

A. BAND COUNCIL RESOLUTION 2015/16-_____

The Council of Henvey Inlet First Nation

Date of duly convened meeting: 20 May 2015

BE IT RESOLVED THAT the following proposed Land Law is hereby tabled, as required by section 8.05 of the Land Code, for enactment by a resolution of Council in open meeting on or after 06 July 2015:

LAND LAW 2015/16-001 enacted pursuant subsection 51.01(d) of the Land Code authorizing Council to revise the Land Code to make minor improvements in the language as may be required to bring out more clearly the intention of the Henvey Inlet First Nation without changing the substance of the Land Code:

1. The Land Code shall be revised by adding the following definitions to section 2.01 in proper alphabetical sequence:
 - “Land Law Proposal” means a request that Council enact a Land Law with respect to a matter, and need not include the text of a proposed enactment;
 - “Proposed Land Law” and “draft Land Law” mean the text of a proposed enactment, which may be in the form of a Band Council Resolution or such other form as Council deems appropriate;
 - “Working days” means all days excluding Sundays and other holidays as defined in s. 35 of the *Interpretation Act*, R.S.C. 1985 c. 1-21, as amended from time to time;
2. The Land Code shall be further revised by adding the following provisions as new sections 2.08 and 2.09:
 - 2.08 The rules for computation of time in sections 26 to 30, inclusive, of the *Interpretation Act*, R.S.C. 1985 c. 1-21, as amended from time to time, shall apply to this Land Code, provided that, notwithstanding section 26 of that *Act*, Council may expressly provide by resolution that a thing shall be completed or done on a holiday.
 - 2.09 Where this Code requires notice in relation to an enactment, procedure or matter:
 - a. references to “Members” in relation to the mailing of notice means the Members who are recorded by Henvey Inlet First Nation as Eligible Voters;
 - b. notice by mail shall be mailed or hand delivered to the last recorded address for each Eligible Voter, provided that a notice addressed to “All Members of Henvey Inlet First Nation” delivered by mail or by hand to an address or household shall be deemed to be notice by mail to all Eligible Voters recorded by Henvey Inlet First Nation as usually residing at that address or in that household; and
 - c. notice periods for multiple processes in relation to a matter may overlap or run concurrently.

BE IT FURTHER RESOLVED that the proposed Land Law shall be posted as prescribed in section 8.05 of the Code.

MOVED BY:
SECONDED BY:
VOTE COUNT:

B. BAND COUNCIL RESOLUTION 2015/16-_____

The Council of Henvey Inlet First Nation

Date of duly convened meeting: 20 May 2015

BE IT RESOLVED THAT the following proposed Land Law is hereby tabled, as required by section 8.05 of the Land Code, for enactment by a resolution of Council in open meeting on or after 06 July 2015:

LAND LAW 2015/16-002 enacted pursuant subsection 51.01(d) of the Land Code authorizing Council to revise the Land Code to make minor improvements in the language as may be required to bring out more clearly the intention of the Henvey Inlet First Nation without changing the substance of the Land Code:

1. The Land Code shall be revised by adding the following provision as new section 8.10:

8.10 Where this Land Code requires the Lands Advisory Committee to advise Council or the Members in relation to a Land Law Proposal or a Proposed Land Law, the Lands Advisory Committee shall deliver its advice in the form of a report in writing at least 7 days prior to the earlier of:

- a. the Community Meeting of Members at which the Land Law may be considered or submitted to a Community Approval Vote, or
- b. the open meeting of Council at which the Land Law may be moved for final enactment,

provided that:

- c. Council may by resolution prescribe an alternate deadline for the report; and
- d. if the Lands Advisory Committee fails to deliver a report within the prescribed time, Council may elect by resolution to proceed with the enactment, meeting or vote without the Lands Advisory Committee report, and the absence of the report shall be noted in the minutes of the proceedings.

BE IT FURTHER RESOLVED that notice of the proposed Land Law shall be provided to Eligible Voters in the manner prescribed in section 8.05 of the Code.

MOVED BY:

SECONDED BY:

VOTE COUNT:

C. BAND COUNCIL RESOLUTION 2015/16-_____

The Council of Henvey Inlet First Nation

Date of duly convened meeting: 20 May 2015

BE IT RESOLVED THAT the following proposed Land Law is hereby tabled, as required by section 8.05 of the Land Code, for enactment by a resolution of Council in open meeting on or after 06 July 2015:

LAND LAW 2015/16-003 enacted pursuant section 14.05 of the Land Code authorizing Council to make Land Laws respecting Community Meetings of Members:

1. Council may appoint a Community Meeting Manager to assist Council and the Lands Advisory Committee by managing all administrative matters in relation to the Community Meetings of Members required to be held concerning the proposed Henvey Inlet Wind Energy Generation Centre.
3. For greater certainty in the application of section 19 of the Land Code concerning conflicts of interest:
 - a. Directors, officers and employees of Nigig Power Corporation shall be deemed to have a conflict of interest in Community Meetings of Members and Community Approval votes in relation to the proposed Henvey Inlet Wind LP wind energy generation centre, but may be invited by resolution of Council to attend a Community Meeting of Members to provide information on matters which may be considered.
 - b. Members of Council and Eligible Voters shall not be deemed to have a conflict of interest in proceedings of Council or Community Input meetings or Community Approval votes in relation to the proposed Henvey Inlet Wind wind energy generation centre by reason only that the member of Council or Eligible Voter or his or her Immediate Relative is a member of Council or of the Lands Advisory Committee, or that his or her Immediate Relative is an employee of Henvey Inlet First Nation.

BE IT FURTHER RESOLVED that notice of the proposed Land Law shall be provided to Eligible Voters in the manner prescribed in section 8.05 of the Code.

MOVED BY:

SECONDED BY:

VOTE COUNT:

D. BAND COUNCIL RESOLUTION 2015/16-_____

The Council of Henvey Inlet First Nation

Date of duly convened meeting: 20 May 2015

BE IT RESOLVED THAT the following proposed Land Law is hereby tabled, as required by section 8.05 of the Land Code, for enactment, subject to Community Input, by a resolution of Council in open meeting on or after 26 July 2015:

LAND LAW 2015/16-004 enacted pursuant section 36.01 of the Land Code which authorizes Council to exempt Interests and Licences in Henvey Inlet First Nation Land intended to be used for Commercial Purposes from certain provisions of the Land Code, with Community Input:

1. The Henvey Inlet Wind Energy Generation Centre and related uses proposed by Henvey Inlet Wind Limited Partnership for Henvey Inlet Reserve #2 lands shall be deemed to be a use of land for Commercial Purposes pursuant to section 36 of the Land Code.
2. The lease and any other Interests or Licences in Henvey Inlet Reserve #2 lands required for the Henvey Inlet Wind Energy Generation Centre and related uses, including, without limitation, Interests in the nature of a charge or mortgage granted to any party, shall be exempt from sections 16, 31.02, 34 and 35 of the Code.

BE IT FURTHER RESOLVED THAT

1. Council shall convene a Community Meeting of Members pursuant to Part III of the Code for the purpose of obtaining Community Input with respect to this Land Law and may thereafter, by Band Council Resolution:
 - a. withdraw this proposed Land Law, in which case it shall be deemed a nullity, or
 - b. enact this proposed Land Law, with any amendments which Council deems appropriate.
2. The Community Meeting of Members shall be convened in the Firehall, on Henvey Inlet First Nation's Pickerel Reserve, at 11:00 am on Sunday 02 August 2015 provided that, if for any reason the Community Meeting of Members cannot be convened or completed on that date, it may be deferred to Sunday 09 August 2015 in the Firehall or such alternative location as Council may determine and post in the Henvey Inlet Administration Office and on hifn.ca at least 3 days prior to the deferred meeting date.
3. Notice of the Community Meeting of Members shall be given to Members in the manner prescribed in sections 14.01, 14.02 and 14.04 of the Land Code.
4. The contact persons for the purposes of the Notice shall be Chief Wayne McQuabbie and Lands Councillor Pat Brennan.
5. An open meeting of Council to consider the enactment of the Land Laws shall be convened in Henvey Inlet First Nation's Administration Offices on 04 August 2015 or, if the meeting of Council cannot be convened on that date or in that location, on such subsequent date and at such alternate location as Council may determine and post in the Henvey Inlet Administration Office and on hifn.ca at least 3 days prior to the deferred meeting date.
6. Notice of the open meeting of Council shall be given to Members in the manner prescribed in section 8.05 of the Land Code.
7. The contact persons for the purposes of the Notice shall be Chief Wayne McQuabbie and Lands Councillor Pat Brennan.
8. If this Land Law is enacted, a true copy of the Land Law shall be attached to any lease, Interests or Licences which may be granted for the Henvey Inlet Wind Energy Generation Centre and related uses.

MOVED BY: Lionel

SECONDED BY: Carl

VOTE COUNT:

E. BAND COUNCIL RESOLUTION 2015/16-_____

The Council of Henvey Inlet First Nation

Date of duly convened meeting: 20 May 2015

BE IT RESOLVED THAT the following proposed Land Law is hereby tabled, as required by section 8.05 of the Land Code, for enactment by a resolution of Council in open meeting on or after 06 July 2015:

LAND LAW 2015/16-006 enacted pursuant section 13.03 of the Land Code which authorizes Council to determine the method of obtaining voter approval for a Community Approval vote, and section 14.04 which permits Council to schedule more than one Community Meeting of Members without the time requirements for notice contained in section 14.02:

1. The Community Approval process for the proposed Henvey Inlet Wind Energy Generation Centre lease of lands within HIFN Reserve #2 shall be a secret ballot which may be:
 - a. cast in person at a polling station in the Pickerel Community Fire Hall on I.R. #13 on such date and at such time as Council may specify in the notice of the Community Approval Vote, or
 - b. cast by an official mail-in ballot, properly completed, mailed with a sworn declaration of identity in the official pre-addressed envelope, and received on or before the deadline date for mail-in ballots specified by Council in the notice of the Community Approval Vote.
2. Each eligible voter attending in person shall be entitled to cast a single ballot on each question submitted to a vote: no proxy votes will be accepted or counted.
3. The notice to Members of the Community Meeting of Members for the Community Approval Vote may include notice of a contingent second Community Approval Vote, to be called if a quorum of votes is not cast on the first vote and to be held on a date not less than 20 days after the first date for in-person voting, and notice of a contingent third Community Approval Vote, to be called if a quorum of votes is not cast on the second vote and to be held on a date not less than 20 days after the second date for in-person voting. In each case, the deadline for mail-in ballots may be a date prior to in-person voting date.

BE IT FURTHER RESOLVED that notice of the proposed Land Law shall be provided to Eligible Voters in the manner prescribed in section 8.05 of the Code.

MOVED BY: Patrick
SECONDED BY: Lionel
VOTE COUNT:

F. BAND COUNCIL RESOLUTION 2015/16-_____

The Council of Henvey Inlet First Nation

Date of duly convened meeting: 20 May 2015

BE IT RESOLVED THAT the following proposed Land Law is hereby tabled, as required by section 8.05 of the Land Code, for enactment after approval by a Community Approval Vote:

LAND LAW 2015/16-006 enacted pursuant to subsections 13.01(a), 13.01(b) and 31.02 of the Land Code to grant a lease of land within I.R. #2 to Henvey Inlet Wind GP Inc. for a term which, inclusive of extensions, may exceed 35 years:

1. A Lease of the lands within Henvey Inlet I.R. #2 described in the Schedule, shall be granted to Henvey Inlet Wind GP Inc. in its capacity as general partner of Henvey Inlet Wind Limited Partnership, for the proposed Henvey Inlet Wind Energy Generation Centre and related uses, for a term which, inclusive of extensions, may exceed 35 years.
2. The Lease shall be in substantially the form adopted by Council on 20 May 2014, available for inspection in the Band Administration Office.

BE IT FURTHER RESOLVED THAT

1. A Community Approval Vote to approve the grant of a lease shall be conducted, under the supervision of a returning officer appointed by Council, according to the following schedule:
 - Sunday, 02 August 2015: Community Meeting of Members to discuss the lease.
 - Sunday, 09 August 2015: Community Meeting of Members to discuss the lease and the Land Law and for casting of in-person ballots. The deadline for receipt of mail-in ballots shall be Friday, 07 August 2015.
 - Sunday, 30 August 2015: Contingent second Community Meeting of Members for casting of in-person ballots, to be convened if a vote quorum, inclusive of in-person and mail-in ballots, is not achieved at the first Community Approval Vote. The deadline for receipt of mail-in ballots shall be Friday, 28 August 2015.
 - Sunday, 13 September 2015: Contingent third Community Meeting of Members for casting of in-person ballots, to be convened if a vote quorum, inclusive of in-person and mail-in ballots, is not achieved at the first Community Approval Vote. The deadline for receipt of mail-in ballots shall be Friday, 11 September 2015.
2. Notice of the Community Meetings of Members shall be given to Members in the manner prescribed in sections 14.01, 14.02 and 14.04 of the Land Code.
3. The contact persons for the purposes of the Notice shall be Chief Wayne McQuabbie and Lands Councillor Pat Brennan.
4. Upon approval of the proposed Land Law by Community Approval Vote, Council may, in open meeting, declare the Land Law enacted. An open meeting of Council shall be convened for these purpose in Henvey Inlet First Nation's Administration Offices on 11 August 2015 or, if the meeting of Council cannot be convened on that date or in that location, on such subsequent date and at such alternate location as Council may determine and post in the Henvey Inlet Administration Office and on hifn.ca at least 3 days prior to the deferred meeting date.
5. Notice of the 11 August 2015 open meeting of Council shall be given to Members in the manner prescribed in section 8.05 of the Land Code.
6. Subsequent to the enactment of the Land Law, Council may, by Band Council Resolution, grant, execute and issue the lease on behalf of Henvey Inlet First Nation.

MOVED BY:
SECONDED BY:
VOTE COUNT: