



HDI Report to Council

March 3, 2018

Haudenosaunee Land Registry (HLR)

The HDI have a number of issues relating to the HCCC's Land Registry that require Council's attention.

1. Green Plan - The Green Plan requires Council's review to determine what areas they want to focus on. There is the original mapping of the Grand River that has the red zone which is intended for the Haudenosaunee places to grow, the green zone which is from Brantford to Nichol Township and then the yellow zone which was from the Nichol line to the head of the river. There is also the ¼ buffer zone on either side of the Grand River. The Haudenosaunee need to determine what areas it wants to focus on with respect to HDI and its engagement process.
2. Taxation – Letter from Brant County – The HCCC has written two letters to the municipalities regarding the lands purchased through 2438543 Ontario Inc over the past few years without receiving any response. The attached letter from the County of Brant was received by HDI this week.

While the HLR recognizes Council or Haudenosaunee citizen as being the 'landowner', the the corporation is listed as the "owner" in Ontario's land registry. There are other Haudenosaunee citizens that have purchased property in the treaty land that have registered their lands with the HCCC that also continue to receive the tax notices and are respectfully waiting for Council's direction on how to proceed. Under the Haudenosaunee Land Registry the Clan family of the registrant is responsible to support the property should any threat from the municipality come from the refusal to pay the taxes.

HDI requires direction from council on how it wants to proceed with the taxation issue with the municipalities.

The preferred option is to simply write to the municipalities and the Province of Ontario and indicate that third party interests have been removed from the land. Removing third party interests means that the land reverts to its original status as Haudenosaunee land.

Haudenosaunee land is protected, in part, by treaties which recognized that the land is not to be subject to taxation. Council would indicate that the land would be vigorously defended should any municipal entity attempt to dispossess the Haudenosaunee of their right to occupy and use the land in question. The HCCC and its citizens will not participate formally in any legal proceedings any municipality attempts to initiate to dispossess the Haudenosaunee of its land but that participation will only take the form of providing information as a friend of the court as Canadian courts do not have jurisdiction over the HCCC and/or its citizens.

Note: The closest thing to understanding Haudenosaunee title was described as **Allodial title**: constitutes ownership of real property (land, buildings and fixtures) that is independent of any superior landlord. Allodial title is related to the concept of land held "in allodium", or land ownership by occupancy and defense of the land.

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3. GRNA/GRCA – HDI has been reviewing the Grand River Notification Act and the Grand River Conservation Authority’s mandate. Minister Zimmerman of the Ministry of Indigenous Relations, is the Ministry responsible for consultation with First Nations and has the SNEBC and MNCFN on its contact list. The HDI suggests that a letter to the Ministry from the HCCC regarding their duty to engage with the Haudenosaunee as a representative of the Crown would assist the Haudenosaunee in advancing its treaty rights and preventing the SNEBC from relinquishing them through the new ‘Relationship Agreement’ being proposed by Prime Minister Trudeau.
4. Land Surveyor – HDI has received a number of concerns from our people regarding surveys being conducted in our territory through the SNEBC and the costs relating to those surveys.
 - a. One concern is tied to this new mortgage that the band holds that requires you to put your entire property and house etc. up as collateral rather than the one/two acres that were required before. They also charge you a fee within the housing program for their services which is a form of taxation, and on top of that, the bank charges a fee based on a percentage of the entire loan with a mortgage rate that is based on off reserve bank rates such as Prime + 1%, but the reserve branch is set higher at say Prime + 4%. The reason for this is because the individual does not own the collateral. This new program should be noted as a big red flag and could possibly mean that the SNEBC is now acting as a municipality within Ontario guidelines. Perhaps the lands are now being considered ‘fee simple’ land as Crown Land held by Ontario, as opposed to ‘reserve’ land held by the Federal Government. While the HCCC government is not subject to either of those processes, the concern is that our citizens are being impacted by the band councils’ actions and this Government needs to consider its options.
 - b. Another concern is the new ‘Treaty Relationship’ that the Trudeau government has created that is being handled through the new Ministry of Indigenous Relations and Reconciliation. Given the HCCC has halted the HDI’s pushing the Minister responsible in Ottawa for a meeting with the HCCC, the concern is that Lonny Bomberry and Phil Montour have been delegated by the SNEBC, as responsible for ‘negotiating’ the new ‘Treaty Relationship’ with Canada which extinguishes Haudenosaunee actual treaty rights. This council needs to consider whether or not it wishes to pursue some type of contact or communication with Ottawa to prevent the SNEBC from speaking on your behalf. We are recommending that HDI draft a response letter for review by Council and later for the secretary to provide to the Minister of Indigenous Relations and Reconciliation.
 - c. The other issue that is of concern is the costs of the survey. Some individuals have been told that they were required to survey ALL of their property, even though they only wanted a one-acre lot mapped out. So for example, on a 5 acre plot of land, the survey would consist of mapping out 5 – 1 acre plots that normally would have cost roughly \$2000 is now costing our people sometimes upwards of \$10 000. It is uncertain if this is

survey would consist of mapping out 5 – 1 acre plots that normally would have cost roughly \$2000 is now costing our people sometimes upwards of \$10,000. It is uncertain if this is a common practice but is definitely a concern to the family that has had this happen to them.

HDI has been working with Graeme Sandy for a number of years creating our own land surveying process to tie in to the Haudenosaunee Land Registry. We are now ready to begin with the hiring of Mr. Sandy on a part time basis to work in the office with our Technical Research Team once they have been located to the HCCC building on Fawcett Road. This will allow him access to all of the old records that have to do with lands, surveys and past processes of this council to ensure we are being consistent with the past decisions of this council.

5. Land Registry – Mortgages

- a. One of the reasons that our people go through the Six Nations Housing program is because the bank is often unable to approve a loan without a co-signer because we do not ‘own’ the land, but only hold a certificate of possession. The Band through its Housing Loan Program will act as the co-signer for our people and they provide a letter to the bank to guarantee the loan in case of default. The Chiefs council is now in the position that it might consider similar support for our people within the Haudenosaunee land registry, to ensure that the lands are held by the Haudenosaunee and not the Crown.

HDI will be proceeding with scheduling internal meetings as per our usual process of inviting all Chiefs & Clanmothers, to discuss each of these items separately, and then come back to council with options for their consideration and decision.

Niagara Reinforcement Line

SNEBC appears to be proceeding with an agreement between the Economic Development Corporation and HONI to become partners in the reinforcement line that was stopped during Douglas Creek and the line is scheduled to go through Kanonhstaton and also run along the plank road and the #6 bypass. Both of these properties are currently in the Haudenosaunee land registry and held by the HCCC on behalf of the Haudenosaunee. This action by the SNEBC and the Province of Ontario is the second ‘un-doing’ of the progress that the Haudenosaunee made with the Crown stemming from the negotiations at DCE. The SNEBC has already worked with the MAA and other ‘groups’ at Six Nations to turn the Burtch lands into fee simple lands under the Crown, contrary to their negotiated agreement with this council. The HCCC needs to determine how it is going to protect the lands at Kanonhstaton as well as address how HONI and its main shareholder the Province of Ontario has refused to work with the HCCC through the HDI and how it is providing benefit exclusively through the SNEBC’s economic development corporation.

Joint Stewardship Board

Rick Hill has been hired as the co-ordinator for the Joint Stewardship Board replacing Sheri Longboat. HDI is assisting in getting the office set up and hiring an assistant for the office. HDI has been overseeing this project on behalf of the HCCC for a number of years and recent discussions have been made that this council should/will replace the HCCC representatives moving forward. We leave it to this council to consider.

HDI Administration

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The process of HDI has been an on-going “build as required” process. HDI is now working on its administration and health & safety policies in a formal format. To date we have relied on the public relations between the HDI Director and Human Resources and/or other Field Directors of the developing companies to work through any concerns on the job or with the administrative staff.

HDI has built the administration as required according to our Terms of Reference. One of the first things discussed when HDI hired the certified accountant to add to the finance team just over a year ago, was the need to set up the Administration & Health & Safety Policies for the HDI. HDI has been focused on trying to work through the uncertainty of our relationship with the Ogwawhista Dedwasnye this past year, but are not back to focusing on building on the administration of the HCCC. We recently met with and hired a local firm MCS Consulting to assist with that process. We will keep this council apprised of our progress and will have two complete binders available for your review upon completion.

The other area affected in the administration of the HDI is the end of contract for Hazel E. Hill, as at March 31, 2018. As requested, the Terms of Reference for HDI and the Job Description of Ms. Hill was provided to this council for their review in the December 2, 2017 report to council. In January 2018 this council directed the Chiefs advisory to look in to the matters relating to the HDI, the Communications and Finance board. The Chiefs Advisory was asked to address these matters at the February 14th & 15th workshop for the HCCC. As the fiscal year is nearing its end, unless directed otherwise by this council, the contract of employment will be amended effective April 1, 2018.

HCCC Administration Building

As per direction of this council, the HDI has reviewed the plans with Chief Arnold Jacobs and have concluded that there may be some re-consideration on the sight and size of the building. It is recommended that this council delegate a planning committee to review plans.

Audit

The audit for HDI 2016-2017 fiscal was presented for the second time to the Chiefs and Clanmothers by KPMG at the HCCC Workshop held on February 14th, and 15th, 2018. The opinion of the auditors in their presentation to the HDI/HCCC on February 14, 2018 did not vary from their first presentation made to the HCCC on July 2017, which provided a clean audit with no evidence of any impropriety or wrongdoing.

The audit states as follows:

“The opinion of the Auditors is that the financial statements presented fairly in all material respects, the financial position of Haudenosaunee Development Institute as at March 31, 2017 and its results of operations and its cash flows for the year ended in accordance with Canadian accounting standards for not for profit organizations.”

The HDI has advised this council of the changes that were made from the July 2017 report, the auditors have reviewed all of the information and have confirmed that the expenses paid on the old accounts payables were backed up by all of the required documentation. The audit has now been provided to the HCCC, Chiefs and Clanmothers twice for review and comment. The Chiefs and Clanmothers reviewed the audit report which found that the concerns raised were false and unsubstantiated.

The Chiefs and Clanmothers in attendance at the workshop accepted the audit report as information to be submitted to this Council for approval.

Decision Required

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Financial Reports

The reports for HDI and 2438543 Ont. Inc as at January 31, 2018 are attached for your review.

HCCC Workshop February 14th & 15th, 2018

The minutes of the Workshop held on February 14th and 15th will be provided by email upon their completion. The Chiefs and Clanmother's who participated in the event expressed their appreciation and thanks for Rick Hill for facilitating the workshop and for Michael Martin for his presentation on his model of governance and for the Secretary of this Council, Jock Hill whose words of encouragement were uplifting and well in tune to the discussions and events over the two days.

Everyone is looking forward to the next workshop. It was suggested that the next event be held for 3 days to provide more time to look at how all of the delegations of the Confederacy interact. The main thought of all the participants when leaving the workshop was that we have to keep working to strengthen the Governance of the Haudenosaunee going for the coming faces.

HDI would like to acknowledge Dan Hill and the committee established at the last workshop held in Niagara Falls for attempting to bring the workshop to Ithica NY. Unfortunately Dan was unable to get a response to his email requests to arrange the workshop during the third week of September at Wells College coinciding with their Peachtown Festival. HDI is mindful of this suggestion from the previous workshop and will be happy to assist in scheduling any future events there if directed by this council.

The matter of finding an assistant for the HCCC Secretary, and finding a way to get the minutes and agenda for council out in a timely manner were put over to the Workshop as directed by this council.

There was concensus by those in attendance that we need to review the current structure and process.

As part of the follow up from the Workshop, the HDI administration reached out to Michael regarding his governance model. It would be our recommendations that the HCCC officially request Michael Martin's assistance in working with our current administration and bring back recommendations to this council for decision.

Decision Required