

NOTICE TO ALL MEMBERS

Summary of Amendments to the Surrender Claim Trust Agreement

Settlement of the 1907 Surrender Claim Peguis First Nation

On **June 13, 2009**, our Members will vote again to decide whether or not our First Nation should accept the settlement of the 1907 Surrender Claim (being the illegal taking of our former reserve, the St. Peter's Reserve, at Selkirk). We first voted on that question in January of this year; however, a second vote is now being called. **Why?** Under the *Indian Act Referendum Regulations*, a majority of our voting Members (a so-called "absolute majority") were required to cast votes for a valid vote. Unfortunately, a majority of voting Members did not cast votes in January, so the Minister declared the first vote invalid.

Under the *Regulations*, if the majority of Members who did cast votes voted to accept the settlement, the Minister may call a second vote. Since about **92%** of our Members who voted cast votes to accept the settlement we negotiated over the last 10 years, the Minister has now called for a second vote in June.

The terms and conditions of the Surrender Claim settlement agreement remain unchanged. However, Council has directed that amendments be made to the Peguis Trust agreement, an internal document of the First Nation, to reflect the concerns of various Members raised during the January community consultation process. In the simplest of terms, those amendments, set out below, will:

- **enable the Trust to make a one-time cash payment to ALL Members on our Membership List as of the certification date of December 31, 2009, (not just adult Members), IF THE MEMBERS APPROVE of any cash payment at all in the vote on that matter to be called by the Trustees within 60 days of the settlement of the Surrender Claim;**
- **confirm the vote on the cash payment will be in the form of a Referendum similar to the settlement vote, not at a general Band meeting;**
- **confirm the costs of that vote are paid by the Trust; and**
- **provide that the Trustees shall be elected by the Members of Peguis in a manner similar to the Referendum process, rather than at a general Band meeting, so that all eligible voters of Peguis will have the opportunity to vote in Trustee elections.**

Specifically:

1. Definitions: Section 1.25 set out the definition of a "Qualified Member", being those Members of Peguis who would be entitled to a cash payment if the Members approve of such a payment. In the January 2009 version of the Trust agreement, only Members who were at least 18 years old on the certification date would have been entitled to a payment. This age limitation has been removed.

Therefore, in the revised version of the Trust agreement, **ALL** Members on the Peguis Membership List on the certification date (December 31, 2009) will be entitled to benefit from any payment approved by the Members, not just adult Members of Peguis.

2. Provisions Governing Per Capita Distribution: Section 8.4 (and related Section 8.5 regarding costs) set out the requirements for a vote on the question of a cash payment to individual Members. In the January 2009 version of the Trust agreement, the question to be voted upon was not stated and the vote was to be taken at a general Band meeting. These points have been addressed in the revised Trust agreement.

Therefore, in the revised version of the Trust agreement, the question to be voted on by Peguis Members is now stated; all eligible voters will have the opportunity to vote on the question called by the Trustees (expected to be similar to the Referendum process, rather than at a general Band meeting) and the costs of the vote are paid by the Trust.

3. Election of Trustees: Paragraph 9.7(d) was clarified to state that Trustees are to be elected by our Members in an open vote expected to be similar to the Referendum process so that all eligible voters, living both on and off Reserve, will have the opportunity to vote in elections for Trustees, as opposed to a vote conducted at a general Band meeting.

There are no other substantive changes to the Peguis Trust Agreement. The detailed amendments were attached as Schedule A to the letter from Council included with the Notice of Vote mailed or delivered to all Members on the Peguis List of Voters.

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.