

FAQ'S - Fond du Lac First Nation Treaty #8 Benefits Trust

Question 1: The website is not user friendly. Registering is difficult, and many members are not having success. Can you modify the website to make a simpler registration for the members? Many are still having problems gaining access. Why does this have to be so secure when Public Trust information is available including audits to the public? Other bands post this publicly.

- Bands were required by ISC to post their audits in relation to accountability for federal funds, but the current federal government is not enforcing this requirement so some Bands do post, and others do not. The Trust does not manage federal funds and therefore does not post its audit to the general public, because the information is not for the general public and the Trust maintains confidentiality for the benefit of Fond du Lac First Nation only and not the general public.
- We have very recently modified the member registration section of our website and this should address all earlier challenges some members encountered when trying to register. If you have not already, please register at www.fonddulac.ca.
- The information posted in the members only section of our website is intended only for those who are registered members of our First Nation and not for public consumption or redistribution, in part or whole. Any registered member of our First Nation can view the contents of the members only section at any time once their initial request for access has been successfully completed.

Question 2: Why is it that the official audit has not been posted? We don't want to see a summary or a financial statement without the official audit. Meetings were to be held but with Covid it probably won't happen for quite some time. Can you post the official audit on the website AND a video explaining the official audit to the people as well? People want transparency and need to know the company that did the audit and see the actual audit as well. Without viewing this we feel that you are trying to hide something. Please show by your actions that you are not.

- The audits of the Trust are not posted and not made available to the general public because the information belongs to the Trust and the First Nation and is not to be widely distributed. The Trust Agreement provides that the Trustees will prepare a report including the audit which has been prepared by an independent auditor contracted with the Board of Trustees. The Board of Trustees also includes an Accounting Trustee which is also a Chartered Professional Accountant and so the transparency promised to the people is being strictly adhered to by the Board of Trustees and there is no opportunity for hiding anything. The Board of Trustees will make available a report to the Council of the First Nation, and the membership who can review, but not copy the report. Unfortunately, some members consistently attack the Trust and Trustees to try and destroy what has been established for the benefit of the First Nation and its long-term sustainability. These few members and some who campaign for leadership on the basis of the Trust have the potential to cause the Trust and the First Nation lots of damage. The Board of Trustees sees this in other First Nations who have elected people who do not respect the Trust or the Board of Trustees, and do not follow the Trust Agreement or the First Nation laws which require respect for the administration of the Trust and keep the Trust separate and apart from Chief and Council. Because the Trustees have an obligation and duty to protect the Trust funds for the benefit of the First

Nation membership collectively, care must be taken to ensure that information is protected and not distributed widely to those members and non-members who would use this information improperly.

- The Board of Trustees will meet with the First Nation as soon as it is safe to conduct large indoor gatherings. The Board of Trustees held meetings with the Band before the Covid pandemic and will do so after, but in the meantime has posted the most important information.

Question 3: How are band funds and Treaty trust funds separated?

- Trust funds are managed by the Board of Trustees. Band funds are managed by the Chief and Council. The Trust does not manage Band funds and the Band does not manage Trust funds.

Question 4: How come we haven't had the meetings that were promised to us a few times a year for updates in different cities?

- Several meetings at each center during a given year was never a promise made by the Trust. The community meetings in Fond du Lac, Prince Albert, Saskatoon, and Edmonton are normally held annually. Multiple meetings in the same year and same centers are very costly and offer little additional benefit or information.
- Since March 2020, Covid-19 restrictions have either banned large gatherings or restricted the number of people who can gather, which has prevented the Trust's scheduled meetings with Members. The Board will resume annual meetings as soon as it is safe to do so by local, provincial and federal health authorities.
- In the meantime, the membership will continue to receive new information on our website when available, and the Board of Trustees plan to do this quarterly (i.e. every 3 months).

Question 5: If a member of the Chief and Council ask for Treaty 8 funds, how do you handle this? How do you ensure that this money isn't being wasted or used inefficiently? Shouldn't the band use the funds they get from the government do the upgrades they need? They receive a lot of funding.

- The Trust Agreement provides that all proposals or applications submitted to the Board of Trustees for consideration of a loan or grant must:
 - Describe the benefits expected to both the applicant, the First Nation and member; and
 - Be consistent with the Permitted Expenditures outlined; and
 - Be detailed in writing with a budget and financial projections.
- The Permitted Expenditures include those described in the Trust Agreement such as housing, economic development, education, health and wellness development, and cultural pursuits. Therefore, the Board of Trustees would expect that a member of the Chief and Council making a proposal would involve their specific portfolio.
- The Trust has and will continue to consider all requests or proposals from the Band or from any member of the Fond du Lac First Nation. Every proposal is carefully reviewed on its own merits and only approved if it is to the benefit of the First Nation and permissible per the Trust's investment or expenditure policies. The Trust will not approve any expenditures that cannot be supported with receipts and evidence

that the Trust funds were used in accordance with the request or proposal. The Trust will never support a request or proposal that is at risk of being a wasteful use of Trust revenues. The Trust was not designed to replace funding provided by local, provincial, or federal sources. The Band must first prove a request or proposal cannot be funded by some level of government or other traditional funding sources before the Trust will consider an application.

Question 6: Can we have an urban office or an urban representative who can answer the questions for the members of Fond du Lac? Someone who has the skills to communicate with the people and help them get answers. This was mentioned in the meetings the trustees held that an urban rep or office would be hired using Treaty Funds to be a liaison and represent the urbans- who get little or no support from the Band or even a response. We feel like we are unheard and would like to see this happen as it was stated in the meetings.

- The Board of Trustees sees its role as improving the First Nation including its governance and improving the communication between its governance and membership so that everybody can share the same long-term vision to improve the Fond du Lac Denesuline First Nation so that all members, wherever they live, are proud of their First Nation and its heritage.
- As a result, the Trust shares a website with the Fond du Lac First Nation leadership and so the Board of Trustees is prepared through its Councillor Trustee to reach out to leadership and find ways to identify and improve communication so that membership, elected leadership, and the Board of Trustees can work more effectively together.
- The Trust still hopes to establish an urban presence, whether it be by location or by representative. Unfortunately, the two Christmas payments (2018 and 2019) and the Covid-19 Pandemic Assistance depleted a vast majority (close to 3 Million Dollars) of our investment revenues. Now that our investments have all moved from GIC's to proven Asset Managers, we hope to see greater revenues from our investments so we can do more for the First Nation, on and off reserve. All decisions made by the Trust consider the overall impact to the First Nation, on and off reserve.
- Any questions of the Trust can be sent by email to treaty8@fonddulac.ca and the Trust Administrator can call the member if this is the preferred method of communication. A direct line to the Trust Administrator will be posted on our website by the end of February 2021.

Question 7: Why do you keep asking for our personal information when we already gave it to you? The Band office wanted us to resend our information to her phone and most of us didn't receive anything.

- The Trust has not asked for any personal information since the PCD payment in the fall of 2018, and the Covid-19 relief payment this past spring 2020.
- Personal member information previously provided to the Trust is considered strictly confidential and not shared directly with any employee of the Band. The Trust did not have any involvement with recent Christmas initiatives which were funded by and organized by the Band.
- The Trust treats confidential information seriously and respects the privacy of all members which is another reason why the Trust must be careful when some members display hostility towards the Trust.

Question 8: Could the Treaty funds be used to help set up an online voting so we as members can vote for Chief and Council? Why can this not be done? Why does Chief Electoral Officer not answer us? Can you help us? We could use the online voting platform for future events such as voting on Covid relief funds. Wouldn't this be a worthy cause? The band says they can't afford it so why can't they use some Treaty funds as it benefits all members?

- The Board of Trustees takes great care to remain independent of the Chief and Council and does not get involved with Band elections which may receive some funding from the Departments of Crown-Indigenous Relations and/or Indigenous Services Canada. To the extent the Trust may provide funding assistance to improve the governance of the First Nation, the Board of Trustees can consider the potential of funding the development of on-line election processes in the future, should Chief and Council make a proposal for this purpose and the membership is supportive, because the Trust Agreement does not specifically describe this activity as a Permitted Expenditure.

Question 9: How are the trustees related to each other and the administration? If they are, isn't this a conflict of interest?

- The Trust Agreement provides for strict rules about disclosing conflicts of interest. Just because people are related does not create a conflict of interest. The conflict occurs when an individual Trustee has a personal interest and can potentially benefit personally from a Permitted Expenditure or activity of the Trust which must be for the good of the First Nation. As a result, disclosure of the conflict of interest is required and the Trustee will not be allowed to participate in any discussion, deliberation, or voting of the Trustees concerning any such proposal or potential contract.
- Further, Trustees are not immediate family members to other Trustees or anyone in leadership and most are more distantly related or not related at all. Trustees make decisions based on what is in the best interest of the First Nation and not according to who they are related to, on or off reserve. And, as always, the Trustees have a fiduciary duty to avoid and manage any real or perceived conflicts of interest.

Question 10: Why was Black Lake and Fond du Lac grouped together in the Treaty 8 Negotiations?

- This was explained many times in each of the many consultation meetings leading up to the settlement of the claim with Canada. The answer is that Treaty 8 was entered into at Fond du Lac on July 25 and 27, 1899 under the leadership of Maurice Piche acknowledged as Chief due to his being recognized as the best hunter of the Band, and two Headmen known as Laurent Dzieddin, and Toussaint. Maurice Piche was also known as Moberly, and he did not initially want to enter into the Treaty because he did not want his people confined to Reserves and wanted to continue the Dene way of life living off the land.
- Chief Piche did not like or trust the Treaty interpreter whose name was Robillard, but he did trust Father Gabriel Breynat, OMI who helped to persuade him. After two days, Chief Piche entered into Treaty 8 believing it to be primarily a friendship Treaty as the main concern of those who entered into Treaty 8 was to ensure the survival and well-being of their children, grandchildren, and future generations of the First Nations people.

- The Band that entered into Treaty 8 at Fond du Lac was known as "Maurice's Band" or "Moberly's Band" and remained intact until 1949/1950 when approximately 258 members of Maurice's Band left to follow Louis Chicken to form the Stony Rapids Band which has become Black Lake Denesuline First Nation. The Black Lake Denesuline First Nation is considered a party to Treaty 8 because of being originally of Maurice's Band which was the original Band that entered into Treaty 8 at Fond du Lac. The remainder of Maurice's Band became the Fond du Lac Denesuline First Nation.
- Because the claim with Canada was an historical claim involving Treaty 8 entered into in 1899 at Fond du Lac with Maurice's Band, the claim of the original Band proceeded together until before the time of settlement when each successor Band proceeded to ratify their respective settlements separately.

Question 11: Why are there no urban band members on the Board of Trustees?

- The Trust is required to have an urban Trustee and, currently, he is also the Trustee Chair.

Question 12: How many urban members can we have on the Board of Trustees?

- The Trust can have more than one urban Trustee but increasing the urban Trustee count would also require an increase in the number of on reserve Trustees, per the Trust Agreement. Increasing the Trustee count increases the operating expenses of the Trust and, if we can efficiently and effectively operate the Trust with the current Trustee count, it is in the best interest of the First Nation to keep the count as is. The Trust also has an Accounting Trustee which is another urban voice that has extensive experience with First Nation financial matters and significant resources at their disposal.

Question 13: Why are Councillors on the Treaty 8 board? Is this not a conflict of interest? Especially since Chief and Councillor are not supposed to be involved?

- The Trust Agreement provides for one Councillor representative who maintains communication with the Band government so that both the Board of Trustees and the Chief and Council understand that they are part of the First Nation governance and that they are both to work together in the best interests and long-term sustainability of the First Nation.

Question 14: What is the procedure for selecting the Trustees? And the qualifications required?

How are Trustees screened and who selects them? How come no one every responded to my application when I applied?

- On reserve Trustees are to be elected by a vote on reserve. On reserve Trustees are replaced on a periodic basis but never all at once to ensure continuity in the operation of the Trust. The urban Trustee is to be selected from a list of qualified candidates, much like a company selects an employee to fill a vacant position. The urban applicants will be screened and selected by the remaining Board of Trustees, the Accounting Trustee and the Trust's legal advisor. The Trust Agreement sets out minimum requirements for Trustees such as:

- Eligible candidates must be 25 years of age or older, have a minimum of a grade 12 education and have no criminal record.
- Currently, the Trustees are working on a set of Trustee Election Regulations which will be shared with the membership to review and approve in order to proceed with Trustee elections, once it is safe to do so following the Covid pandemic.

Question 15: In the Trust Agreement, it said Trustees would be replaced every 2 years- this has not happened, and it has been over 2 years. Please advise to the reasons why and doesn't this go against what is written in the trust?

- The Trust Agreement provides for staggered terms of Trustees to be elected pursuant to an election process which will be conducted once the Trustee Election Regulations and Guidelines are approved by the membership.
- Currently, the Trustees are working on a set of Trustee Election Regulations which will be shared with the membership to review and approve in order to proceed with Trustee elections, once it is safe to do so following the Covid pandemic.

Question 16: Where is the transparency of the settlement for ammunition twine and canvas was that to come later?

- A claim for the Treaty 8 promise of Canada providing ammunition for hunting and twine for nets has not yet been settled and is still outstanding and is expected to come later. Currently, very few claims for ammunition and twine have been settled with Canada, and we can expect further updates about where the claim is at in the future.

Question 17: Why didn't we get Xmas hampers, or a Xmas bonus this year as promised? Are the trust funds for both urbans and on reserve?

- The Trust did not have any involvement with recent Christmas initiatives that were funded by and organized by the First Nation.
- The Trust funds are for the long-term benefit of the Fond du Lac First Nation, on and off reserve. And, as was clearly evidenced by the 2018 and 2019 Christmas payments, the Covid-19 Pandemic Assistance as well as the 2019 Scholarships and Grants, all members on and off reserve were treated equally by the Trust.

Question 18: Why did the \$1,000 we got for Covid relief fund come out of the Trust when the government gave money to our First Nation for the members and we did not receive this from our First Nation? Shouldn't that have come from our First Nation and where did this government money go?

- The Trustees believe that some Covid relief was necessary to be provided to all members of Fond du Lac, whether they lived on or off Reserve, and that was the purpose of the Trust providing this assistance to all members, regardless of where they reside.
- The Federal Government's Covid-19 assistance was provided as financial aid to our leadership and departments who were faced with the unique challenges of managing a remote northern community in a pandemic. It is the Trustees' understanding that these federal funds provided to the First Nation were not intended (or permitted) for redistribution as cash deposits to members of our First Nation.
- Any questions about Federal Covid relief should be directed to Chief and Council.

Question 19: Why was money given for Lac St Anne and hunting and Treaty Days for the on reserve and nothing for urbans? Why wasn't this voted on and what was the money used for?

- The Trust occasionally supports cultural events and covered the cost of food, beverages and cooks for the Pilgrimage at Lac Ste. Anne, Alberta and the Treaty Day held in Fond du Lac. The Pilgrimage was recognized an opportunity to join a cultural event and gathering off reserve and easily accessed by urban members.
- The Pilgrimage and Treaty Days are for the benefit of all members.

Question 20: Why wasn't interest added on to the \$15,000 my daughter received from Treaty 8 when she turned 18 years old? It states these payments will include interest and it did not.

- All minors who received PCD's upon turning the age of 18 received their \$15,000 plus full interest. If your daughter believes she did not receive interest, have her contact our Trust Administrator at treaty8@fonddulac.ca and our administrator will review and explain the interest breakdown and interest rates with your daughter.

Question 21: How much of our trust money is left and how is taken care of? Where is it at? How much was spent?

- Please register in the members only section of our website at www.fonddulac.ca. Your questions are all answered in this private area of our website. Additionally, quarterly updates on the Trust investments will be available in the members only area of our website in 2021 after the completion of the first quarter (March 31st).

Question 22: Is the Trust planning on building a business down south like a gas station or hotel?

- The Board of Trustees is responsible for maintaining and investing the assets of the Trust and not building businesses, which is the responsibility of the Band leadership and its economic development corporation, although the Board of Trustees will provide assistance as necessary consistent with the Permitted Expenditures.

- The Trust will consider all investment opportunities that could benefit the First Nation. Every prospect is evaluated based on its risks and returns, expected benefits relative to other available investments and whether it is in alignment with the Trust's investment policies.

Question 23: Why are some members being threatened with legal action for asking questions about the trust?

- No members are being threatened by the Board of Trustees with legal action for asking questions about the Trust. The Trust is available to answer all reasonable questions received from members of the First Nation pertaining specifically to the Trust, but will be careful with those members who have publicly disclosed they are against the Trust or who want to destroy the Trust by taking all of its assets now and leave nothing for the children and grandchildren and future generations.

Question 24: Why are some members saying they haven't received their \$15,000? What happened with their appeals?

- The Board of Trustees has a fiduciary duty and obligation to the Band as a whole and to protect the Trust and have it grow to benefit the members today, their children, grandchildren and future generations, and to protect the Trust from any attacks, whether from within by certain members, or from the outside by those connected with other communities or even from the Canadian or Provincial governments which might want to tax the Trust monies.
- Only two members have had their PCD's withheld and both are fully aware of the position the Board of Trustees has had to take and what is required to resolve any matters between these members and the Trust. The Trust will not discuss or arbitrate this in a public forum, as the Board of Trustees believes this is detrimental to the best interests of the Trust and Fond du Lac First Nation.
- If an appeal is not properly formed, it is still evaluated on its merits, and if unfounded, not supported by the evidence or does not satisfy any plausible reason to challenge and overturn the will of the people of Fond du Lac who voted in large majority to ratify the Treaty #8 Benefits Trust, then it is rejected.

Question 25: Why was the Election stopped? And why won't the Election Officer speak to his people?

- The Board of Trustees does not get involved with the Band election or speak for the Electoral Office. However, the Board understands that the Department of Indigenous Affairs Canada passed Regulations that provide for the cancellation or postponement of First Nation elections due to the Covid-19 pandemic, and that is why the election was stopped to ensure that all members have an opportunity to participate and vote when it is safe to do so. The Board of Trustees cannot speak for the Electoral Officer.
- It is our understanding that the leadership election was postponed due to the rise of the Covid-19 pandemic and pursuant to legal Regulations passed by ISC. To our knowledge, other First Nation elections have also been cancelled or postponed and the Minister of Indigenous Services Canada has recommended doing this.

Question 26: Is the Chief still the Chief? Or is he not an acting Chief? What about the Councillors? Who runs the show if there is not current Chief and Councillors?

- The Trust does not respond to questions pertaining to the Chief and Council, except that the Board of Trustees includes a member of Council, and so for that reason only, the Board of Trustees must be informed as to whether Chief and Council are recognized by ISC to be in office.
- The Board of Trustees is informed that according to an official letter received from the Indigenous Services Canada governance officer dated November 12, 2020, which letter was copied to the Electoral Officer and the Band Manager, the Chief and Council are legally recognized as Chief and Council to remain in office until there is a Band election, or at least until April 1, 2021.