



SPECIAL NEWSLETTER

Henvey Inlet First Nation

Henvey Inlet Reserve No. 13
Pickering, Ontario P0G 1J0

Administration

295 Pickering River Road
T 705-857-2331
F 705-857-3021
Toll-free 1-800-614-5533

Health Centre

354A Pickering River Road
T 705-857-1221
F 705-857-0730
Toll-free 1-800-252-3330

Day Care

354B Pickering River Road
T 705-857-0957
F 705-857-1369

Chief

M. Wayne McQuabbie

Council

Lionel Fox
Patrick Brennan
Carl Ashawasagai
Brenda Contin
Genevieve Solomon-Dubois
Tony Solomon

Proposed Land Law on Compensation For Services Provided By Members To HIFN

The Henvey Inlet Wind Energy Centre is scheduled to be completed mid-2019. Once the wind farm commences selling power, our Band will begin receiving significant income from the project. We need to start planning how we are going to use this own source revenue.

Community meetings will begin shortly to discuss distributing some of this income among our members on a regular basis and saving some of it for future generations. Band Council is also looking at using some of the income to improve and properly compensate many essential community services for which we receive inadequate funding or no funding at all. This includes services in areas such as:

- community safety and wellness
- social development and education
- sports, recreation and community events
- culture and language
- economic development including management of businesses owned wholly or in part by HIFN
- development and stewardship of Henvey Inlet First Nation Land
- HIFN governance functions including boards and advisory bodies, and participation in other First Nations' organizations on HIFN's behalf

Using own source revenue to provide proper compensation for some of these services will improve our community and assist members who want to earn a living here.

Band Council has developed a set of principles and procedures for a review of which services should be compensated or volunteer, and what should be paid to members who provide services for which compensation is appropriate. The principles and procedures are set out in Proposed Land Law 2018/19-005, a copy of which is in the enclosed Notice package. Council has made this proposed Land Law subject to a Community Approval Vote.

Please review the enclosed Notice package and the proposed Land Law, and attend the Meeting of Members on Sunday, 02 December 2018, for information, discussion and to vote in person. If you have any questions or require any further information in the meantime, please contact me or Councillor Pat Brennan at the Band Office, or send in the Feedback Form included in the Notice package and the Lands Advisory Committee will follow up with you.

Meegwetch!

A handwritten signature in blue ink, appearing to read "M. Wayne McQuabbie".

Chief M. Wayne McQuabbie



Henvey Inlet First Nation

NOTICE TO MEMBERS

**PROPOSED LAND LAW 2018/19-005
COMPENSATION FOR SERVICES PROVIDED BY
MEMBERS TO HENVEY INLET FIRST NATION**

- **COMMUNITY MEETING OF MEMBERS
Sunday, 02 December 2018**
- **COMMUNITY APPROVAL VOTE
Sunday, 02 December 2018**
- **OPEN COUNCIL MEETING TO ENACT
Tuesday, 04 December 2018**

03 October 2018



Henvey Inlet First Nation

TO : All Members, Henvey Inlet First Nation

FROM : Chief and Council

DATE : 03 October 2018

RE : Proposed Compensation Land Law tabled by Council, 03 October 2018
Community Meeting of Members Sunday, 02 December 2018
Community Approval Vote Sunday 02 December 2018
Open Meeting of Council Tuesday, 04 December 2018

A. Background:

In late 2019, Henvey Inlet First Nation should begin receiving two “own source revenue” income streams from the Henvey Inlet Wind Energy Centre project: leasehold income from the reserve land on which the wind farm is being built and a share of the revenue from energy sales.

Community consultations on a trust for present and future generations and partial distribution will start shortly. In addition, Band Council has developed a proposed Land Law which will provide a framework and mechanisms for the review of services provided by members to Henvey Inlet First Nation, and the use of own source revenue to fund or to increase the compensation for those services to bring them into line with similar services off-reserve: A copy of Proposed Land Law 2018/19-005 Compensation for Services Provided by Members to Henvey Inlet First Nation is attached to this Notice. The proposed Land Law deals only with own source revenue, not other band moneys. Further, the proposed Land Law only establishes principles and procedures: it does not fix the compensation for any particular services, but it does prescribe how that will be done in future.

Although the Land Code does not require a Community Approval Vote in respect of the proposed Land Law, Band Council has authority to make any matter subject to a Community Approval Vote when it deems the matter sufficiently important. Council has decided to use this authority in respect of Proposed Land Law 2018/19-005.

B. Meeting of Members Sunday 02 December 2018, 11:00 am to 1:00 pm

A Community Meeting of Members to review the proposed Land Law 2018/19-005 will be held on Sunday, 02 December 2018, at the Fire Hall on French River Reserve No. 13, from 11:00 am to 1:00 pm, chaired by the Lands Advisory Committee. All Eligible Voters are entitled to attend the Community Input Meeting; all others require the permission of Council – please contact Chief Wayne McQuabbie or Councillor Pat Brennan.

C. Community Approval Vote, Sunday 02 December 2018, 11:00 am to 5:00 pm

A Community Approval Vote in respect of proposed Land Law 2018/19-005 shall be conducted by an in-person secret ballot at a poll to be on Sunday, 02 December 2018, in the Library at the Fire Hall on French River Reserve No. 13, from 11:00 am to 5:00 pm. Scott Jacob will be the Voting Officer. The ballot will be in the form “ARE YOU IN FAVOR OF THE ENACTMENT OF PROPOSED LAND LAW 2018/19-005? YES NO”.

D. Open Meeting of Councils to Consider Enactment, Tuesday 04 December 2018, 6:00 pm

An open meeting of Council shall be convened in the Library at the Fire Hall on French River Reserve No. 13, at 6:00 pm on Tuesday, 04 December 2018, or as soon thereafter as the community approval vote results are received from the Community approval Officer or Verifier, to consider the following:

- the report of the Chair of the Lands Advisory Committee with respect to the Meeting of Members;
- the report of the Voting Officer with respect to the outcome and conduct of the Community Approval Vote;
- the advice of the Lands Advisory Committee; and
- provided the enactment of proposed Land Law 2018/19-005 is approved by the Eligible Voters, the enactment of proposed Land Law 2018/19-005 entitled “Compensation for Services Provided By Members to Henvey Inlet First Nation”, 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.

E. Relevant documents:

A copy of proposed Land Law 2018/19-005 “Compensation of Members for Services Provided to Henvey Inlet First Nation” is attached to this notice. The Lands Advisory Committee may report in writing or orally at the Community Meeting of Members.

F. Plain Language Overview of Proposed Land Law 2018/19-005:

The proposed Land Law authorizes Council to use own source revenue (not other band funds) to provide honoraria or other forms of compensation to members of Henvey Inlet First Nation who provide services to Henvey Inlet First Nation, where such services are unfunded by grants or the funding falls below off-reserve standards. The services under consideration are likely to be in the areas of:

- community safety and wellness
- social development and education,
- sports, recreation and community events
- culture and language
- economic development including management of businesses owned wholly or in part by HIFN,
- development and stewardship of Henvey Inlet First Nation Land
- HIFN governance functions including boards and advisory bodies, and participation in other First Nations’ organizations on HIFN’s behalf

In the event all or a majority of Council could benefit from a compensation proposal, Council must submit the proposal to a Community Approval Vote.

G. Feedback form:

Attached is a feedback form which any person entitled to participate in the Community Meeting of Members may submit to the Contact Person named above or to the Lands Advisory Committee or Council in relation to the proposed Land Law.

H. Contact person:

For further information, contact Chief Wayne McQuabbie or Councillor Pat Brennan, Chairman of the Lands Advisory Committee, at the HIFN Administration Offices or by telephone at 705-857-2331.



D R A F T

**HENVEY INLET FIRST NATION
LAND LAW 2018/2019-005**

**COMPENSATION FOR SERVICES PROVIDED BY
MEMBERS TO HENVEY INLET FIRST NATION**

BACKGROUND

1. Many of the services provided by Members to our First Nation in relation to community safety and wellness, social development and education, sports, recreation and community events, economic development including businesses owned wholly or in part by HIFN, the management, development and stewardship of Henvey Inlet First Nation Land and HIFN governance functions including participation in First Nations' organizations on HIFN's behalf, have been historically uncompensated or undercompensated because of lack of funds.
2. Council, while not wishing to discourage or devalue volunteerism, wishes to make use of HIFN own source revenue to provide appropriate compensation for some of the services provided by Members for the benefit of HIFN.
3. Pursuant to section 12.5 of the *Framework Agreement on First Nation Land Management*, Council has authority to use all revenues, royalties, profits and fees in respect of First Nation Land for the use and benefit of the First Nation.

DEFINITIONS

4. In this Land Law:
 - (a) "HIFN" means Henvey Inlet First Nation and "Member" means a Member of HIFN;
 - (b) "HIFN Services" means services provided by Members for the benefit of Henvey Inlet First Nation including, without limitation, services in relation to community safety and wellness, social development and education, culture and language, sports, recreation and community events, economic development including businesses owned wholly or in part by HIFN, the management, development and stewardship of Henvey Inlet First Nation Land and HIFN governance functions including participation in First Nations' organizations on HIFN's behalf;
 - (c) "Own source revenue" includes income received by HIFN from the management, development and use of Henvey Inlet First Nation Land;

- (d) "Compensation" includes all forms of financial reward, including amounts on an hourly or other periodic basis per diems, honoraria, and formulaic or discretionary payments, howsoever calculated or determined, but does not include remuneration or payments pursuant to an employment agreement or other services contract;
- (e) "Compensation Advice" means advice provided by one or more consultants considered by Council to be qualified to provide advice in relation to First Nation and industry compensation practices and standards, market comparables and other principles applicable in the determination of appropriate Compensation for Members in respect of HIFN Services;
- (f) "Conflict of interest" means a financial interest in a matter under consideration, provided that:
 - (i) "financial interest" does not include a nominal interest or an interest shared in common with all other Members, and
 - (ii) a person shall be deemed to have a conflict of interest if that person's spouse, child, parent or sibling has a financial interest in the matter; and
- (g) "First Nations Gazette" means the publication service for First Nations legislation maintained by the First Nations Tax Commission.

PRINCIPLES AND IMPLEMENTATION

- 5. Council may from time to time review services provided by Members for the benefit of Henvey Inlet First Nation and, where Council determines that the HIFN Services are not or have not been appropriately remunerated or compensated, Council may, from own source revenue and pursuant to the terms of this Land Law:
 - (a) grant appropriate Compensation to Members who have delivered HIFN Services, or
 - (b) establish appropriate Compensation policies for all or particular HIFN Services.
- 6. In determining appropriate Compensation or Compensation policies for HIFN Services, Council may:
 - (a) budget fixed amounts for all or particular HIFN Services for a given fiscal year, and may adjust such budget from time to time during the fiscal year.
 - (b) take into account the nature of the HIFN Services, the market value of the services and any relevant comparables from the private sector or other First Nations, the risk or effort undertaken by the Member in the provision of the HIFN Services and the actual value realized by HIFN as a result of the performance of the HIFN Services;

- (c) seek Compensation Advice, and adopt the advice with or without modification; and
 - (d) take into account any other factors Council deems relevant, including the promotion of volunteerism in the HIFN community.
7. A Member of Council who has a conflict of interest in respect of a matter of Compensation for HIFN Services shall not participate in the consideration or vote or be counted as part of the quorum in respect of that matter. If a majority of Council Members have a conflict of interest in respect of a matter of Compensation for HIFN Services, that matter may be submitted to a Community Approval Vote and for that purpose Council may, notwithstanding any conflicts of interest:
- (a) adopt, for submission for approval by Community Approval Vote, a Compensation Advice report, a Compensation proposal or a Compensation Policy in respect of the matter;
 - (b) conduct a Community Approval Vote at a Meeting of Members convened in accordance with Part 3 of Henvey Inlet First Nation's Land Code in respect of that matter, provided that:
 - (i) Council may modify, by resolution, the provisions of Part 3 with respect to the appropriate notice period; manner of giving notice; time, location and manner of conducting the vote; the question put to a vote; and all other purely procedural matters; and
 - (ii) all Members shall be entitled to participate in the Meeting of Members and to vote in their own interest, and
 - (c) subsequent to the Community Approval Vote, take all steps Council deems consistent with or required to implement the outcome of the vote in relation to that matter.
8. For greater certainty:
- (a) the authorized Compensation payable to Members for providing HIFN Services are expenses of HIFN; and
 - (b) nothing contained in this Land Law is intended to create employment or other contractual arrangements.

ENACTMENT AND AMENDMENT

9. The enactment of this Land Law shall be subject to approval by Community Approval Vote in accordance with the *Henvey Inlet First Nation Land Code*.

10. This Land Law may be:
- (a) amended or repealed in the manner in which it was made; and
 - (b) revised by a resolution of Council, where Council deems the revision to be minor in that it will correct an error or defect in the wording of the Land Law, or will assist in the interpretation or implementation of the Land Law, without changing the purpose, intent or substance of the Land Law, upon giving not less than 10 days' notice to Members by posting the proposed revision on Henvey Inlet First Nation's internet website and by any other means which Council may deem appropriate.

EFFECTIVE DATE

11. This Land Law shall become effective on the date of first publication in the *First Nations Gazette* following enactment by Council.