

**MISSISSAUGAS OF THE NEW CREDIT FIRST NATION
INFRASTRUCTURE & DEVELOPMENT COUNCIL
PUBLIC MINUTES
Monday, January 5, 2015**

Start 9:00 am

Finish 4:45 pm

Chief Councillor

Bryan LaForme (Sick)

Councillor/Chair

Erma Ferrell

Councillor

Arland LaForme

Councillor

R. Stacey Laforme

Councillor

Larry Sault

Councillor

Clynten King

Councillor

Cecil Sault

Councillor

Sharon Bonham

Executive Director

Cynthia Jamieson (Excused)

Executive Assistant

Deb Aaron

Recorder

Charlotte Smith

Director SED

Kevin Wassegijig

LMR Director

Margaret Sault

PW Director

Barbara Hill

HR Manager

Caitlin Montgomery

AGENDA ITEM NO. 1 – OPEN MEETING

Councillor/Chair Erma Ferrell opened the meeting at 9:00 am. Chief Bryan LaForme is away sick. Executive Director has been excused. LMR Director in at 9:00 am.

Chair introduced Caitlin Montgomery who is the new Human Resources Manager and today is her first day at work. She gave a brief overview of her previous work experience.

AGENDA ITEM NO. 2 - REVIEW & ACCEPT AGENDA

MOTION NO. 1

MOVED BY CECIL SAULT

SECONDED BY SHARON BONHAM

That the MNCFN Infrastructure & Development Council accepts the Agenda with the following additions and one deletion:

- Agenda Item No. 4a) – Community Centre – Comments from Councillor Erma Ferrell;
- Agenda Item No. 6a) – Amended Letter from AANDC regarding ATR;
- Agenda Item No. 6b) – Matrimonial Real Property – Further Discussion;
- Agenda Item No. 8a) – Green Space (EF);
- Agenda Item No. 12 – Deleted;
- Agenda Item No. 18b) – Purchase of Eagle (CS);
- Agenda Item No. 20a) – In-Camera Item;
- Agenda Item No. 20b) – Update on PAGES (RSL).

Carried

**AGENDA ITEM NO. 3 – REVIEW & ACCEPT INFRASTRUCTURE & DEVELOPMENT
COUNCIL PUBLIC MINUTES OF MONDAY, DECEMBER 1, 2014**

With regard to Page 4 – Motion No. 5: LMR Director informed that she sent the BCR to Brian Hay to get some dates to do a mock signing media event between Summerhaven Wind LP and MNCFN.

Regarding Page 7 - Motion No. 9: Councillor questioned whether or not these two employment positions (MRP Coordinator and Assistant) should be reconsidered.

Page 12 – Agenda Item No. 14 – second paragraph – Councillor questioned the Quota Cigarettes and what does this mean to the First Nation. This is an external political issue. As First Nations how do we deal with the Quota? This will be an Agenda Item for the next Strategy Meeting of Chief and Council.

MOTION NO. 2

MOVED BY LARRY SAULT

SECONDED BY SHARON BONHAM

That the MNCFN Infrastructure & Development Council accepts the Infrastructure & Development Council Public Minutes of Monday, December 1, 2014.

Carried

AGENDA ITEM NO. 4 – MATTERS ARISING FROM THE MINUTES

There were no Matters Arising from the Minutes.

AGENDA ITEM NO. 4a) – COUNCILLOR ERMA FERRELL – COMMENTS ON COMMUNITY CENTRE OVER THE HOLIDAYS

Councillor Erma Ferrell commended the staff over the Christmas holidays. Councillor Ferrell's Mom passed away and the Reception was held at the Community Centre. Everything went smoothly and all the staff went above and beyond the call of duty.

LANDS, MEMBERSHIP & RESEARCH

AGENDA ITEM NO. 5 – CONSULTATION & ACCOMMODATION DEPARTMENT – TRANSITION PLAN

LMR Director highlighted her Briefing Note on the Transition Plan of the new office of Consultation and Accommodation whose new office is at the former Royal Flush offices.

Regarding Recommendation #2, Councillor questioned why the funds would be coming out of Casino Rama instead of the Consultation and Accommodation budget.

Another Councillor suggested putting this item on hold until the next Council meeting (Education & Social Services Council meeting on Monday, January 12, 2015). The HR Manager is here now and she can have a look at this and make a recommendation.

It was agreed that DSED, Councillors Larry Sault, R. Stacey Laforme, and Erma Ferrell will meet with the new staff in the Consultation & Accommodation Office and welcome them.

LMR Director pointed out that this is a transition period now, and the biggest item is Enbridge. She agrees that Carolyn King should be hired for one month to get the new staff acquainted with some of the projects they will be working on. It will take some time because the staff has to be updated. Other projects have to be looked at such as the Moccasin Identifier. There will be another Review Committee meeting on either January 20 or 21st.

Councillor questioned the LMR Director on how the transition was going to happen. He wanted to start now and get everything straightened out today.

Councillor stated that his issue is leadership as he believes that the LMR Director should be doing what Carolyn King would be hired to do. He also reminded Council that the discussion is hiring someone and the HR Manager is sitting here in the meeting.

Councillor reiterated that this is a good example of not following the methodology of Project Management, and if this were followed, the transition would occur more smoothly.

Councillor questioned the mandate, structure, objective, vision and philosophy. LMR Director stated it is a function of Chief and Council to set a mandate.

MOTION NO. 3

MOVED BY CLYNTEN KING

SECONDED BY CECIL SAULT

That the MNCFN Infrastructure & Development Council approves the hiring of Carolyn King for the purpose of transition of knowledge and becoming familiar with the projects that are currently being worked for a period of one month beginning January 5, 2015 to January 30, 2015 @ \$30/hr. x 37.5 hours x 4 weeks = \$4500.00 and \$1000.00 travel to be funded from the Consultation & Accommodation Department Budget.

Opposed: Councillors Sharon Bonham, Larry Sault and Arland LaForme.

In Favour: Councillor R. Stacey Laforme, Clynten King and Cecil Sault.

Chair/Councillor Erma Ferrell voted opposed.

Motion was Defeated

NOTE: This item will be put on the Agenda for Education & Social Services Council dated Monday, January 12, 2015.

This item will come back to Education & Social Services Council meeting for further discussion and review.

AGENDA ITEM NO. 6a) – AMENDED LETTER FROM AANDC REGARDING ATR

Brian Finnigan (Legal Counsel) takes care of the ATR's and Executive Director takes care of the file. Direction was given to the Executive Director to bring an update to Chief and Council regarding the ATR process.

DIRECTION NO. 1

That the MNCFN Infrastructure & Development Council gives direction to the Executive Director to provide an update on the ATR process (copy of letter from AANDC to Chief Ava Hill dated December 30, 2014 is attached).

AGENDA ITEM NO. 6b) – MATRIMONIAL REAL PROPERTY – FURTHER DISCUSSION

Councillor is part of the Matrimonial Real Property Committee. She informed that there was a meeting in May but the Committee was moving very slowly and did not meet the deadline. Chief and Council approved the Job Descriptions.

LMR Director reiterated that the provincial guidelines are now in place i.e. transfer of land and if there is a dispute the OPP can intervene. She advised that the Committee has a Draft prepared. But, she would like to implement traditional laws in the present Matrimonial Law. A spouse cannot own the land but would have an interest in same.

Councillor stated he has difficulty with the process and regrets that 100 pages of the Zoning By-Law that has been put in place. He suggested getting rid of the MRP.

On another note Councillor stated that Chief and Council do not even have a Constitution, and perhaps Justice Harry LaForme could assist Chief and Council to provide same.

This item will be discussed at the next Strategy Meeting of Chief & Council on January 19, 2015 at Community Centre. Other possible Agenda Items for this meeting are Pay Scales of staff; Mississauga Nationhood; Job Descriptions; PAGS; Comprehensive Community Plan etc.

LMR Director out at 10:34 am.

PUBLIC WORKS

PW Director in at 10:50 am.

AGENDA ITEM NO. 7 – 2013 TOM HOWE LANDFILL SITE (THLS) ANNUAL MONITORING REPORT

PW Director highlighted her Briefing Note. This report is done every year by Wilf Ruland.

Councillor questioned the smell of the dump and whether or not anything can be done. PW Director informed that the gases should be less and less now, but she will clarify with Wilf. PW Director has not yet been notified by Mr. Ruland regarding the actual date of the closing of Tom Howe Landfill Site (THLS). She also informed that a new list has been established of what THLS will be used for. She advised that she sent submitted a proposal to AANDC for \$25,000.00 for the closure. Stephanie Allen is well aware of the deadline date.

Councillor pointed out that the air is becoming an issue, and no one is complaining. He feels something should be done such as the Chief writing a letter complaining about the smell. The odor is shifting and is stronger. At the last CLC meeting Councillor stated that there are complaint forms that can be utilized. He also suggested an Information Session for Chief and Council regarding the collection of garbage once the THLS closes.

It was suggested by a Councillor that this could turn into a serious business opportunity. For example, a Transfer Station and take advantage of an economic perspective on solid waste and recycling. PW Director noted that this is being considered but would have to be a partnership. The agreement that is currently in place states that MNCFN gets 200 tonnes for free and that is a huge cost saving.

PW Director will set up a meeting and has invited senior staff from LSK and Day Care to be on the Committee. LSK is considered a “Green” school and has won an award. PW Director will let the Chairs of Infrastructure & Development Council know the date of the meeting.

MOTION NO. 4

MOVED BY R. STACEY LAFORME

SECONDED BY LARRY SAULT

That the MNCFN Infrastructure & Development Council accepts Wilf Ruland’s report and recommendations as outlined in his correspondence dated December 11, 2014, in regards to the 2013 Annual Monitoring Report of the Tom Howe Landfill Site as prepared for Haldimand County by SPL Consultants Limited, 51 Constellation Court, Toronto, ON M9W 1K4; and further, agrees to forward under Chief Bryan LaForme’s signature Mr. Ruland’s comments and recommendations to Haldimand County and the Ministry of Environment.

Carried

2nd Reading Waived

AGENDA ITEM NO. 8a) – GREEN SPACE

Councillor brought this item to the attention of Council With the Pan Am Games starting this year, she would like to find some dollars to create a Community Park at the apartments and landscape the grounds. Pan Am guests will be coming to visit the First Nation. PW Director informed that there is an avenue whereby Council could apply for dollars, but it would be a public park where everyone could go. Councillor suggested improvements through landscaping and the paving of the driveway at the apartments. The First Nation needs to look presentable to international guests.

PW Director pointed out that some trees were purchased from Mohawk Gardens and it was much cheaper, whereas Paul O'Hare charges \$50,000.00. PW Director will obtain more quotes.

It was suggested that a Property Development Manager should be hired to address all these issues.

PW Director stated that the Housing Department is slowly moving away from Public Works and the Housing Program Supervisor has now contracted a Janitor to clean the apartments (this is a big issue) when people move out.

Councillor pointed out that the Chippewas of Sarnia are willing to come and do a power point presentation on Property Management. He volunteered to contact them to set up a time.

It was agreed that the PW Director and HR Manager would meet and discuss staff requirements for Property Management.

DIRECTION NO. 2

That the MNCFN Infrastructure & Development Council gives the PW Director direction to obtain some quotes for beautifying the Townline Estates and paving of the driveway.

DIRECTION NO. 3

That the MNCFN Infrastructure & Development Council gives direction to the PW Director to meet with the HR Manager and provide a recommendation on staff requirements for Property Management. A recommendation will be brought back to Chief and Council after the Chippewas of Sarnia presentation has been completed.

DIRECTION NO. 4

That the MNCFN Infrastructure & Development Council gives direction to Councillor Larry Sault to contact the Chippewas of Sarnia and have them come and do a presentation to Chief and Council regarding property management, staffing and salaries.

PW Director out at 11:40 am.

ECONOMIC DEVELOPMENT

DSED in at 11:40 am.

AGENDA ITEM NO. 9 – ECONOMIC DEVELOPMENT CORPORATION

DSED stated that MNCFN has embarked on establishing a corporation intended to manage and oversee business and revenue generating activities. The target date to have the corporation established with an interim board is March 31, 2015. The Mission Statement has been prepared, however, a name for the corporation is needed. There would be a Board of Directors to govern operations, and a separate board to manage distribution of proceeds. The Board of Directors would consist of five members with expertise in business, finance, corporate law, business acquisitions, taxation etc. Garry Kissack (Legal Counsel) suggested appointing members to the Board.

Councillor suggested that one Councillor be appointed to the Board in order to report back to Chief and Council. It was noted that Chief Bryan LaForme and Councillor R. Stacey Laforme have resigned as Board members.

The ways to communicate any information to the Community are the Website, Eagle Press Newsletter and Community Meetings.

This item will come back to Chief and Council for further discussion and implementation.

AGENDA ITEM NO. 10 – WINGERS MOVE & LEASE OF INDUSTRIAL BUILDING

DSED informed that by the end of next week all the negotiations with Wingers Cabinets should be completed. The industrial section would be in the back of the building and the commercial section would be in front (Showroom).

LDM Coordinator has a list of Band Members who are qualified employees who can be employed at Winger Cabinets.

Councillor suggested rates and dates and a longer term lease should be part of the recommendation. An exit clause is also needed.

With regard to successive planning the First Nation would need to know at least six months ahead of time (should Wingers decide to vacate the premises) in order for the building to be rented.

DSED informed that Hydro recommended three internal meters and one meter outside. Each unit will pay for their own utilities. DSED contacted McKenzie Electric.

This item will come back to Regular Council on Monday, January 19, 2015 for further discussion. In the meantime DSED will continue to finalize negotiations with Wingers.

DIRECTION NO. 5

That the MNCFN Infrastructure & Development Council gives direction to the DSED to finalize negotiations with Wingers Cabinets regarding the move to the Industrial Building.

AGENDA ITEM NO. 11 – ATM AT THE PLAZA

DSED will be meeting with MTO sometime next month. There will be impacts on the ATM machine. It was suggested that this lease should now be year by year instead of a five year lease.

Councillor suggested that the First Nation should have its own bank or Credit Union. Scotiabank is now MNCFN's bank and they (Scotiabank) is donating \$100,000.00 to the Pan Am Games.

MOTION NO. 5

MOVED BY LARRY SAULT

SECONDED BY ARLAND LAFORME

That the MNCFN Infrastructure & Development Council directs the DSED to seek an additional one year extension to the CIBC Drive-Through ATM at the Plaza, effective January 5, 2015 and ending January 4, 2016.

Carried
2nd Reading Waived

NOTE:

This item will be brought forward at the October 5, 2015 Infrastructure & Development Council Meeting.

AGENDA ITEM NO. 12 – OFFICE SPACE DEVELOPMENTS – HOUSE AT WILLOW PARK PROPERTY

This item has been deleted as there is no current information available, but DSED will keep Council updated.

LUNCH BREAK 12:30 TO 1:30 PM

AGENDA ITEM NO. 13 – ABORIGINAL BUSINESS MATCH EAST

It was agreed that DSED will be participating in this Conference and will be a part of the Steering Committee.

Councillor pointed out that anytime BC is involved, be very cautious because of the Land Management Act and taxes.

MOTION NO. 6

MOVED BY R. STACEY LAFORME

SECONDED BY CLYNTEN KING

That the MNCFN Infrastructure & Development Council approves participation in ABM (Aboriginal Business Match) East and assigns DSED to the Steering Committee for ABM East 2015.

Carried
2nd Reading Waived

AGENDA ITEM NO. 14 – HR OFFICE IN PLAZA

This item will be deferred to the next Infrastructure & Development Council meeting on Monday, February 2, 2015 as there is no budget in place at the present time. (Attached is Briefing Note)

AGENDA ITEM NO. 15 – TOBACCO TAXATION

The government is now targeting wholesalers with notices of assessment from Canada Revenue Agency (CRA). This could mean that the suppliers will be cut off from supplying cigarettes to First Nations. Fall Wholesale (Mr. Hyde) had a lien put against his business and Toby's got moved to another wholesaler. Mr. Hyde is fighting this issue and believes he will win. Councillor pointed out that CRA is doing this because no one is challenging them.

It was suggested that New Credit could be its own wholesaler similar to GRE.

Councillor stated that the current system is to help a few people make money and questions why we are fighting. One answer is the First Nation should be able to sell cigarettes to whoever we want.

It was noted that the market is the non-Native community. The political issue is jurisdiction.

Councillor questioned if Chief and Council is interested in taking over the Quota.

Councillor Larry Sault has volunteered to go and speak with Mr. Hyde of Falls Wholesale and will bring information back to Chief and Council for further discussion and direction.

DIRECTION NO. 6

That the MNCFN Infrastructure & Development Council gives direction to the DSED, Councillors Larry Sault and Erma Ferrell to meet and have a discussion regarding the Quota Cigarettes. They will bring their recommendations back to Chief and Council for further discussion.

It is noted that Councillor Larry Sault will go and speak with Mr. Hyde of Falls Wholesale and the information will be brought back to Chief and Council for further discussion and review.

