

**MISSISSAUGAS OF THE NEW CREDIT FIRST NATION
INFRASTRUCTURE & DEVELOPMENT COUNCIL
PUBLIC MINUTES
Monday, January 4, 2016**

Start 9:00 am

Finish 4:15 pm

Chief Councillor

R. Stacey Laforme

Councillor

Erma Ferrell

Councillor/Chair

Arland LaForme

Councillor

Cathie Jamieson

Councillor

Casey Jonathan

Councillor

Evan Sault

Councillor

Margaret Sault

Councillor

Veronica King-Jamieson

Executive Director

Cynthia Jamieson

Recorder

Charlotte Smith

PW Director

Barbara Hill

Director of C & A

Mark LaForme

Staff of DOCA

Dale Sault, Fawn Sault, Megan DeVries

DSED

Kevin Wassegijig

A/LMR Director

Julie Laforme

Guests

Wilf Ruland, Teresa McClenaghan

AGENDA ITEM NO. 1 – OPEN MEETING

Chair/Councillor Arland LaForme opened the meeting at 9:00 am. It was requested that Councillor Cathie Jamieson begin the meeting with a prayer, which she did.

Band Member Carolyn King in at 9:05 am.

AGENDA ITEM NO. 2 – REVIEW AND ACCEPT AGENDA

MOTION NO. 1

MOVED BY MARGARET SAULT

SECONDED BY CATHIE JAMIESON

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

- Agenda Item No. 8b) – Introduction of DOCA staff to New Council;
- Agenda Item No. 9a) – Rotary International World Peace Conference (DSED);
- Agenda Item No. 9b) – Working Group for Business Development Corporation (DSED);
- Agenda Item No. 12a) – Request from Chief for Update to Election Code and Transfer Policy;
- Agenda Item No. 12b) – Back-Up Information Requested for Code of Ethics for Chief and Council (EF);
- Agenda Item No. 16a) – Presentations;
- Agenda Item No. 27a) – HR Office.

Carried

Mark LaForme (DOCA) in at 9:15 am.

AGENDA ITEM NO. 3 – REVIEW & ACCEPT INFRASTRUCTURE & DEVELOPMENT COUNCIL (PUBLIC) MINUTES FROM MONDAY, NOVEMBER 30, 2015

Councillor wanted to know the background information regarding Page 4, Motion No. 4 - Presentation on the North American Indigenous Games (NAIG). Another Councillor explained this to the new Councillor. Agenda Item No. 11d) – Ontario Cap & Trade Program was also explained to the new Councillor. On Page 10, Motion No. 12, Item No. 6 it was explained to the new Councillor that if Council would like to tour the THLS, this could be done through the PW Director. And further, PW Director and Infrastructure Manager will be touring the THLS in May of 2016. Regarding Agenda Item No. 17 – Housing New Agreement for Approval, on Page 12, it was explained to Councillor that previous Council was of the opinion that only Policies should be coming to Council. Agreements can be approved by the Executive Director since this is considered an administrative issue. Regarding Agenda Item No. 22 – Culture & Events Position – Job Description on Page 16-17 Councillor wanted to make certain that the DOCA budget was taken care of first before the monies were allocated to a different department. This item will be added to the Executive Finance Agenda on Monday, January 25, 2016 for further discussion.

Executive Director explained that there are enough dollars for the DOCA budget. The NCVGB budget has a monthly budget of \$350,000.00. She further explained that the issue with DOCA and the Finance Department accounting do not reconcile. See Direction No. 1 below. The Enterprise dollars are profits from NCVGB which are used for community projects. Chief stated that Administration should be dealing with these issues. Mark LaForme (DOCA) stated that dollars from DOCA agreements could also go to the Enterprise Fund.

Mark LaForme (DOCA) informed that Deb Richardson (Deputy Minister) would like to meet with Chief and Council on a quarterly basis. He suggested the week of February 9th and would have some Agenda Items for this meeting.

MOTION NO. 2

MOVED BY MARGARET SAULT

SECONDED BY ERMA FERRELL

That the MNCFN Infrastructure & Development Council accepts the Infrastructure & Development (Public) Council Minutes dated Monday, November 30, 2015 with noted change.

Carried

DIRECTION NO. 1

That the MNCFN Infrastructure & Development Council gives direction to Councillors Erma Ferrell and Veronica King-Jamieson, Mark LaForme of DOCA, Dale Sault (Office Manager of DOCA) and the Finance Director to review discrepancies i.e. there have been significant amounts of money not accounted for. This has been going on for not just the past year, but prior to that when the Archaeology Department was operating out of Lands, Membership and Research.

DIRECTION NO. 2

That the MNCFN Infrastructure & Development Council gives direction to the Communications Director to bring the report regarding Climate Change/Cap & Trade to the next Regular Council Meeting on Monday, January 18, 2016.

AGENDA ITEM NO. 4 – MATTERS ARISING FROM THE MINUTES

4.2 – Motion No. 11 on Page 8 – Letter addressed to Premier Kathleen Wynne regarding the Cap & Trade Program dated December 7, 2015, signed by the Chief and sent.

NOTE: The above letter was signed by Chief R. Stacey Laforme; however, the date needs to be changed. DSED and Communications Director will take care of this.

PUBLIC WORKS

Guests Wilf Ruland, Teresa McClenaghan and PW Director in at 10:05 am.

AGENDA ITEM NO. 5 – GUESTS TO DO PRESENTATION ON TOM HOWE LANDFILL SITE AGREEMENT – 200 FREE TONNES

PW Director introduced Wilf Ruland and Teresa McClenaghan (Legal Counsel from CELA (Canadian Environmental Law Association)). PW Director informed that she was hoping to have a recommendation from Council, but did not have enough time to prepare for the meeting on Friday, January 8, 2016.

Mr. Ruland congratulated new Council. He provided a handout and highlighted some information. THLS was opened by Tom Howe in 1970 and sold it to Haldimand-Norfolk in 1974. In January 2008 an Amending Agreement was reached and one of the conditions was free waste disposal for New Credit up to a limit of 200 tonnes at the successor landfill to the THLS, for the operating life of the successor landfill which is Canboro. New Credit sought further concessions in return for allowing the site to stay open, and in January 2011 an Amending Agreement was signed under the following conditions: site to be closed in accordance with a Closure Plan which had been drawn up in agreement with New Credit; the agreed end use for the site is passive open space, with New Credit having a veto over any other end use.

The current issue is that Haldimand-Norfolk now wish to renegotiate their commitment regarding the free waste disposal for New Credit up to a limit of 200 tonnes at the successor landfill. Haldimand-Norfolk decided not to go to Canboro and instead they are going to Sarnia (Twin Creeks Landfill).

Council now has to make a decision. Things to be considered are: past history of New Credit disposal tonnages; projection of future New Credit disposal needs; cost of mediation process; Haldimand-Norfolk are neighbours and long-term partners in the Water Agreement.

It is noted that Haldimand County has New Credit over the barrel regarding the Fire Agreement.

PW Director reiterated the agreement that New Credit now has with Emterra. It was pointed out that 45 households have dumpsters. It is unknown if this will increase when someone lets go of his/her dumpsters. PW Director would like to decrease the garbage from four bags to three. And further, New Credit needs to do more recycling i.e. hazardous materials, electronic waste, batteries, sharpies etc. Solid Waste includes all these things and the Community needs to be continually educated.

Teresa McClenaghan stated that the new site is more open-ended. She also noted that Haldimand-Norfolk have received a lot of benefits from New Credit. New Credit has put up with a lot i.e. landfill site gas emissions which smell bad. The 200 free tones has already been negotiated in the Amending Agreement and New Credit should ask for compliance of the Agreement. If Haldimand-Norfolk pushes further then perhaps New Credit could renegotiate the Fire Agreement.

PW Director pointed out that Jeff Oaks from Haldimand County is willing to increase the capacity for cubic meters of water.

Councillor noted that a fully functioning flare is needed at THLS. However, Mr. Ruland stated that the smell is from gas leakage out of the manholes and not the flare. It is also noted that rodents are a big issue. Mr. Ruland stated that Haldimand-Norfolk is not feeling any pressure. Formal complaints must go to the Ministry of the Environment (Provincial Negotiator). The rat issue should taper off because there is no food.

MOTION NO. 3

MOVED BY MARGARET SAULT

SECONDED BY ERMA FERRELL

That the MNCFN Infrastructure & Development Council agrees with Option No. 2 wherein the THLS Amending Agreement – November 1, 2010 (between Haldimand County, Norfolk County and MNCFN) as per Section 3.1 (200 tonnes of free landfilling) will continue to be enforced.

Carried

2nd Reading Waived

DIRECTION NO. 3

That the MNCFN Infrastructure & Development Council gives direction to the PW Director and Teresa McClenaghan (Legal Counsel) to prepare a letter to the Ministry of Environment listing a number of issues that MNCFN has with THLS, and more specific, the odors that come from THLS.

DIRECTION NO. 4

That the MNCFN Infrastructure & Development Council agrees that the discussion regarding the above Amending Agreement of THLS should be lawyer to lawyer, and that the position of MNCFN is to stay with this Amending Agreement. Teresa McClenaghan (Legal Counsel) will draft a letter saying there is no need to meet because of compliance with the current existing Agreement.

AGENDA ITEM NO. 6 – OTHER/NEW BUSINESS

There was no Other/New Business.

Guests and PW Director out at 11:20 am.

CONSULTATION & ACCOMMODATION

DOCA staff in at 11:20 am.

Mark LaForme (Director of Consultation & Accommodation) introduced his staff Dale Sault, Fawn Sault and Megan Devries to new Council.

AGENDA ITEM NO. 7 – MOTION REGARDING STATEMENT OF RIGHTS & CONCERNS TO BE READ INTO THE MINUTES

Mark LaForme (DOCA) will obtain the proper map which is the original map by Reverend Jones.

MOTION NO. 4

MOVED BY ERMA FERRELL

SECONDED BY CLYNTEN KING

That the MNCFN Infrastructure & Development Council adopts the “Mississaugas of the New Credit First Nation – Statement of Rights & Concerns” as the official, recognized and accepted Statement of Rights of the MNCFN; and further, the MNCFN Council agrees and directs that this Statement of Rights & Concerns be forwarded, without exclusivity or limitation, to all federal and provincial Crown Agencies and all corporate proponents that are contemplating, proposing, and or presently utilizing our traditional lands for development of any kind, commercial or otherwise.

Carried

2nd Reading Waived

See attached email. Mark LaForme (DOCA) prepared the above Motion and sent it via email to Chief and Council for approval and 2nd Reading.

Councillors who agreed to 2nd Reading are: Larry Sault, Erma Ferrell, Arland LaForme, Clynten King and Cecil Sault.

AGENDA ITEM NO. 8a) – NIAGARA REGION WIND FARM RELATIONSHIP AGREEMENT

Councillor pointed out that there is no map for Schedule A and B. DOCA will bring the proper map to the next Regular Council Meeting on Monday, January 18, 2016.

Chief signed two copies of the Niagara Region Wind Farm Relationship Agreement.

MOTION NO. 5

MOVED BY MARGARET SAULT

SECONDED BY CASEY JONATHAN

That the MNCFN Infrastructure & Development Council approves, for signature, the Niagara Region Wind Farm Relationship Agreement for the amount of \$120,000.00 (One Hundred Twenty Thousand Dollars) per year for 20 years commencing August 2016, as reviewed by Pape, Salter & Teillet (Legal Counsel).

Carried

2nd Reading Waived

NOTE

DOCA will obtain the proper map that goes with the above Agreement.

DIRECTION NO. 5

That the MNCFN Infrastructure & Development Council gives direction to Mark LaForme (DOCA) to bring the proper map and the Niagara Region Wind Farm Relationship Agreement back to Regular Council for further approval.

SEPARATE ISSUE

Mark LaForme handed out a Statement from Ports Toronto. He advised that Don Richardson of SVS does not need to be involved in this. DOCA has ongoing problems with Don Richardson and has scheduled a meeting with Don on Friday, January 22, 2016. It is noted that SVS did a lot for New Credit, but now New Credit has its own department of Consultation and Accommodation and Don is no longer needed. Mark will forward the email from Don to Council.

SEPARATE ISSUE

On December 21, 2015 DOCA received an email from Larry Sault and Don Richardson regarding the Darlington Nuclear Plant. Mark informed that this will negatively impact New Credit with OPG. This may impact OPG and interfere with New Credit's negotiations.

Councillor noted that at the AFN Assembly it was agreed to support the Mississauga 8 and to be supportive of other Mississauga Nations. A Direction should go to the Chief to contact the other Mississauga Nations.

DOCA out at 12:15 pm.

HOUSING

Housing Program Director did not have anything to present to Council this month.

LUNCH BREAK 12:15 TO 1:15 PM

ECONOMIC DEVELOPMENT

DSED in at 1:15 pm.

AGENDA ITEM NO. 9a) - ROTARY INTERNATIONAL WORLD PEACE CONFERENCE – WHO IS GOING?

It was agreed that Chief R. Stacey Laforme, Councillor Casey Jonathan and DSED will attend the Rotary International World Peace Conference in Ontario, California on January 16 & 17, 2016. The Office Clerk will take book the rooms and reservations etc.

AGENDA ITEM NO. 9b) – WORKING GROUP FOR BUSINESS DEVELOPMENT CORPORATION

It was agreed that the Working Group for the Business Development Corporation to approve the structure will consist of Councillors Margaret Sault, Casey Jonathan and Arland LaForme, and DSED.

SEPARATE ITEM

DSED informed that two proposals came back for the North American Indigenous Games (NAIG). He also informed that \$3.5 Million has been committed from Ontario.

DSED out at 2:00 pm.

LANDS, MEMBERSHIP & RESEARCH

A/LMR Director Julie Laforme in at 2:00 pm.

AGENDA ITEM NO. 10 – REQUEST FOR COUNCIL TO MEET WITH THE MRP COMMITTEE

It was agreed that the MRP Committee Meeting with Chief and Council will be a Special Council Meeting dated Monday, January 18, 2016 at 9:00 am at the New Credit Community Centre.

AGENDA ITEM NO. 11 – LMR CLERK – JOB POSTING

It was agreed that the Executive Director would take care of this item.

AGENDA ITEM NO. 12a) – REQUEST FROM CHIEF FOR UPDATE TO ELECTION CODE, TRANSFER POLICY & CODE OF ETHICS FOR CHIEF AND COUNCIL

It is noted that the A/LMR Director will bring the Transfer Policy and Election Code to the next Infrastructure & Development Council Meeting on Monday, February 1, 2016.

It is also noted that the Code of Ethics of Chief and Council will also be brought to the above meeting.

AGENDA ITEM NO. 12b) – BACK-UP INFORMATION REQUESTED FOR CODE OF ETHICS FOR CHIEF & COUNCIL (EF)

It was agreed that the Transfer Policy, Election Code and Code of Ethics will be put on the Agenda for Infrastructure & Development Council on Monday, February 1, 2016.

Council moved to an In-Camera session at 2:23 pm.

Council moved out of the In-Camera session at 3:30 pm.

Council moved back to Agenda Item No. 13.

OTHER/NEW BUSINESS

AGENDA ITEM NO. 13 – CONFIRMATION OF NEW COUNCIL – BCR TO BE SIGNED

MOTION NO. 18

MOVED BY CASEY JONATHAN

SECONDED BY R. STACEY LAFORME

That the MNCFN Infrastructure & Development Council authorizes the signing of the attached BCR to Peace Hills Trust that resolves:

That the Mississaugas of the New Credit First Nation Chief and Council duly elected on December 12, 2015 and having officially started their term on December 15, 2015 hereby confirm that the Members of the newly Elected Council are as follows:

Chief R. Stacey Laforme

*Councillor Margaret Sault
Councillor Erma (LaForme) Ferrell
Councillor Arland LaForme
Councillor Casey Jonathan*

*Councillor Cathie Jamieson
Councillor Evan Sault
Councillor Veronica King-Jamieson*

Carried
2nd Reading Waived

See BCR No. 2015-2016 – 148

AGENDA ITEM NO. 14 – COMMUNITY TRUST – AMENDED AGREEMENT TO BE SIGNED BY CHIEF & COUNCIL

There is an attached letter explaining the amendments as well as another letter requesting Council to sign the amended document which Chief and Council did sign.

MOTION NO. 19

MOVED BY MARGARET SAULT

SECONDED BY CATHIE JAMIESON

That the MNCFN Infrastructure & Development Council authorizes the signing of the amended Mississaugas of the New Credit First Nation Community Trust Agreement dated September 24, 2015 (attached).

Carried
2nd Reading Waived

NOTE:

A signed copy of the above Agreement was put in Mark Sevestre's mailbox on Tuesday, January 5, 2016

SEPARATE ITEM

DIRECTION NO. 7

That the MNCFN Infrastructure & Development Council gives direction to the Communications Director to investigate other MNCFN Websites and see whether they should be taken down. Councillor Veronica King-Jamieson has offered to assist the Communications Director in this endeavor.

AGENDA ITEM NO. 15 – 2016 CENSUS OF POPULATION

A letter was received from Stats Canada requesting Council to identify someone to assist in the recruitment process at New Credit. LDM Coordinator Michele King will be the contact for the enumerator recruitment process.

MOTION NO. 20

MOVED BY CATHIE JAMIESON

SECONDED BY CASEY JONATHAN

That the MNCFN Infrastructure & Development Council directs that a letter be drafted for the Chief's signature to Gary Dillon, Director Central Region Statistics Canada regarding the 2016 Census and naming Michele King, Coordinator of Employment & Training as the MNCFN contact for the enumerator recruitment process.

Carried

2nd Reading Waived

AGENDA ITEM NO. 16a) – PRESENTATIONS

MOTION NO. 21

MOVED BY R. STACEY LAFORME

SECONDED BY ERMA FERRELL

That the MNCFN Infrastructure & Development Council hereby authorizes the following:

The MNCFN Council reiterate, that only the Chief or Councillor so designated may speak on behalf of the MNCFN which includes communications with media. The exception being that MNCFN employees may participate and/or present at education/information type conferences.

Carried

2nd Reading Waived

Council moved to Agenda Item No. 32.

AGENDA ITEM NO. 32 – ADJOURNMENT

MOTION NO. 22

MOVED BY VERONICA KING-JAMIESON

SECONDED BY EVAN SAULT

That the MNCFN Infrastructure & Development Council adjourns this meeting at 4:15 pm.

Carried

