

**MISSISSAUGAS OF THE NEW CREDIT FIRST NATION
EDUCATION & SOCIAL SERVICES COUNCIL**

PUBLIC MINUTES

Monday, August 10, 2015

Start 9:30 am

Finish 4:40 pm

Chief Councillor

Bryan LaForme (Away on Council Business)

Councillor

Erma Ferrell

Councillor

Arland LaForme

Councillor

R. Stacey Laforme

Councillor

Larry Sault

Councillor/Chair

Clynten King

Councillor

Cecil Sault

Councillor

Sharon Bonham

Executive Director

Cynthia Jamieson

Recorder

Charlotte Smith

Education Director

Amanda Sault

Communications Director

Deanna Dunham

Mackie Research Capital Corporation

Joseph Debus and Scott Barker

Guest

Abby Bushby

Band Members

Max King, Kim Sault and Carolyn King

AGENDA ITEM NO. 1 – OPEN MEETING

Chair/Councillor Clynten King opened the meeting at 9:30 am. Chief Bryan LaForme is in Mississauga attending the metal presentations for the Parapan Games.

AGENDA ITEM NO. 2 – REVIEW AND ACCEPT AGENDA

MOTION NO. 1

MOVED BY CECIL SAULT

SECONDED BY LARRY SAULT

That the MNCFN Education & Social Services Council accepts the Agenda with the additions, deletions and changes:

Agenda Item No. 5 – Has been moved In-Camera;

Agenda Item No. 6 – Has been moved In-Camera;

Agenda Item No. 7 – Has been moved In-Camera;

Agenda Item No. 16a) – ATR – Appointment with Six Nations;

Agenda Item No. 16b) – Request from Councillor regarding McMaster Meeting of August 24th – (SB);

Agenda Item No. 16c) – Wrap-Up of “You Are Welcome” – (LS);

Agenda Item No. 16d) – Climate Change (Agenda Item No. 14 was moved here) (LS)

Agenda Item No. 16e) – Brenda Mitten Quote (Chief & Council Pictures) (EF);

Agenda Item No. 22b) – In-Camera Item;

Agenda Item No. 22c) – In-Camera Item;

Agenda Item No. 22d) – In-Camera Item.

Carried

AGENDA ITEM NO. 3 – REVIEW & ACCEPT THE JULY 13, 2015 EDUCATION & SOCIAL SERVICES COUNCIL (PUBLIC) MINUTES

MOTION NO. 2

MOVED BY ERMA FERRELL

SECONDED BY R. STACEY LAFORME

That the MNCFN Education & Social Services Council accepts the Education & Social Services Council (Public) Minutes of July 13, 2015.

Carried

AGENDA ITEM NO. 4 – MATTERS ARISING FROM THE MINUTES

AGENDA ITEM NO. 4a) – Letter was sent to Dave Levac and signed by the Chief (This was Agenda Item No. 19, Direction No. 9).

AGENDA ITEM NO. 4b) – Letter was sent to Christy Sheppard, Manager of Court Operations declining their request for the Band Membership List for Jury Rolls.

Council acknowledged above letters.

DIRECTION NO. 1

That the MNCFN Education & Social Services Council gives direction to the Executive Director that the acronym MNCFN will be changed to the word “Territory” in all future correspondence, documents etc.

AGENDA ITEM NO. 5 – IN-CAMERA ITEM - LSK EDUCATION AUTHORITY REVIEW

This Item has been moved to the In-Camera section.

AGENDA ITEM NO. 6 – IN-CAMERA ITEM - RECOMMENDATION TO HIRE – LSK TEACHER CONTRACT UP TO 5 YEARS & 10 MONTH CONTRACT EDUCATIONAL ASSISTANT

This Item has been moved to the In-Camera section.

AGENDA ITEM NO. 7a) - IN-CAMERA ITEM - RECOMMENDATION TO HIRE – LSK 4 MONTH CONTRACT – EDUCATIONAL ASSISTANT

This Item has been moved to the In-Camera section.

Council moved to Agenda Item No. 10 while waiting for Mackie Research Capital Corporation.

SOCIAL & HEALTH SERVICES

AGENDA ITEM NO. 10 – FYI REGARDING LOW INCOME DENTAL INTEGRATION IMPLEMENTATION

Executive Director informed that this is considered an FYI as First Nations were not consulted.

It was noted by the SHS Director that there was an engagement session with the Ministry of Health in conjunction with the Ministry of Community & Social Services wherein the SHS Director and Councillor Sharon Bonham attended in Sault Ste. Marie. It was noted at the meeting that Ministry reps admitted that they failed to engage First Nations in these discussions and committed themselves to formally respond to First Nations' concerns. As of today's date there have been no updates.

Councillor suggested that SHS Director write a letter to say that First Nations have to be included in the discussions and give the background information. However, another Councillor advised that the Political Confederacy/Chiefs of Ontario should be writing this letter.

It was pointed out that the government has not changed its attitude toward First Nations. When the federal government offloads its responsibility to the province, in all likelihood, First Nations will have to pay for their own dental. Councillor noted that this is a cautionary political issue.

Direction was given to Chief Bryan LaForme and Councillor Larry Sault to arrange a meeting with Chief Isadore Day (Chiefs of Ontario) to discuss the political process at the regional and national levels.

DIRECTION NO. 2

That the MNCFN Education & Social Services Council gives direction to Chief Bryan LaForme and Councillor Larry Sault to contact Chief Isadore Day to arrange a meeting wherein Council would like to discuss the political process at the regional and national levels. And further Council would like to discuss the administrative representation at various Ministerial tables (example: Ministry of Environment, NIHB etc).

Council moved back to Agenda Item No. 8 as Mackie Research Capital Corporation guests have arrived.

OTHER/NEW BUSINESS

Joseph Debus and Scott Barker in at 10:38 am.

AGENDA ITEM NO. 8 – GUESTS – MACKIE RESEARCH CAPITAL CORPORATION TO GIVE PRESENTATION ON REVISION TO SERVICE AGREEMENT

Joseph Debus handed out copies of the Revised Addendum to the Service Agreement. There is one small change. Under Appendix B instead of an hourly rate it will be the same fee structure as Peace Hills Trust. See below:

APPENDIX B

(1) Fees for Service Arrangement: Sections 1.1 – 1.5 of Appendix A

Services included under this fee arrangement are as identified in Sections 1.1 to 1.5 in “Appendix A” above. Our fee is represented in 2 parts. (a) An annual fee for services rendered, payable monthly. (b) As a percentage of assets under supervision (alternative investments) and includes all normal expenses (including travel costs) and is charged in arrears on a quarterly pro-rata basis per the following schedule:

Our annual fee for services, payable monthly is based on the average market value of the Trust Property and shall be payable at the following rates:

0.35 of 1% on the first \$10,000,000
0.22 of 1% on the next \$10,000,000
0.10 of 1% on the balance
Subject to a minimum fee of \$25,000.00

(2) Fee based on Alternative Investments

Under the Alternative Investment Category,

The First \$11,000,000 will be 30 basis points or 0.30 of 1% per annum
The Next \$10,000,000 will be 5% per annum.

Joseph pointed out that this will save the First Nation \$35,000.00 to \$50,000.00 per year. This Service Agreement is only for the investments, and not for the Numbered Company, and Solar Projects.

Councillor Larry Sault suggested that he and the DSED will go through the invoices and sort out which ones are for the Trust and which ones are for Chief and Council projects. Hopefully this will improve deficiencies and decrease costs.

Joseph informed that Paymobile is going public in the fall. Empire Global is doing very well. Regarding Weed MD, an update will be brought to the next meeting.

A copy of the Service Agreement will be given to the Finance Director and Chief and Council.

Joseph Debus and Scott Barker were thanked for their presentation and left at 10:50 am.

AGENDA ITEM NO. 9 – MACKIE RESEARCH CAPITAL CORPORATION – REVISED INVOICE (BACK-UP TO FOLLOW) (DSED)

This item is deferred until DSED and Councillor Larry Sault get together to discuss this issue and bring an update to Council.

Council moved to Agenda Item No. 11.

SOCIAL & HEALTH SERVICES (CONT'D)

AGENDA ITEM NO. 11 – REQUEST TO PARTICIPATE IN THE REGIONAL HEALTH SURVEY

Executive Director explained that this was a federal initiative. Participating in this survey has the potential to create two jobs for Band Members. Councillor noted that the SHS Director does not interact with the Chiefs of Ontario on a regular basis.

It was also pointed out that dental and oral health is not included in this survey.

MOTION NO. 3

MOVED BY LARRY SAULT

SECONDED BY ARLAND LAFORME

That the MNCFN Education & Social Services Council agrees to participate in Phase Three of the Regional Health Survey (Health Canada). This is inclusive of entering into a Letter of Agreement with the Chiefs of Ontario outlining project fees and expenses, information on how the MNCFN is to retrieve their data, and a payment schedule.

Carried

2nd Reading Waived

AGENDA ITEM NO. 12 – OTHER/NEW BUSINESS

There was no Other/New Business.

OTHER/NEW BUSINESS (CONT'D)

Max King and Kim Sault in at 11:00 am.

AGENDA ITEM NO. 13 – GUEST LESLEY HARRIS ON A SKYPED CONVERSTION – COPYRIGHT LAW

Instead of this being a skyped conversation it was a telephone conference call. Councillor Erma Ferrell took the lead in the conversation with Lesley Harris. Councillor called Ms. Harris at 11:03 am and introduced Council and everyone else in the room.

Councillor Larry Sault requested a description of Ms. Harris' background to which she answered that she is a non-practicing copyright lawyer; she is a graduate of Osgoode Hall in Toronto and she has written four books on copyright law.

Ms. Harris stated that the copyright ownership of the Mural resides with the people (owners/artists) who created it.

Band Members Kim Sault and Max King can distinguish who drew the Mural. The upper parts are done by Phil Cote and two others, and the lower parts are done by Tracey Anthony and four students who assisted him.

Band Member Carolyn King pointed out that a funding application was sent to the government, but the government rejected it because the release that the artists had signed was not the proper documentation that was required.

Band Member Max King informed that the artists were paid a fee for service in exchange for the sketches which then belonged to Council. The First Nation owned the images and signed a service agreement to this effect. Ms. Harris stated that she would need copies of these agreements. Max stated that he turned them over to the Education Office. He further stated that the word "copyright" was never used in any agreements.

Ms. Harris stated that she will need a clear understanding of who owns the Mural as the artists may still own the copyright. She questioned if the Band was acting as owner. If ownership has never been transferred to the Band this can be done now.

Max informed that when Phil Cote did an expose of his work he asked for permission to use the sketches for an exhibition in Durham Region and permission was granted.

Abby Bushby in at 11:30 am.

Ms Bushby questioned how distinct the images were.

Ms. Harris stated that the role of the storyteller is partly a spiritual responsibility. One would have to think of the Mural as a whole story. Ethical concerns are sometimes hard to capture. There is also the moral obligation in that the reputation of the artists not be harmed.

Communications Director informed that the agreement could be done retroactively.

Kim Sault requested that the students who worked on the Mural also have copyright protection as they created a book with 18 chapters.

Ms. Harris stated that she only wants to solidify the intent.

Councillor Erma Ferrell advised that she will get the brochure (all information is included in this brochure) from Kim Sault and will also obtain the paper work from the LMR Office.

It was noted by the Communications Director that legal requirements are necessary for employees taking pictures.

Councillor Ferrell stated that Council would wait for the answers from Ms. Harris in writing.

DIRECTION NO. 3
That the MNCFN Education & Social Services Council gives direction to Councillor Erma Ferrell to look for all copies of original documentation and the CD that was prepared with regard to the Mural and copyright law.

Max King, Kim Sault, Carolyn King and Abby Bushby out at 12:05 pm.

LUNCH BREAK 12:05 TO 1:00 PM

AGENDA ITEM NO. 14 – CLIMATE CHANGE – CAP & TRADE (BACK-UP TO FOLLOW) (DSED)

This item was combined with Agenda Item No. 16d). Councillor Larry Sault will address both items.

AGENDA ITEM NO. 15 – MOTION NO. 9 FROM INFRASTRUCTURE & DEVELOPMENT COUNCIL MEETING OF AUGUST 4, 2015 COMING BACK FOR 2ND READING (BRIDGE 16 REHABILITATION)

MOTION NO. 4

MOVED BY CECIL SAULT

SECONDED BY SHARON BONHAM

That the MNCFN Infrastructure & Development Council agrees with Option No. 5 below:

Close the road and complete the bridge deck repairs leaving the guiderails in place. (this will help eliminate the cost for temporary traffic lights and guiderails) If the concrete has sufficient capacity by August 22, 2015, two lanes of traffic can be opened for the Pow Wow at no additional cost to MNCFN. Your savings would be **\$12,000.00**. In the event, the concrete does not have sufficient capacity only one lane of traffic will be opened to the public and it would cost \$1,500-\$2,000. Your savings would be **\$10, 500.00-10,000.00**.

Opposed: Councillor R. Stacey Laforme – there are no timelines in place for public notice of road closure; Councillor Arland LaForme – opposed; Councillor Erma Ferrell – concerned about safety and emergency response; Councillor Larry Sault – opposed.

Motion Defeated

NOTE: Status quo is now open to one lane.

AGENDA ITEM NO. 16a) – ATR – APPOINTMENT WITH SIX NATIONS

An email was received from a Six Nations employee requesting a meeting with MNCFN regarding the ATR process. MNCFN has given Six Nations plenty of time in which to meet. There has been no response from Six Nations until very recently. MNCFN is not in agreement to meet with Six Nations any longer, as Six Nations has been given three extensions by AANDC.

It was agreed that the Executive Director would contact Brian Finnigan (Legal Counsel) to write a strongly worded letter to Sean Thompson at AANDC declining any further meeting with Six Nations.

DIRECTION NO. 4

That the MNCFN Education & Social Services Council gives direction to the Executive Director To contact Brian Finnigan (Legal Counsel) and request that he draft a strongly worded letter to Sean Thompson at AANDC regarding the ATR and meeting with Six Nations. Wording in the letter will include, for example, New Credit has lost patience with Six Nations and AANDC (INAC); Six Nations does not have veto power; there have been repeated attempts on New Credit's behalf to do due diligence.

AGENDA ITEM NO. 16b) – REQUEST FROM COUNCILLOR REGARDING McMASTER MEETING OF MONDAY, AUGUST 24, 2015

NOTE:

It was agreed that Chief Bryan LaForme would attend the meeting scheduled for Monday, August 24, 2015 at the New Credit Community Centre regarding McMaster Children’s Hospital coming to make an apology to Band Members (Ken & Sonya Sault). It is further agreed that Councillor Sharon Bonham will attend as a Band Member to support the family. However, if she is needed for quorum she will attend the Executive Finance Council Meeting scheduled the same day. It is further agreed that Council will not be responsible to pay for the lunch at the Community Centre.

It was agreed that the Executive Director would contact Katherine Hensel (Legal Counsel) and inquire if Chief and Council should be attending the meeting and whether this would have a negative impact.

DIRECTION NO. 5
That the MNCFN Education & Social Services Council gives direction to the Executive Director to contact Katherine Hensel (Legal Counsel) and inquire as to whether Chief and Council should be attending the above meeting and whether or not it would have a negative impact.

AGENDA ITEM NO. 16c) – WRAP-UP OF “YOU ARE WELCOME” (LS)

Councillor Larry Sault informed that the wrap-up of “You Are Welcome” is scheduled for Friday, August 14, 2015 at 5:00 pm at the Paint Box Bistro, 555 Dundas Street East, Toronto. The Chief and as many Councillors as possible will attend. The hotels rooms are booked for Chief and Council as the next day (Saturday) is the closing ceremonies for the Parapan Games.

AGENDA ITEM NO. 16d) - CLIMATE CHANGE UPDATE (AGENDA ITEM NO. 14 WAS MOVED HERE) (LS)

Councillor Larry Sault attended a Climate Change Meeting and presented an overview of the meeting. The Climate Change/Cap & Trade is moving very quickly and the Ministry of Environment does not want to include New Credit. New Credit is being left out of the loop and we cannot continue to allow this to happen. There is a UN Conference on Climate Change in Paris the last week of November and the first week of December 2015. Prior to this meeting Councillor Sault is suggesting that MNCFN host an International Indigenous Knowledge Conference and call it “Reclaiming Our Stewardship Jurisdiction”. Analysis of the 42 page document is required along with a budget for this conference. DSED will be included as this is an economic development initiative. Speakers for this conference could include Harvey Yes/No, Warren White, Dean Jacobs, Don Richardson, Gord Peters and Wilton Littlechild.

DIRECTION NO. 6
That the MNCFN Education & Social Services Council gives direction to Councillor Larry Sault to form a Climate Change Strategy Group that will develop an Indigenous Knowledge Conference to prepare for the COP (Conference of Parties) 21 in Paris on Climate Change. This meeting in Paris is scheduled for the last week of November and the first week in December 2015.

AGENDA ITEM NO. 16e) - BRENDA MITTEN QUOTE FOR CHIEF & COUNCIL PICTURES

Councillor Erma Ferrell informed that Brenda Mitten has cut her estimate in half and has decided to charge \$700.00 instead of the \$1,425.00 she originally charged.

MOTION NO. 5

MOVED BY CECIL SAULT

SECONDED BY ARLAND LAFORME

That the MNCFN Infrastructure & Development Council approves the lowest quote submitted by Brenda Mitten in the amount of \$700.00 (Seven Hundred Dollars). Dollars will be expensed to the Enterprise Fund.

Carried

2nd Reading Waived

Council moved to an In-Camera session at 3:18 pm.

