

Minister of Indian Affairs
and Northern Development



Ministre des Affaires
indiennes et du Nord canadien

Ottawa, Canada K1A 0H4

I, the Minister of Indian Affairs and Northern Development, HEREBY APPROVE, pursuant to section 83 of the *Indian Act*, the following bylaw made by the Fort McKay First Nation, in the Province of Alberta, at a meeting held on the 10th day of December 2003.

- **Fort McKay First Nation
Settlement Revenue Account Bylaw**

A handwritten signature in cursive script, appearing to read 'Shelly Mitchell', written over a large, stylized, hand-drawn signature line.

Dated at Ottawa, Ontario this 24th day of February 2004.

Canada

FORT MCKAY FIRST NATION
SETTLEMENT REVENUE ACCOUNT BYLAW

WHEREAS:

- A. Pursuant to section 83 of the *Indian Act*, R.S.C. 1985, c. I-5, the Chief and Council of a First Nation may, subject to the approval of the Minister of Indian Affairs and Northern Development, enact bylaws for the appropriation and expenditure of moneys of the band to defray band expenses and matters arising out of or ancillary thereto;
- B. The Fort McKay First Nation ("FMFN") and Her Majesty the Queen in right of Canada have entered into a Treaty Entitlement Settlement Agreement (the "**Settlement Agreement**") dated for reference the 3rd day of September, 2003 under which Settlement Funds to which the FMFN became irrevocably entitled are to be held in trust for the use and benefit of the FMFN;
- C. Pursuant to the Settlement Agreement, the FMFN has entered into a Settlement Trust Agreement (the "**Trust Agreement**") dated as of the 10 day of December, 2003 between FMFN, as Settlor, and Royal Trust (the "**Trustee**"), as Trustee, establishing the Fort McKay Settlement Trust (the "**Trust**");
- D. Pursuant to the terms of the Trust Agreement:
 - (i) funds received and held by the Trustee may be invested in Authorized Investments which will generate an Annual Income;
 - (ii) Annual Income of the Trust is to be paid by the Trustee to the FMFN Settlement Revenue Account; and
 - (iii) Annual Income paid by the Trustee to the FMFN Settlement Revenue Account shall be governed by the FMFN Settlement Revenue Account Bylaw; and
- E. The Council of the FMFN wish to enact the following bylaw.

SHORT TITLE

- 1. This bylaw shall be known as the ***Fort McKay First Nation Settlement Revenue Account Bylaw*** (the "**Bylaw**").

DEFINITIONS

2. In this Bylaw:

- (a) "**Majority of Electors**" means, for purposes of a Special Meeting held pursuant to this Bylaw, that sixty (60%) percent plus one (1) of the number of eligible Electors in attendance who voted, voted in favour of the question or questions posed at such Special Meeting;
- (b) "**Special Meeting**" means a meeting of Electors called by the Council for which fourteen (14) days' notice of the time, date, place and purpose of the meeting has been posted in the First Nation office in Fort McKay, the Athabasca Tribal Corporation offices in Fort McMurray and other places designated by the Council; and
- (c) Any of the terms not defined in this Bylaw shall have the same meaning as set out in the Settlement Agreement and the Trust Agreement.

INFLATION PROTECTION OF ASSETS IN SETTLEMENT TRUST

3. Prior to March 1 in each Fiscal Year, the Council shall make a cash contribution to the Heritage Account of the Trust from the FMFN Settlement Revenue Account equal to the total value of the cash and assets held in the Heritage Account as of December 31 of the prior Fiscal Year of the Trust times (i) the rate of inflation for the prior Fiscal Year plus (ii) one (1%) percent.

APPROVAL OF ANNUAL BUDGET FOR EXPENDITURES

4. (a) After the payment of the amount set out in section 3, the Council shall not permit the expenditure of the balance of funds remaining in the FMFN Settlement Revenue Account without the approval of a Majority of Electors present at a Special Meeting of a budget prepared by the Council for the expenditure of the balance of the funds remaining in the FMFN Settlement Revenue Account.
- (b) The Special Meeting shall be held prior to May 30 in each Fiscal Year.

PER CAPITA PAYMENTS TO MEMBERS

5. (a) Subject to paragraph (b) and section 4, the Council may include in the budget a one (1) time Per Capita Distribution in each Fiscal Year to all Members of FMFN from the balance of funds in the FMFN Revenue Account.
- (b) The total amount of the Per Capita Distribution shall not exceed sixty (60%) percent of the amount remaining in the FMFN Revenue Account after the payment of the amounts set out in section 3.

ADMINISTRATION AND ENFORCEMENT

6. The Council shall ensure that any person responsible for the receipt and expenditure of funds from the Trust adheres to the provisions of this Bylaw.

AUDIT

7. (a) The Council shall provide for a separate audit for the expenditure of funds paid to the FMFN Settlement Revenue Account which shall indicate whether the actual expenditures were in accordance with section 3 and the budget approved by a Majority of Electors pursuant to section 4.
- (b) The audit shall be posted in the First Nation office.

GENERAL

8. Headings form no part of this Bylaw but shall be construed as being inserted for convenience of reference only.
9. A finding by a court of competent jurisdiction that a section or provision of this Bylaw is void or invalid shall not affect or bear upon the validity or invalidity of any other section or part of this Bylaw or this Bylaw as a whole.
10. In this Bylaw, words in the singular include the plural, and words in the plural include the singular.

AMENDMENTS AND REPEAL

11. Any amendment or repeal of this Bylaw shall only be made after a Special Majority of Electors (as defined in the Trust Agreement) vote in favour of an amendment or repeal of this Bylaw in a Referendum.

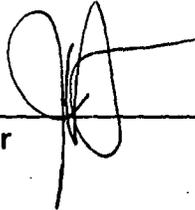
12. The Referendum procedures shall be consistent with the Referendum Regulations as provided for in the Trust Agreement.

COMING INTO FORCE

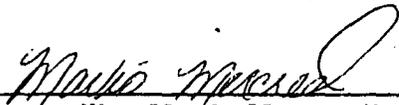
13. This Bylaw shall come into force immediately upon being approved by the Minister of Indian Affairs and Northern Development.

THIS BYLAW IS HEREBY PASSED BY BAND COUNCIL RESOLUTION OF THE FORT MCKAY FIRST NATION AT A DULY CONVENED MEETING HELD ON THE 10th DAY OF December, 2003, A QUORUM EXISTING.

Chief Jim Boucher



Councillor Mavis Mercredi



Councillor Mike Orr

