



Town of Newmarket Council Information Package

Index of Attachments

Circulation Date: November 23, 2018

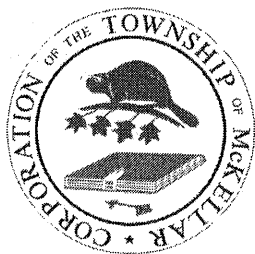
Note: If a Member of Council wishes to include any of the enclosed documents on a future Council or Committee of the Whole agenda, please email Legislative Services at clerks@newmarket.ca.

General Correspondence Items

- 1. Resolution re: Governance Models**
Township of McKellar
October 24, 2018
- 2. Settlement of Williams Treaties Land Claim**
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- 3. Resolution in Support of the Township of McKellar**
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November 14, 2018
- 5. Resolution re: Municipal Voters' List**
Town of Kearney
November 23, 2018

Proclamation and Lighting Requests

There were no proclamation and lighting requests for this period.



Township of McKellar

701 Hwy #124, P.O. Box 69, McKellar, Ontario POG 1C0

Phone: (705) 389-2842

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LEGISLATIVE SERVICES	
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October 24, 2018

Municipalities of Ontario

Re: Governance Models

Please be advised that at its regular meeting held, Monday October 1, 2018 the Council of the Township of McKellar passed the following resolution:

18-317 WHEREAS on September 17, 2018 the following statement was issued from the AMO Office of the President "We urge the Ontario government to clearly state its interests in having governance review, and how it will proceed. And we urge the Ontario government to work with AMO and the municipal order of government to change requirements that undermine municipal finance, infrastructure investment and efficient service delivery all across Ontario" as per the attached letter;

AND WHEREAS the current President of AMO is the Mayor of Parry Sound;

AND WHEREAS the goals for a "Governance Review" may not be the same for the Town of Parry Sound as they are for other municipalities in the District of Parry Sound;

AND WHEREAS AMO has no mandate from the District of Parry Sound Municipalities to speak on their behalf on governance models such as Regional Government or Amalgamations;

AND WHEREAS the Honourable Steve Clark, Minister of Municipal Affairs and Housing sent out the attached letter indicating there will be discussion with municipal partners regarding governance models;

NOW THEREFORE BE IT RESOLVED that the Township of McKellar requests that any discussions that AMO has with the Province be preceded with an open meeting between AMO, all members of Council and members of the public to determine the desires of each municipality in regard to governance models;

AND FURTHERMORE BE IT RESOLVED that our MPP Norm Miller and the Province of Ontario also have an open dialogue with the Township of McKellar and respect the opinions of the township as it regards to any review of the local governance model.

YEAS: Councillors Beier, Haskim, Kekkonen, Zulak and Reeve Hopkins

NAYS:

Carried

Sincerely,

Ina Watkinson
Administrative/Treasury Assistant
Township of McKellar

September 17, 2018

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Dear Municipal Colleague:

This morning, an editorial in the Toronto Star urged AMO to advocate for the City of Toronto, and against Ontario's newly elected provincial government, on the matter of Bill 31 (formerly Bill 5), which reduces the size of Toronto's City Council.

The public debate on the Bill and related use of the 'Notwithstanding Clause' is divided and emotional. The matter confirms that people are passionate about local municipal governance, taxation and public services. It has also put AMO in an awkward position.

The City of Toronto is not an AMO member, and since 2005, the City has made a point of being separate from us. It sought out and secured unique status with the Ontario government, and its own dedicated legislation: *the City of Toronto Act, 2006*. AMO has always respected the City of Toronto's decision to go it alone on governance and the authority of its Act. We certainly defer to the City of Toronto leadership on matters related to its relationship with the Government of Ontario.

Understandably, AMO focuses on service to the remaining 443 Ontario municipal governments that do not have the benefit of their own legislation. Our members have been clear about their top priorities: fiscal sustainability, recognition that one size does not fit all, working with us to improve services, and assurance that the Ontario government will not download its fiscal challenges onto municipal property taxpayers. In every regard, AMO members know that we can achieve far more working together, than we can by going it alone.

In August, we heard that the Province would not act in the same manner that it has with Toronto. We heard that it is committed to discussions with our membership and AMO, to understand what is working and what is not working. And importantly, we heard that consultation would inform future governance reviews. That commitment was repeated in a formal statement to AMO today.

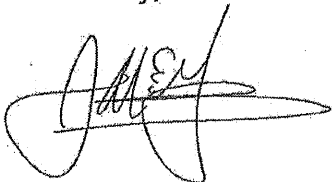
In the four weeks since the conference, we have experienced the following: Minister Clark, a former mayor and former AMO President, is having meaningful discussions with us on long-standing municipal concerns, spanning several ministries. The changes to Toronto's Council have dominated headlines, and over the past week, remarks have suggested that the government is planning to impose further changes on municipal governments across Ontario.

Late last week, I wrote to Minister Clark to emphasize that relations between Ontario's provincial and municipal orders of government should be guided by facts and evidence, rather than by political rhetoric and emotion. His quick response reflects, in part, our shared belief in the benefits of maintaining an open, respectful relationship.

AMO has a clear mandate to ensure that the Government of Ontario benefits from, and experiences, the full weight of Ontario's municipal order of government as we move forward. Our mandate to weigh-in on an issue affecting the City of Toronto is less clear. We recognize growing anxiety across the province. We urge the Ontario government to clearly state its interests in having a governance review, and how it will proceed. And we urge the Ontario government to work with AMO and the municipal order of government to change requirements that undermine municipal finance, infrastructure investment, and efficient service delivery all across Ontario.

This is an important time for AMO and we all have a responsibility to make sure that Ontario's municipal governments are speaking with a strong, clear voice on the priorities that matter most to us all. Our next Board meeting is later this month, and we welcome any input that you wish to share with us as we prepare for it.

Yours truly,



Jamie McGarvey
AMO President

Statement from Hon. Steve Clark, Minister of Municipal Affairs and Housing follows:

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M5G 2E5
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

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Toronto ON M5G 2E5
Tél. : 416 585-7000



Monday, September 17, 2018

Statement from Minister Clark

The government's regional review will take a broad look at the current model, which has been in place for almost 50 years. It's time to consider whether changes are needed to improve municipal governance in communities where populations have grown and the hard-earned dollars of taxpayers are being stretched.

The goal is to work together with municipal governments to give the people what they want; local governments that are working as effectively and efficiently as possible to support the future economic prosperity of their residents and businesses. The people of Ontario work hard for their money, and we want to keep as much of it in their pocket as possible while continuing the excellent level of service people have come to expect from their municipal and provincial governments.

We look forward to discussing with our many stakeholders, including our municipal partners, to determine what is working well in our current governance model, and what needs to be improved.

-30-

For more information:
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Grant Wedge
Assistant Deputy Minister
Negotiations and Reconciliation Division

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Facsimile: (416) 326-4017
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Grant Wedge
Sous-ministre adjoint
Division des négociations et de la
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LEGISLATIVE SERVICES		
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October 26, 2018

Subject: Settlement of Williams Treaties Land Claim

I am pleased to inform you that we have achieved a negotiated resolution of the Williams Treaties First Nations Claim. Canada, Ontario and the Williams Treaties First Nations have signed a Settlement Agreement and the *Alderville* litigation has been discontinued. Please find attached a news release (Appendix A) and backgrounder (Appendix B) that provide further information on the settlement.

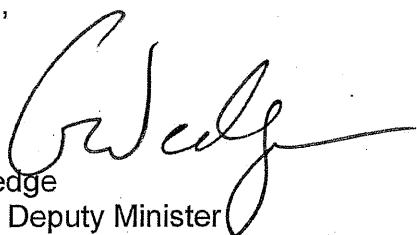
As part of the Settlement Agreement, the Williams Treaties First Nations will receive financial compensation of \$1.11 billion (\$666 million from Canada and \$444 million from Ontario). Under the terms of the agreement, Canada and Ontario have also formally recognized the pre-existing treaty harvesting rights of the Williams Treaties First Nations' members to hunt, trap, fish and gather for food, social and ceremonial purposes within the areas covered by Treaties No. 5, 16, 18, 20 and 27-27¼, the Crawford Purchase, the Gunshot Treaty and Lake Simcoe. The precise boundaries of the treaty areas will be the subject of further discussion among the parties. In the meantime, for general information on the location of these treaties please see https://files.ontario.ca/firstnationsandtreaties_1.pdf. In day to day practice, this places the Williams Treaties First Nations in a similar position in terms of harvesting in the areas set out above as most other treaty First Nations in Ontario.

Also as part of the Settlement Agreement there is provision for each of the seven First Nations to add up to 11,000 acres of land to their reserve land base (subject to fulfilment of the conditions of Canada's Additions to Reserve/Reserve Creation Policy). Lands to be added to reserve may be purchased on the open market, or from Canada or Ontario, on a willing buyer/willing seller basis.

Canada, Ontario and the Williams Treaties First Nations are continuing work towards implementing the terms of the Settlement Agreement. Should you have any questions concerning the implications of the recognition of treaty harvesting rights or the terms of the Williams Treaties Settlement Agreement, please contact Sean Tutak, Senior Negotiator, Ministry of Natural Resources and Forestry, or Mark Clearwater, Negotiator, Ministry of Indigenous Affairs, by email at WTFNClaim@Ontario.ca or by phone at 833-650-0756.

Media inquiries are to be directed to Flavia Mussio, Senior Media Relations and Issues Coordinator by email at Flavia.Mussio@Ontario.ca or by phone at 416-314-9455.

Sincerely,



Grant Wedge
Assistant Deputy Minister
Negotiations and Reconciliation Division

Enclosures:

Appendix A - News Release
Appendix B - Backgrounder

Backgrounder: The Williams Treaties First Nations Settlement Agreement: A Journey Toward Reconciliation

Overview

The Government of Canada, the Government of Ontario and the seven Williams Treaties First Nations have reached a negotiated settlement agreement and the *Alderville* litigation has been discontinued. This is a significant step forward on our path to advance reconciliation with the Williams Treaties First Nations. The seven First Nations are: Alderville First Nation, Beausoleil First Nation, Chippewas of Georgina Island First Nation, Chippewas of Rama First Nation, Curve Lake First Nation, Hiawatha First Nation and Mississaugas of Scugog Island First Nation.

Terms of the negotiated settlement include:

- Financial compensation of \$1.11 billion (\$666 million by Canada and \$444 million by Ontario).
- An entitlement for each First Nation to add up to 11,000 acres of land to their reserve land base subject to Canada's Additions to Reserve/Reserve Creation policy. The First Nations are responsible for acquiring these lands.
- Recognition of the First Nations' continuing treaty harvesting rights and a commitment to continue to work together to implement these rights.
- A commitment by Canada and Ontario to provide an oral and written statement of apology to the Williams Treaties First Nations.

Looking Back: Historic Treaties and the *Alderville* Litigation

The seven First Nations are signatories to various 18th and 19th century treaties that covered lands in different parts of south central Ontario. After these pre-Confederation treaties¹ were signed, the First Nations maintained that they continued to have an interest in other lands in central Ontario, known as their northern hunting grounds. These lands had not yet been addressed through treaty and were increasingly being subject to encroachment. To address these outstanding issues, new treaties (called the Williams Treaties) were signed between the seven First Nations and the Crown in 1923.

¹ Treaties that were signed between the Crown and First Nations before Canada became a country in 1867.

More than 90 years later, questions remained about the making, terms, interpretation and implementation of the Williams Treaties. In 1992, the seven First Nations filed litigation to seek a resolution of this longstanding dispute. The case, known as the *Alderville* litigation, went to trial in 2012 before the Federal Court of Canada.

In their litigation, the First Nations alleged that the Crown breached its duties to them in the making and implementation of the Williams Treaties. In particular, the First Nations alleged that they were not fairly compensated for their lands and should have received additional reserve lands at the time of treaty.

Harvesting rights were another key issue raised in the *Alderville* litigation. The First Nations maintained that the pre-Confederation treaties they signed with the Crown protected harvesting rights and that those rights were not affected by the Williams Treaties and continue to exist.

In October 2012, based on evidence obtained and prepared for the trial, Canada and Ontario recognized on an interim basis, the treaty harvesting rights of the Williams Treaties First Nations in Treaty No. 20. In February 2017, Canada and Ontario formally recognized these rights, not only within Treaty No. 20, but in additional pre-Confederation Treaty areas. With the negotiated settlement, Canada and Ontario now formally recognize the existing treaty harvesting rights of the Williams Treaties First Nations within the areas covered by Treaties No. 5, 16, 18, 20, 27-27 ¼, the Crawford Purchase, the Gunshot Treaty and Lake Simcoe.

The recognition of the First Nations' constitutionally protected treaty harvesting rights to hunt, fish, trap and gather in certain pre-Confederation treaty areas for food, social and ceremonial purposes addresses a longstanding dispute between the parties. This is an important step toward renewed relationships and reconciliation with the First Nations for the benefit of everyone. Ensuring the long-term sustainability of natural resources for future generations is a key priority for all parties going forward.

A New Beginning: From Litigation to Negotiations

In early 2016, Canada, Ontario and the seven First Nations began substantive exploratory discussions to see if they could find the common ground to negotiate a settlement of the *Alderville* litigation outside of the courts. A negotiated resolution achieved through co-operation and dialogue is preferable to litigation.

In February 2017, the parties agreed to a process to begin formal negotiations toward a negotiated settlement of the *Alderville* litigation and the court case was adjourned on March 27, 2017 on joint consent of the parties.

Negotiations Timeline

March 2017: Formal negotiations begin.

June 2018: Williams Treaties First Nations members approve settlement in vote.

July 2018: Williams Treaties First Nations sign settlement.

August 2018: Province of Ontario and Government of Canada sign settlement.

September 2018: Settlement announced after Federal Court approves discontinuance of *Alderville* litigation and a related Ontario Superior Court of Justice action is discontinued.

Looking Ahead: Continuing to Rebuild Relationships

Achievement of a negotiated settlement to resolve the *Alderville* litigation is an important milestone for all parties. The Government of Canada, the Province of Ontario and the Williams Treaties First Nations will continue to work together to implement the First Nations' constitutionally protected treaty harvesting rights and to address applications by the First Nations to have lands added to reserve pursuant to Canada's Additions to Reserve/Reserve Creation policy. Further, Canada and Ontario have committed to provide an oral and written statement of apology to the Williams Treaties First Nations.

News Release

For Immediate Release

Canada, Ontario and Williams Treaties First Nations reach negotiated settlement agreement for *Alderville* Litigation

September 13, 2018 Ottawa, ON

Crown-Indigenous Relations and Northern Affairs Canada
Province of Ontario
Williams Treaties First Nations

As we build a new future with First Nations, reconciliation requires that we acknowledge the wrongs of the past and work collaboratively with Indigenous people to take the necessary steps to respectfully resolve them.

Today, the Government of Canada, the Province of Ontario and the seven Williams Treaties First Nations, announced that the Federal Court has granted a discontinuance of the *Alderville* litigation as a result of the parties reaching a negotiated settlement agreement that resolves the litigation.

The *Alderville* litigation was filed by the seven Williams Treaties First Nations in 1992 and went to trial in 2012. The *Alderville* litigation deals with a longstanding dispute about the making, terms, interpretation and implementation of the 1923 Williams Treaties.

Terms of the negotiated settlement include:

- Financial compensation of \$1.11 billion (\$666 million by Canada and \$444 million by Ontario).
- An entitlement for each First Nation to add up to 11,000 acres of land to their reserve land base subject to Canada's Additions to Reserve/Reserve Creation policy. The First Nations are responsible for acquiring these lands.
- Recognition of the First Nations' continuing treaty harvesting rights and a commitment to continue to work together to implement these rights.
- A commitment by Canada and Ontario to provide an oral and written statement of apology to the Williams Treaties First Nations.

Achieved through partnership and dialogue, the settlement advances reconciliation and resolves outstanding issues in a way that respects the rights and interests of the seven Williams Treaties First Nations and all Canadians.

A formal celebration of the settlement agreement and the delivery of an apology by the federal and provincial Crowns is currently being planned.

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Quotes

“After years of litigation and repeated attempts at negotiations, I am extremely proud that the negotiations team has successfully resolved our longstanding battle for constitutionally protected hunting and fishing rights. Our ancestors have fought since 1923 to exercise our rights freely and without encumbrance and finally we have been able to secure this for our people and for future generations. It is a success for the Williams Treaties First Nations, but also for all Ontarian’s and Canadians who will see a new way forward in Crown-Indigenous relations.”

Chief Kelly LaRocca, Mississaugas of Scugog Island First Nation, Portfolio Chief, Williams Treaties First Nations

“I have been a part of the trial and negotiations for more than a decade. We have come full circle. My Grandfather, Norman Marsden was one of the signatories on the Williams Treaties and it is gratifying for me to be able to sign my name to this settlement as current Chief of Alderville First Nation because it represents how far we have come. This settlement will benefit the Williams Treaty First Nations today and for our future generations.”

Chief James Robert Marsden, Alderville First Nation

“Beausoleil First Nation acknowledges and honours our ancestors who endured the hardships created by the misinterpretation of the 1923 Williams Treaty. Finally 95 years later, today we celebrate the conclusion of this chapter and work towards reconciliation and a new beginning for our community. We extend our full-hearted appreciation and acknowledgement to Peter Hutchins and all associates at Hutchins Legal Inc. for their advocacy throughout our litigation. We are extremely proud that our own Karry Sandy, negotiator, was a part of this negotiation team and also recognize Ceyda Turan, counsel, and Mel Jacobs, co-negotiator, for achieving their mandate and in bringing this settlement home for the Anishinabek of Beausoleil First Nation. Miigwetch.”

Chief Guy Monague, Beausoleil First Nation

“On this historic day, we acknowledge the hard work of our ancestors, our elders, our leaders and knowledge keepers in their determination to have our collective Treaty rights recognized and affirmed. We are on a path of reconciliation, healing and Treaty implementation for Curve Lake members and for our future generations. Miigwetch to those who have made this Settlement possible.”

Chief Phyllis Williams, Curve Lake First Nation



“We are happy to resolve this outstanding injustice that affected our ancestors tremendously and impacted the future generations of our people. We want to recognize and honour our past leadership who began this journey to bring forth justice and reconciliation. The resolution of the Williams Treaty will benefit our future generations to come and contribute to restore the loss of our culture and independence. I would like to say miigwetch to our Chiefs and Councillors, negotiating team and lawyers who worked with our First Nations and brought us to the settlement of the Williams Treaty. I'm grateful that our children do not have to take on the burden of resolving this claim. Miigwetch to the Creator Lord for allowing me to be a part of this historical resolution.”

Chief Donna Big Canoe, Georgina Island First Nation

“It is with honour and pride to our ancestors and our people today that we have settled the Williams Treaties claim for our Seven Generations to come.”

Chief Laurie Carr, Hiawatha First Nation

“Rama First Nation joins with Williams Treaties leadership in celebrating the conclusion of the work our ancestors began so long ago, the resolution of this long-standing claim. The restoration of harvesting rights throughout our territories is a part of our cultural identity that these treaties compromised. G’chi miigwech to the Williams Treaties members who contributed to this effort and to the leadership, past and present, who continued to press for the resolution of this claim. This historic settlement paves the way for a better future in our communities for many generations to come.”

Chief Rodney Noganosh, Rama First Nation

“Working together in partnership to resolve and address the wrongs of the past is critical to resetting our relationship with Indigenous peoples. This settlement agreement is a demonstration of our government’s commitment to move forward to renew our relationship and advance reconciliation between Canada, Ontario and the Williams Treaties First Nations and is an example of what we can achieve when we uphold the honour of the Crown and treat Indigenous peoples with respect and support strong, healthy and sustainable Indigenous Nations that are full partners.”

*The Honourable Carolyn Bennett, M.D., P.C., M.P.
Minister of Crown-Indigenous Relations*



Ontario

Canada

“This agreement avoids further costly litigation and will help create opportunities within the Williams Treaties First Nations and surrounding communities.”

*The Honourable Greg Rickford, M.P.P.
Minister of Indigenous Affairs for Ontario*

“This negotiated settlement supports strong and enduring relationships and means we can focus on ensuring the long-term sustainability of Ontario’s natural resources for future generations.”

*The Honourable Jeff Yurek, M.P.P.
Minister of Natural Resources and Forestry for Ontario*

Quick Facts

- The seven Williams Treaties First Nations are: Alderville First Nation, Beausoleil First Nation, Chippewas of Georgina Island, Chippewas of Rama, Curve Lake First Nation, Hiawatha First Nation and Mississaugas of Scugog Island.
- Since March 2017, the parties have been working together towards a negotiated resolution of the *Alderville* litigation
- Under the settlement, the First Nations can use the funds to buy land on a willing-seller/willing-buyer basis and apply to Canada to have the land added to their reserve land base.

Associated Links

[Williams Treaties First Nations](#)
[Additions to Reserve](#)

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For more information, media may contact:

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Director of Communications and Issues Management
Office of the Honourable Carolyn Bennett
Minister of Crown-Indigenous Relations
819-997-0002

Crown-Indigenous Relations and Northern Affairs Canada Media Relations
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Government of Canada
Gouvernement du Canada

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Chief Kelly LaRocca
Portfolio Chief
Williams Treaties First Nations
905-985-3337

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November 14, 2018

Subject: Re: FW: Resolution 2018-317 - Gov't Of Ontario & AMO - Governance Models

At the meeting of November 14 2018, the Council of the Township of Prince passed the following Resolution:

Res: 2018-314

Moved by: Councillor I. Chambers Seconded by: Councillor M. Matthews

Be it resolved that this Council hereby supports the resolution of the Township of McKellar regarding the request for the Province to have open meetings with AMO and members of Council and the public with regards to governance models.

Sincerely,

Peggy Greco

Peggy Greco, CAO/Clerk-Treasurer
Township of Prince
3042 Second Line W.,
Prince Township, ON
P6A 6K4
Phone: 705-779-2992 Ext. 2
Fax: 705-779-2725

November 14, 2018

Subject: RE: FW: Resolution 2018-317 - Gov't Of Ontario & AMO - Governance Models

At the Regular Meeting of Council held on November 13, 2018 the following resolution was passed:

Resolution No. 2018 – 176

**Moved by Councillor Arnold
Seconded by Councillor Woodbeck**

THAT the Council for the Township of Conmee supports the resolution from the Township of McKellar and calls on AMO to consult with their member municipalities prior to presenting any information on possible governance models to the Provincial Government.

CARRIED.

Patricia Maxwell, CMO, AMCT
CAO/Clerk
Township of Conmee

November 23, 2018

Good afternoon,

In light of the recent municipal election, the Council of the Corporation of the Town of Kearney passed the following resolution in regard to the creation, maintenance and general quality of the Municipal Voters' List:

Resolution # 10.(d)(iii)/21/11/2018

WHEREAS concern over the quality of the Municipal Voters' List is not a new phenomenon;

AND WHEREAS in 2012, the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) published a "Voters' List Position Paper" and since that time has been advocating for transformational changes to the way that Ontario creates and maintains the Voters' List for municipal elections;

AND WHEREAS the Preliminary List of Electors which forms the Voters' List in Ontario is supplied by data from the Municipal Property Assessment Corporation (MPAC);

AND WHEREAS despite the incremental changes made by MPAC, MPAC has a limited ability to fix the currency and accuracy issues that impairs the current process and the Voters' List continues to be flawed with data inaccuracies and outdated information;

AND WHEREAS a transformational solution to the way that the Voters' List is created and managed is required;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports the re-establishment of the multi-stakeholder working group between the Ministry of Municipal Affairs, Ministry of Finance, AMCTO, MPAC and Elections Ontario in exploring and identifying ways to create and maintain the Voters' List for Municipal Elections;

AND FURTHER Council requests an update be provided from this 'Voters' List Working Group' on the transformational solutions being discussed;

AND FURTHER that this resolution be circulated to all Ontario Municipalities for their consideration and support.

CARRIED

We hope that this resolution will be of interest to your Municipality, and that you will support this endeavour moving forward.

Sincerely,

Cindy Filmore
Senior Office Assistant
Town of Kearney
Ph# (705) 636-7752
Fax (705) 636-0527