

MEETING MINUTES

Meeting #3

Land Code Development Committee
February 19, 2019
5:30 p.m. – 7:00 p.m.

Attendees:

Cassandra Cadeau, LAB Support
Darla Blodgett, LCDC Member
Jeff Loucks, LCDC Member

Kelly Dickinson, Lands Assistant
Wanda McGonigle, Lands Officer

Absent with Regrets:

Chad Cowie, Kim Musgrave, Trisha Cowie, Tom Cowie

The minutes of all meetings held are not verbatim. Minutes are taken by Kelly Dickinson.

The meeting began at 5:30 p.m.

Welcome

Review and Approval of Minutes

Jeff reviewed minutes with Committee. No changes were requested.

Review of Previous Action Items

- Cassandra reported that “legal guardianship” definitions should be left as generic as possible in the Land Code to leave room for more specific meanings in other relevant laws and policies – definitions used in Hiawatha Participation Policy to be used.
- Wanda and Kelly reviewed Hiawatha bi-laws; none will be in conflict with the Land Code.
- Cassandra reported that the Land Code is only applicable to lands with reserve status. LAB has been receiving mixed messages from Canada about the ATR process recently. It would depend on what has been negotiated in the agreement(s) Hiawatha has made with the government for those lands for applicable laws, taxes, etc. LAB is working to clarify with Canada exactly how a First Nation can take advantage of the interests and land use restrictions for ATR lands mentioned in the Framework Agreement amendment #6.
- Cassandra reported that there are no legal concerns with using either “member” or “citizen” term. Could simply flag this as an item for legal counsel to review when the Land Code is in its final draft.

Review of 6th Amendment Summary

Cassandra reviewed 6th Amendment Summary.

Question raised: The Revenue and Capital Funds will be transferred to Hiawatha upon successful ratification of the Land Code and Individual Agreement. Currently these funds are only accessible by BCR and must be for the use and benefit of HFN and its citizens (Indian Act clause 61). Once these funds are transferred to Hiawatha, will there still be conditions on how it is used? Will Hiawatha be able to continue using these funds for an annual distribution of \$100 to members?

Cassandra reported that once a Land Code is ratified by the community, 33 sections of the Indian Act will no longer apply (Framework Agreement clause 21.1). This includes Indian Act clauses 61-69 that prescribe how revenue and capital funds are managed and how they are allowed to be spent. This means that once the revenue and capital funds are transferred to Hiawatha, it is entirely up to Hiawatha to determine how the money is managed, and is or isn't spent.

Review of Land Code – Part 2 Law Making Powers

Cassandra led the review and discussion of Part 2 of the Land Code.

Review of Land Code – Part 3 Community Meetings and Approvals

Cassandra led the review and discussion of Part 3 of the Land Code.

Action Items

- Cassandra waiting on approximate date of presentation delivered by Kelly LaRoca from Trish
- Darla to review Preamble, send thoughts to Jeff, who will wordsmith updated Preamble and send to Elder Jim Johnson for review
- Wanda to contact Joan McLeod from Nipissing First Nation to inquire about liability coverage under FNLM
- Cassandra to follow-up to see if the Land Code will include Williams Treaty fee simple land
- Cassandra to look at other First Nation's approach to land laws/enforcement using traditional approaches
- Cassandra to determine what other First Nation's quorum numbers look like (referencing LC sections 14.4-14.7)
- Cassandra will email Preamble examples from other First Nations to Committee members
- Kelly to find examples of Land Codes that include clauses for amendment/repealing of laws

Next Meeting March 19th, 2019 5:30pm - 7:30pm @ Council Chambers

The meeting was adjourned at 7:30 p.m.



Chairperson



Date