

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

**September 13, 2017 – 5:30 p.m.**

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**CHAIR:** Chief Peter Collins

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

**STAFF:** Ken Ogima-CEO, Recorder-Bernice Pelletier, Kristy Boucher, Christina Thiesse-Membership; Director of Finance-Jeff Busniuk, Director of Health & Community Services- Karen Bannon, Director of Economic Development-Michael Pelletier, Manager of Economic Development-Ed Collins, Director of Lands & Property-Ian Bannon, Human Resources-Michael Pelletier Jr., Acting Youth and Social Development-Cheryl Szyja-Amanda Collins

**GOVERNANCE:** - Meeting Called to Order at 5:45 p.m. Karen opened with prayer.

**AGENDA ITEM - MOTION TO ACCEPT AGENDA**

**MOTION #1** – Moved by Philip Pelletier and seconded by Yvette Greenwald to accept the agenda of September 13, 2017 as read. **All in favour. Motion Carried.**

**AGENDA ITEM – Declaration of Conflict of Interest** – declared on lot issues.

**AGENDA ITEM – 6(1) 6(2) Indian Registration Legislation** - The Membership Clerk provided information on 6(1) and 6(2) of the Indian identifying persons entitled to be registered. When registering on Indian Register under the Indian Act the following is the first areas to determine 1. If person are born prior to April 17, 1985; and 2. If person was born after April 17, 1985. A chart identified those entitlements which arise as a result of the amendments to the Indian Act which came into effect after April 17, 1985 i.e. 6(1) and 6(2).

An AFN bulletin was given to Council on upcoming new legislation with significant amendments to the Indian Act (elimination of sex-based inequities in registration). This Bill S-3 arose in response to an August 3, 2015 court decision of the Quebec Superior Court of Justice called Descheneaux. This case found there is still gender-based discrimination in the determination of entitlement to Indian status and band membership. The Court declared sections of 6(2) (a) (c) (f) and 6(2) of the Indian Act violated section 15 of the Charter and are unconstitutional.

A 25 page document on Reclaiming Our Identify Band Membership, Citizenship and the Inherent Right was also given to Council to review.

**AGENDA ITEM – AFN Resolution – Inherent Authority to Define Citizenship -**

Chief Collins presented a Draft Resolution at the AFN Assembly in Regina in July 25-27, 2017 which was passed with full support. The Resolution directs Canada recognize the authority of First Nations to determine their own citizenship and eligibility for registration, and end the practice of legislative assimilation, and to provide adequate funding and recognition for those citizens as determined by First Nation; and further direct the Chiefs in the Assembly to support the work of FWFN, and all First Nations to assert their jurisdiction over their citizenship and restore their children with their rightful heritage, which was lost due to the colonial and racist impacts of section 6(1) and (2) of the Indian Act.

Chief Collins is seeking legal assistance with the new legislation to challenge present government legislation in regards to membership.

**AGENDA ITEM – Elections -** The Manager of Economic Development prepared a briefing note with recommendation to revisit either custom election or joining FNEA. The current election process that FWFN is governed under is the Indian Act, which consists of a two year election period.

Two other models to consider would be:

1. Custom Leadership Selection Process which is a common driven process that requires membership engagement including design specific to the unique needs as identified by membership (term of office, number of

Councillors, qualifications and fees to run for office) and must be ratified by vote including mail in ballots. This process is very intensive with the final decision resting with the electorate (members). INAC or the Minister has no role in Custom Elections or Appeals.

2. The First Nations Elections Act (FNEA) came into force and effect on April 2, 2015. The Act was developed collaboratively with First Nations organizations to bring about real improvements on the new legislation and the specific changes resulting in this option i.e. term of office, number of Councillors, fees, election period, etc. Upon providing information and answering constituent's questions, Council may opt into the FNEA by voting on a BCR that stipulates the date for the 1<sup>st</sup> elections to take place under FNEA. If First Nation wants to opt out of FNEA, ONLY option is to develop First Nation Custom Election Code.

Manager of Economic Development will update the Governance Coordinator when the position is filled. The next steps would be to present the pros and cons on options to the Community options.

**AGENDA ITEM – Update on the Abitibi Property** - Chief Collins and the Director of Economic Development will follow up with the sale of the Abitibi Site. In Mike Strickland's (lawyer from Buset & Partners) dated September 13, 2017, it states that an Offer to Purchase has been made to American Iron & Metal LP for the purchase of the former Abitibi mill site for the purchase price of One Million (\$1,000,000.00) Dollars on the basis of an as is where is basis. The purchase is being conducted through Pie Island Holdings Inc. which is wholly owned subsidiary of FWFN. FWFN has the ability to conduct an environmental or site inspections prior to prior to September 30, 2017. Closing date is October 20, 2017.

The Director of Economic Development will follow up with taxes on the site and meet with Finance as to where monies would come from to purchase the site.

**The Director of Economic Development will have a presentation meeting with Council on Friday, September 22<sup>nd</sup>** on a Medical Marijuana presentation.

**AGENDA ITEM – Taxing Authority** - In Mike Strickland’s letter, he states that a letter has been drafted to the Ministry of Housing with respect to the Grand Trunk Pacific Lands and the FWFN Development Corp. liability for tax on the GTP Lands. The City of Thunder Bay takes the position that it cannot simply write off the taxes due and owing under the Municipal Act 2001. As a result, FWFN has written to the MMAH to write off and waive all taxes due and owing on the GTP Lands. Finally, the letter reminds the MMAH of Ontario’s obligation and duties to the FWFN as the Crown and is required to act in best interest of FWFN.

**AGENDA ITEM – INAC Amendment 001 funding – Youth Employment Strategy for Summer Work Experience and Skill Link Program**

***MOTION #2** – Moved by Cathy McKenzie and seconded by Yvette Greenwald to submit the INAC Amendment 001 Funding Agreement to include funding in the amount of \$22,135.00 for the Youth Employment Strategy for Summer Work Experience and Skill Link Program . **All in favour. Motion Carried.***

**AGENDA ITEM – INAC Amendment 002 funding – Infrastructure & Capacity for Water waste and Lagoon Extension**

***MOTION #3** – Moved by Philip Pelletier and seconded by Cathy McKenzie to submit the INAC Amendment 002 funding agreement to include funding in the amount of \$2,246,399.00 for the Infrastructure & Capacity for Water waste and Lagoon Extension. **All in favour. Motion Carried.***

**AGENDA ITEM – RBC – 3 Loans – Lagoon/Wasaya Roof/CMHC 11 Unit Project.**

Council signed the amended offer from RBC to lend FWFN 3 loans which now includes the 11 Unit Housing Project, of which was not in the original offer.

## **AGENDA ITEM – Directors Quarterly Reports**

**Youth and Social Development** – Two employees have taken on the capacity to deal with Portfolio for this department and will prepare reports for next meeting. Council will be updated in camera.

**Finance** – The Director of Finance presented an update with the following list of current major projects and initiatives: (Attached)

1. 2016/17 Audit - 2. GTP Claim/Account receivable (AR) reconciliations
3. Budget vs Actual

**Health and Community Services Department** – The Director of Health and Community Services provided program overviews and quarterly reports on three departments: (Attached)

1. Health
2. Education
3. Ontario Works

**NON SARS (Non Social Assistance Recipients)** – The Director of Health and Community Services explained that INAC's policy for funeral and burial is for registered members who live on reserve, enrolled in an institution or resides in an old folk's home. A list of requirements were presented. Amount of funding is \$6,000.00). The Director will review FWFN funeral and burial program.

**Lands and Property Department** - The Director of Lands and Property presented the quarterly report. (Attached) After presentation, direction has been given to the Director to follow up with:

1. Gas Allowance in Housing
2. Arena issue
3. Consulting Fees in Housing
4. MTR application for Gym Equipment
5. Reformat Quarterly Report.
6. Revisit all leases, Ski Club Building, Tower leases, date when lease ends.

Marvin Pelletier has offered consulting services in kind on the arena.

**AGENDA ITEM – Certificate of Possession**

**MOTION #4** – Moved by Philip Pelletier and seconded by Yvette Greenwald to authorize Certificate of Possessions for Jennelle Charlie, Sandra Cornell, Melvin Pervais, Melvin Pervais (residential), Myles Pervais, Charles Pervais, Lydia Kuchefski, Melvin Kucherfski, Carig Pervais, Jacob Lebowitz, Mazie Lebowitz, Brittany Pervais and Jennifer Pervais presented in the Briefing Note presented by the Lands Administrator. **All in favour. Motion Carried. Jennelle Charlie declares conflict.**

**Certificate of Occupation - MOTION #5** – Moved by Tony Collins and seconded by Yvette Greenwald to authorize Certificate of Occupations for Philip R. Solomon, Daniel Penasie, Sheldon Penasie and Edmond Collins Sr. as presented in the Lands Manager’s briefing note. **All in favour. Motion Carried.**

**Amendment to Motion #5 by Tony Collins and Yvette Greenwald to remove Edmond Collins Sr.’s name from the Certificate of Occupation list until further clarification of an extension request from Crystal Collins on Lot 355.**

**Certificate of Possession - CEO sits as Chair. - MOTION #6** – Moved by Cathy McKenzie and seconded by Jennelle Charlie to authorize Certificate of Possession for Catherine Collins as presented in the Lands Manager Briefing Note. **All in favour. Motion Carried. Chief Collilns, Tony Collins and Sherry Pelletier declare conflict.**

**Survey Requests - Colleen Esquega** - Consensus of Council that authorization is given to Colleen Esquega to move forward with a survey of a lot on Brule Bay Road at her own expense as indicated in Lands Manager Briefing Note.

**Survey Request - Carrie Banning and Amanda Banning - MOTION #7** – Moved by Yvette Greenwald and seconded by Michele Solomon that authorization be given to Carrie and Amanda Banning to move forward with a survey of two (2) lots across from the FWFN Arena at their own expense as presented by the Lands Manager. **All in favour. Motion Carried.**

**AGENDA ITEM - BCR16-72 – Amendment requested by Resolute to develop parking and fuel area on particular land area that FWFN is in negotiation with.**

**MOTION #8** – Moved by Philip Pelletier and seconded by Murray Pelletier to amend BCR16-72 as requested by Resolute to develop a parking and fuel area on particular land area that FWFN is in negotiation with. **All in favour. Motion Carried.** The Director of Lands and Property will have the amended BCR for next Meeting.

**Subsidy Allocation - MOTION #9** – Moved by Yvette Greenwald and seconded by Cathy McKenzie to accept the recommendation of the Housing Portfolio Meeting dated August 24<sup>th</sup> as presented in the Briefing Note from the Director of Lands and Property for the following subsidy allocations:

1. Brittany Collins
2. James Pederson
2. Margaret Bannon
3. Lindsay Wemigwans

**All in favour. Motion Carried.**

**AGENDA ITEM – BCR 17-59 – Union Gas – 8 Quarry Road**

**MOTION #10** – Moved by Michele Solomon and seconded by Murray Pelletier to submit BCR17-59 authorizing Union Gas to proceed with Gas Line installation for residential lot 8 Quarry Road. **All in favour. Motion Carried.**

**AGENDA ITEM - DUMP** - The Director of Lands and Property prepared a briefing note stating that through social media network members are expressing concern over the state of the dump and although we have made several attempts to close the dump by blocking access, we found that garbage was and is still being dumped with in close proximity to the dump site or in areas throughout the community. Chief Collins stated that membership needs to support decision of Chief and Council to clean dump or close.

Discussion on closure of dump, monitor dump site, create employment, Install gates, fences, lighting, and cameras, draft a bylaw, plan for adjudicator and law enforcement, Impound vehicles, utilize APS around the clock for dump, drugs,

gangs etc., follow up with Nipissing First Nation Bylaws, follow up with ENOCH First Nation Residency and Eviction Bylaws for community safety.

**MOTION #11** – Moved by Philip Pelletier and seconded by Michele Solomon to close and cap the dump site located on Squaw Bay Road by the end of the day September 14, 2017. **All in favour. Motion Carried.**

**AGENDA ITEM – WASAYA** - The Director of Lands and Property is to have a complete report on Wasaya arrears for next meeting.

**AGENDA ITEM - SQUAW BAY ROAD SPEEDING** - Public Works to follow up with the implementation of speed bumps on the Squaw Bay Road to reduce the speed and awareness of the safety of our children.

**ECONOMIC DEVELOPMENT QUARTERLY REPORT** - The Director of Economic Development presented quarterly report on the Public Works department, lagoon, drainage, roads, economic development conference, and OSHKI study on sewer connection to community, materials to remediate blue berry patch, etc. The Director of Economic Development will be meeting with Council on Friday, September 22<sup>nd</sup> to review a presentation on Medical Marijuana.

**AGENDA ITEM - Minutes – July 19, 2017 - MOTION #12** – Moved by Jennelle Charlie and seconded by Philip Pelletier to accept the minutes of July 19, 2017 as read. **All in favour. Motion Carried.**

**Minutes – July 31, 2017 - MOTION #13** – Moved by Yvette Greenwald and seconded by Jennelle Charlie to accept the Minutes of July 31, 2017 as read. **All in favour. Motion Carried.** Correction to Minutes – Michele was present.

**MINUTES – August 9, 2017 - MOTION #14**– Moved by Yvette Greenwald and seconded by Michele Solomon to accept the Minutes of August 9, 2017 as read. **All in favour. Motion Carried.**

**IN-CAMERA SESSION BEGINS AT 9:55 P.M. Recorder leaves meeting.**