

COMMITTEE OF THE WHOLE - FEBRUARY 7, 2012

STAFF REVIEW OF EXTERNAL ASSISTANCE TO THE ATTAWAPISKAT FIRST NATION

Recommendation

The Commissioner of Engineering and Public Works recommends:

That this report be received for information.

Contribution to Sustainability

Not Applicable.

Economic Impact

There is no economic impact to the City of Vaughan from receipt of this report.

Communications Plan

It is proposed that a copy of this report and of Council's resolution, be forwarded to the Association of Municipalities of Ontario and the Federation of Canadian Municipalities.

Purpose

This report responds to Council's motion dated November 29, 2011 wherein Council approved:

1. *That this matter be referred to staff for a report on how to best assist in a holistic way, including the role of the Provincial and Federal Governments, as well as Regional Government, AMO and FCM; and*
2. *That staff communicate with Chief Spence and her advisors in order to determine the forms of assistance that could be provided.*

Background - Analysis and Options

Attawapiskat First Nation Declaration of a State of Emergency:

On or about October 28, 2011 the Attawapiskat First Nation declared a state of emergency due to an ongoing housing crisis in the community located on the western shore of James Bay in Northern Ontario. A significant segment of this community continues to live in extremely poor housing conditions, described by some community members as deplorable and unsafe. The conditions include extremely congested housing and housing with no running water or sewage services.

Federal Government Responsibility and Response:

It is generally acknowledged that within Canada, housing, health and social issues in First Nations communities have been a federal jurisdictional responsibility, largely under the direction of what is now the Aboriginal Affairs and Northern Development Canada (AANDC).

The following excerpts are extracted from the mandate listed on the AANDC webpage:

"The department is responsible for two mandates, **Indian and Inuit Affairs** and **Northern Development**, which together support Canada's Aboriginal and

northern peoples in the pursuit of healthy and sustainable communities and broader economic and social development objectives..."

"The **Indian and Inuit Affairs** mandate derives from the *Indian Act* and its amendments over the years, from specific statutes enabling modern treaties, such as the *Nisga'a Final Agreement Act* or the *Labrador Inuit Land Claims Agreement Act*, and from more recently enacted statutes, among which are statutes like the *First Nations Fiscal and Statistical Management Act* and the *First Nations Jurisdiction Over Education in British Columbia Act*, designed to provide First Nations with jurisdictional powers beyond the *Indian Act*. A significant amount of the department's mandate is derived from policy decisions and program practices that have developed over the years; it is framed by judicial decisions with direct policy implications for the department; and it is structured by funding arrangements or formal agreements with First Nations and/or provincial or territorial governments.

Under Indian and Inuit Affairs, AANDC negotiates comprehensive and specific land claims and self-government agreements on behalf of the Government of Canada; oversees implementation of claim settlements; delivers provincial-type services such as education, housing, community infrastructure and social support to Status Indians on reserves; manages land; and executes other regulatory duties under the *Indian Act*."

More specifically with respect to Health and Well-Being, the AANDC website states;

"In support of its mandate, AANDC is responsible for safe water supplies on reserves and funding a range of province-like social programs to First Nations communities, including education, early childhood development, housing, family violence prevention, help for persons with disabilities and income assistance."

With respect to Housing and Infrastructure, the AANDC website also states:

"Aboriginal Affairs and Northern Development Canada works with First Nation governments to support affordable and adequate housing, clean drinking water and community infrastructure like roads and schools – essential to healthy, safe and prosperous communities."

Provincial Responsibility in response to declared State of Emergency:

Provincial Government involvement in the current Attawapiskat First Nation crisis has been in conformance with Provincial responsibilities in relation to a declared State of Emergency within the province of Ontario.

Within this context, Emergency Management Ontario (EMO), in December 2011, responded by coordinating the transportation of goods and materials funded by the Province of Ontario such as composting toilets and High-efficiency wood stoves to assist in the sanitation and heating of the overcrowded housing units, and those materials funded or supplied by private relief agencies, primarily Red Cross Canada.

Red Cross Assistance:

In response to the declaration of the State of Emergency, in December 2011 Red Cross Canada engaged in a donation drive for funds for the purchase of new warm bedding and winter clothing,

which was delivered to the community in late December. The funding drive was suspended in late December when sufficient funding was secured.

Federation of Canadian Municipalities and Association of Municipalities of Ontario:

Neither the Federation of Canadian Municipalities (FCM), nor the Association of Municipalities of Ontario (AMO) have taken a position on the Attawapiskat First Nation issue to date.

Attawapiskat First Nation Position regarding Vaughan Inquiry:

Vaughan staff has been unsuccessful to date in contacting Chief Theresa Spence to discuss Vaughan's consideration of options for assistance.

Recent events have added some clarity to the situation discussed by Council in November:

In late 2011 the Federal Government pledged assistance to the Attawapiskat First Nation in the form of new modular housing units which are slated to arrive as soon as the winter roads to the community are passable. These units are intended to assist in providing heated, insulated housing to ease the currently overcrowded housing situation. In the interim, media have reported that some of the overcrowding has been eased through the accommodation of some community members at an existing community facility.

In the context of discussions between national governing jurisdictions, discussions continue between the Attawapiskat First Nation and AANDC with regards financial management of the community, with a number of statements being reported by the media throughout. The Attawapiskat First Nation appears resolved in seeking additional financial contribution from AANDC while insisting on the First Nation's rights to governance, management and administration of the First Nation.

In light of the nature of these discussions occurring between First Nations and the Government of Canada, there appears to have been little discussion between the Attawapiskat First Nation and municipal levels of government in Ontario.

Although media reporting has recently waned, the situation in Attawapiskat continues to evolve.

Relationship to Vaughan Vision 2020/Strategic Plan

This report recommends a change from the priorities previously set by Council.

Regional Implications

There are no regional implications to Council's receipt of this report.

Conclusion

The situation in the Attawapiskat First Nation continues to evolve. While the national government department responsible for housing and provision of safe drinking water has pledged new temporary modular housing units to the community, negotiations between the First Nation and the federal government regarding management of the First Nation's financial affairs continue, with the First Nation seeking increased federal funding. In the interim the Canadian Red Cross has suspended its initial response to the declaration of a State of Emergency, and Emergency Management Ontario continues to oversee any potential further assistance from the Province.

Neither the Federation of Canadian Municipalities (FCM), nor the Association of Municipalities of Ontario (AMO) have taken a position on the Attawapiskat First Nation issue to this point.

Vaughan staff will continue to monitor communications from the FCM and AMO, and provide further report(s) to Council if any additional realistic options for municipal assistance are identified through these municipal umbrella organizations.

Attachments

N/A

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Respectfully submitted,

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