



Department of Justice Aboriginal Law
Section
900 - 840 Howe Street
Vancouver, British Columbia
V6Z 2S9

Telephone: (604) 666-0414
Facsimile: (604) 666-5925

August 15, 2019

JFK Law Corporation
340 – 1122 Mainland Street
Vancouver, British Columbia
V6B 5L1

Attention: Karey Brooks

Dear **Ms. Brooks**:

Re: Da'naxda'xw First Nation
Our File: 4285020

Thank you for your letter of July 24, 2019 addressed to al-Qamar Sangha, Funding Services Officer, Indigenous Services Canada. I have reviewed the letter with my client, Indigenous Services Canada (ISC).

From your letter, we understand that there is a dispute regarding the leadership and governance of the Da'naxda'xw First Nation. We understand that your client is of the view that Chief Billy Peters, Chief Norman Glendale and Chief Robert Duncan do not have authority for administration of the Da'naxda'xw First Nation.

ISC's understanding is that the Hereditary Chiefs Council has been working to develop a governance code for the Da'naxda'xw First Nation and has been acting as "council of the band", as defined in the *Indian Act*. This understanding is based on the following information:

1. A Hereditary Chiefs Council was formed in 2017 for the purpose of developing a governance code for presentation to the Da'naxda'xw First Nation membership.
2. The Hereditary Chiefs Council was comprised of Chief Gordon Glendale, Chief Billy Peters, Chief Norman Glendale and Chief Robert Duncan.
3. In August of 2018, the then band administrator of the Da'naxda'xw First Nation, Molly Dawson, informed ISC that Da'naxda'xw First Nation had decided to follow its Hereditary Governance system with leadership from four families, being Chief Gordon Glendale, Chief Billy Peters, Chief Norman Glendale and Chief Robert Duncan and that the Hereditary Chief Council had been meeting monthly for approximately a year. Molly

Dawson also informed ISC that Annie Glendale and Michael-Jacobson-West were no longer councillors of the band and had stepped aside for the Hereditary Chiefs Council.

In this regard, ISC received copies of two band council resolutions from the Hereditary Chiefs Council:

- a. dated July 7, 2019 – the Council stated that the Da'naxda'xw First Nation underwent a change in leadership with the establishment of the Hereditary Chiefs Council, effective August 1, 2017; and
 - b. dated July 5, 2019 - the Council resolved that Gordon Glendale is suspended from the Hereditary Chiefs Council until further notice.
4. Between the dates of October 15, 2018 and February 22, 2019, the Hereditary Chiefs Council acted as "council of the band" in the following matters involving ISC:
- a. the members of the Hereditary Chiefs Council, including Chief Gordon Glendale, signed five amendments to the ISC/Da'naxda'xw First Nation funding agreement;
 - b. three members of the Hereditary Chiefs Council, including Chief Gordon Glendale, signed a band council resolution dated September 18, 2018 through which the Council resolved the following:

THEREFORE, the Chief and Council request that Whe-La-La-U Area Council receive Band Support Funding as a sub-office of the Da'naxda'xw Band.

Accordingly, ISC is working with the Hereditary Chiefs Council as "council of the band" for the Da'naxda'xw First Nation. As the leadership of the Da'naxda'xw First Nation is selected by custom, ISC does not have authority to challenge information provided by the First Nation regarding leadership selection.

We understand that the authority of the Hereditary Chiefs Council has been challenged by your client. In that regard, I confirm that ISC has received a copy of the Federal Court Notice of Application (T-1282-19) filed by William Gordon Glendale, Michael Jacobson-Weston and Annie Glendale against Bill Peters, Norman Glendale and Robert Duncan. We would appreciate notification of any order issued by the court in this matter.

Yours truly,



Cathy Figol
Counsel

- c. Al-Qamar Sangha, Funding Services Officer, ISC
Angela McCarthy, Director, Funding Services, ISC
James Moxon, Director, Community Development Directorate, ISC