

NOTICE OF PROPOSED ENACTMENT OF LAND LAWS UNDER THE LAND CODE

TO : ALL MEMBERS, HENVEY INLET FIRST NATION
FROM : CHIEF WAYNE McQUABBIE
DATE : 03 FEBRUARY 2015
RE : NEW LAND LAWS TABLED BY COUNCIL FOR THE HENVEY INLET WIND ENERGY GENERATION CENTRE

At the meeting of Council on 02 February 2015, nine new Land Laws relating to the Henvey Inlet Wind Energy Generation Centre proposed for part of Reserve No. 2 were tabled so that notice could be given to members before final enactment under the Land Code.

Copies of the nine proposed Land Laws are attached to this notice.

EXPLANATION AND OVERVIEW:

The Land Code contains some provisions governing the enactment and approval of Land Laws which might have more than one interpretation. The Land Code authorizes Council to revise the Code to clarify uncertainties: draft Land Laws 2014/2015-001, 002, 006 and 008 are intended to clarify the uncertainties identified in each of the draft Land Laws.

Secondly, the Land Code leaves some decisions on how to conduct Community Input meetings and Community Approval votes to Council. Council proposes to enact Land Laws 2104/2015-003, 004, 005 and 007 to settle these matters.

Lastly, the Lease Letter of Intent signed by Henvey Inlet First Nation on 04 November 2015 specified that the Wind Farm lease would be exempted from some provisions of the Land Code which are appropriate for residential uses but not for commercial uses. The exemptions are set out in proposed Land Law 2014/15-009.

If you have any comments or questions in relation to any of the proposed Land Laws, please do not hesitate to contact me or any member of Council.

Meegwetch

Chief Wayne McQuabbie

BAND COUNCIL RESOLUTION 2014/15-070

The Council of Henvey Inlet First Nation

Date of duly convened meeting: 2015-02-02

BE IT RESOLVED THAT the following proposed Land Law is hereby tabled for enactment at a meeting of Council on or after 18 March 2015:

LAND LAW 2014/15-001 enacted pursuant subsection 51.01(d) of the Land Code authorizing Council to make minor revisions to the language of the Land Code 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:

BE IT RESOLVED THAT the Land Code shall be revised by adding the following definitions to subsection 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;”

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

MOVED BY BRENDA CONTIN
SECONDED BY LIONEL FOX
CARRIED UNANIMOUSLY.

BAND COUNCIL RESOLUTION 2014/15-071

The Council of Henvey Inlet First Nation

Date of duly convened meeting: 2015-02-02

BE IT RESOLVED THAT the following proposed Land Law is hereby tabled for enactment at a meeting of Council on or after 18 March 2015:

LAND LAW 2014/15-002 enacted pursuant subsection 51.01(d) of the Land Code authorizing Council to make minor revisions to the language of the Land Code 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:

BE IT RESOLVED LAW THAT the Land Code shall be revised by adding the following provisions as new subsections 2.08 and 2.09:

2.08 All days including Ontario public holidays shall be included in the computation of notice periods expressed as a number “days” or “working days.”

2.09 Where the Code requires notices of Council and Community processes in relation to an enactment or matter:

- a. the notices periods may run concurrently; and
- b. a notice of a Community Meeting of Members for Community Input or for a Community Approval vote may serve as the notice of tabling for enactment of a Land Law by Council required pursuant to subsection 8.05 of the Code.

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

MOVED BY BRENDA CONTIN
SECONDED BY LIONEL FOX
CARRIED UNANIMOUSLY.

BAND COUNCIL RESOLUTION 2014/15-072

The Council of Henvey Inlet First Nation

Date of duly convened meeting: 2015-02-02

BE IT RESOLVED THAT the following proposed Land Law is hereby tabled for enactment at a meeting of Council on or after 18 March 2015:

LAND LAW 2014/15-003 enacted pursuant subsection 13.02-03 of the Land Code authorizing Council to specify the method of obtaining voter approval for a Community Approval vote:

BE IT RESOLVED as a Land Code policy that 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 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 determine by BCR, or cast by mailing in a ballot on or before the date for in-person voting. 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.

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

MOVED BY BRENDA CONTIN
SECONDED BY LIONEL FOX
CARRIED UNANIMOUSLY.

BAND COUNCIL RESOLUTION 2014/15-073

The Council of Henvey Inlet First Nation

Date of duly convened meeting: 2015-02-02

BE IT RESOLVED THAT the following proposed Land Law is hereby tabled for enactment at a meeting of Council on or after 18 March 2015:

LAND LAW 2014/15-004 enacted pursuant subsection 14.04 of the Land Code authorizing Council to schedule more than one Community Meeting of members to discuss and decide on a matter that requires a Community meeting of members without the time requirements under section 14.02:

BE IT RESOLVED that the Notice to Members of a Community Approval vote to approve a Land Law in relation to the proposed lease to Henvey Inlet Wind GP of lands within Henvey Inlet Reserve. #2 for the Henvey Inlet Wind Energy Generation Centre may include notice of a contingent second Community Approval vote which may be required if the ballot question is approved by a majority vote but a voting quorum is not achieved at the first Community Approval Vote, and a contingent third Community Approval vote which may be required if the ballot question is approved by a majority vote but a voting quorum is not achieved at the second Community Approval vote, provided that the voting day for each successive Community Approval vote specified in the Notice shall be not less than 21 days subsequent to the previous vote.

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

MOVED BY BRENDA CONTIN

SECONDED BY LIONEL FOX

CARRIED UNANIMOUSLY.

BAND COUNCIL RESOLUTION 2014/15-074

The Council of Henvey Inlet First Nation

Date of duly convened meeting: 2015-02-02

BE IT RESOLVED THAT the following proposed Land Law is hereby tabled for enactment at a meeting of Council on or after 18 March 2015:

LAND LAW 2014/15-005 enacted pursuant subsection 14.04 of the Land Code authorizing Council to schedule more than one Community Meeting of members to discuss and decide on a matter that requires a Community meeting of members without the time requirements under section 14.02:

BE IT RESOLVED THAT notices of Community Meetings of Members relating to the enactment of the Henvey Inlet Wind Energy Generation Centre Environmental Stewardship Regime Land Law, or components thereof, and the Land Laws in relation to a lease of land within Henvey Inlet Reserve No. 2 for the Henvey Inlet Wind Energy Generation Centre shall be deemed reasonable and sufficient if given by:

- a. posting the notice in a public area within Henvey Inlet First Nation's band administration offices;
- b. compiling an up to date list of all persons whose names appear on the Band List at the time of giving notice, including each such person's last known mailing address, and mailing the notice to each such person at that mailing address by ordinary letter mail, with a request that it be forwarded in case of change of address;
- c. posting the notice prominently on the front page of the Henvey Inlet First Nation website; and
- d. publishing the notice in a Henvey inlet First Nation community newsletter.

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

MOVED BY BRENDA CONTIN
SECONDED BY LIONEL FOX
CARRIED UNANIMOUSLY.

BAND COUNCIL RESOLUTION 2014/15-075

The Council of Henvey Inlet First Nation

Date of duly convened meeting: 2015-02-02

BE IT RESOLVED THAT the following proposed Land Law is hereby tabled for enactment at a meeting of Council on or after 18 March 2015:

LAND LAW 2014/15-006 enacted pursuant subsection 51.01(d) of the Land Code authorizing Council to make minor revisions to the language of the Land Code 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:

BE IT RESOLVED THAT the Land Code shall be revised by adding the following provision as new subsection 8.10:

8.10 For greater clarity, the functions of the Lands Advisory Committee in relation to enactment and other procedures of Council, and to Community Meetings of Members including Community Approval votes and ratification votes, are advisory, and the completion or other status thereof shall be noted in the minutes of such procedures or meetings but shall not be a condition precedent for the continuation or completion of such procedures or meetings.

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

MOVED BY BRENDA CONTIN

SECONDED BY LIONEL FOX

CARRIED UNANIMOUSLY.

BAND COUNCIL RESOLUTION 2014/15-076

The Council of Henvey Inlet First Nation

Date of duly convened meeting: 2015-02-02

BE IT RESOLVED THAT the following proposed Land Law is hereby tabled for enactment at a meeting of Council on or after 18 March 2015:

LAND LAW 2014/15-007 enacted pursuant subsection 14.05 of the Land Code which empowers Council to make Land Laws respecting Community Meetings of Members:

BE IT RESOLVED THAT Community Meetings of Members in relation to the Environmental Stewardship Regime and the lease of lands within Henvey Inlet Reserve No. 2 for the proposed Henvey Inlet Wind Energy Generation Centre, including Community Input meetings and Community Approval voting, shall be managed by Council, with the assistance of the Lands Advisory Committee.

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

MOVED BY BRENDA CONTIN
SECONDED BY LIONEL FOX
CARRIED UNANIMOUSLY.

BAND COUNCIL RESOLUTION 2014/15-077

The Council of Henvey Inlet First Nation

Date of duly convened meeting: 2015-02-02

BE IT RESOLVED THAT the following proposed Land Law is hereby tabled for enactment at a meeting of Council on or after 18 March 2015:

LAND LAW 2014/15-008 enacted pursuant subsection 14.05 of the Land Code which empowers Council to make Land Laws respecting Community Meetings of Members:

BE IT RESOLVED THAT the following is hereby enacted as a Land Law pursuant to the Code:

1. 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 Henvey Inlet 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.
2. 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 respect of Land Laws in relation to the Henvey Inlet 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 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 subsection 8.05 of the Code.

MOVED BY BRENDA CONTIN
SECONDED BY LIONEL FOX
CARRIED UNANIMOUSLY.

BAND COUNCIL RESOLUTION 2014/15-078

The Council of Henvey Inlet First Nation

Date of duly convened meeting: 2015-02-02

BACKGROUND:

Henvey Inlet Wind LP has requested that Council grant to Henvey Inlet Wind LP, or at its direction, a lease, Interest or Licence in lands within Henvey Inlet Reserve No. 2 for the proposed Henvey Inlet Wind Energy Generation Centre and related uses.

Henvey Inlet Wind LP has further requested that:

- the Henvey Inlet Wind Energy Generation Centre be deemed a Commercial Purpose under the Land Code; and
- any lease, Interest or Licence in Henvey Inlet Reserve No. 2 lands for the proposed Henvey Inlet Wind Energy Generation Centre wind electrical generation facility and related uses, if granted by Council and approved by Community Approval vote, shall be exempt from sections 8.04, 14.01(d), 25.01(e), 31.02, 34 and 35 of the Land Code.

Council wishes enact a Land Law designating the proposed use of Reserve lands as a Commercial Purpose, and exempting the lease, Interest or Licence, if it is granted, from the requested Land Code provisions (which requires Community Input) prior to granting any lease, Interest or Licence for the Henvey Inlet Wind Energy Generation Centre (which grant will require a Community Approval vote).

The grant of a lease, Interest or Licence will be dealt with in a separate Land Law.

BE IT RESOLVED THAT the following proposed Land Law is hereby tabled for enactment at a meeting of Council on or after 18 March 2015:

LAND LAW 2014/15-009 enacted pursuant subsection 36.01 of the Land Code which authorizes Council to exempt Interests and Licenses in Henvey Inlet First Nation Land intended to be used for Commercial Purposes:

BE IT RESOLVED THAT the following is hereby enacted as a Land Law, subject to Community Input and subsequent confirmation by Council which may include amendments:

1. The Henvey Inlet Wind Energy Generation Centre wind electrical generation facility and related uses proposed by Henvey Inlet Wind LP for Henvey Inlet Reserve #2 lands shall be deemed to be a Commercial Purpose.
2. The lease and ancillary Interests or Licences in Henvey Inlet Reserve #2 lands for the proposed Henvey Inlet Wind Energy Generation Centre wind electrical generation facility and related uses, if granted by Council and approved by Community Approval vote, shall be exempt from sections 8.04, 14.01(d), 25.01(e), 31.02, 34 and 35 of this Land Code.

BE IT FURTHER RESOLVED THAT

1. Notice of the proposed Land Law shall be provided to Eligible Voters in the manner prescribed in subsection 8.05 of the Code.
2. 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. confirm this proposed Land Law, with any amendments which Council deems appropriate, and upon such confirmation this Land Law shall become effective as provided in the Land Code.
3. If this Land Law is confirmed, 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 BRENDA CONTIN
SECONDED BY LIONEL FOX
CARRIED UNANIMOUSLY.