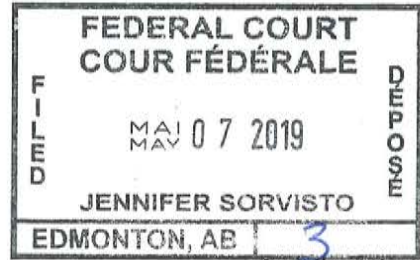


FEDERAL COURT

BETWEEN:

ERIC SHIRT



Applicant

- and -

SADDLE LAKE CREE NATION and SADDLE LAKE CREE NATION CHIEF AND COUNCIL

Respondent

AFFIDAVIT OF ERIC SHIRT

I, Eric Shirt, of Saddle Lake Cree Nation in the Province of Alberta, MAKE OATH AND SAY:

1. I am a member of the Saddle Lake Cree Nation living on the Saddle Lake Reserve and as such I have personal knowledge of the facts and matters hereinafter deposed to except where otherwise stated.

2. I attended the Band Meeting of members of Saddle Lake Cree Nation on April 10, 2019. The Public Notice of this meeting was posted on Facebook only a few days before the meeting and it stated that the Agenda was "Custom Election Amendments" and "Global Offer - Cost Gas Claim". Attached as Exhibit "A" is the first notice stamped with venue change and the replacement notice. Attached as Exhibit "B" is a pamphlet handed out on "Moving forward" which does not mention the requirements contained in the decision of Madam Justice McVeigh in her decision on my judicial review dated April 12, 2017 attached as Exhibit "C" where she required at paragraph 71 that the majority of Band members of Saddle Lake Cree Nation "craft and implement a transparent, procedurally fair, and unbiased nomination and election process" and at paragraph 74

“the band by majority can decide on criteria for the composition of an election committee including how they are appointed, by whom, for how long, their duties, and a procedure to follow regarding nomination disputes as well as other electoral disputes”.

3. I attach as Exhibit “D” is part of the SLCN Newsletter for March/April 2019 which contains an article on Election Code Reform Update on the 6<sup>th</sup> and 5<sup>th</sup> page from the back. This article mentions Madam Justice McVeigh’s judgment and its requirements. The Tribal Custom Election Code provided to membership in this newsletter is incomplete and does not contain any of the part on the Elections Eligibility Panel, the fees for Nominators, the Potential Questions for Nominator/Nominee, or the Appeals Procedure Regulation, attached as Exhibit “E” as the Code which the Chief and Council claim was passed at the meeting on April 10, 2019.

4. I have spoken to many people at Saddle Lake Cree Nation Reserve and they were not aware of this meeting. Usually notice of Band Meetings is posted with a large sign at a major intersection on the Reserve but this did not occur. Anyone who does not have access to the Internet did not receive any notice. As well there was a meeting of women from *Treaty No. 6* held at Cold Lake with Canada Indigenous Affairs that was scheduled on April 10, 2019 quite a bit in advance and almost all of the women that I have spoken to went to this meeting. The March/April Newsletter was not mailed out to members but instead, it was held in the Band Office and could be picked up there.

5. There had been meetings in February and in March however the membership who were present at these meetings did not agree with the proposed changes to the election Regulation presented at those meetings.

6. When this meeting on April 10, 2019 started, there were approximately 300 members present. There are over 6,000 members who live on the Saddle Lake Cree Nation Reserve. The first part of the meeting was on the Gas Cost Claim proposed settlement. This Gas Cost Claim was discussed for quite a while and following this discussion many members left the meeting.

7. The second part of the meeting had been described in the notice for the Band Meeting as "Custom Election Amendments" with no details that a vote would be held. Nothing was said when these people left the meeting, after the discussion of the Gas Cost Claim, resulting in primarily Band staff of Saddle Lake Cree Nation and a few others remaining. Only at this point, did they announce that a vote would be taken on the Amendments and attached as Exhibit "F" is my record of what was stated for the vote which occurred by a show of hands and not by a secret ballot.

8. Each year since 2002, Saddle Lake Cree Nation has an accumulated surplus which now exceeds \$ 35,000,000.00, attached as Exhibit "G" is the Consolidated Statement of Financial Position of Saddle Lake Cree Nation March 31, 2017, so that Saddle Lake Cree Nation had/has the money to carry out a proper review of their Election Regulation and to have come to a revision of this Regulation on a much faster basis. The membership of Saddle Lake Cree Nation has repeatedly shown at meetings since the summer of 2018, that they do not agree with the changes that Saddle Lake Cree Nation Chief and Council had proposed. The 'vote' on April 10, 2019 was not held with notice to or attendance of a majority of the Band members of more than 6000 members on Reserve and was voted on primarily by Band staff with 50 members being less than 1% of the on Reserve membership.

SWORN BEFORE ME at the City of )  
 EDMONTON, in the Province of Alberta )  
 This 3 day of May, 2019 )

  
 \_\_\_\_\_ )  
 A COMMISSIONER FOR OATHS IN AND )  
 FOR THE PROVINCE OF ALBERTA )

  
 \_\_\_\_\_  
 ERIC SHIRT