

SAWRIDGE FIRST NATION

***TWINE AND AMMUNITION CLAIM
SETTLEMENT - REVISED
PER CAPITA DISTRIBUTION ACT***

Tabled for First Reading: February 11, 2023

First Reading: March 11, 2023

Second Reading : March 11, 2023

Third Reading : March 11, 2023

Came in to force: March 11, 2023

Sawridge First Nation

Twine and Ammunition Claim Settlement – Revised Per Capita Distribution Act

The Sawridge General Assembly enacts as follows:

Short title

1. This Act may be cited as the *Twine and Ammunition Claim Settlement – Revised Per Capita Distribution Act*.

Definitions

2. In this Act,

“Fund” means the balance of the Ammunition and Twine funds held on the New Distribution Date by the First Nation in a segregated interest bearing Trust Account in accordance with section 7(b) of the Prior Act, but does not include any funds held in accordance with section 10 of the Prior Act for Minor Members;

“Member” means a Member of the First Nation whose name appears in the Membership List maintained by the First Nation in accordance with the Membership Rules of the First Nation as recognized by the Constitution of the First Nation;

“New Distribution Date” means the first day that is not a Saturday, Sunday or Holiday and does not fall on a date between Christmas Day and New Years Day which is no less than 14 days after the day the New Referendum results are considered to be final in accordance with section 5;

“New Per Capita Share” means the amount calculated pursuant to section 8;

“Prior Act” means the *Twine and Ammunition Claim Settlement –Per Capita Distribution Act* which came into force on September 17, 2022.

“New Referendum Day” means the date of the New Referendums called by the Council pursuant to Section 4;

New Referendums

New Referendum Question

3. After the passage of this Act, the Council shall place before the Assembly the following New Referendum Question:

I approve the one time distribution, on an equal per capita basis, to all Members of the First Nation, of the balance of the compensation received by the First Nation in respect of the Twine and Ammunition Claim Settlement Agreement held in accordance with the Twine and Ammunition Claim Settlement Per Capita Distribution Act, notwithstanding that such distribution will, together with all distributions made in the previous twenty four months, exceed 5% of all of the First Nation Money that is held at the time of such distribution. This distribution shall be subject to sections 10 and 11 of the Twine and Ammunition Claim Settlement Revised Per Capita Distribution Act. This approval shall also operate to authorize the Council to make Christmas Bonus distributions based on the same formula used in 2022 for the next 2 Christmases after the Distribution made pursuant to this approval without the need for a further Referendum. This referendum question is not an amendment to the Constitution, but is binding on the First Nation, the Council and the Assembly. Should approval by Referendum fail, the Funds shall continue to be held pursuant to section 7(b) of the Twine and Ammunition Claim Settlement Per Capita Distribution Act which does not require Referendum approval for staggered Per Capita distributions.

Calling New Referendums

4. If the Assembly makes a motion calling for New Referendums on the question set out in section 3, then the Council shall within 30 days thereafter pass a resolution calling a Referendum of the Resident Electors and a Referendum of the Non-Resident Electors, for the purpose of approving the New Distribution, to be held on the same day, in accordance with the *Referendum Act*, not less than 80 days after it is called. The motion calling for the New Referendums may be conditional on certain conditions being met, and the New Referendums shall not be called if the conditions are not met.

Final New Referendum Results

5. The New Referendum Results as reported by the Electoral Officer shall be considered to be final 30 days after the New Referendum Day, or if there is an appeal of either New Referendum, 30 days after all appeals are conclusively resolved.

New Referendum Approval

6. As required by the Constitution, the New Referendum shall be considered to be approved only if all of the following conditions are met:
 - a. 90% of all of the Resident Electors participate in the New Referendum of Resident Electors;
 - b. 90% of all of the Non-Resident Electors participate in the New Referendum of the Non-Resident Electors;
 - c. 90% of the votes cast by the Resident Electors in the New Referendum of Resident Electors approve the New Distribution; and
 - d. 90% of the votes cast by the Non-Resident Electors in the New Referendum of Non-Resident Electors approve the New Distribution.

Distribution

Distribution

7. Once the New Referendum results are considered to be final as provided in section 5, then
 - a. if both the Resident and Non-Resident Electors New Referendums are approved as set out in section 6, then the Fund shall be distributed in accordance with this Act; or
 - b. if either or both New Referendums fail to approve the New Referendum Question as set out in section 6, then there shall be no distribution in accordance with this Act and the provisions of the Prior Act shall continue to provide for the incremental distribution of the Fund.

Calculation of New Per Capita Share for Distribution

8. A New Per Capita Share shall be calculated by dividing the Fund by the total number of living Members of the First Nation on the New Distribution Date.

Payment of New Per Capita Shares

9. Subject to sections 10 and 11, if both the Resident and Non-Resident Electors New Referendums are approved as set out in section 6, then the Council shall cause the First Nation to distribute to each Member a New Per Capita Share on the New Distribution Date.

Distribution's for Minor Members

10. If a Member is under the age of 18 years on the New Distribution Date, then the First Nation shall retain that Member's New Per Capita Share in an interest bearing account until that Member turns 18 years of age, and thereafter shall pay that Member's New Per Capita Share together with the accrued interest thereon to that Member.

Payment of Member's Loans from the First Nation

11. If, as an adult, a Member has incurred debts which are owed to the First Nation on the New Distribution Date, then the First Nation shall first apply as much of that Member's New Per Capita Share as is sufficient to pay that Member's debt to First Nation in full and then, subject section 10, pay the balance of that Member's New Per Capita Share (if any) to that Member, provided that, unless that Member has agreed otherwise, if the amount of the Loan is greater than 25% of that Member's New Per Capita Share, then only 25% of that Member's New Per Capita Share shall be applied to their loan, and the balance of that Member's New Per Capita Share shall, subject section 10, be paid to that Member. Any Member shall be afforded a binding Mediation/Arbitration process to resolve any debt they contest they owe to the First Nation.

Effect of Act

12. (a) If both the Resident and Non-Resident Electors New Referendums are approved as set out in section 6, then
 - i. this Act shall remain in effect until the Fund has been distributed to the Members, including the distribution of all amounts payable to Members who were minors on the New Distribution Date, including amounts held for such minors in accordance with the Prior Act. Thereafter this Act shall have no further effect; and
 - ii. the Prior Act shall have no further effect.
- (b) If either or both New Referendums fail to approve the New Referendum Question as set out in section 6, then this Act shall have no further effect and the Prior Act shall continue to apply to the Fund.

Coming into force

13. This Act shall come into force on the day it is passed by the Assembly.