

Listuguj Mi'gmaq Government Order-In-Council



Chronological no.: 2090	Subject: RBC Ministerial Guarantee - Housing (10 Units)	Originated by:
The Council of the Listuguj Mi'gmaq Government		District Gespe'gewa'gi
Date of duly convened meeting	D 2 6	M 0 8
	Y 1 3	Province Gepeg

THAT The Listuguj Mi'gmaq Government requests authority to administer its own housing program for the 2013-2014 fiscal year.

THAT The Listuguj Mi'gmaq Government requests the Minister of Indian Affairs and Northern Development Canada to guarantee repayment of a loan in the amount of One Million Dollars (\$1,000,000.00). The loan will be used for the construction of Ten (10) housing units for "Indians" on "lands" (both terms as defined in Terms and Conditions for Ministerial Loan Guarantees as approved by Order in Council P.C. 1999-2000 dated November 4, 1999).

Up to and including the amount of \$1,000,000.00

Recommended by: _____

Approved by: _____

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.

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.

THAT The houses will be build on unencumbered band land and if land should be held by individual locates, an assignment of that land shall be made to the Council of the Band prior to requesting the Minister's guarantee.

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 assessments confirms that there is no evidence of contamination that may, upon exposure, constitute an identifiable risk to human health or the natural environment.

Moved: Calvin Barnaby
 Seconded: Kevin Methot
 Abstain: -
 Opposed: -
 Status: Passed Defeated Tabled

Quorum 7

[Handwritten signatures of seven councillors]
 _____ (Councillor)
 _____ (Councillor)
 _____ (Councillor)
 _____ (Councillor)
 _____ (Councillor)
 _____ (Councillor)
 _____ (Councillor)

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THAT The immediate needs of the Listuguj Mi'gmaq Government are for Six Hundred and Eighty Thousand Dollars (\$680,000.00) and construction of Eight (8) units shall be commenced in the 2012-2013 fiscal year, and will be built to meet or exceed the National Building Code (NBC) standards or equivalent standards.

Financing will be as follows:

Departmental Appropriation	\$ 300,000
Loan by Royal Bank of Canada	\$1,000,000
Total Cost	\$1,300,000
Total number of units: Ten (10)	
Average cost per new Housing Unit \$	\$ 130,000

THAT The loan amount of Six Hundred and Eighty Thousand Dollars (\$680,000.00) will be amortized over a period of 25 (twenty five) years (not to exceed 25 years) at an interest rate of Three point Five percent (3.50%) determined by the Listuguj Mi'gmaq Government and the Royal Bank of Canada insured by Canada Mortgage & Housing Corporation pursuant to the terms of the NHA. The monthly payments on the loan will be made by the Council of the Band.

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 on a rent according to income formula, and any shortfall will be met from the Band's revenues.

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 regional offices no later than July 30th, of each year.

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.

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 Nations' Housing Program, including all payments made by the occupants, will be deposited. This account will be known as the Listuguj Mi'gmaq Government Trust Account.

THAT Insurance will be carried on the housing units.

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

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THAT Where under section 10 and 12 of Schedule "A" of the Terms and Conditions for Ministerial Loan Guarantees, as approved by OIC P.C. 1999-2000, dated November 4, 1999, the Minister has paid a claim to the Lender on a Loan Guarantee, the Council of the Band will negotiate a repayment agreement with the Minister for any payment made by the Minister to the Lender.

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.

THAT Where under Sections 4, 5 and 6 of Schedule "A", Terms and Conditions as approved by OIC P.C. 1999-2000 of 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 Loan Agreement (No. _____) or the Guarantee Agreement (No. _____), as set out in Schedule "A", Section 12 ("Recovery on Defaulted Loans") in the Terms and Conditions for Ministerial Loan Guarantees, as approved by O.I.C. P.C. 199-2000 dated November 4, 1999.