

**FORT WILLIAM FIRST NATION**  
**CHIEF and COUNCIL MEETING MINUTES**

**June 20, 2018 – 5:30 p.m.**

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**CHAIR:** Chief Peter Collins

**COUNCILLORS:** Philip Pelletier, Michele Solomon, Val Chapman, Jennelle Charlie, Leo Bannon Sr., Leo Bannon Jr., Yvette Greenwald, Catherine McKenzie, Murray Pelletier, Sherry Pelletier, Tony Collins,

**REGRETS:** Kyle Maclaurin,

**STAFF:** Ken Ogima-CEO, Courtney Lee (Recorder), Communications Officer Executive Assistant Office of the Chief-Kristy Boucher, Director of Health-Karen Bannon, Director of Lands and Housing-Ian Bannon, Michael Pelletier Jr, Al Lauzon, Tina Morriseau

**GOVERNANCE:** - Meeting Called to Order at 6:00 p.m. Ian opened the meeting with prayer.

**AGENDA ITEM - MOTION TO ACCEPT AGENDA**

**MOTION #1** – Moved by Jennelle Charlie and seconded by Michele Solomon to accept the agenda of June 20, 2018. **All in favour. Motion Carried.**

**GOING TO IN-CAMERA ITEMS**

***Lease Agreements on CN Properties***

*Michael Strickland*

Discussion about lease of properties by James St bridge.

He bought the building and some of the equipment on the lands. Contract stipulated that he would talk to FWFN about the lease.

The lands are part of Grand Pacific lands held in Ontario registry system. In geographical boundaries of city of Thunder Bay. Should be city taxes with respect to that property.

Base rent- should FWFN be covering base rent and recouping cost

Under current system Ont. Canada say tax needs to be paid.

What happens when the lands are added back to the reserve lands. What does FWFN want to do.

Memorandum addresses Rick's concerns.

Stating that as a member he should not be required to pay any rent for use of reserve lands. And GTP lands are stated as reserve lands he should be treated as any other commercial properties.

High level situation appears to be the same, but reasons why it's different:

GTP lands coming back to the reserve, can deal with Ec. Dev. differently. GTP lands represent a way to be proactive for all band members

Question: How did Rick buy this property from the other guy. Answer: He bought the building not the land.

Question: when the cities started grabbing rents from other places why didn't they go after Thunder Bay hydraulics or Mr. Saarinen? Answer: he might have got notification to pay taxes but his current answer would be that he's not going to pay.

To have members occupy the lands rent free you're not getting a profit you're losing money.

Question: are we just paying taxes on the land that we own? Answer: tax bill comes to FWFN

Set aside money from the GTP funds to deal with any potential risks.

Question: started in 2011, why hasn't this been dealt with years ago? How much is owed? How come we haven't been told about this before?

Answer: there has been several attempts. He has been provided lease agreements. We haven't been sitting idle. When we have meetings there was no success to come to a conclusion as an amount. He said ill give you \$250 a year. Next meeting he said that offer was off the table. We are in 2018 but as much as Richard was making attempts to point fingers, he hasn't been coming forward with his obligations with buying that building. He purchased it without a lease.

Rick only owns the building not the property. Question: At the time the building was purchased was that property not still apart of the city? Answer: Chief says that rick knew there was lease agreements

Question: councillors made comment that this is the first time in 3 years that they are hearing of this situation. Feeling that Richard has maneuvered or been shady about purchasing land that he knew was going to be FWFN and didn't care to go about it the proper way people can utilize the land. The fact that he was employed here as property management seems extra shady.

In the lease agreement the former tenant has the option to leave the land clean or leave the building behind, but when the building was purchased guessing he got the building for a good price.

CEO was made aware of the issue about 4.5 months. His understanding was that proposal would be put together to go to council with. Afterwards rick wanted to have a meeting CEO and went through with it. Rick told CEO that because he was not provided a lease he should not have to pay anything for the land. Was advised that legal advice would need to be found as CEO would not be willing to zero out rick's debt and pay him back.

Question from councillor: was retailer involved with purchase? Answer: don't know for sure.

Question: what is the normal process for a band member who wants to start business on reserve? Answer: band members should of went to council to identify his intentions for the building and then would have had a lease for the building.

Question: Any liability left? Answer: at time he acquired building, lease was expired so the previous tenant was month-to-month

How could you charge him anything if he won't sign a lease? Answer: was done on prior obligations that was done before.

Why is he occupying the land without a document in place? At this stage he wants to be rent free and tax free. Were saying we need a lease agreement in place.

Maybe we need a motion in place to state a rent amount.

Chief says its previous owner's responsibility to have that land cleaned up before selling. There was grease and steel from the fabrication company. Question, is the previous owner still liable.

Val says that even her land has been contaminated. And the land up for discussion would not be suitable unless someone is able to actually clean the land up.

If anyone wants the land now they should have to pay land lease and land taxes.

Question from chief: Can we go back to previous tenant for clean up lawsuit.  
Answer from Mike: Might be able to go through environment protection act.

Obligation on the lot to do clean up on the lot when the sale was done. Was it the lot or the building that needed to be cleaned up? Answer: they would need to put the building back to the way it was.

What about the addition that was added on? Answer: has encroached on more property, a new document will need to be put together with a new survey and he will be required to pay properly.

Statement – can't let him keep expanding. Needs to go back to where the property was in the first place. Needs to make agreement

How and why was Rick let go from his position. Briefing document can be provided to council from Mike Jr.

Rick claims he has partners. That needs to be considered.

Needs to be a stop order on expanding on that property. Council issue directive to issue a stop order so he can't go back any further on the property. A survey needs to be done on the land to compare where it was in comparison to where it is now so no further development can be done until the previous issue has been settled. Proper document with a lease agreement should be put together.

**ACTION ITEM: designation of GTP LANDS – bring document forward for review**

any evidence that he has acquired more land that he should of. Answer fair size trucking company occupying the space. With equipment on site.

How will this affect other band members? Land code development will decide what happens.

The other businesses that have already been established with certain rights and BCR's. when trying to implement new policies and rights its advised not to take away rights from existing owners. You would grandfather people who had existing agreements in place.

With GTP we want good governance with these lands and want the benefits to be there for all the community members.

Statement from councillor: land that's sitting there. the prime land we have close to here should be used for FW's purpose not just an individual and keep some our land for our community to develop it when we need to.

Chief asks Michael to come back with some information on the previous owner of the property.

## ***IN-CAMERA ITEM***

Membership – Recorder not present for item.

### **Chief update:**

Union gas will be raising the flag of Fort William First Nation.

Bridge – communication with CN over last several days. CN has not said there ruling out an appeal process but they are exploring it. They need another week. Will advise in a week when they have direction that they are going to go in. Still some work and processes that CN needs to do.

Policing issue in community – getting critical

Had ask from APS in past to have an officer.

Want to move community center along. Took elders site off and built pilot project for JK schooling and said elders center would be built in community center. The bingo would be able to use existing hall just for Bingo.

Recommendation to move community center immediately and put funds towards having another officer. Would be a 5-year starting plan.

Community Center – would also be utilized for youth to have more space for programming.

For hiring an officer should look at hiring a younger community member.

Councillor would like to put something in the community outside of the band office to address substance issues. Chief asks Michele to come up with a new strategy with the portfolio.

Community members are aware that APS officers are off at 4am. Would be better if we could have officers on 24 hrs.

Immediate measure would be to put panic button system in place for all elders to make sure they are ok. Make sure people are reminded they can use their panic buttons if needed. Called "life-line", 65+ have it.

***Motion #2- Motion to negotiate 5-year funding arrangement with APS. Moved by Cathy McKenzie seconded by Val Chapman. All in favour. Motion Carried.***

Chief discussion on community center

- New building would be smoke free
- More opportunities for programs

***Motion #3 - Motion to move forward with community center. Moved by Cathy McKenzie seconded by Jenny Charlie. All in favour. Motion Carried***

**ACTION ITEM – should have document ready for community meeting on July 9<sup>th</sup>.**

**ACTION ITEM – update on ditches requested for next meeting**

#### **AGENDA # 4. Mortgage Early Renewal Agreement**

***Motion #4- Motion to approve mortgage renewal for Aaron Pervais. Moved by Jenny Charlie seconded by Michele Solomon. All in favour. Motion Carried.***

#### **AGENDA #5. Customary Care**

Signatures required

#### **AGENDA #7. Brandon martin – CP Transfer of Lot**

#### **AGENDA #7a. Mason Morriseau – Lot Request**

#### **AGENDA #7b. Jeanne Banning – Lot Request**

#### **AGENDA #7c. THP – Land Survey Request**

### **AGENDA #7d. Danielle MacLaurin – Survey Request**

- 2 lots: Residential and business lot across from her dad on whisky jack. She is asking for 2 properties that will be together. 1 acre for each lot. She provided a letter that explained what she was doing. The lots will be side-by-side. How far back will the lot go back. Can't survey the property if someone else is already there. Can bring a map back for this request.

**ACTION ITEM – DEFER THIS ITEM TO NEXT COUNCIL MEETING**

### **AGENDA #7e. Carrie/Amanda Banning – Survey Request**

Both would like to survey a residential and a business lot. A total of 4 lots. 2 residential, and 2 business lots. Should be going to referendum. Looking to have all of the lots next to each other. Both should be bringing business plans forward and the allocation should be pending the success of the business proposals. If the business didn't follow through the lot would be given back.

If the community member pays for the survey then the survey is theirs. If the lot goes back to FWFN then FWFN would compensate for the survey of the lot.

They would need a business plan to identify how many lots they would need. If they are sharing a business – they would be sharing the lot.

Would like separate letters for the separate requests.

**ACTION ITEM – Defer this to next meeting and get more clarification.**

**ACTION ITEM – Council would like to see the policy on obtaining a business lot.**

***Motion #5- Motion to accept the Certificate of Possessions, Certificate of Occupations and Survey Request. Moved by Michele Solomon seconded by Jenny Charlie. All in favour. Motion Carried.***

### **AGENDA #7f. Crystal Collins – Extension Request**

***Motion #6- Motion to accept the extension request for Crystal Collins. Moved by Murray Pelletier seconded by Cathy McKenzie. All in favour. Motion Carried.***

## **AGENDA #7g. Draft Arrears & Eviction Policy**

***Moved to In-Camera***

## **AGENDA #7h. Matrimony Real Property Law**

Discussion

- Handout provided
- Question MRP: legislation done by center of excellence. Organization that will assist FN to develop their own MRP laws. Been written for any FN wishing to adopt. This will lead you up to creating your own. FW can have any legal assistance that they would like.
- There are many members entering relations with non-first nations peoples. Entering into common-law relationships so in the event of a marital breakdown, non-members have rights on the reserve.
- We can't create a law that says you'll get nothing, but we can create a law saying that you will get half.
- We can make amendments to the documents to suit our communities needs.
- Its good for FW to have their own policy because we have the authority to say who resides in our community.

**ACTION ITEM – can arrange for representative to come in and give a presentation to be able to ask more questions**

## **AGENDA #8. Day Camp**

Discussion

- Briefing note provided by Renee.

- Question about why summer day camp is only being run for 2 weeks instead of 4 weeks.
- 4-6 and 7-9-year old's will only have 2 weeks of programming instead of the 4 weeks. The reason is we are lacking space.
- The youth center will be used for the 10-12 year old group.
- Not enough space in Cathy's space.
- The funding hasn't changed much but the layout of programming has.
- Difficulty with finding space for programs. Suggestion to utilize non-smoking side of bingo hall.
- Would still like day camp for students to run for 4 weeks. Find a way to utilize the space at the school or non-smoking side of bingo hall.
- Find a way to make it work to have 4 weeks of day camps for students.
- Consider church rectory.

**ACTION ITEM – MAKE IT WORK SO EACH GROUP CAN HAVE 4 WEEKS OF DAY CAMP**

Playground

- Will be done before the end of summer. Could be potentially don't earlier depending when the equipment comes.
- Splash pad will be more of a reality for next year.

**IN-CAMERA**

Minutes recorder (Courtney) not present for In-Camera sessions.

- ***Membership***
- ***Lease Agreements on CN Properties***
- ***Retirement Allowance***
- ***Eviction Hearing Panel***
- ***Tenancy Recommendation List***

Minutes Recorder (Courtney) not present for end of meeting.