



Whitefish River First Nation

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**COMMUNITY ENGAGEMENT MEETINGS
DRAFT TRUST
MAY 10, 11, 12, 2018**

Trust Flow

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1. *Preamble* Story how the Trust came into existence
2. *Definitions* Some standard drafting some unique to WFRN
3. *Creation* Some standard drafting some unique to WFRN
4. *Purpose* The overall purpose of this Trust is to promote the long-term benefit of WFRN
5. *Trustees* Unique drafting to WFRN
6. *Powers* Standard drafting
7. *Duties* Standard drafting
8. *Liability* Standard drafting

Trust Flow

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|------------------------------------|-------------------------------------------------|
| 9. <i>Investments</i> | Standard Clauses |
| 10. <i>Initial Payments</i> | Payment of costs associated with the settlement |
| 11. <i>Per Capita Distribution</i> | Unique to WRFN |
| 12. <i>Trust Uses</i> | (What we use the funds for) Unique to WRFN |
| 13. <i>Duties of Council</i> | Unique to WRFN |
| 14. <i>Expenses</i> | Some standard drafting some unique to WRFN |
| 15. <i>Amendments</i> | Unique to WRFN |
| 10. <i>Term of Trust</i> | Unique to WRFN |

Your Initial Draft Trust

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Trustee Appointment

- Selection Committee to make recommendations to Chief and Council for Citizen Trustee appointments
- Trustees must:
 - be at least 25 years of age,
 - be of good character,
 - not be an un-discharged bankrupt, and
 - provide a Criminal Record Verification with a clear Canadian Police Information Centre (CPIC) and a clear Vulnerable Sector Check prior to their selection and every year after during the period of their selection.

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Initial Payments to and from the Trust

- Costs, including legal fees, incurred by the First Nation in researching, preparing, negotiating and settling the Settlement Agreement

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Per Capita Distribution (Personal Cash Distribution)

- The Qualifying Recipient must be twenty-one or has reached the age of 18 and graduated from high school or local equivalent, whichever occurs first
- Amount to be determined by Chief and Council for decision by the WRFN Voters

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Rules for Council

- **Community Development Bank Account governed by the Financial Policies and By-Laws of WRFN**
- **The funds in this account shall be spent on protecting WRFN's aboriginal and treaty rights, education, health, housing, culture, economic and community development, the environment, new or existing initiatives that have been identified in the WRFN Comprehensive Community Plan and all reasonable administration costs associated with this Trust**
- **Council shall conduct at least 2 meetings with Citizens in the first four (4) months of every Fiscal Year in order to consult with Citizens regarding how the funds received from the Trust shall be spent in the upcoming fiscal year of WRFN**
- **Council shall conduct at least 1 meeting with Citizens to report on how the funds have been spent in any given year**

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Encroachments for Natural Disasters or Emergencies

- The Trustees shall transfer to WRFN a cumulative amount totaling up to XX percent (X%) of the Trust Property, calculated at December 31st of the preceding Fiscal Year, to be used by Council to address Natural Disasters or Emergencies when directed to do so by Council Resolution.
- Council must first have exhausted all other means of compensation through the Federal or Provincial Government or Indian and Northern Affairs Canada before accessing the funds from the Trust
- Council shall conduct at least 2 meetings with Citizens in order to consult with Citizens regarding how any funds received from the Trust would be spent in the upcoming Fiscal Year of WRFN. These meetings are to be open to all Citizens and held on reasonable notice.

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Encroachments for Land Purchases

- The Trustees will transfer to WRFN an amount totaling up to XX percent (X%) of the Trust Property, calculated at December 31st of the preceding Fiscal Year, to be used by Council for Land Purchases when directed to do so by Council Resolution.
- Prior to releasing any Trust capital for Land Purchases, Council will develop a plan setting out why the purchase of land is required, what the intent or purpose of that land will be and how it will bring a tangible benefit to WRFN.
- Council will conduct at least 2 meetings with Citizens in order to consult with Citizens regarding how any funds received from the Trust would be spent in the upcoming Fiscal Year of WRFN. These meetings are to be open to all Citizens and held on reasonable notice.

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Authorized Loans & Authorized Loan Payments

- The WRFN may use the Trust Capital as collateral for authorized loans

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Authorized Expenses

- Trustees will submit a financial statement and explanation of Authorized Expenses to the Council on a quarterly basis.
- By Council Resolution, WRFN will direct the Trustees to pay Authorized Expenses on behalf of WRFN from the Trust Property in the Trust Account on a timely basis.
- The Council may, by Council Resolution, also direct the Trustees to pay Authorized Expenses, as and when incurred, from funds in the Trust Account pursuant to a Management Fee Agreement with the Trustees.

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Amendments

- Trust Agreements require amendment sections to allow for changes to be made to the Trust Agreement.
- Decisions are still required on the process so that it matches the WRFN community decision-making process and at the same time ensures that the integrity and stability of the Trust arrangements are preserved.
- You do not want a process that in practice does not allow changes.
- You also do not want a process that makes it too easy to change the Trust.

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Duration of the Trust

- In Ontario, trusts need to have an end date. They cannot exist for all time.
- Decisions are still required on the term of the Trust.

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On behalf of the Trust Working Group thank you
for your time and input.