

General Information Only – Not Intended as Legal Advice

TEMPLATE BCR, AS PROVIDED IN SCHEDULE P TO THE SETTLEMENT AGREEMENT

**[Name of First
Nation] Band
Council Resolution**

Approving Private Water Systems on Reserve

WHEREAS certain plaintiffs commenced a lawsuit styled as Curve Lake First Nation and Chief Emily Whetung on her own behalf and on behalf of all members of Curve Lake First Nation and Neskantaga First Nation and Chief Wayne Moonias and Former Chief Christopher Moonias on their own behalf and on behalf of all members of Neskantaga First Nation v Attorney General of Canada, Court File No. T-1673-19, in the Federal Court on October 11, 2019 (the “Federal Action”);

AND WHEREAS certain plaintiffs commenced a court action styled Tataskweyak Cree Nation and Chief Doreen Spence on her own behalf and on behalf of all members of Tataskweyak Cree Nation v Attorney General of Canada, Court File No. CI-19-01-24661, in the Manitoba Court of Queen’s Bench on November 20, 2019 (the “Manitoba Action”, and together with the Federal Action, the “Actions”);

AND WHEREAS the Actions were certified by the respective courts as class proceedings;

AND WHEREAS the Attorney General of Canada and the plaintiffs in the Actions have negotiated a settlement agreement (the “Settlement Agreement”) in respect of the Actions;

AND WHEREAS the Settlement Agreement provides that Canada shall make all reasonable efforts to ensure that Individual Class Members (as defined in the Settlement Agreement) living on Reserves (as defined in the Settlement Agreement) have regular access to drinking water in their homes, whether from a public water system or a private water system approved by a Band Council resolution including on-site systems, that meets the stricter of the federal requirements or provincial standards governing residential water quality (the “Commitment”);

AND WHEREAS *[Name of First Nation Council]* (the “Council”) wishes to approve the private water systems listed below for the purposes of the Commitment by passing this Band Council Resolution;

AND WHEREAS this Band Council Resolution is not an acknowledgment that the Council is responsible in any way for the private water systems listed below;

"BE IT HEREBY RESOLVED THAT:

1. For the purposes of the Commitment only, and without hereby confirming or accepting responsibility, the Council hereby approves the following water systems:"

a. [Identify or describe private water systems, including wells]

2. The Council hereby declares that the approval set out in Paragraph 1, above, may be revoked by the Council at any time.

3. The Council hereby declares that the approval set out in Paragraph 1, above, may be supplemented by the Council at any time to incorporate additional water systems.

4. These resolutions may be signed by the Chief and Council members in as many counterparts as may be necessary, in original or electronic form, each of which so signed shall be deemed to be an original, and such counterparts together shall constitute one and the same resolution.

The signatories below hereby certify and warrant that a quorum of Council has signed this Band Council Resolution as evidenced by their signatures below.

DATED as of the __ day of _____, 202_. _

[Insert Name Here] [Insert Name Here]

[Insert Name Here] [Insert Name Here]

[Insert Name Here] [Insert Name Here]

[Insert Name Here] [Insert Name Here]