

Piikani Nation Chief and Council

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Piikani Nation Community Update from Chief and Council Piikani Youth and Education Foundation October 6, 2023

Piikani Nation Chief and Council would like to thank Sarena Provost, Maurice Many Fingers and Jessica Bekker for their service as Board members of Piikani Youth and Education Foundation, and wish each of them the best in their future endeavors.

Piikani Nation Chief and Council understand that an open house was held on October 3, 2023 by the Piikani Youth and Education Foundation (PYEF). We understand that certain allegations were raised, specifically in respect of Chief and Council. This communication is to respond to those allegations.

Constitution and Status of PYEF

PYEF was created by Schedule 3 of the Trust Agreement signed in 2002. Its mandate is:

- to develop and implement policies for scholarship, grants, awards and other financial assistance to Piikani members pursuing adult education and postsecondary education on and off-reserve;
- to provide and assist in funding for social, cultural, recreational, entrepreneurial and leadership program and services for Piikani members; and
- to acquire additional funding for education from other public and private sources.

PYEF is incorporated as a non-profit corporation under the *Canada Not-for-profit Corporations Act*, and is required to ensure that it is in compliance with that legislation. Practically, this means that PYEF's articles, bylaws and other governing documents (like policies) align with the legislation.

Schedule 3 of the Trust Agreement also requires that PYEF obtain charitable tax status to permit it to fulfill its mandate of obtaining additional funding from outside sources.

It has been alleged that there has been a change in who are Members (from all Piikani Nation members to only Council members). This is incorrect. The Articles of Continuation and Bylaw that are on record with Corporations Canada state that "Membership in the corporation shall be limited to members of the Piikani Nation Council, who shall hold such membership in trust for the benefit of the members of the Piikani Nation." These documents were filed with Corporations Canada by the PYEF Board some time ago.

Because PYEF was created by the Trust Agreement, Chief and Council do not have the ability to collapse PYEF, and in fact, have not attempted to do so. Any allegation to the contrary is simply incorrect.

Proposed Bylaws

Chief and Council undertook the process of reviewing and revising the PYEF Bylaw after consultation with the PYEF Board. As PYEF indicated that it would not pay for a legal review/revision, Council instructed the Nation's counsel to do the review and revise the Bylaw to conform to the governing legislation. The proposed bylaw has been provided to the Board for its review, along with a description of the revisions made to ensure the proposed bylaw aligns with the legislation.

The proposed bylaw will be voted upon at a meeting to be held after the PYEF Annual General Meeting.

PYEF Funding

There appears to be some confusion as to how PYEF is funded. The funding mechanism is set out in the Trust Agreement.

Allocation to PYEF are generated from the monies held in the Youth and Education trust account, which is part of the Piikani Trust. The monies in the Youth and Education trust account cannot be accessed. They belong to the Piikani Trust.

Monies held in the Piikani Trust are invested and the income generated from those investments is paid out of the Piikani Trust to various entities, including PYEF. PYEF is allocated the amount generated by the investment of the monies in the Youth and Education trust account.

Council has advised PYEF how funds are generated, calculated and allocated under the terms of the Trust Agreement. A significant concern is that in recent years, the market has not provided returns at the same level as in prior years, resulting in a shortfall compared to years prior. We understand PYEF's concerns about funding, and offered a short term solution. The PYEF Board declined this offer.

To be clear, Council is not in breach of the 2002 Settlement Agreement or Trust Agreement. Rather, the funding issue from the Trust arises from the fact that the Nation has been abiding by the terms of both. The flow of funding is clearly set out in the Trust Agreement, which terms have been closely followed by the Nation.

Further, the monies held in the Youth and Education trust account (not the monies generated as Annual Income) are not to be allocated or distributed, and do not belong to PYEF – they are part of the Piikani Trust. This is under the terms of the Trust Agreement.

The allegation that Chief and Council have borrowed PYEF's funding for last year is simply false.

All of these allegations are irresponsible and appear to be an attempt to create division within our community. Please be reassured that Chief and Council are working with the PYEF Board, and within the provisions of the Trust Agreement and PYEF's articles and bylaw, to ensure that PYEF can meet its mandate and continue to fund various services for Piikani members.

We will keep members posted about these proceedings as events warrant. Questions regarding this matter may be directed to Corbin Provost, Chief Operating Officer, at corbin.provost@piikanimation.com or (403) 965-3940.