

SERPENT RIVER FIRST NATION

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SRFN Chief and Council Meeting
December 12, 2023
Approved Minutes

Chair: Wilma-Lee Johnston

Council: Michelle Owl, John (Jack) Trudeau, Steve Meawasige, Shirley McLeod

Regrets: Kerri Commanda

Director of Operations (DOO): Tracey Seabrook

Staff: Jeff Moulton, Director of HR; Chris Weatherley, Director of Social Services; Lilli Doughty, Acting POLEA

Recording Secretary: Lilli Doughty

Number of zoom participants: 2

1) Call to Order/Opening Prayer/Remarks:

- Duly Convened Chief and Council meeting was called to order at 6:04 p.m.
- The Chief welcomed Council and the community
- Councillor McLeod said an opening prayer

2) Adoption of Agenda

MOTION: 2023-12-12-01

That Chief and Council adopt the Agenda for the Chief and Council Meeting of December 12, 2023 as amended

Moved by Steve Meawasige

Seconded by Shirley McLeod

CARRIED By Consensus

- Items 11. c) and 11. d) are being deferred until the next meeting

3) Declaration of Conflict of Interest:

- None declared at this time

4) Community Presentations

- None at this time

Recording Secretary:	Lilli Doughty	Date Approved	2024-01-09
2023-12-12 Approved C&C MINUTES		Motion of Approval	2024-01-09-02

5) **Approval of Previous Minutes**

a) **November 28, 2023**

MOTION: 2023-12-12-02	
That Chief and Council approve the Council Meeting Minutes of November 28, 2023 as amended	
Moved by	Shirley McLeod
Seconded by	John (Jack) Trudeau
CARRIED	By Consensus
- To add the number of zoom participants (5)	

6) **Business Arising from Minutes**

a) **Holiday Dinner Support – Off Reserve Members**

MOTION: 2023-12-12-03	
That Chief and Council agree to proceed with the recommendation made by the Director of Operations (Int.)	
Moved by	Steve Meawasige
Seconded by	John (Jack) Trudeau
CARRIED	By Consensus
<p>At the last Chief and Council meeting of November 28th, 2023 the Director of Operations (Int.) was tasked with coming back with a proposal to support off-reserve members in some manner. Given the need to further collect data regarding our membership to better understand the demographics as well as provide additional mechanisms for us to communicate more effectively with them we are proposing:</p> <ul style="list-style-type: none"> • An online application be developed for members to complete online/or print and do so manually • The online application will request the following information: <ul style="list-style-type: none"> ○ Names and status numbers of all members of household ○ Physical address ○ E-mail address • For every application completed, a \$25.00 VISA gift card will be issued per household member up to \$100. per household • The deadline to apply is January 31, 2024 	

7) **Reports**

- None at this time

8) **Doodem & Committee Minutes & Reports**

- None at this time

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9) Business Arising from Minutes & Reports

- None at this time

10) Standing Items

- None at this time

11) New Business

a.) Hydro One Transmission Line Permit Update (HONI Agreement)

BACKGROUND:

By agreements dated December 4, 1951, November 5, 1957, and March 11, 1959, Her Majesty originally granted or permitted the right to use or occupy the Permit Area for the purpose of locating, operating and maintaining the Works on the Reserve for the purpose of the transmission of electrical power and energy on, over, along, under or across the Reserve. This is a Section 28(2) permit under the Indian Act and is currently in the renewal process

CURRENT STATUS:

Serpent River Staff have been working with Nadjiwan Law office to collect lost revenue, update agreement terms and reinstate the Hydro One (HONI) easement agreement. Serpent River has effectively negotiated the terms of the agreement, and outstanding amounts owed to SRFN.

SRFN Chief and Council have decided to move forward with the agreement as is, omitting the application of Southwind v. Canada for this term of the agreement, with the understanding that we would have time to determine if applies before renewal.

The Southwind decision provides important guidance on how to assess equitable compensation for Canada's historic breaches of fiduciary obligations to Indigenous peoples, especially with respect to a surrender or taking of reserve lands. In an eight to one decision, the SCC confirmed that equitable compensation must reflect the highest value of the lands taken. The "highest value" includes the lands' value to any public project they were used for, their value from the Indigenous people's perspective, and compensation for impacts on the community.
(<https://www.mandellpinder.com/southwind-v-canada-2021-scc-28-case-summary/>)

The decision of Chief and Council was presented to Indigenous Services Canada however they were reluctant to accept the terms. Their opinion is that if they were to issue this permit, it would be neglecting the fiduciary duties of the crown. In order to proceed, we now must determine if this case law applies to this permit. The overall term is 49 years but major parts of the agreement are renewed every ten years. These include the Land Rental fee and Payment in Lieu of taxes may be adjusted and renewed.

Serpent River First Nation and Hydro One have negotiated a 50% increase in property valuation, a land rental adjustment from 7% to 10% annually, an easement factor increase to 75%, a Corridor Enhancement Factor which is an additional \$32,497.40 over the first ten years, and CPI (consumer price index) adjustments every 5 years. There is also a clause stating the if the CPI or Land Valuation fall below the initial values set out in year one, those will still be the rates used.

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KEY CONSIDERATIONS:

Chief and Council have decided to move forward with the Hydro Easement agreement based on the above terms. It as determined that we do not know if the Southwind case applies to our lands, but we would have time to assess and revisit the application upon renewing our agreement with Hydro One.

Indigenous Services Canada (ISC) will NOT issue this permit as they would see this as neglecting their “fiduciary duty”

As part of this process Hydro One has provided SRFN with a streetlight upgrade project that saw eleven new lights installed throughout the community at locations identified by community in a 2018 safety survey at a value of approximately \$70,000.

SRFN staff and Legal counsel are working with ISC to secure funding required to complete this work. ISC is currently working on Terms of Reference for this assessment

b.) Fort St. Joseph – Invitation to Participate

- Parks Canada would like to extend an invitation for Serpent River First Nation to join them in discussing how they can support bringing First Nations voices, history, and perspectives to Fort St. Joseph National Historic Site.
- The Director of Operations (Int.) will coordinate a meeting

c.) CMHC Section 95 Approval

- Deferred

d.) CMHC Home Repairs Approval – 18 Homes

- Deferred

e.) Indigenous Services Canada – Statement of Funding

- The Director of Operations (Int.) presented the up-to-date statement of funding from ISC, and answered questions from Council
- This statement does not take into consideration CMHC or provincial funding

f.) Revoking Signing Authority – Kerri Commanda

- Chief and Council agreed by consensus NOT to revoke signing authority from Councillor Commanda, as we are short of signors sometimes

f.) i) Signing Authority – Scotiabank - Chief

MOTION: 2023-12-12-04

That Chief and Council authorize Chief Wilma-Lee Johnston as authorized signor on the Scotiabank account

Moved by	Steve Meawasige
Seconded by	John (Jack) Trudeau
CARRIED	By Consensus

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f.) ii) Signing Authority – Administration - Chief

MOTION: 2023-12-12-05	
That Chief and Council authorize Chief Wilma-Lee Johnston as authorized signor for any general inquiries such as cheques, purchase orders, cheque requisitions, etc.	
Moved by	John (Jack) Trudeau
Seconded by	Shirley McLeod
CARRIED	By Consensus

12. Community Questions and Answers:

<ul style="list-style-type: none"> - Councillor Meawasige stepped out (conflict) - A community member submitted a letter to the then acting Chief Commanda on November 12, with respect to a Council member speaking up at the House of Commons in regards to Bill C-53, as is looking for an update. The Chief will follow up with Councillor Commanda and get back to the community member
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13. Next Meeting Dates

a) C&C Duly Convened Meeting Tuesday, January 9, 2024

14.) Adjournment

MOTION: 2023-12-12-06	
That Chief and Council adjourn the Chief and Council Meeting of December 12, 2023, at 6:54 p.m.	
Moved by	Shirley McLeod
Seconded by	
CARRIED	By Consensus

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