MEETING MINUTES

Land Code Development Committee
May 09, 2019
5:30 p.m. – 7:00 p.m.

Meeting #6

Attendees:
Darla Blodgett, LCDC Member
Tom Cowie, LCDC Member
Jeff Loucks, LCDC Member
Kim Musgrave, LCDC Member

Kelly Dickinson, Lands Assistant
Wanda McGonigle, Lands Officer
Cassandra Cadeau, LAB Support

Absent with Regrets:
Chad Cowie, Trisha Cowie

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

The meeting began at 5:30 p.m.

Welcome

Review and Approval of Minutes
The Committee approved the minutes from April 16, 2019 as presented and adjusted.

Review of Previous Action Items

- Cassandra provided the committee with Chief Kelly LaRocca's presentation regarding their experience through the FNLM process. Land Code Committee members to review.

- Jeff submitted draft Preamble to Land Code Committee for review and input.

- Wanda provided definitions for "fair market value", "market value" and "fair compensation". It was determined that Market value would be the most appropriate terminology to use in the Land Code. The definitions are as follows:

  - **Fair Market Value:** a selling price for an item to which a buyer and seller can agree
  - **Market Value:** the amount something can be sold on a given market
  - **Fair Compensation:** making up for something; compensation can also be money, a payment to give someone a fair exchange for their effort or output

- Cassandra has learned that many communities have found success in addressing enforcement issues in a proactive way. Communities that offer training for citizens on laws/by-laws have fewer enforcement issues as a result.

- Cassandra to research how clause 18.1(d) applies to Hiawatha First Nation Development Corporation.

Indian Act and FNLM
Cassandra shared with Committee members an updated list of the sections of the Indian Act that will no longer apply once a Land Code is enacted. With the recent amendments to the Framework Agreement,

the number of sections has increased to 44 land-related sections of the Indian Act that will no longer apply.

The sections we discussed on the last committee call that do still apply are below:

Section 29 – reserve land is not subject to seizure for any reason.
Section 87 – reserve lands and property on reserve are exempt from taxation and are not taxable.
Section 89(1) – reserve land cannot be mortgaged or subject to seizure by a bank/ lender or any other person. Only another band member or the band council is able to do that.
Section 89(2) – personal property on reserve is not subject to seizure by anyone other than a member of a band or the band.

Review of Part 8 and 9

Section 41.1: More discussion needed on the number of panelists, as the amount currently listed in the draft Land Code is unattainable for a small community such as HFN.

Section 44.6: A new clause should be added that states Council cannot override the Panel's decision.

Annex G: Jeff inquired if fee simple lands are included. Cassandra clarified that they are not; fee simple lands are still considered provincial lands. Potential work around is to incorporate the dispute resolution process from the Land Code into lease agreements on fee simple lands. This would make the process legally binding.
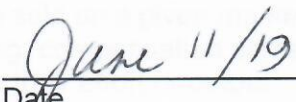
Action Items
- Jeff asked Committee members to review draft Preamble and provide any comments and feedback
- Kelly to check with Amy or Trish to see if HFN has any conflict of interest policies that would apply to clause 18.1(d)
- Tom to research traditional methods of enforcement, and share findings with Committee
- Kelly to share revenue account information with Committee members.
- Cassandra to contact Scugog First Nation to see how many panelists they have on their Dispute Resolution Panel, as they are a similar community size as Hiawatha
- Cassandra to research if a similar clause as mentioned for Section 44.6 exists. If one does not, she will write a draft clause and send it to the Committee for comments and feedback

Next Meeting   June 11th, 2019 5:30pm - 7:30pm @ Council Chambers

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

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Chairperson   Date   June 11/19