



### **Restatement and Amendments to Green Lane Landfill First Nations Community Benefits Agreement**

**Date:** October 31, 2016  
**To:** Public Works and Infrastructure Committee  
**From:** General Manager, Solid Waste Management Services  
**Wards:** All

#### **SUMMARY**

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This report requests authorization to restate and amend the Green Lane Community Benefits Agreement with the Oneida Nation of the Thames and the Chippewas of the Thames First Nation. The primary amendment is an administrative change to the First Nations Community Benefits Agreement payment process to simplify the distribution of monies between the First Nations. A summary of changes is included in Attachment 2.

#### **RECOMMENDATIONS**

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The General Manager, Solid Waste Management Services, recommends that:

1. City Council authorize the General Manager, Solid Waste Management Services, to execute the Restated and Amended First Nations Community Benefits Agreement (changes from the original are summarized in Attachment 2) in a form acceptable to the City Solicitor.

#### **FINANCIAL IMPACT**

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There are no financial impact resulting from the adoption of the recommendation in this report.

The Deputy City Manager & Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## DECISION HISTORY

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At its meeting on March 28, 2007 City Council authorized the recommendations in the report Conformity with the Conditions of Closing for the Purchase of Green Lane Landfill.

The City Council Decision Document can be viewed at:

<http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-03-28-cc05-dd.pdf>

## COMMENTS

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When the City of Toronto purchased Green Lane Landfill in 2007 a First Nations Community Benefits Agreement (Agreement) was established with the Oneida Nation of the Thames and the Chippewas of the Thames First Nation (First Nations). The Agreement allows for First Nations Community Benefits Payments (Payments) to be made by the City to the First Nations for their benefit.

The current agreement states that the City of Toronto provide Payments to the First Nations, through a process which requires the First Nations to establish a single trust fund as a non-share capital corporation. The First Nations are then responsible for distribution of the Payments from the single trust fund.

The restated and amended Agreement will result in administrative changes (requested by the First Nations) to the Payments process amongst other updates. Once approved, two separate Payments will be made. The Oneida Nation of the Thames will receive sixty per cent (60%) of the First Nations Community Benefits Payments and the Chippewas of the Thames First Nation will receive forty per cent (40%). This percentage distribution of funds has already been agreed to by both First Nations. The direct Payments to each of the First Nations will decrease the administrative burden for the First Nations and also provide for autonomy on how the Payments will be used in their respective communities.

As part of the restated and amended Agreement the First Nations must provide the City of Toronto with a copy of each of their annual audited financial statements for the Payments showing the amounts received and used. The First Nations have provided a terms of reference on how the Payments will be used in their communities which include, but are not limited to, activities supporting sustainable land and environment planning.

The restated Agreement amendments also include, but are not limited to:

- changing the name of the Agreement to reflect that it has been restated and amended,

- specification of the percentage allocations for the First Nations Community Benefits Payments (which can only be changed through support of Chief and First Nations Council resolutions), and
- the provision of Annual Audited Financial Statements to the City by each of the First Nations for the First Nations Community Benefits Payments.

All changes in the Restated and Amended First Nations Community Benefits Agreement have been reviewed and approved by the Oneida Nation of the Thames and the Chippewas of the Thames First Nations; each through official Chief and Council resolutions.

The original Term Sheet for the First Nations Community Benefits Agreement as approved by Council in 2007 is appended as Attachment 1.

A summary of the amendments in the restated and amended Agreement is outlined in Attachment 2.

## **CONTACT**

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## **SIGNATURE**

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Jim McKay  
General Manager  
Solid Waste Management Services

## **ATTACHMENTS**

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Attachment 1 - 2007 Council Approved Original Term Sheet for the First Nations Community Benefits Agreement

Attachment 2 - Summary of Changes to the First Nations Community Benefits Agreement