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The KZA Truth of the Reality: Delays, Disconnection and Demolition

I have been requested to write this narrative offer in explanation as to the current situation in KZA – GBFN and provide some of the background that sees us in the place we are sadly in today.

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On the afternoon Nov 3rd, the OPP usurped/overrode the decision-making authority of the Chief and quorum of Council by engaging in activities other than peacekeeping and choosing to recognize directions provided them by Counc. Hubert Wigwas - one singular Council member. Written correspondence in the week previous between KZA, OPP and Hydro One verified that the authority regarding land and housing lays with Chief and Council (not individual community members OR Council members). It was agreed that the OPP would peacekeep if necessary while HydroOne employees disconnected a community-owned asset (decommissioned housing unit previously occupied by Pam Shonias). Instead, OPP opted to become involved in a matter that had already received unanimous quorum decision at a duly convened meeting in August 2021.

The moment that the OPP failed to recognize the mechanism of decision-making that binds a First Nation to business, that being the decisions of a quorum of Council members, they essentially stripped the authority away from Chief King and gave that authority to Counc. Wigwas – who had instructed the OPP that he was not permitting the disconnection to proceed. HydroOne staff felt unsupported by the OPP as the situation continued and HO opted to leave KZA citing fears for their personal safety.

A realization came that the Rule of Law in KZA (the concept that no ONE person is above the law and that the processes, institutions, practises and norms that address the way that any community is governed are followed) was essentially lost. Counc. Wigwas and the OPP had superseded the authority given to Chief King and the quorum of Council that was given them through the democratic electoral process.

Chief King began to make telephone calls to his legal counsel and to each of the Councillors to explain the situation and to discuss options. When he reached the number required to have a quorum of like-minded Councillors who supported his proposal as to the path forward, he instructed administration staff to execute the associated operational needs. The Chief confirmed with KZA legal counsel with the instructions to proceed to court to obtain injunctions that clarified who/how decision-making authority is defined in KZA.

Knowing now that the OPP was ready to take instruction from one singular Council member rather than the whole Council, Chief King understood that he was now in a position in which he could not assure the physical safety of community members/residents, staff or resources persons (project contractors, nurses, etc).

It is important to view Chief's position on this matter in context of the most recent stances taken by Counc. Wigwas regarding community safety.

At the end of September, Council met on an Emergency basis to address the armed threat made by a KZA member on a Health Canada nurse in a Gull Bay Treatment room. A knife was pulled on a nurse by an intoxicated GB member who vocalized to her that he intended to harm her and that

she should be very afraid. Thankfully, the situation was defused without physical injury, but given what has been circulating in the media at that time as to the mass killings in James Smith Cree First Nation, the nurse was obviously traumatized. Administration of KZA worked closely with ISC Health Canada headquarters and their regional office personnel to address the security issues and to seek a healing path forward that would ensure that nursing services in Gull Bay would continue.

At the Emergency Council meeting to discuss what needed to be done to offer those assurances to Health Canada, Council. Wigwas not only voted against the proposed security precautions to solidify nursing services, but also vocalized his feeling that the pulling of a knife and verbalization of threats were just the acts of a drunk and weren't as serious as administration staff and Council was making it out to be. This was extremely concerning to many, if not all, present at the meeting.

So now, given the background on Council. Wigwas' stance on what is required to maintain community safety and given that the OPP had knowingly opted to take the decision of Hubert Wigwas, Chief King proceed with the path forward as presented by his legal counsel AND as supported by a quorum of Councillors polled during his telephone calls.

What does this mean?

Since it was strongly felt that the safety of members, staff, contractors and resource persons could no longer be assured, all FN buildings were directed to be closed and all activities, programs and agency services were cancelled until further notice, resuming again after community safety issues are resolved.

KZA legal counsel is headed to court to receive an injunction to clarify and direct both OPP and Council. Hubert Wigwas to cease and desist from their inference into the quorum-governed Council decisions and administrative staff's execution of those instructions.

Why all the 'confusion'? There are a couple of very important details that those who are choosing to head to social media are purposefully excluding – no doubt because it would harm the presentation of 'their reality'.

Please keep in mind that, in accordance with Federal Regulations, no singular person can 'own' land/property or housing in the First Nation community. In KZA, there is only 1 home that has a Certificate of Possession (which is neither ownership nor license of occupation).

Land is held in collective for the benefit of ALL registered members of the FN. There are no titles, no lots, no ability to buy/sell land and the same goes for housing units. Simply put - members cannot 'own' land that cannot be separated from the collective parcel and they cannot 'own' a home that is built with 'FN money' for units under the care and control of Chief and Council's management.

Yet last week, as contractors attempted to lay down a rock wall to assist land occupants on both sides realize the portion of land the Council was defining for their occupation and use, one resident decided that interference, (through threats of violence, profanity and intimidation made at his neighbour, heavy equipment operators and KZA administration), was his goal. Gordon Campbell, a KZA member and sometime resident, was supported onsite on Council. Hubert Wigwas who joined in on the screaming. For two days, Gordon prevented the work to be completed and caused the FN to incur costs associated with the mobilization and demobilization of the equipment. And one can only imagine how all this chaos has made his neighbour feel.

Housing is a huge responsibility that is also in the care and control of the Chief and Council with coordination as to the management of the housing stock undertaken with Indigenous Service Canada (ISC) through project-based funding proposals and minimal/insufficient annual administrative core funding.

The housing stock is managed through an inventory which attempts to find some balance between the small amount of funds provided by ISC to repair/renovate houses relative to the large financial needs to effectively maintain the units in rotation. KZA has had great success over the past 6 years in making funding applications which have seen the full replacement of 20 housing unit assets and repair/renovations to many more. But that good management requires the constant execution of the terms and reference associated with those agreements to ensure that KZA can keep successfully receiving housing money year over year.

It obviously takes a significantly less amount of money to build a house where there are already water and sewer hook ups. As such, the short-term plan of KZA has been to demolish assets on serviced lots which are beyond their life expectancy. Such houses have a repair cost that exceeds the value remaining in the asset - meaning it would take more money to bring the unit up to standard than the house is actually worth. When we demolish the asset, and report to ISC that the FN has 'lost' a home in its inventory, we are eligible to apply for funding to replace it. Taking down decommissioned assets (houses which must be removed from the FN infrastructure list) is not a hap-hazard activity. It requires both short and long-term decisions that matches up with the FN's vision on land use AND the community's execution of its housing plan.

For some members, it is a leap of faith to place their trust in Chief and Council and vacate the residence (no matter how horrible it is in condition) that they occupy to facilitate demolition and construction, but many have. In the current round of home replacement, KZA saw the pre-construction demolition of the following houses: Patrick Bouchard, Ramona Netemegesic, Joe/Charlene Tyance, Stacey Barry/LJ Shonias, Debbie Esquega. All vacating houses and finding alternate accommodations until the new manufactured home arrived to be placed onto a new foundation and hooked into utilities on those previously serviced lots.

It requires a significant amount of coordination to ensure that all proper resources are in place to affect a demolition. KZA must be certain that it has expert technicians on call and at the ready should there be any challenge during the demolition, such as a nicked water line or crushed sewer line or environmental spill. It is also good financial management and incumbent on KZA to maximize the opportunities when mobilizing heavy equipment contractors into the community. Last week's housing demolition was coordinated with a landfill rehab to get the garbage dump expanded and prepared for members use over the winter. Coordinating the schedule to prevent double or even triple mobilization costs is another method of administration being 'money smart'. KZA also must be mindful of the weather conditions making sure that potential fire hazards associated demolishing houses are thought of and that normal environmental, biological/geological conditions are considered (nesting birds, growing vegetation, etc.).

Last week, KZA administration was successful in removing only 2 of the 5 assets that were scheduled. As attempts were made to affect the remaining 3 demolitions, to keep in compliance with the funding agreements, HydroOne and heavy equipment staff were interfered with and prevented from completing their jobs. The homes which are still required to be taken down being Nora/Joe Bouchard, Kateri Rioux/Mike Nowegejik and Pamela Shonias. After the chaos caused with the OPP by Counc. Wigwas and Pam, all crews decided to cite personal safety challenges and their staff and equipment were pulled out of KZA before the demolitions were finished.

Clearing the Confusion: The Pam Shonias Home – whichever it may be

Pam shared with the OPP that she lives in the decommissioned house beside her father Melvin and has never accepted/resided the brand-new house that was unanimously voted on (at an August 5th Council meeting) to be occupied by herself, her niece and nephew. This new home is located in the subdivision which she has lived for over a year and has an active HydroOne account. The house beside her fathers has been one which had previously received a housing renovation and was noted at that time (2009) that any further requested/required repairs would bring the asset into decommissioning phase – D-list according to the KZA ISC unit management inventory.

In October 2021, after Pam had vacated the D-listed unit to move into her brand-new home in the subdivision, KZA inspected the house and indeed it was deemed to be beyond repair given the floor joists were rotten and the structural integrity was too diminished to make any further investments in the house. This inspection supported that with was conduct in the summer and was backed up by the claims made by Pam on her housing application form.

Now, further to the claim that Pam made to the OPP that she has NOT lived in the new house and only resides in the decommissioned home, she then also claimed that she had nullified her occupancy agreement on the new home and the associated authorization to demolish the 'old' home with her uncle Counc. Lawrence Shonias. Yet, no such documents exist, and no such business had been brought forward by Lawrence in the full year that all of this supposedly occurred.