

**BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE**

FIRST NATION: Listuguj Mi'gmaq Government

Date of duly convened meeting (D - M - Y): 23 October 2012

Chronological number : 2030

Loan guarantee No. : _____ Lender loan No: 19-072-537-018 For DIAND use only

DO HEREBY RESOLVE:

1. THAT: The Listuguj Mi'gmaq Government (also known as Listuguj Band pursuant to the Indian Act) requests authority to administer its own housing program for the 2012/2013 fiscal year.
2. THAT: The Listuguj Mi'gmaq Government requests the Minister of Indian Affairs and Northern Development to guarantee repayment of a loan in the amount of \$114,000 to the Canada Mortgage and Housing Corporation (CMHC). The loan will be used for the construction, acquisition or renovation of two (2) housing units for "Indians" on "Lands" (both terms as defined in the Terms and Conditions for Ministerial Loan Guarantees as approved by Order in Council P.C. 1999-2000 dated November 4, 1999).
3. THAT: The Council of the Band will arrange for two or three designated band members who are bonded, to sign all cheques and approve all contracts and other documents relating to the housing projects including rental contracts between band members and the Council of the Band.
4. THAT: The Council of the Band will assume responsibility for the administration of the program and property management for as long as the loan is in effect.
5. THAT: The houses will be built on unencumbered band land but if the land is held by individual locatees, an assignment of that land shall be made to the Council of the Band prior to requesting the Minister's guarantee.
6. THAT: An environmental site assessment has been carried out on the subject property, either individually or as part of a sub-division or community assessment, in accordance with the Canadian Standards Association's standard Z768-94 for Environmental Site Assessment (or as may be revised from time to time), and that such an assessment confirms that there is no evidence of contamination that may, upon exposure, constitute an identifiable risk to human health or the natural environment.
7. THAT: The immediate needs of the Listuguj Mi'gmaq Government are for \$114,000 for the construction, acquisition or renovation of two (2) units which shall be commenced in the 2012-2013 fiscal year, and will be built/renovated to meet or exceed the National Building Code (NBC) standards or equivalent standards.

Financing will be as follows:

Departmental Appropriation	\$0
Loan from:CMHC	\$114,000
Band Funds	\$66,000
Equity	\$0
Other (i.e.Trust Account)	\$0
Total Cost	\$180,000
Total number of units	2
Average cost per new housing Unit	\$90,000

8. THAT: The loan amount of \$180,000 will be amortized over a period of twenty-five (25) years (not to exceed 25 years) at a interest rate determined by the CMHC in accordance with the National Housing Act (NHA). The payments on the loan will be made by the Council of the Band.

9. THAT: The houses will remain the property of the Council of the Band, and the occupants, all of whom are band members, shall make rental payments to the Council of the Band in accordance with the *National Housing Act* guidelines and any shortfalls will be met from the Band's revenues.

10. THAT: The Council of the Band will engage the services of a qualified firm of auditors who will set up a system of records and accounting and who will perform an annual audit of the books and other records relating to the housing program. Such audit shall coincide with the Federal Government's fiscal year and the audit report must reach DIAND regional offices no later than June 30th, of each year.

11. THAT: All books and records of the housing program will be accessible at all times to the department or to an auditor appointed by the department.

12. THAT: The Council of the Band will open a separate bank account and/or a separate and distinct record of accounting, wherein only monies related to the First Nation's housing program, including all payments made by the occupants, will be deposited. This account will be known as the Listuguj Mi'gmaq Government Housing Trust Account.

13. THAT: Insurance will be carried on the housing units.

14. THAT: The Council of the Band shall be responsible for the ordinary maintenance and minor repairs on the houses.

15. THAT: Where under sections 10 and 12 of the Terms and Conditions for Ministerial Loan Guarantees, as approved by O.I.C. P.C. 1999-2000, dated November 4, 1999, the Minister has paid a claim to the Lender on a Loan Guarantee, the Minister will take the necessary measures to reimburse the Consolidated Revenue Fund.

Where section 89 of the Indian Act is applicable, the Council of the Band shall provide Her Majesty in Right of Canada with a waiver to the application of section 89 with respect to assets other than land. The authority conferred herein is irrevocable.

16. THAT: Where under Sections 4, 5 and 6 of the Terms and Conditions for Ministerial Loan Guarantees, as approved by O.I.C. P.C. 1999-2000 dated November 4, 1999:

(i) the Council of the Band and the existing Lender agree to renew an existing loan for another term

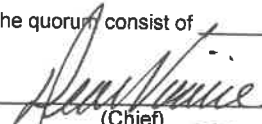


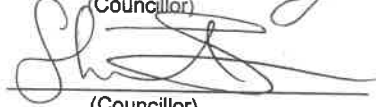

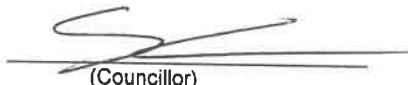

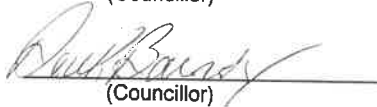
ii) the Council of the Band and the existing Lender agree to refinance an existing loan;

(iii) the Council of the Band transfers the loan to a new Lender; or

(iv) the Lender assigns the loan to a new Lender,

the Council of the Band will continue to assume the responsibilities under the associated Loan Agreement and Guarantee Agreement, as set out in section 12 "Recovery on Defaulted Loans" in the Terms and Conditions for Ministerial Loan Guarantees, as approved by O.I.C. P.C. 1999-2000 dated November 4, 1999.

The quorum consist of _____ Council Members and this resolution is CARRIED and signed.

 _____ (Chief)	 _____ (Councillor)
 _____ (Councillor)	 _____ (Councillor)
 _____ (Councillor)	 _____ (Councillor)
 _____ (Councillor)	 _____ (Councillor)
_____ (Councillor)	_____ (Councillor)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE							
Expenditure Dépenses	Authority (Indian Act Section Autorité (Article de la Loi sur les indiens)	Source of funds Source des fonds		Expenditure Dépenses	Authority (Indian Act Section Autorité (Article de la Loi sur les indiens)	Source of funds Source des fonds	
		Capital	Revenue Revenu			Capital	Revenue Revenu
Recommending officer - Recommandé par				Recommending officer - Recommandé par			
Signature _____ Date _____				Signature _____ Date _____			
Approving officer - Approuvé par				Approving officer - Approuvé par			
Signature _____ Date _____				Signature _____ Date _____			