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York Factory Agreement

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Article 14

14.0 Ratification and Execution

14.1 Introduction

14.1.1 Introduction

Article 14 sets forth the ratification and execution process for this **Agreement**.

14.2 Ratification and Execution

14.2.1 Condition Precedent

The ratification and execution process required as a condition precedent to the execution of this **Agreement** is set out below.

- a. Prior to the advance poll referenced in Article 14.2.1(e)(iii), **York Factory** shall:
 - i. make available at the meetings referred to in Article 14.2.1(a)(ii) and at the Band office on the **Reserve**, the Local Government District office in Churchill, the Keewatin Tribal Council in Thompson and the offices of the Department of Indian Affairs and Northern Development in Winnipeg, a reasonable number of copies of the **Agreement** as **Chief and Council** reasonably anticipate may be required,
 - ii. conduct at least one (1) public meeting of **Members** on **Reserve**, in Churchill, in Thompson and in Winnipeg, and at each such meeting fully explain the nature and significance of this **Agreement**, and
 - iii. have its principal consultants and legal advisors present at the meetings specified in Article 14.2.1(a)(ii).
- b. Notice of each meeting shall be posted in not fewer than five (5) prominent public locations on **Reserve**, including the Band office for meetings on **Reserve**, and announced at least once per week in each of the weeks prior to the meeting, in the following media:

- i. The Winnipeg Free Press,
 - ii. The Winnipeg Sun,
 - iii. The Thompson Citizen, and
 - iv. The Thompson Nickel Belt.
- c. In each notice **York Factory** shall:
- i. in each of the notices under Article 14.2.1(b), give notice of the time, date and place of each meeting,
 - ii. advise where **Members** can review or obtain copies of this **Agreement** and related information, and
 - iii. advise **Members** of the time, date and polling places for the referendum and the advance poll.
- d. Notice of the time, date and place of the advance poll and the referendum shall be announced at least once per week in each of the weeks prior to the advance poll and the referendum, in the following media:
- i. McTaggart's Cable and CBC Radio in Churchill, Manitoba, or any replacement program on radio and television, and
 - ii. Native Communications Inc., Mikisew Morning and CBC North Radio or any replacement programs on radio and television. (e) Seven (7) days prior to the date of the Referendum, **Chief and Council** shall provide to the Ratification Officer, **Canada, Manitoba and Hydro** a **Council Resolution** with a copy of the newspaper notices attached, certifying that the provisions of Article 14.2.1(a) to 14.2.1(d) have been fulfilled.
- e. If any irregularity in the notices is disclosed in the **Council Resolution, York Factory** may provide further notice in consultation with the Ratification Officer.
- f. A Referendum shall be conducted on **Reserve** with other polls for voting at the Department of Indian Affairs and Northern Development in Winnipeg, at the Local Government District Council Chambers in Churchill, and at the Mystery Lake Hotel Conference Room in Thompson, in accordance with the secret ballot procedures prescribed by sections 4 to 20 of the Indian Referendum Regulations, C.R.C. 1978, c.957, (the "Referendum"), excepting that:
- i. the term "elector" as used in that Regulation shall be read as "**Member**" over the age of eighteen (18) years,
 - ii. the date of the Referendum shall be deemed to be "the date of the voting" for the purpose of subsection 4(1) of the said Regulations,
 - iii. the polls and advance polls shall be open for voting from 10:00 a.m. until 8:00 p.m.,
 - iv. there shall be an advance poll held on **Reserve** at least two (2) weeks prior to the date of the Referendum,
 - v. the day of the advance poll shall be set forth in the notice posted by the electoral officer under subsection 4(1) of the said Regulations,
 - vi. the advance poll shall be conducted substantially in accordance with the procedures for voting on the date of the Referendum with such modifications as may be reasonably necessary, and
 - vii. mail in ballot shall be conducted provided that to be valid, ballots must be received no later than 8:00 p.m. on the day of the referendum.
- g. All **Members** eighteen (18) years of age or older shall be entitled to vote in the Referendum. A list of "electors" within the meaning of the Indian Act (Canada) shall be compiled separately from the list of other **Members** over the age of

eighteen (18) years, and the votes of each list of voters shall be separately tabulated and reported.

- h. This **Agreement** shall be approved by the Referendum if:
- i. a majority of those **Members** eligible to vote, vote,
 - ii. a majority of votes cast approve this **Agreement**, and
 - iii. a majority of the electors ordinarily resident on **Reserve** approve this **Agreement**.

- i. The Referendum shall be conducted by **Canada**, who shall provide to **York Factory, Manitoba** and **Hydro** a statement in a form similar to that required under Section 19 of the Indian Referendum Regulations, C.R.C. 1978, c.957, with the votes of each list of voters separately tabulated and reported.
- j. Any appeals associated with the Referendum shall be dealt with in accordance with Sections 31 and 32 of the Indian Referendum Regulations, C.R.C. 1978, c.957.

14.2.2 Agreement of No Force and Effect

This **Agreement** shall be without force and effect and without prejudice to any of the **Parties**, unless and until it has been duly ratified and executed by all of the **Parties**, and the **Indenture**, which is to be concurrently executed, has been likewise executed.

14.2.3 Immaterial Irregularities

Notwithstanding Articles 14.2.1 and 14.2.2, irregularities in the notice and procedural requirements of Article 14.2.1 will not affect the validity of the referendum unless such irregularities could have affected the results of the referendum.

IN WITNESS WHEREOF the **Parties** have executed this **Agreement** on the dates indicated below.

Signed, sealed and delivered)

in the presence of:)

York Factory First Nation

Chief

Councillor

Councillor

Councillor

on the _____ day of _____, 1995

Her Majesty the Queen in Right of the Province of Manitoba

Per: _____

on the _____ day of _____, 1995