trust Manager to actively coordinate and manage the legal responsibilities and obligations which flow from the Trust Agreement.

2 General Hi-lights of KFN PHL Trust Agreement

- ❖ The KFN PHL Settlement Amount provided to Key First Nation totals approximately 21.6 million dollars.
- ❖ The PHL Trust Agreement authorizes and requires the purchase of up to a maximum amount of 4,266.7 acres of land anywhere within the province of Saskatchewan, or up to 3 million dollars worth of land.
- ❖ The KFN PHL Trust Agreement is designed to be permanent, and is upheld and enforced by all Federal and Provincial Trustee Laws. It is important to note that following the payment of authorized expenses and authorized land acquisition, the amount remaining is what is referred to as the **Base Capital Amount**. The Base Capital Amount shall become permanently locked in, and if under any circumstances this amount is not maintained then the Key First Nation must pay back any shortfall to the Base Capital Amount.
- ❖ The interest generated annually from the Base Capital Amount will provide the permanent economic benefit of the **Band Development Request Process**, which is available to all band members regardless of the date of their addition to the Key First Nation Membership List, or their residency on or off reserve. A summary of this process has been previously provided in past General Band Meetings, in addition to being permanently posted on the Key First Nation Web-Site
- ❖ The PHL Trust Agreement authorizes and provides for the payment of a Per Capita Distribution not to exceed three thousand dollars (\$3,000.) to all adult band members that were on the Key First Nation Band Membership list as of the date of September 18, 2008.
- ❖ Children under the age of eighteen are eligible for the Per Capita Distribution if they were registered Key First Nation band members as of the September 18, 2008 effective

date of the KFN PHL Trust Agreement. Upon reaching the age of eighteen (18) the Per Capita Distribution will be provided to the child plus interest from the effective date of the Trust Agreement.

- ❖ All Land Acquisitions (over the value of \$50,000.) must be approved in the same manner as the Band Development Request process.

3 **KFN PHL Trust Agreement General Information**

.1) **Band Development Request (BDR) Process**

- ❖ Band Development monies are made available through the generation of interest (over and above the Base Capital Amount and minus the annual adjustment for the Inflation Adjusted Capital Amount).
- ❖ Individual Band Members or Groups of Band Members may apply for Band Development Request monies.
- ❖ *The Band Development Request Application must be submitted to Chief and Council for their approval. In the event Chief and Council approve the application, this does not mean the project is approved but simply that it is approved for presentation to the Band Membership for their final approval of the Band Development Request.*
- ❖ Following Chief and Council approval a 30 day notice shall be posted in at least two publicly viewable places at the KFN Band Office (as is the minimum requirement dictated by the KFN PHL Trust Agreement) as well as public postings at city friendship centers where significant number of KFN Band Members reside, as well as being posted on the KeyBand.com website.
- ❖ The date and meeting place of the 30 day notice is referred to as the **Member Approval Meeting**. All Key First Nation Band Members are encouraged to attend these meetings as it these members that are in attendance that will finally approve or disapprove the proposal submitted by either the band member(s) or proposals submitted by Chief and Council.

.2) **BDR Application Information**

- ❖ All Band Development Request must be submitted in the format of Schedule B (PHL Trust Agreement page 47).
- ❖ Further information should be provided in a manner that can demonstrate that the proposal is realistic and viable. The additional information should also include a professional resume which will show that the applicant possesses a suitable background with regard to the BDR proposal.
- ❖ It should be noted that with respect to the BDR Application Process, Chief and Council along with the KFN PHL Trust Department are actively in the process of developing policies that will ensure fairness and transparency in the BDR Application Approval process.
- ❖ Operational Policy Development shall be developed for implementation with the establishment and successful operation of the Key First Nation Pelly Haylands Committee. Further information shall be provided on this development further in this report.

.3) Chief & Council Meeting Dates To Review PHL Band Development Request Applications

- ❖ Regular dates have not been set at this time for Chief and Council meeting dates to approve Band Development Request projects.
- ❖ It is anticipated that the Pelly Haylands Committee shall provide recommendations for policy implementation regarding regular meeting dates for Band Development Request projects.
- ❖ Chief and Council have discussed scheduling a Member Approval Meeting for the month of June 2010, however no dates have been firmly set at the date of this report.
- ❖ Once this date is firmly scheduled it will be duly posted in the manner described in the Band Development Request Process described in this report.

.4) Access to Information & Financial Reporting

- ❖ Please be advised the 2008 Audit of KFN PHL Expenses is available upon request. In order to keep proper documentation of these requests please provide a written letter to the PHL Trust Manager so that these requests may be kept on file.

- ❖ Audit Information of KFN PHL Expenses for the calendar year of 2009 shall be made available to the KFN Band Members by the date of May 30, 2010.
- ❖ Legally required Accountability and Audit Requirements are defined by section 25.03 and 25.04 (pages 37 and 38) of the KFN PHL Trust Agreement.
- ❖ The Audit for 2009 KFN PHL spending shall be available to the membership by the date of May 30, 2010, as per the requirements of the Trust Agreement.

.5) PHL Land Acquisition Process

- ❖ The PHL Land Acquisition Process is generally the same process as the Band Development Request Process.
- ❖ Please be advised the Lands Acquisition Process summary is available on the Key First Nation website.
- ❖ Band Members shall be duly advised of any potential or imminent land acquisition under the PHL Trust Agreement.

.6) PHL Per Capita Distribution

- ❖ A full report on the PHL Per Capita Distribution shall be provided and formally available upon written request by the date of May 30, 2010.
- ❖ Please be advised that in order to qualify for the Per Capita Distribution band members must have been registered as Key First Nation Band Members by the effective date of the Trust Agreement, which is September 18, 2008.
- ❖ Children born after the date of September 18, 2008, or not formally registered as KFN Band Members by this date, **DO NOT** qualify for a PHL Per Capita Distribution at any time.
- ❖ Per Capita Distributions are prohibited by the Trust Agreement as per PHL Trust Agreement article 17.02(a), aside from the \$3000.00 Per Capita Distribution for band members on the KFN Band Membership list as of the date of September 18, 2008.

- ❖ Children who qualify for the Per Capita Distribution authorized by the Trust Agreement shall be entitled to the \$3000.00 Per Capita Distribution payment along with interest accrued from the date of September 18, 2008, to the month preceding the date in which the child turns eighteen (18) years of age.

.7) PHL Committee Establishment & Program Development

- ❖ As per the Band Development Request Project of November 2009 for Policy Development for the Amalgamated Portfolio of Lands, Trust & Economic Development, a committee shall be established for the purpose of recommending policies to be adopted by Chief and Council for operational management of the Pelly Haylands Trust Agreement with respect to the Lands, Trust & Economic Development Portfolio.
- ❖ Applications for this committee are being accepted until the date of May 6, 2010. In order to apply band members must submit a letter indicating their desire to sit on this committee. Also a resume must be provided demonstrating the applicant's suitability for this committee along with a CPIC Clearance Check.
- ❖ Committee members will be selected and approved by Chief and Council on the date of May 10, 2010.

4) Band Development Request (BDR) Projects of Calendar Year 2009

With regard to the Band Development Request (BDR) Projects for the year of 2009, it should be noted that these projects are all ones which have provided a tremendous benefit to the Key First Nation community. These are projects that have all been made possible by the use for which it was intended by the PHL BDR process. For reference this process is defined by Article 22 of the KFN PHL Trust Agreement (pages 35 and 36).

It is vitally important that the membership clearly understand that the PHL BDR Process is an ongoing permanent process, and that in addition to Chief and Council driven (community) projects, individual band members or groups of individual band members may also make application to this process.

The following summary provides the title and the amounts of 2009 KFN PHL BDR Projects, and these are as follows;

- ❖ **KFN CMHC Section 95 Housing Application: \$150,000.**
- ❖ **KFN Adult Career & Technical Training: \$40,000.**
- ❖ **KFN Band Housing Energy Retrofits & Environmental Upgrades: \$100,000.**
- ❖ **KFN PHL Administrative Assistant: \$40,832.**
- ❖ **KFN Elder Contribution Awards: \$40,000.**
- ❖ **KFN Christmas Food Hampers: \$220,000.**
- ❖ **KFN Asset Inventory System: \$10,000.**

Total spending authorized by the members in attendance at these Member Approval Meetings amounts to Six Hundred Thousand, Eight Hundred Thirty Two (\$600, 832.00). The spending for these projects shall be audited at the end of 2010 and be provided to the members by the date of May 30, 2011. Additionally all KFN PHL Trust Department spending shall be audited along with any related Chief and Council PHL spending.

It should be noted that one project not included in the summary provided is the KFN Gymnasium project. This project was based upon the contingency that federal and provincial matching funding would be secured. The KFN Gymnasium application for federal and provincial Recreational Infrastructure Canada (RInC) was turned down for funding. Therefore these dollars were never accessed and the monies remain in Trust.

5) **Conclusion**

In closing please be advised that with the establishment and implementation of the Pelly Haylands Committee, effective policies shall be developed which are meant to ensure that the maximum potential of the Pelly Haylands Trust Agreement is reached.

If there are any questions or concerns, once again please contact the Pelly Haylands Trust Manager at the KFN Band Office, or by e-mail (ctosoup@ymail.com) or at the Key First Nation Facebook Group. This report shall be posted immediately upon Key First Nation website (keyband.com), along with further periodic reports.

Sincerely

Carey T. O'Soup
KFN PHL Trust Manager

cc KFN Chief & Council
Mario Fruci, CIBC
Melody Brass, KFN Director of Operations