

**MISSISSAUGAS OF THE NEW CREDIT FIRST NATION
INFRASTRUCTURE & DEVELOPMENT COUNCIL
PUBLIC MINUTES
Monday, November 7, 2016**

Start 9:30 am

Finish 3:10 pm

Chief Councillor

R. Stacey Laforme

Councillor

Erma Ferrell (Sick)

Councillor

Cathie Jamieson

Councillor/Chair

Casey Jonathan

Councillor

Evan Sault (Away on Council Business)

Councillor

Margaret Sault

Councillor

Veronica King-Jamieson

Councillor

Stephanie Laforme

Executive Director

Cynthia Jamieson (Vacation)

Communications Director

Deanna Dunham

Recorder

Charlotte Smith

HR Manager

Kerri King

PW Director

Arland LaForme

A/LMR Director

Julie Laforme and Charlene Thomas

DSED

Kevin Wassegijig

DOCA Director

Mark LaForme and Kathleen Ryan

Guests

Wilf Ruland and Jim Yardley

Band Member

Carolyn King

AGENDA ITEM NO. 1 – OPEN MEETING

Chair/Councillor Casey Jonathan opened the meeting at 9:30 am. There was a Special Council – Zoning By-Law Meeting preceding this meeting. Councillor Evan Sault is away at the Special Chief’s Forum on Health in Toronto.

AGENDA ITEM NO. 2 – REVIEW AND ACCEPT AGENDA

MOTION NO. 1

MOVED BY R. STACEY LAFORME

SECONDED BY MARGARET SAULT

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

- Agenda Item No. 4a) – In-Camera Item;
- Agenda Item No. 4b) – In-Camera Item;
- Agenda Item No. 28a) – INAC Meeting with Council – Set a Date;
- Agenda Item No. 28b) – Councillor Looking for Direction Regarding Communications Department;
- Agenda Item No. 28c) – Notice of Budget Adjustment (NOBA) #7;
- Agenda Item No. 29a) – Office Relocation (HR Manager).

Carried

LANDS, MEMBERSHIP & RESEARCH

A/LMR Director and Band Member Carolyn King back in at 10:00 am.

AGENDA ITEM NO. 5 – SUBDIVISION PRELIMINARY PLAN (ORIGINAL TO BE SIGNED BY THE CHIEF)

A/LMR Director advised that the Preliminary Plan for Lots 7-27 to 7-39 inclusive, Concession 1 Township of Tuscarora, as submitted by West & Ruuska Ltd. need to be signed.

Once a survey has been done the land owner and other interested parties must sign off the Preliminary Plan so that it may get sent to Natural Resources Canada for Registration. The Lands, Research & Membership Department together with the Housing Department has met with West & Ruuska Ltd., to ensure the Housing Subdivision Lots get registered prior to any of the homes being paid in full.

Given the Housing Subdivision is on Band Owned Property the Chief or other Official Dignitary should sign the preliminary plan to ensure the subdivision lots get registered.

MOTION NO. 5

MOVED BY MARGARET SAULT

SECONDED BY STEPHANIE LAFORME

That the MNCFN Infrastructure & Development Council agrees to have Chief R. Stacey LaForme sign the Preliminary Plans for Lots 7-27 to 7-39 inclusive, Concession 1 Township of Tuscarora, as submitted by West & Ruuska Ltd., to ensure the Subdivision Lots are Registered with NRCAN.

Carried

2nd Reading Waived

AGENDA ITEM NO. 6 – NANFAN DEED

A/LMR Director informed that an estimate has been received from Joan Holmes & Associates regarding Nanfan Deed & Dish with One Spoon.

Joan Holmes & Associates were contacted to provide an estimate on costs associated with Elder Interviews for the Nanfan Deed and the Dish with One Spoon.

The findings of the interviews are to be used to complement Matthew LaCompte's earlier analysis of published monographs and primary archival historical documents related to the Nanfan Deed.

The proposed interviews will take place in late November and early December with a completed project by February 2017.

The total proposed cost of the interviews is \$34,630.00.

It is noted that the A/LMR Director will be the contact person.

The Elders will be Jim Dumont, James Shawana and others from a previous list: Garry Sault, Max King and Valarie King.

Chief stated that \$150.00 for honorarium for these Elders is insulting. The budget will have to be adjusted.

Band Member Carolyn King pointed out that there is a man named Peter H. Russell who wrote about constitutional issues in a book called Unfinished Business. He is 94 years old, and has been helping the Grassy Narrows First Nation.

MOTION NO. 6

MOVED BY R. STACEY LAFORME

SECONDED BY MARGARET SAULT

That the MNCFN Infrastructure & Development Council agrees to have Joan Holmes & Associates conduct Elder Interviews regarding the Nanfan Deed and the Dish With One Spoon at a cost of \$34,630.00. And further that the project be completed with a final report in February 2017. Dollars will come from the DOCA Reserve Fund.

Carried

2nd Reading Waived

AGENDA ITEM NO. 7 – FYI – PROPOSED LEGISLATIVE AMENDMENTS TO ADDRESS SEX-BASED INEQUITIES IN REGISTRATION

Proposed Legislative Amendments to Address Sex-based inequities within the Registration Provisions of the Indian Act.

Canada believes the proposed legislation will have “repercussions in terms of new entitlement to Indian Registration”. It has estimated that between 28,000 and 35,000 people will become newly entitled to Indian Registration.

The Lands, Research & Membership Staff are currently reviewing these proposed changes to see what potential impact they will have on the MNCFN.

This is an FYI for Council.

AGENDA ITEM NO. 8 – TRANSFER POLICY

A/LMR Director noted that at their October Infrastructure and Development Council Meeting, Council approved the MNCFN Transfer Policy. There is additional paperwork required i.e., Request Form, Community Service Form, and Questionnaire.

We have had approximately 5 people inquire about transferring to the Mississaugas of the Credit Band.

No applications have been given out yet because the LMR Department has not received approval of the forms.

Transfer Policy Forms are attached for Council's review.

A/LMR Director informed that these questions are very important.

Councillor advised that she would like something more comprehensive, such as with regard to MNCFN Traditional Territory, what is your relationship to the land and water; ask if the Sacred

Trust Video has been reviewed; what can a Transferee bring to the Community; who is Reverend Peter Jones; which Treaties are signed; what does MNCFN's logo mean etc. A/LMR Director informed that she would add some of these questions to the questionnaire.

Chief questioned if incoming Band Members would have to have a swearing in ceremony. A/LMR Director answered that this could be arranged.

A/LMR Director informed that a Band Member transferred out and now wants to transfer back. A/LMR Director needs a Motion/Direction of Council.

MOTION NO. 7

MOVED BY CATHIE JAMIESON

SECONDED BY STEPHANIE LAFORME

That the MNCFN Infrastructure & Development Council approve the following forms for the Transfer Policy:

- Appendix A: Transfer Request Form.
- Appendix B: Verification of Volunteer Community Service.
- Appendix C: Transfer Request Questionnaire.

Carried
2nd Reading Waived

DIRECTION NO. 4

That the MNCFN Infrastructure & Development Council gives direction to the A/LMR Director to let people know who transfer out of MNCFN that those people cannot transfer back.

AGENDA ITEM NO. 9 – OTHER/NEW BUSINESS

There was no Other/New Business.

Council moved In-Camera at 10:45 am.

Council moved Out of Camera at 11:30 am.

CONSULTATION & ACCOMMODATION

Mark LaForme (DOCA) and Kathleen Ryan in at 11:40 am.

AGENDA ITEM NO. 14 – MNCFN-DOCA CONSULTATION PROTOCOL

DOCA Director brought this item to Council with revisions and updates to the MNCFN-DOCA Consultation Protocol.

Prior to the establishment of DOCA, on December 9, 2013, MNCFN adopted a Consultation Protocol by Motion of Council. In 2015, Council gave direction to DOCA to revise and update the 2013 Consultation Protocol.

The knowledge DOCA has attained in its two years of operation has been fundamental in revising and updated the Consultation Protocol. This knowledge has allowed DOCA to identify efficiencies, streamline the process and created certainty in the consultation process pursuant to the “Duty to Consult” as it relates MNCFN and the DOCA Department.

DOCA Director brought Kathleen Ryan, who is the Strategic Advisor in the DOCA Department, and introduced her to Chief and Council.

Chief advised to make sure the waters are included. Ms. Ryan stated that “lands and waters of Mother Earth” would be added.

The legal name is Mississaugas of the Credit.

DOCA Director added that the Consultation Protocol will be put into booklet form.

If Chief and Council have any more comments please send them to Kathleen Ryan.

MOTION NO. 13

MOVED BY MARGARET SAULT

SECONDED BY VERONICA KING-JAMIESON

That the MNCFN Infrastructure & Development Council approves the revised and updated MNCFN Consultation and Accommodation Protocol for immediate implementation, with noted changes and recommendations.

Carried

2nd Reading Waived

AGENDA ITEM NO. 15 – FYI – SUMMARY SHEET FOR DOCA

The Summary Sheet is an FYI for Council.

Council moved In-Camera at 12:04 pm.

Council moved Out of Camera at 12:10 pm.

PUBLIC WORKS

PW Director, Wilf Ruland and Jim Yardley in at 12:10 pm.

AGENDA ITEM NO. 17 – WASTE MANAGEMENT ISSUE – MNCFN/HALDIMAND/NORFOLK

PW Director stated that a Motion is required in order to acknowledge the update from the Technical Team to continue its efforts with respect to the Waste Management Issue between Mississaugas of the New Credit First Nation and Haldimand and Norfolk. In addition, the Technical Team will need to exercise best efforts to work toward a resolution through discussion and negotiation, rather than triggering an arbitration and/or legal process. Jim Yardley (Landfill Engineering and gas/odor issues) and Wilf Ruland (water contamination issues) have been working diligently on the waste management issue between MNCFN, Haldimand and Norfolk.

Wilf Ruland pointed out that the current situation is that the County of Haldimand and County of Norfolk (formerly Region of Haldimand Norfolk) have decided not to proceed with the development of the Canborough Landfill Site and that future waste disposal for both counties would be by a third party. Both the County of Haldimand and County of Norfolk are going in different directions.

New Credit was first notified that the Counties' commitment to the amended Agreement was wavering at a special meeting with New Credit on October 9, 2015. The Counties' argument is that their waste will not be going to Canborough as the successor landfill (as had been planned), but to other sites expected to be open for decades. At that meeting, David Pressey (Haldimand Supervisor of Solid Waste Operations) indicated that the Counties' are seeking a time limit on the 200-tonne free waste disposal, and he suggested a period of 17 years, based on his estimate of how long the Canborough Landfill would have been open based on historical waste disposal rates. At the same meeting, Wilf Ruland indicated that the time limit should be 25 years, which was based on his recollection of the internal discussions when New Credit signed the first Amended Agreement, and his sense of a fair number given trends in waste disposal.

It is currently understood that both counties would like to honour the agreement and are looking for a solution on how to determine a fair rationale and approach.

Councils for Haldimand, Norfolk and New Credit recently instructed technical experts to meet and discuss options with regard to assessing technical approaches/options to this problem. Dispute Resolution will be very costly so it was decided the best way to go is negotiating. The problem right is that the signed agreement names the Canborough Site.

Haldimand is sending its waste to Windsor; Norfolk is sending burnt stuff to Brampton.

There were other options that were discussed but Mr. Ruland is recommending Option 3: The proposal is to monetize the value of New Credit's free landfilling in the Agreement, with New Credit getting a lump-sum buy-out payment in return for the Agreement being declared null and void. The main issues with this option are as follows:

- The length of the agreement would need to be identified, along with economic factors to determine the present worth of the agreement. A mechanism similar to the Ministry of the Environment and Climate Change financial assurance methodology could be developed.
- New Credit would need to establish a trust or reserve fund to manage the money.

- Significant effort will need to be established to develop the key numbers

Presently, Emterra takes the waste and recycling from MNCFN to Canborough and they bill the First Nation.

MOTION NO. 16

MOVED BY R. STACEY LAFORME

SECONDED BY MARGARET SAULT

That the MNCFN Infrastructure & Development Council acknowledges the updated information from the Technical Team to continue its efforts with respect to the Waste Management Issue between Mississaugas of the New Credit First Nation, Haldimand and Norfolk. In addition, instruct the Technical Team to exercise best efforts to work toward a resolution through discussion and negotiation, rather than triggering an arbitration and/or legal process.

Carried

2nd Reading Waived

AGENDA ITEM NO. 18 – OTHER/NEW BUSINESS

There was no Other/New Business.

PW Director, Wilf Ruland and Jim Yardley out at 12:35 pm.

Council moved In-Camera at 12:35 pm.

LUNCH BREAK 12:45 TO 1:45 PM

ECONOMIC DEVELOPMENT

DSED in at 1:45 pm.

AGENDA ITEM NO. 21 – ONEGRID ENGAGEMENT BUDGET PROPOSAL – TARC

DSED noted that through the TARC Committee, discussions have begun to explore options for MNCFN to participate in the OneGrid Project as a business partner. The OneGrid Project intends to establish an underwater cable to transmit electricity from Niagara to Toronto.

OneGrid has begun discussions with the DOCA Department and has been cooperative in terms of consultation. A budget will be presented to the Project to support MNCFN participation in commercial negotiations. A letter and budget have been prepared by the TARC Committee and will be presented to Council for approval.

MOTION NO. 19

MOVED BY MARGARET SAULT

SECONDED BY R. STACEY LAFORME

That the MNCFN Infrastructure & Development Council approves the Engagement Letter and Engagement Budget to support ongoing discussions and negotiations with OneGrid.

Carried

2nd Reading Waived

AGENDA ITEM NO. 22 – OTHER/NEW BUSINESS

There was no Other/New Business.

Council moved In-Camera at 1:52 pm.

Council moved Out of Camera at 2:15 pm.

OTHER/NEW BUSINESS

AGENDA ITEM NO. 25 – WEALTH MANAGEMENT MEETING & FINAL REPORT (COUNCILLOR CASEY JONATHAN)

There is a meeting regarding Wealth Management on December 1 – 2, 2016. Chief and Council will be attending with the exception of Councillor Margaret Sault. Councillor Erma Ferrell was not present yesterday and Office Clerk will follow up and see if she (Councillor Ferrell) will be attending. The address is Deloitte's Offices, Bay Adelaide Centre, 22 Adelaide Street West, Toronto, Ontario. Office Clerk will book rooms somewhere close to Deloitte's Offices.

AGENDA ITEM NO. 26 – INVESTMENT DOCUMENTS TO BE APPROVED (FINANCE DIRECTOR)

Finance Director will follow up with the previous Motion and will bring back to Council for signature of documents. This item will come back to the next Education & Social Services Council Meeting on Monday, November 14, 2016.

AGENDA ITEM NO. 27 – CONTROLLED SAFETY GATE (OFFICE CLERK)

It was noted by the Office Clerk that there has been an increase of the general public entering buildings and going to staff offices without checking in at Reception first.

In order to provide some safety for the staff, the Office Clerk has received a quote from Damar Security as Damar is currently MNCFN's security system provider. Damar will install two controlled gates on both sides of the Reception desk. Receptionist will then press a release button that will signal that the guest can now go to the staff person he/she wishes to see.

MOTION NO. 24

MOVED BY R. STACEY LAFORME SECONDED BY VERONICA KING-JAMIESON
That the MNCFN Infrastructure & Development Council approves the purchase and installation of the controlled safety gates for the safety and security of our staff from Damar Security Systems in the amount of \$ 5,773.21. Dollars will come from the Administration Health & Safety Budget.

Carried
2nd Reading Waived

DIRECTION NO. 8

That the MNCFN Infrastructure & Development Council gives direction to the Office Clerk to check with Health & Safety regarding entranceway and safety precautions.

AGENDA ITEM NO. 28a) – INAC MEETING – SET A DATE

A date has been scheduled for Chief and Council and all Senior Managers to meet with INAC Regarding Funding Priorities INAC Representatives are David Didluck (Associate Director General, Chad Aramburo Director of Community Infrastructure, Senior Officers for Economic Development, Funding Services, Capital Manager. The date has been scheduled for Wednesday, November 30, 2016 in the Board Room at the Community Centre from 9:00 am to 4:30 pm.

AGENDA ITEM NO. 28b) – COUNCILLOR LOOKING FOR DIRECTION REGARDING COMMUNICATIONS DEPARTMENT

Councillor is looking for direction from Council as she would like to see a Draft Policy prepared by the Communications Director regarding the Communications Department.

Deadlines for the submission of items to be put in the Newsletter will be the third Friday of each month in order for the Newsletter to be mailed out the following Friday.

DIRECTION NO. 9

That the MNCFN Infrastructure & Development Council gives direction to the Communications Director to go back to the date of the third Friday of each month in which to have submissions put in the Newsletter; Newsletter will be mailed out the following Friday.

DIRECTION NO. 10

That the MNCFN Infrastructure & Development Council gives direction to the Executive Director to meet with the Communications Director to develop an Operational Policy & Procedures Manual for the Communications Department including timelines, and any other pertinent information. This item will come back to the Executive Finance Council Meeting on February 20, 2017.

AGENDA ITEM NO. 28c) – INAC NOTICE OF BUDGET ADJUSTMENT (NOBA) #7

MOTION NO. 25

MOVED BY R. STACEY LAFORME SECONDED BY VERONICA KING-JAMIESON
That the MNCFN Infrastructure & Development Council authorizes the signing of AANDC Amendment #7 in the amount of \$16,500.00 (Sixteen Thousand Five Hundred Dollars) set funding for 2016/17, which is comprised of the following:

Education Department – School Effectiveness in the amount of \$5,000.00 (Five Thousand Dollars) and Teacher Recruitment in the amount of \$11,500.00 (Eleven Thousand Five Hundred Dollars).

Carried
2nd Reading Waived

Council moved In-Camera at 2:45 pm.

