



**FISHING LAKE METIS SETTLEMENT
ELECTION DEBT AND REPAYMENT AGREEMENT
POLICY # 005/2016**

WHEREAS:

- A. The Fishing Lake Metis Settlement (the "Settlement") adopted the Fishing Lake Metis Settlement Election Debt and Payback Agreement Policy #2007-045 (the "2007 Policy");
- B. The Settlement wishes to update the 2007 Policy;
- C. The purpose of this Policy is to update and replace the 2007 Policy.

NOW THEREFORE Settlement Council resolves to adopt the following Policy:

- 1. The Settlement shall **STRICTLY ENFORCE** the election rules and laws in force, including strict enforcement of the section 17(1)(a)(vi) of the *Metis Settlements Act* ("MSA").
- 2. Within 24 hours of the nomination deadline, the Returning Officer shall forward all nomination and disclosure statement documents to the Settlement Administrator.
- 3. The Settlement Administrator shall take the following steps in relation to candidates nominated in a Settlement election:
 - (a) Upon receipt of the nomination and disclosure statement documents from the Returning Officer, the Settlement Administrator shall review the Settlement's financial records to determine whether:
 - (i) the candidate is indebted to the Settlement;
 - (ii) the candidate has repayment agreements with Settlement; and
 - (iii) the candidate's repayment agreements are current or in arrears.

- (b) Within 48 hours of receipt of the nomination and disclosure statements, the Settlement Administrator shall inform the Returning Officer as to whether the candidates comply with section 17(1)(a)(vi) of the MSA. Failing confirmation of compliance, the Returning Officer shall not place a candidate's name on the ballot.
- (c) If the Settlement Administrator determines that a candidate is:
 - (i) indebted to the Settlement for more than \$250, and
 - (ii) either:
 - (A) does not have a repayment agreement with the Settlement, or
 - (B) has a repayment agreement with the Settlement, but the payments are in arrears,

then the Settlement Administrator shall advise the Returning Officer and the affected candidate of the non-compliance and request that the candidate withdraw. The affected candidate shall have 24 hours to provide proof of compliance. Failing proof of compliance, should the candidate refuse to withdraw or should the Returning Officer place the candidate on the ballot, then the Settlement Administrator shall forthwith instruct the Settlement's lawyers to make an expedited application to the court in order to get a ruling on whether the candidate is in compliance. If the candidate is found not to be in compliance, then the Settlement shall seek to recover all legal costs incurred in order to obtain such a ruling from the court.

- 4. For members who are seeking to enter into repayment agreements in order to be able to run in a general Settlement Council election, Settlement Council adopts the following rules and procedures:
 - (a) The Settlement must receive the repayment proposal, in writing, before May 30 of an election year (for example, in 2017, repayment proposals must be received before May 30, 2017); and
 - (b) The repayment proposal must include an immediate payment to the Settlement of the greater of the following amounts:
 - (i) \$500.00, or
 - (ii) 50% of the amount in arrears,(for example, if a member owes \$2,000.00 to the Settlement which is in arrears, the repayment proposal must include an immediate payment of

the greater of (i) \$500.00 or (ii) 50% of \$2,000.00 = \$1,000.00, so an immediate payment of \$1,000.00 must be paid); and

(c) The repayment proposal must include monthly payments of arrears and the debt due of the lesser of:

(i) \$200.00 per month, or

(ii) 10% of the total amount outstanding,

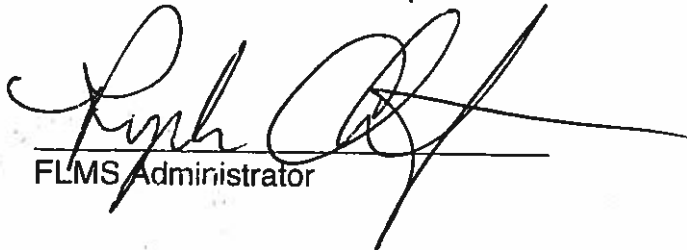
starting on July 1 of the election year (for example, in 2017, if the total amount outstanding is \$1,000.00, then the repayment proposal must provide for monthly payment starting on July 1, 2017 of the lesser of (i) \$200.0 or (ii) 10% of \$1,000.00 = \$100.00 so the monthly payments will be \$100.00).

(d) Settlement Council authorizes the Settlement Administrator to enter into repayment agreements that comply with the above rules and procedures. The Settlement Administrator shall not enter into any repayment agreements that do not comply with the above rules and procedures.

5. For a by-election, after the date the vacancy on Settlement Council arises, the Settlement shall not enter into any repayment agreements with members who wish to run in the by-election.
6. If a member who has entered into a repayment agreement under section 4 above fails to make payments under the repayment agreement, then the Settlement Administrator shall instruct the Settlement's lawyers to make an expedited application to the court to have the member disqualified from running as a candidate in the election (for example, if a candidate enters into a repayment agreement on June 2, 2017, which requires an immediate payment of \$500.00 and then monthly payments of \$100.00, and the candidate makes the \$500.00 payment but then does not pay any of the monthly payments of \$100.00, the member is not eligible to be a candidate).
7. The Settlement shall not accept a proposal for a second repayment agreement from a member who has previously defaulted in making payments under a repayment agreement under section 4 above.
8. The Settlement carries on business through various Settlement owned entities, such as corporation and societies. For the purpose of this Policy, a debt to a Settlement owned entity shall be treated as a debt to the Settlement.
9. **ALL SETTLEMENT MEMBERS ARE HIGHLY ENCOURAGED TO READ THIS POLICY CAREFULLY.**
10. The following policy is hereby repealed Election Debt and Payback Agreement Policy # 2007-045.

11. **This Policy comes into effect on the date of adoption by the Fishing Lake Metis Settlement Council.**

Date: November 15, 2016


FLMS Administrator

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