

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 11-977

Being a by-law to authorize the Mayor and Clerk to execute an agreement with the Temagami First Nation to allow a Temagami First Nation parking area to be built at the end of the Lake Temagami Access Road.

WHEREAS under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS under Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

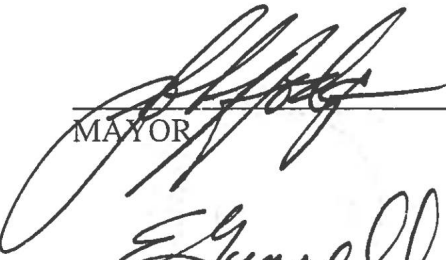
AND WHEREAS the Council of the Municipality of Temagami deems it advisable to enter into an agreement with the Temagami First Nation to allow a Temagami First Nation parking area to be built at the end of the Lake Temagami Access Road and to put in place a process to address the Municipality's concerns regarding remuneration;

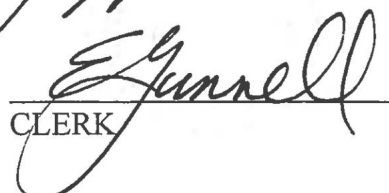
NOW THEREFORE the Council of the Corporation of the Municipality of Temagami hereby enacts as follows:

1. That the Mayor and Clerk are hereby authorized and directed to execute the agreement attached hereto as Schedule "A" to this bylaw.
2. This bylaw shall come into force and take effect upon final passing thereof.
3. That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

BE TAKEN AS READ A FIRST time on this 13th day of January, 2011

READ A SECOND AND THIRD time and finally passed this 13th day of January, 2011


MAYOR


CLERK

Schedule A to By-law 11-977

Agreement made in duplicate this /CJ' day th of February 2011

Between:

The Municipality of Temagami

(hereinafter referred to as "the municipality")

Of the first part

And

The Temagami First Nation

(hereinafter referred to as "TFN")

Of the second part

BACKGROUND:

The TFN applied for and received funding to build a parking area at the end of the Lake Temagami Access Road (LTAR). The TFN needs to begin the project immediately in order to complete the project by March 31, 2011 as specified in their funding agreement. The TFN also wants to have some assurances that the Bear Island community will benefit from the TFN's capital expenditure. The TFN are aware that the Municipality of Temagami pays the operating and capital costs associated with municipal type services that are used by the TFN. The TFN wishes to contribute financially to its share of these costs. However given the circumstances the TFN wishes to defer the separate issue of TFN remuneration for the use of municipal services for the time being. It is also noted that the TFN is currently funded through a 5 year agreement with INAC and are currently in the third year of an existing 5 year agreement. Lastly, the TFN may wish to have a parking area designated for the Bear Island community at some time in the future.

The municipality, on the other hand, wishes to pursue the issue of remuneration immediately and have this issue linked to the establishment of the parking area referred to above. As well, the matter of the surface rights pertain to the mining claims in the area covered by the municipality's LUP remains outstanding. The issue of a parking area designated for Bear Island has not been defined in terms of

a timeline nor has it been discussed by the municipality at the Council or public level. The Municipality also has outstanding remuneration issues regarding the use of the Briggs landfill site by the TFN.

It is desirable to put in place a mechanism to resolve this discrepancy in a way that works to the parties' mutual benefit. The following agreement has been developed to allow the TFN parking area to be built and to put in place a process to address the municipality's concerns regarding remuneration.

AGREEMENT:

It is agreed firstly that the TFN may proceed immediately to build a parking area on the municipality's LUP at the end of the Lake Temagami Access Road as per the attached site plan and work schedule. The capital dollars spent by the TFN to construct this parking area will be applied to the annual cost of 60 parking spaces for TFN community members for a maximum period of 10 years commencing on the day of completion administered by the municipal by-law pertaining to parking spaces at the end of the Lake Temagami Access Road. The TFN community will have the use of these parking spaces for a period of 10 years. This commitment is based on 60 parking spaces charged at the current rate of \$110.00 per year per space, indexed to an inflation rate of 2%, which yields 60 spaces for eight years and seven months which, in turn, is rounded up to ten years. The time period could be pro-rated if the number of spaces the TFN requires in the first year of the agreement is greater than or less than 60 spaces.

It is also agreed that both parties hereby make a commitment to secondly develop a general agreement regarding remuneration to the Municipality of Temagami for TFN use of municipal services. Remuneration refers to the TFN's share of both operational and capital costs for municipal services. It is agreed that this process will begin in January of 2011 and conclude by June 2011.

It is also agreed that both parties hereby make a commitment to thirdly develop an interim agreement to address the outstanding remuneration issues regarding: the past and future use of the Briggs landfill site by the TFN; the use of the LT AR access point from 2011 to 2013; and any assistance the TFN can provide towards the costs of the LT AR. The interim agreement will be finalized by June of 2011.

It is also agreed that both parties will fourthly develop municipal type agreements between the TFN and the Municipality of Temagami for specific services which will be appended to the general remuneration agreement to allow for the TFN's funding arrangements with INAC to be updated. This phase of the agreement will be implemented in 2013.

IN WITNESS WHEREOF the said parties hereto have signed this agreement and affixed their respective seals under the hands of their respective officers duly authorized in that behalf.

Title:

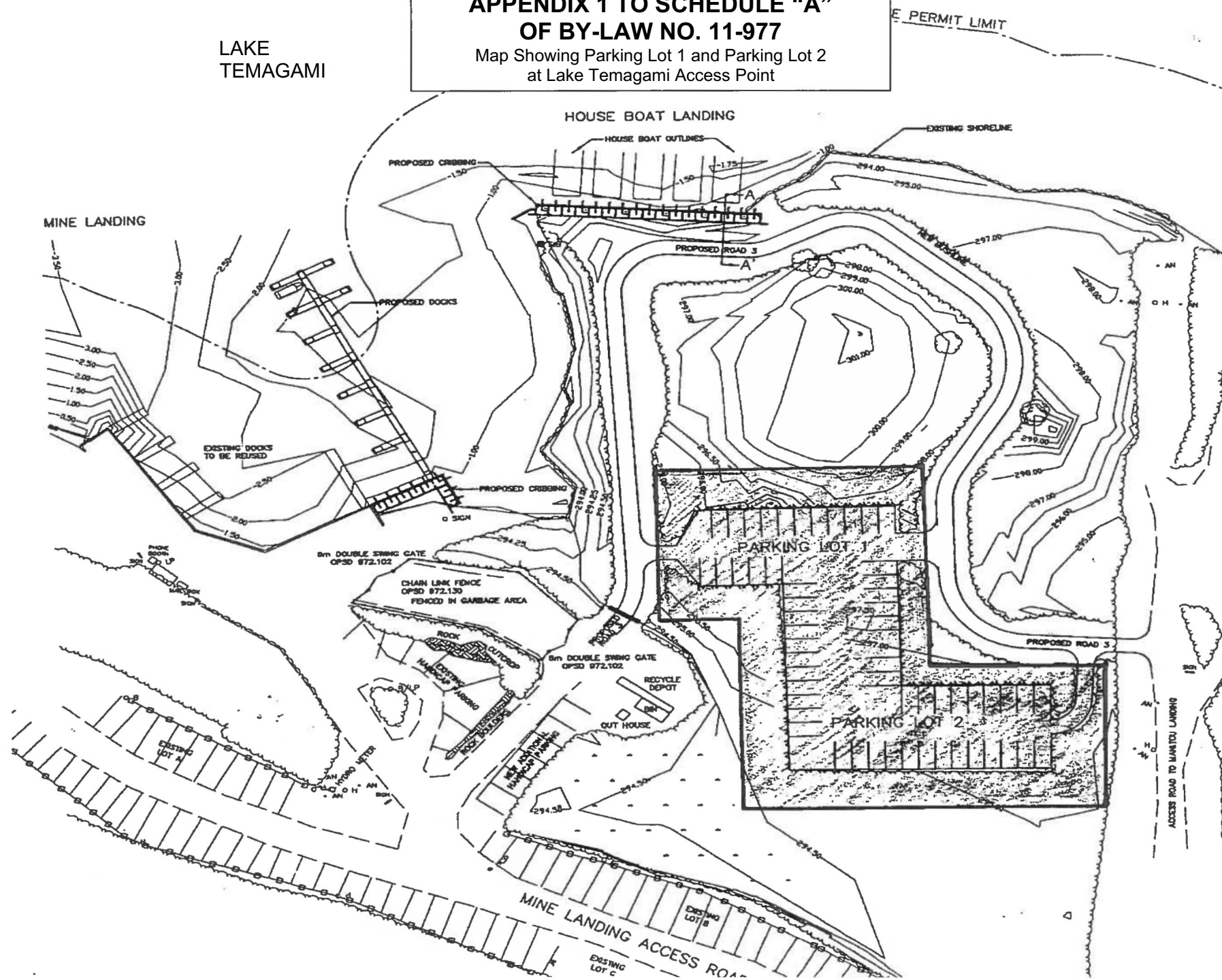
Title: Chief.

Title:

LAKE
TEMAGAMI

APPENDIX 1 TO SCHEDULE "A"
OF BY-LAW NO. 11-977

Map Showing Parking Lot 1 and Parking Lot 2
at Lake Temagami Access Point



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AND WHEREAS under Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS the Council of the Municipality of Temagami deems it advisable to enter into an agreement with the Temagami First Nation to allow a Temagami First Nation parking area to be built at the end of the Lake Temagami Access Road and to put in place a process to address the Municipality's concerns regarding remuneration;

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami hereby enacts as follows:

1. That the Mayor and Clerk are hereby authorized and directed to execute the agreement attached hereto as Schedule "A" to this bylaw.
2. This bylaw shall come into force and take effect upon final passing thereof.
3. That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

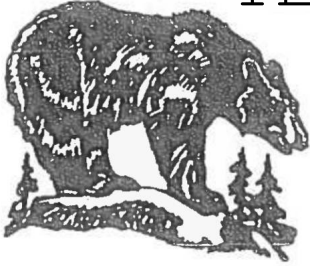
BE TAKEN AS READ A FIRST time on this 13th day of January, 2011

READ A SECOND AND THIRD time and finally passed this 13th day of January, 2011


MAYOR


CLERK

TEMAGAMI FIRST NATION



BEAR ISLAND LAKE TEMAGAMI, ONTARIO POH ICO

TEL: (705) 237-8943 or (705) 237-8944

FAX: (705) 237-8959

CHILDCARE: (705) 237-8961



February 4, 2011

Municipality Of Temagami
P.O.Box 220
Temagami, ON
POH 2H0

Attention: Elaine Gunnell, Municipal Clerk

RE: Agreement for a Temagami First Nation Parking Area

You will find the above signed agreement.

Should you have any questions, contact Holly Charyna at 705-237-8943

Sincerely,

A handwritten signature in black ink, appearing to read "Holly Charyna".

Holly Charyna
Executive Director
Temagami First Nation

HC/vp