



HENVEY INLET FIRST NATION BAND COUNCIL

Chronological no.

2021/2022-022

Date of open meeting of Council

Thursday, 19 August 2021

Location:

O&M Building
French River Reserve 13LAND LAW TABLING
RESOLUTION

Proposed Land Law: HENVEY INLET FIRST NATION CANNABIS LAND LAW 2021

BACKGROUND

- A. Council has caused a proposed land law to be prepared which will regulate the possession, use, cultivation and sale of cannabis within Henvey Inlet First Nation Lands and which will require every seller of recreational cannabis within Henvey Inlet First Nation's reserves to be licensed and authorized as a seller under provincial legislation. A copy of the proposed land law entitled "**Henvey Inlet First Nation Cannabis Land Law 2021**" is attached as **Schedule "A"** to this tabling resolution,
- B. The proposed land law will benefit our community through protecting young people from exposure to cannabis smoke and use, ensuring the quality of cannabis available to adult members, and ensuring HIFN benefits from cannabis businesses carried on within HIFN lands.
- C. Pursuant to the *Framework Agreement on the Management of First Nation Land* and section 7 of the *Henvey Inlet First Nation Land Code*, as amended, Council has authority to enact laws regarding the development, conservation, protection, management, use and possession of Henvey Inlet First Nation Land, interests and licenses in relation to Henvey Inlet First Nation Land, and any matter necessary or ancillary to the making of such laws.
- D. Pursuant to the *Framework Agreement on the Management of First Nation Land* and subsection 20(3) of the *First Nations Land Management Act*, Henvey Inlet First Nation has authority to enact land laws to create offences punishable on summary conviction and to provide for the imposition of fines, imprisonment, restitution, community service and any other means for achieving compliance with such land laws.
- E. Pursuant to section 13.01(g) of the *Henvey Inlet First Nation Land Code*, as amended, Council may by resolution declare that a proposed Land Law shall be subject to a Community Approval Vote conducted in the manner provided by the Code:

COUNCIL HEREBY RESOLVES:

1. The proposed land law entitled "Henvey Inlet First Nation Cannabis Land Law 2021" attached as Schedule "A" hereto is hereby tabled for enactment as a Land Law of Henvey Inlet First Nation.
2. The enactment by Council of the proposed land law shall be subject to a Community Approval Vote conducted in accordance with section 13 of the *Henvey Inlet First Nation Land Code*.
3. Community Meetings of Members to discuss proposed land law shall be convened at the Fire Hall, Pickerel River Road, French River Reserve No. 13, for in-person attendance and by Zoom at 11:00 a.m. to 2:00 pm on Sunday, 17 October 2021, and 3:00 p.m. to 5:00 pm on Tuesday, 19 October 2021.
4. The Community Approval Vote shall be conducted by a secret ballot among the Eligible Voters, who may vote:
 - a. in person at a poll to be held at the Fire Hall Library, Pickerel River Road, French River Reserve No. 13, on Sunday, 24 October 2021, which shall be open for voting between 10:00 am and 5:00 pm on that date; and
 - b. by mail-in ballot.

Mail-in ballot packages will be sent by ordinary letter mail or delivered personally to each Member on or before Tuesday, 24 August 2021, and will include return envelopes addressed to the Returning Officer. Mail-in ballots will be accepted only if received by the Returning Officer on or before noon on Friday, 22 October 2021. There will be no proxy voting.
5. The community approval ballot question shall be: "ARE YOU IN FAVOR OF THE ENACTMENT BY COUNCIL OF THE PROPOSED HENVEY INLET FIRST NATION CANNABIS LAND LAW 2021? NOTE: If approved, Council will enact the draft land law included in this voting package (may be minor amendments for correction of errors or clarification purposes). YES NO".
6. Scott Jacobs is hereby appointed as the Voting Officer for the purposes of the Community Approval Vote and is hereby granted powers and authority analogous to those of an Electoral Officer pursuant to the *Indian Referendum Regulations* (C.R.C. c. 957), to conduct and determine all matters in relation to the Community Approval Vote in respect of proposed Land Law 2021/2022-003, and who shall certify to Council the proper conduct and outcome of the vote.
7. Lands Councillor Doreen McKenzie shall be responsible to convene the Community Meetings of Members and, subject to the direction of the Voting Officer, to manage and facilitate the Community Approval Vote process.
8. Council respectfully requests that the Lands Advisory Committee undertake the review of proposed Land Law 2021/2022-003 for the purpose of advising members and Council, such advice to be provided at least 10 days prior to the date for a Community Meeting of Members in respect of the proposed Land Law specified in paragraph 3 of this tabling resolution.
9. The contact persons for the purposes of the Notice shall be Lands Councillor Doreen McKenzie.
10. A fully updated list of Members and their addresses, where known, shall be prepared and provided to the Lands Councillor and the Voting Officer. This list shall be the official list for the purposes of subsections 14.01 and 14.02(b) of the Land Code.

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11. An open meeting of Council shall be convened at 10:00 am on Tuesday, 26 October 2021, or as soon thereafter as the community approval vote results are received from the Voting Officer, to consider the following:
- a. the report of the Lands Portfolio Councillor or the Chair of the Lands Advisory Committee with respect to member feedback and the meetings of members;
 - b. the report of the Voting Officer with respect to the outcome and conduct of the Community Approval Vote;
- and, if the enactment of proposed Henvey Inlet First Nation Cannabis Land Law 2021 is approved by the Community Approval Vote,
- c. the advice of the Lands Advisory Committee; and
 - d. the enactment of the proposed land law subject to any revisions to the draft proposed Land Law which Council deems necessary, where Council is of the view that such revisions do not alter the substance of the draft to the extent that further notice to the Members would be required.
12. If for any reason the Meeting of Members or the in-person poll for the community approval vote or the Open Council Meeting to enact the proposed Land Law cannot be convened or concluded at the location or on the date or time specified in the Notice to Members, Council may reschedule the Meeting of Members, in-person poll or Open Council Meeting, in whole or in part, to an alternate date, time or place by Resolution. At least three days' notice of a rescheduled Meeting of Members, in-person poll or Open Meeting of Council shall be given to the Members by posting the new date, time and location in the Band Office and on the Henvey Inlet website.

MOVED BY: Doreen McKenzie

SECONDED BY: Maurreen Kagagins

Quorum:	4 present in person	<u>M. Wapuu Khabbie</u> (Chief)	
	<u>[Signature]</u> (Councillor)	<u>[Signature]</u> (Councillor)	<u>[Signature]</u> (Councillor)
	_____ (Councillor)	<u>[Signature]</u> (Councillor)	_____ (Councillor)