

**Elkhorn Ranch Specific Claims Proceeds Policy
(Policy)**

1. This Policy is applicable only to the Elkhorn Ranch Specific Claims proceeds.
2. Where this Policy conflicts with the AFN Financial Administration Law (the FAL), the FAL shall prevail to the extent of the conflict.
3. [Intentionally Blank]
4. Definitions

For the purposes of this Policy:

AFN means the ʔAkisq̓nuk First Nation.

Council means the AFN Chief and Council

Distribution Date means the date AFN will distribute the PCD.

Eligible Member means an AFN member who meets conditions of eligibility as per section 5.1 of this Policy.

Minor means any Eligible Member who has not yet reached the age of eighteen (18).

Per Capita Distribution (PCD) means a specified amount of money approved by resolution of AFN Chief and Council for distribution to Eligible Members

Trust Release Date is the date the PCD of an Eligible Member, who was a minor at the Distribution Date, is released from the trust.

Vulnerable Adult means an individual age 18 or older who has functional, mental, or physical challenges in managing their own affairs and may be unable to protect themselves against significant harm or exploitation.

5. Per Capita Distributions (PCD)

Where a PCD has been approved by Council by way of Band Council Resolution, the following rules shall be adhered to in implementing the PCD.

5.1 Eligibility

- a. In accordance with AFN Council resolution 2021/22-#377 (June 15, 2022), eligibility for participation in the Elkhorn Ranch Specific Claims Proceeds PCD is limited to those whose names appeared on the AFN Indian Registration as of March 14, 2022, which is the date both parties signed the Elkhorn Ranch Specific Claims Agreement. (Eligibility Date), and
- b. A person whose application for Indian Registration was received by Indigenous Services Canada (ISC) prior to the Eligibility Date may, upon providing AFN with a notarized copy of their letter of confirmation from ISC dated prior to the Eligibility Date, make application prior to the Distribution Date, to have a PCD payment set aside. Confirmation of the applicant being added to the AFN Indian Register must be

received by the AFN within five (5) years of the Eligibility Date for the release of the PCD. The balance of any set aside payments that are undistributed after five (5) years of the Eligibility Date be divided equally among the Eligible Members.

- c. All Eligible Members, who are not Minors, will receive a PCD payment on the determined Distribution Date.
- d. Any person who becomes deceased between the Eligibility Date and Distribution Date will no longer be eligible to receive a PCD and no amount shall be owing to the estate of the deceased person.

5.2 Size of distribution

- a. The PCD will be based on approximately 300 Eligible Members and the amount to be distributed will be divided equally among the Eligible Members.
- b. Seventy-five percent (75%) of the total Elkhorn Ranch Specific Claims Proceeds will be distributed to Eligible Members.

5.3 [Intentionally Blank]

5.4 Pre-distribution

- a. Financial Literacy
 - i. A Financial Literacy course will be approved by AFN in advance of the Distribution Date.
 - ii. Eligible Members who complete the AFN approved financial literacy course will receive 100% of their PCD on the Distribution Date or Trust Release Date as the case may be. Those Eligible Members who choose not to complete the financial literacy workshop will receive sixty percent (60%) of the PCD on the Distribution Date as an initial release, and forty percent (40%) six (6) months later.
- b. Distribution
 - i. Each Eligible Member must complete, sign, and return the Eligible Member Information Form (Appendix "A") and the Elkhorn Ranch Specific Claims Proceeds Release and Indemnification (Appendix "B") prior to release of a PCD to the Eligible Member.
 - ii. Where an Eligible Member elects to receive their PCD through direct deposit, AFN will only make such direct deposit into an account that belongs to the Eligible Member. Where the Eligible Member elects to receive their PCD in the form of a check form, the check will only be made payable to the Eligible Member.

- iii. Eligible Members may be asked to confirm their identity if such identity is in question.
- iv. Eligible Members may request receipt of their PCD in incremental amounts. Such request must be indicated on Appendix "A" by selecting that option.

5.5 Minors

- a. Eligible Members who are Minors at the time of the distribution will have their PCD placed in a trust account for them until they reach at least the age of 18 and have achieved their high school diploma or equivalency (GED); or reach the age of twenty-five (25), whichever comes first. (Trustee Release Date).
- b. The money will be held in the trust with a financial institution that manages trusts and invested in low-risk investment instruments and may be pooled with other Minor's trust money.
- c. Prior to the Distribution Date, information sessions will be offered by the financial institution chosen to manage the trusts, to explain the process and how the trust works to the parents/guardians of Minors. The financial institution will provide regular updates for the parents/guardians of Minors which will occur at least on an annual basis.
- d. On the Minor's Trust Release Date, Minors are entitled to receive an amount equal to the principal plus the accrued interest and dividends attributed to their entitlement.
- e. A custodial parent or legal guardian of a Minor may make application to have up to but not exceeding in total, ten percent (10%) of the Minor's principal amount held in trust released to them in extraordinary circumstances, where it can be demonstrated that such a release is in the best interests of the Minor. Applications will be received on the appropriate form (Appendix "C") and presented to the Finance, Audit and Investment Committee for recommendation to the Council for final approval.
- f. If a Minor becomes deceased before the date in which they are eligible to access their PCD held in trust, the principal and any accrued interest and dividends attributed their entitlement up to the time of their death shall be paid the Minors estate.

5.6 Vulnerable Adults

If an Eligible Member is deemed to be a Vulnerable Adult and does not already have a Power of Attorney or trustee legally appointed, the Council will establish a collaborative team to develop a plan in the best interests of the Eligible Member. Such collaborative team will consist of:

- members of the Eligible Member’s immediate family or similar appointee,
- Council,
- appropriate AFN staff,
- KNC Social Sector, and
- the Public Guardian and Trustee of British to Columbia if applicable.

5.7 Eligible Members in treatment

If not already in place, a Care Plan will be developed in cooperation with the treatment centre, appropriate AFN Staff and KNC Social Services that includes money management support to reduce the likelihood of leaving treatment due to the receipt of the PCD, or relapse.

5.8. Incarcerated for more than six months

The AFN will offer to set up a trust for any individual that is expected to be incarcerated or otherwise detained for more than six months.

5.9 Payment in US funds will be converted from Canadian funds at the applicable exchange rate.

5.10 Safety

- a. AFN health team will collaborate with IHA, KNC Social Sector, and KKCFS to create a response plan which at minimum will include:
 - i. Letting the RCMP know well in advance, that a significant sum is being distributed to members.
 - ii. Increasing check-in on elders, at risk and low functioning adults both on and off reserve.
 - iii. Increasing naloxone kit training and distribution to known users or households with known users.
 - iv. Conducting child safety check-ins for at risk families with children.
 - v. Provide virtual and in person Elder abuse awareness sessions which includes information, tools and safeguards for elders and caregivers on the available resources and how to access them.
- b. The AFN Health team will prepare a post-PCD assessment and briefing within three months after the Distribution Date, that will identify deficiencies and lesson learned, and inform best practices for any subsequent member distributions.
- c. Except by court order, The AFN will not divulge the name or personal information of any Eligible Member without the Eligible Member’s written permission.

6.0 Unclaimed PCD payments

If any PCD payment remains unclaimed by an Eligible Member more than five (5) years after the Distribution Date, then that Eligible Member forfeits the right to receive that PCD payment and Council may, by way of Band Council Resolution, transfer the unclaimed money into the Community Investment and Legacy account.

7.0 Allocation of remainder

The remainder will be used by AFN to fund:

- 5% to a legal and administrative contingency in the event of any legal challenges related to the PCD including eligibility, and any legal and administrative costs associated with the trust, distribution, etc., and
- 20% to a general “Community Investment and Legacy Fund Plan” that fosters a sense of community and inclusivity. The Community Investment and Legacy Fund Plan may include provision for a:
 - Legacy trust
 - War Chest for legal challenges to rights and title such as water rights
 - Education Investment Endowment fund which can draw on the interest for augmenting education programs including post-secondary.
 - Underfunded health and wellness care
 - Cultural Learning centre to develop and deliver language and culture resources.
 - Community infrastructure development and upgrades (i.e., graveyard improvements so the ancestors know we are taking care of them)

As a cheque.

I wish to receive my PCD in incremental amounts. If this option is chosen, the AFN Finance Department will contact you to set up this up.

Signature of Eligible Member

Date signed

Appendix "B"

Akisqnuk First Nation

Elkhorn Ranch Specific Claims Proceeds Per Capita Distribution

Release and Indemnification

1. I HEREBY CERTIFY THAT I, _____:
print full name
- a. am a registered member of the Akisqnuk First Nation on or before March 14, 2022, my Indian Registration number is _____; or
- My application for Indian registration enrollment in the Akisqnuk First Nation was received by Indigenous Services Canada on or before March 14, 2022 and is still in progress.
- b. The information provided in Appendix "A" and all other information described herein is true and correct.
- c. I request the release of my Elkhorn Ranch Specific Claims Proceeds Per Capita Distribution payment (the PCD);
2. In consideration of the PCD, do hereby release, waive and forever discharge and indemnify the Akisqnuk First Nation and the present and future Chief and Councillors of the Akisqnuk First Nation and its managers, agents, committees, employees, heirs, executors, administrators, assigns, officers, directors, members, and representatives (the Releasees) from any and all manner of action, cause of action, proceedings, suits, cost, demand, losses, liabilities, damages, judgements or claim of whatever nature or kind whatsoever or howsoever arising, whether now known or unknowns, foreseen or unforeseen, suspected or unsuspected, in law or in equity, in contract or in tort (the Claims) which I now have, or hereafter can, shall, or may have including without limitation any impact which the said payment may have upon any government benefits or payments being received by me or which the undersigned or any other person shall or may against the Releasees from and against all Claims in relation to the PCD; and
3. I acknowledge that:
- a. I have made and executed this release and indemnification of my own free will and that I bear sole responsibility for determining the legal, financial, and economic impact, if any, associated with having received the PCD; and

- b. I have been offered the opportunity to participate in an approved financial literacy course by AFN.

Elkhorn Ranch Specific Claims Proceeds Per Capita Distribution Release and Indemnification – page 1 of 2

DATED THIS _____ DAY OF _____, 2022

AT _____

SIGNATURE OF AKISQNUK MEMBER

SIGNATURE OF WITNESS

Witness Fullname (please print clearly)

Witness Address

Appendix “C”

Akisqnuk First Nation

Elkhorn Ranch Specific Claims Proceeds Per Capita Distribution

Minor Trust Access Application

I, _____ hereby certify that I am the custodial
(Full name)

parent or legal guardian of:

Minor’s Name: _____
First Middle Last

Street Address: _____

City: _____ Province/State: _____

Postal/Zip Code: _____ Country: _____

Mailing Address if different from above: _____

Minor’s Date of Birth: _____ Phone No: _____
M/D/Y

Indian Status Registration Number: _____

I wish to access \$ _____ from the above stated Minor’s PCD trust for the following purposes:

I believe this to be in the best interests of my child/ward because:

Custodial parent/guardian attestation:

I hereby declare that the information provided in this application is true and correct.

Printed Name (please print clearly)

Signature

Witness Name (please print clearly)

Witness Signature

Relationship to Custodial parent/guardian

Custodial parent or guardian - Please attach a copy (front and back) of one (1) piece of government issued identification with your picture on it.

Acceptable government issued ID includes:

- Driver's license
- Certificate of Indian Status card
- Care Card

Please Note: credit cards, bank cards, loyalty cards, club memberships and similar cards are not acceptable forms of identification.