

## NOTICE TO ALL MEMBERS

### Will there be an individual or “per capita” payment to Members if we settle the 1907 Surrender Claim?

#### Peguis First Nation

During the information meetings leading up to the first vote on the proposed settlement of our 1907 Surrender Claim in January, our Members were clearly divided about the question of a cash payment from the Surrender Claim settlement to individual Members. The settlement is a settlement of Peguis claims for compensation, *not* of any individual Members, thus no Member may claim any right to a personal payment from the settlement. If there are any valid individual claims, those claims are unaffected by this settlement.

While no Members may claim a right to a personal payment, the Members will be asked to decide whether or not we should withdraw money from the community Trust on a one-time basis for the purpose of a payment in celebration of our settlement. For every Member that wanted a cash payment, there was a Member that preferred that all of the Trust money be used to fund specific projects for broad community benefit, due to the great cost of any individual or family payments. Since our community is the largest First Nation in Manitoba, any form of cash payment will be very costly. For example, if the Members approve of a per capita payment in the amount of say \$1,000.00, with the adjustment for elders, the estimated cost will be in the range of \$ 9,300,000.00 (subject to the number of additions to the Membership List, new births, etc, prior to the date of certification of the number of Members for payment purposes – **December 31, 2009**).

Due to the uncertainty in the views of the Members, the cost and the complexity of administration of the individual payments, Council had decided to include a two-part question in the Peguis Trust agreement to be put to the Members in a vote to be called by the Trustees within 60 days after the signing of the Surrender Claim Trust Agreement:

- In the first part of the question, the Members would be asked whether or not they agree that a cash payment should be made from the Trust fund at all;
- **IF** the Members voted YES in favour of the use of the Trust money for a cash payment, the Members would be asked to answer a second question fixing the amount of payment.

Under the terms of this question as originally inserted in the Surrender Claim Trust Agreement, if a per capita payment was approved by the Members, the payment would be paid to adult Members of Peguis only (a larger payment being made to elders 55 years of age and older). In our view, children in each household would enjoy the benefits of these payments and benefits from the settlement for their entire lives. In this manner, the Trust could avoid the serious, long term administration of payments to minors from the Trust.

However, during the January information sessions, many Members expressed views that **ALL Members, *including minors***, should receive benefits from this payment in celebration of our settlement if the payment was authorized by the Members. Council repeatedly assured Members during the January information sessions that it would listen to their views. All Members have been given formal notice that:

**Council has directed that the proposed Surrender Claim Trust agreement be amended to provide for a payment by the Trust to Peguis for the purposes of making a per capita payment benefiting ALL Members, including minors, on the set date for "certification" of the number of Members of Peguis entitled to payment, IF in fact our Members authorize a per capita (individual) payment from the Peguis Surrender Claim Trust.**

Specific amendments have been made to the sections of the Surrender Claim Trust agreement provided to Members on the List of Eligible Voters, including:

- A. Section 1.25 being the Definition of "Qualified Member".
- B. Section 8.4 entitled "Provisions Governing Per Capita Distribution".

The Trust agreement to be approved by our Members if we vote "YES" in favour of settlement of our Surrender Claim on June 13, 2009, includes these revisions. A full copy of the amended Trust Agreement will be provided to any Member on request and has been posted on our website at [www.peguisfirstnation.ca](http://www.peguisfirstnation.ca).