

No. T-601-21
Edmonton Registry

FEDERAL COURT

BETWEEN:

VERNETTA CAMPEAU

APPLICANTS

AND:

MUSKOWEKWAN FIRST NATION BAND COUNCIL, REG BELLEROSE, LEON WOLFE JR., CALVIN WOLFE, JAMIE WOLFE, CYNTHIA DESJARLAIS, ERNEST MOISE, HOLLY GEDDES, TERRYOLE WOLFE, KAREN MARIE DESJARLAIS, and the ATTORNEY GENERAL OF CANADA

RESPONDENTS

AFFIDAVIT OF CHIEF REGINALD BELLEROSE
Sworn / Affirmed May 19, 2021

I, Chief Reginald Bellerose, of Muskowekwan First Nation, in the Province of Saskatchewan, make oath / affirm and say:

1. I am the Chief of Muskowekwan First Nation (“MFN”). As a result, I have personal knowledge of the facts and matters hereinafter deposed to, except where stated to be based on information and belief, and where so stated, I believe the same to be true.
2. I have served as Chief of MFN since February 28, 2005.
3. As indicated in the Affidavit of Jamie Wolfe sworn May 19, 2021 (the “Wolfe Affidavit”), MFN Chief and Council (the “Council”) were made aware between March 23 and 25, 2021 of an increased risk of transmission of COVID-19 variants of concern in Regina, Saskatchewan and its surrounding area and an outbreak of COVID-19 cases, including variants of concern, on MFN’s reserve.

4. Regina is close to MFN and many members travel to Regina for work, appointments, and to buy groceries and other supplies. Accordingly, these variants were of significant concern to Council and many MFN members with whom I discussed COVID-19 and our upcoming election.

5. MFN takes the health of its membership seriously. During my time as Chief, I have ensured that Council has always considered the safety of the community and membership in our various decision-making processes. To my recollection, MFN has never experienced a public health situation such as the one that we are currently dealing with.

6. At the March 27, 2021 and March 29, 2021 emergency Council meetings outlined in the Wolfe Affidavit, Council engaged in discussion regarding the health risks in the community posed by the outbreak of COVID-19. Each Councillor had an opportunity to discuss their position on the health risks presented to the community in light of the April 4, 2021 MFN election, based on their own consultations and discussions with membership.


7. The decision was made at the March 29, 2021 meeting by a vote of 5-4 to cancel the election and extend Council's term for a period of ninety (90) days in accordance with the Regulations. The Councillors split the vote with four (4) Councillors voting in favour of postponement and four (4) Councillors voting in favour of cancellation. As Chief, if there is a tie vote between the Councillors, it is my role to break the tie. In consideration of the perspectives brought forward by each Councillor and the membership that I had spoken with at the time, I provided the fifth vote for cancellation.

8. Preceding the election, I was in contact with numerous MFN members, including family heads or representatives of various families in the months preceding the election regarding the increasing numbers of COVID-19 in the community. These conversations with MFN membership helped form my decision to vote to extend Council's term and cancel the election in order to preserve the safety of our community.

9. The decision to cancel the election has allowed our community with the appropriate time to deal with the outbreak, to vaccinate membership further, and afford candidates that were unable to fully campaign because of COVID-19 restrictions or illness the opportunity to do so.

10. I swear this Affidavit in support of the response to the Motion for Interlocutory Injunction brought by Vernetta Campeau and for no other or improper purpose.

SWORN (OR AFFIRMED) BEFORE ME)
at Saskatoon, Saskatchewan)
this 19th day of May, 2021)


A Commissioner for Oaths for Saskatchewan
Being a Solicitor


CHIEF REGINALD BELLEROSE

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Name of firm: McKERCHER LLP
Name of lawyer in charge of file: Nikita B. Rathwell / Lorne R. Fagnan
Address of legal firm: 374 – 3rd Avenue South
Saskatoon SK S7K 1M5
Telephone number: 306-653-2000
Fax number: 306-653-2669
E-mail address: n.rathwell@mckercher.ca / l.fagnan@mckercher.ca
File number: 29851.98