

**MISSISSAUGAS OF THE NEW CREDIT FIRST NATION
INFRASTRUCTURE & DEVELOPMENT COUNCIL
PUBLIC MINUTES
Monday, March 2, 2015**

Start 9:00 am

Finish 2:37 pm

Chief Councillor

Bryan LaForme

Councillor

Erma Ferrell

Councillor

Arland LaForme

Councillor

R. Stacey Laforme

Councillor/Chair

Larry Sault

Councillor

Clynten King

Councillor

Cecil Sault

Councillor

Sharon Bonham

Executive Director

Cynthia Jamieson

Executive Assistant

Deb Aaron

Recorder

Charlotte Smith

Director SED

Kevin Wassegijig

LMR Director

Margaret Sault

Director of C & A

Mark LaForme

AGENDA ITEM NO. 1 – OPEN MEETING

Councillor/Chair Larry Sault opened the meeting at 9:00 am.

AGENDA ITEM NO. 2 - REVIEW & ACCEPT AGENDA

MOTION NO. 1

MOVED BY BRYAN LAFORME

SECONDED BY ARLAND LAFORME

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

Agenda Item No. 10b) – Rental Costs (Director of Consultation & Accommodation);

Agenda Item No. 13a) – Council Representation on the Matrimonial Real Property (MRP) Committee;

Agenda Item No. 15 – Deleted;

Agenda Item No. 21 – Deleted;

Agenda Item No. 23a) – Climate Change Consultation Letter – Ontario Ministry of the Environment & Climate Change Discussion Paper, 2015;

Agenda Item No. 31a) – Notice from Chiefs of Ontario dated February 26, 2015;

Agenda Item No. 31b) – LED Sign at Plaza (NCVGB).

Carried

AGENDA ITEM NO. 3 – REVIEW & ACCEPT INFRASTRUCTURE & DEVELOPMENT COUNCIL (PUBLIC) MINUTES FROM MONDAY, JANUARY 5, 2015

MOTION NO. 2

MOVED BY R. STACEY LAFORME

SECONDED BY CLYNTEN KING

That the MNCFN Infrastructure & Development Council accepts the Infrastructure & Development Council (Public) Minutes of Monday, January 5, 2015.

Carried

AGENDA ITEM NO. 4 – MATTERS ARISING FROM THE MINUTES

There were no Matters Arising from the Minutes.

CONSULTATION & ACCOMMODATION DEPARTMENT

Director of Consultation & Accommodation in at 8:55 am. LMR Director in at 9:05 am.

AGENDA ITEM NO. 5 – MNCFN FIELD LIAISON REPRESENTATIVE (FLR) (MONITOR) AUTHORIZATION LETTER

Councillor questioned if Alex Monem reviewed this and Director of Consultation & Accommodation said yes.

MOTION NO. 3

MOVED BY R. STACEY LAFORME

SECONDED BY ERMA FERRELL

That the MNCFN Infrastructure & Development Council approves the MNCFN Field Liaison Representative letter, as presented, authorizing the MNCFN-FLR's presence on archaeological and environmental sites while work is occurring within the MNCFN Traditional Territory.

Carried

2nd Reading Waived

AGENDA ITEM NO. 6 – MNCFN-FLR (MONITOR) - PURCHASE OF SERVICE CONTRACT

Councillor questioned if the HR Manager had reviewed this and Director of C & A said yes.

MOTION NO. 4

MOVED BY ARLAND LAFORME

SECONDED BY R. STACEY LAFORME

That the MNCFN Infrastructure & Development Council approves the revised Mississaugas of the New Credit First Nation Field Liaison Representative Purchase of Service Contract as presented by the MNCFN-DOCA with the understanding that these contracts will not exceed a duration of 3 months.

Carried

2nd Reading Waived

AGENDA ITEM NO. 7 – ARCHAEOLOGY AGREEMENT WITH PROPONENT – MEMO TO NEGOTIATE

Councillor stated that the \$45.00 in the Motion should be raised to \$50.00. LMR Director informed that when negotiating with proponents it is always wise to begin at the top end first. The top end will be raised to \$75.00. Director of C & A informed that other items are negotiable with different proponents. For example, LMR Director stated that NextEra had a template at \$25.00 plus meals, and mileage up to \$250.00 per week. Presently NextEra and Enbridge pay these amounts.

There is a development started on Rest Acres Road (Brant County), but there are not a lot of dollars with this small company.

Director of C & A informed that major proponents are the energy, wind, solar, oil and gas, etc.

Direction has been given to the Director of C & A that when dealing with any small company proponents he will bring a recommendation and dollar amount to Council for approval.

It was suggested that Chief and Council write a letter to the various municipalities and inform them that this is MNCFN Traditional Territory as municipalities are the proponents. Municipalities base everything on a cost i.e \$500,000.00 would equal out to \$10.00 to \$15.00 per hour. Municipalities do not have the duty to consult like the Crown has. Director of C & A will endeavor to make sure that Ontario will get the municipality to do the duty to consult.

Councillor stated that when the Archaeology Program was under the LMR Department, the LMR Clerk was accused of playing favorites with some of the Monitors i.e the Monitors who had car etc. Councillor wanted to know how this is being monitored. Director of C & A stated that he is leaning more towards seniority and alphatebetizing. Councillor advised that these items should be in a Policy as one is definitely required. Councillor Clynten King has a draft policy which he prepared and he will forward same to the Director of C & A.

Director of C & A stated that he worked with the HR Manager on a Purchase of Service Contract with the Monitors (now called "MNCFN Field Liaison Representatives"). The Monitors are sub-contractors on a three month contract as opposed to an employee.

It was suggested that the Director of C & A will work on a Policy and set a timeline i.e three months Purchase of Service Contract in the Policy regarding the MNCFN Field Liaison Representatives.

MOTION NO. 5

MOVED BY R. STACEY LAFORME

SECONDED BY ARLAND LAFORME

That the MNCFN Infrastructure & Development Council approves that the Director of the MNCFN Department of Consultation and Accommodation (DOCA), be given authority to negotiate contracts with Major Proponents beginning at \$75.00 per hour, but no less than \$50.00 per hour, as the cost to the proponent for the deployment of MNCFN Field Liaison Representatives (monitors), as part of the Archaeological Agreement with the Proponent.

Carried

2nd Reading Waived

DIRECTION NO. 1

That the MNCFN Infrastructure & Development Council gives direction to the Director of Consultation & Accommodation that when dealing with any small company proponents (i.e. individual homes, malls, apartment buildings, condos etc) the Director will bring back a recommendation and dollar amount.

AGENDA ITEM NO. 8 – TRANS CANADA LETTER OF AGREEMENT

Director of C & A stated that there is no breakdown of the \$10,000.00. There are only two projects with TransCanada and they are King's North Connection Project and Eastern Mainland.

Councillor advised that Council would like to go after dollars that would sustain the Consultation & Accommodation Department.

Regarding Agenda Item No. 17, Councillor questioned if it was possible to flow the dollars through the Joint Venture.

Chief signed the Letter of Agreement (LOA).

MOTION NO. 6

MOVED BY CECIL SAULT

SECONDED BY CLYNTEN KING

That the MNCFN Infrastructure & Development Council approves the Letter of Agreement (LOA) between the MNCFN and TransCanada in the amount of \$10,000.00 (Ten Thousand Dollars), as itemized in the LOA, for the MNCFN participation in initial consultation activities with TransCanada specific to the King's North Project.

Further, that the MNCFN authorizes the Chief, on behalf of the First Nation, to sign the LOA specific to the King's North Project between the MNCFN and TransCanada.

Carried

2nd Reading Waived

DIRECTION NO. 2

That the MNCFN Infrastructure & Development Council gives direction to Director of Consultation & Accommodation (DOCA), HR Manager and Executive Director to develop a Policy for MNCFN Field Liaison Representatives (FLR) (Monitors).

NOTE: Attached is a Sample of Policy Document Format as prepared by Councillor Clynten King.

AGENDA ITEM NO. 9 – MONTHLY ACTIVITY REPORT OF DIRECTOR OF CONSULTATION & ACCOMMODATION

Director of C & A went through his Monthly Activity Report. Councillor suggested that an easier way to do this report is to use a chart.

MOTION NO. 7

MOVED BY CECIL SAULT

SECONDED BY CLYNTEN KING

That the MNCFN Infrastructure & Development Council accepts the Monthly Activity Report from the Director of Consultation & Accommodation (DOCA) for the month of February 2015.

Carried

AGENDA ITEM NO. 10a) – MNCFN/PROPONENT-FLR AGREEMENT

Director of C & A stated that this is the agreement with the proponent.

MOTION NO. 8

MOVED BY ERMA FERRELL

SECONDED BY R. STACEY LAFORME

That the MNCFN Infrastructure & Development Council approves the MNCFN/Proponent-Field Liaison Representative (FLR) Agreement as proposed by the Director of Consultation & Accommodation.

Carried

2nd Reading Waived

AGENDA ITEM NO. 10b) – RENTAL COSTS FOR TRAINING OF FLR REPRESENTATIVES (ARCHAEOLOGICAL MONITORS)

Director of C & A informed that the budget allowed him to rent the United Church Hall for the training of the Archaeological Monitors, but the Church Hall did not prove adequate because the pipes froze and there was no water. The training sessions had to be moved to various places in the Community, and the budget did not allow for this. He is requesting a reduction in paying the rent for the various places they had to move to. The training will be three days per week until April 10, 2015.

It was agreed that the Executive Director would obtain an itemized list of expenses from the Director of C & A and will bring it back to Council for approval of funds.

DIRECTION NO. 3

That the MNCFN Infrastructure & Development Council gives direction to the Executive Director to obtain an itemized list of expenses from the Director of Consultation & Accommodation regarding the training of the Archaeological Monitors. Training ends on April 10, 2015.

NOTE: The training was to take place at the New Credit United Church but there was no water due to frozen pipes, and therefore the training had to be moved to various places around the First Nation.

Director of C & A out at 10:10 am.

LANDS, MEMBERSHIP & RESEARCH

AGENDA ITEM NO. 11 – INTERIM POLICY FOR APPLICATIONS RECEIVED UNDER THE FAMILY HOMES ON RESERVE AND MATRIMONIAL INTERESTS OR RIGHTS ACT

DIRECTION NO. 4

That the MNCFN Infrastructure & Development Council gives direction to Councillor Clynten King to email the Example of Policy Document Format (which he prepared) to the Executive Director, LMR Director, and Chief and Council. This Agenda item will be brought back to the Education & Social Services Council meeting on Monday, March 9, 2015 for further discussion and/or approval.

See attached Sample of Policy Document.

SEPARATE ISSUE

Councillor stated that Mark LaForme is now an employee. Would he still be on the Matrimonial Real Law (MRP) Committee as a Band Member? Councillor will get clarification from the MRP Committee.

AGENDA ITEM NO. 12 – NOTIFICATION REGARDING MRP (MATRIMONIAL REAL PROPERTY) LAW DEVELOPMENT

Councillor questioned if MNCFN's Legal Counsel would have to have a look at this because under "Procedures" Legal representation would be required in court.

EPO stands for Emergency Protection Order. The acronyms need to be spelled out.

It was pointed out that MNCFN's issues will be going to another court to get resolved.

Chief informed that since the province is involved, legal will make sure the government is also involved.

There are some wording and grammar errors.

LMR Director stated that the National Aboriginal Lands Management Association (NALMA) prepared and developed all the templates which have had legal input.

Councillor pointed out that a Policy needs to be developed and included in this Policy should be something pertaining to business ownership i.e. any business partnerships with non-Band Members.

MOTION NO. 9

MOVED BY R. STACEY LAFORME

SECONDED BY BRYAN LAFORME

That the MNCFN Infrastructure & Development Council approves and authorizes Chief Bryan LaForme to sign the notification letter to the Ministry of the Attorney General regarding Matrimonial Real Property Law development.

Carried

2nd Reading Waived

AGENDA ITEM NO. 13 – BUDGET & WORKPLAN 2014-2015 – MRP

LMR Director reiterated that the MRP Committee would like to start having meeting to inform the Community.

There will be one meeting with four Committee Members attending which will equal \$400.00. Postage is going to be very high. Councillor stated he would like an itemized list regarding the budget. This budget is too vague. LMR Director will clarify.

It is noted that Council would like to see the on-line voting procedure.

Direction was given to the LMR Director to bring back further clarification (breakdown) of the Budget. This item will come back to the next Education & Social Services Council meeting on Monday, March 9, 2015.

MOTION NO. 10

MOVED BY R. STACEY LAFORME

SECONDED BY CLYNTEN KING

That the MNCFN Infrastructure & Development Council approves the funding in an amount up to \$2,500.00 (Two Thousand Five Hundred Dollars) for the purposes of Matrimonial Real Property Community Consultation and other associated costs. The funds to come from Casino Rama Community Development Fund, Account #65300, Dept #100200.

Carried

2nd Reading Waived

DIRECTION NO. 5

That the MNCFN Infrastructure & Development Council gives direction to the LMR Director that clarification (breakdown of costs) of the Budget & Workplan 2014-2015 – Matrimonial Real Property (MRP) is required. This item will be brought back to the Education & Social Services Council meeting on Monday, March 9, 2015.

AGENDA ITEM NO. 13a) – COUNCIL REPRESENTATION ON THE MRP COMMITTEE

It was agreed that no representation from Chief and Council on the MRP Committee is required.

Council moved to an In-Camera session.

Council moved out of the In-Camera session at 11:27 am.

ECONOMIC DEVELOPMENT

AGENDA ITEM NO. 17 – MNCFN & SHARED VALUE SOLUTIONS (SVS) JOINT VENTURE

MOTION NO. 14

MOVED BY CECIL SAULT

SECONDED BY ARLAND LAFORME

That the MNCFN Infrastructure & Development Council agrees to the Terms of Reference in the Joint Retainer Acknowledgement & Consent Form from Zizzo Allan DeMarco (ZAD) LLP; and further approves the signing of the attached Form.

Carried

2nd Reading Waived

AGENDA ITEM NO. 18 – MINISTRY OF FINANCE TOBACCO ALLOCATION – 2015/2016

Councillor questioned if everyone understands the Quota System. Economic Development was supposed to do some background information and bring it to Council i.e. when did the Quota get started and what are we doing about it now? Councillor suggested that New Credit take care of its own Quota.

It was pointed out that the Quota cigarettes are for the Band Members and should be priced lower. As it stands right now, the Quota cigarettes are sold to non-Band Members and they are the ones are getting a better deal.

It was noted that Marvin LaForme (former business owner) felt that any Council business would have an advantage over private business owners and would be in direct competition. The point has always been that NCVGB is a Community Owned Business and all revenue comes back to Chief and Council, whereas private businesses keep the dollars and nothing comes back to the Community.

Councillor advised that Chief and Council can review the Quota System this year and let the people know that it is being re-evaluated. Another suggestion is public consultation i.e. put a letter out to the Community that the Quota System is under a thorough review. If there is public consultation, Chief and Council will need to review this thoroughly first.

There was a suggestion that all Quota cigarettes should go to the Community Store (NCVGB).

MOTION NO. 15

MOVED BY BRYAN LAFORME

SECONDED BY R. STACEY LAFORME

That the MNCFN Infrastructure & Development Council accepts the base allocation of tobacco from the Ministry of Finance. The base allocation of 26,094 cartons to be distributed evenly between NCVGB, Toby's and Jay's Variety. Remain status quo.

Opposed: Councillors Sharon Bonham, Erma Ferrell, Arland LaForme, Clynten King and Cecil Sault

Motion Defeated

DIRECTION NO. 6

That the MNCFN Infrastructure & Development Council gives direction to the DSED and SED Assistant to provide all background information on the Cigarette Quota (i.e. when did the Quota start, history, what is presently being done etc.). This item will be brought back to the Education & Social Services Council meeting on Monday, March 9, 2015.

Executive Director out at 12:00 pm for a doctor's appointment.

AGENDA ITEM NO. 19 – BUSINESS DEVELOPMENT CORPORATION BOARD – TERMS OF REFERENCE – UPDATE

DSED provided this update. This is only for the Board and not for the Trust. Discussion and questions arose as to what kind of leader (Chairman) is required. DSED informed that a good leader will need to know how to network, has experience in dealing with a Board and be a charismatic leader. DSED is also looking for people to sit on the Board – people with knowledge and understanding of how a Board operates.

Councillor questioned if this person(s) would be outside of the Band Membership. Another Councillor suggested that this person should be part of Pan Am.

This is an initial start-up at this point.

MOTION NO. 16

MOVED BY ERMA FERRELL

SECONDED BY CECIL SAULT

That the MNCFN Infrastructure & Development Council accepts and adopts the Terms of Reference for the Business Development Corporation.

Carried

2nd Reading Waived

AGENDA ITEM NO. 20 – LETTER TO PROVINCIAL MINISTRIES & QUALIFIED LARGE RENEWABLE PROCUREMENT (LRP) PROPONENTS REMINDING THEM OF DUTY TO CONSULT, APPROPRIATE MNCFN CONTACTS AND RE-INTRODUCTION OF 839 CO.

Anything to do with the Community requires the Chief's signature.

MOTION NO. 17

MOVED BY R. STACEY LAFORME

SECONDED BY ERMA FERRELL

That the MNCFN Infrastructure & Development Council approves the letter to all LRP (Large Renewable Procurement Proponents) | RFP (Request for Proposals) Qualified Applicants dated March 2, 2015 regarding Large Renewable Procurement – Request for Proposals – Mississaugas of the New Credit First Nation.

Carried

2nd Reading Waived

AGENDA ITEM NO. 21 – ABORIGINAL RENEWABLE ENERGY FUND (AREF) LRP APPLICATION

This item has been deleted as DSED has not yet completed it.

AGENDA ITEM NO. 22 – MINISTRY OF ABORIGINAL AFFAIRS – ECONOMIC DEVELOPMENT APPLICATION

DSED is proposing making an application to the Aboriginal Economic Development Fund. These dollars could be used for a potential position of a Business Development Coordinator. Items to be considered are office space, rent, utilities etc. A BCR is required.

MOTION NO. 18

MOVED BY CLYNTEN KING

SECONDED BY ERMA FERRELL

That the MNCFN Infrastructure & Development Council supports the application to the Aboriginal Economic Development Fund – Economic Diversification Grant to the Ministry of Aboriginal Affairs, and further sign a Band Council Resolution as required in the application process.

Carried

2nd Reading Waived

See BCR No. 124 – 2014-2015.

AGENDA ITEM NO. 23a) – CLIMATE CHANGE CONSULTATION LETTER – ONTARIO MINISTRY OF THE ENVIRONMENT & CLIMATE CHANGE DISCUSSION PAPER, 2015

On February 12, 2015, the Ontario Ministry of the Environment & Climate Change released Ontario's Climate Change Discussion Paper. A draft letter (response) is attached for signature by the Chief. The letter mentions support for First Nations participation in carbon credit development and adaptation planning. There were some amendments to be made to the letter and the Chief will then sign.

MOTION NO. 19

MOVED BY CLYNTEN KING

SECONDED BY R. STACEY LAFORME

That the MNCFN Infrastructure & Development Council approves the letter for signature by Chief Bryan LaForme and submission on behalf of the Mississaugas of the New Credit First Nation regarding Climate Change Consultation-Ontario Ministry of the Environment & Climate Change Discussion Paper 2015.

Carried

2nd Reading Waived

DSED out at 1:30 pm.

PUBLIC WORKS

Housing Program Supervisor in at 1:30 pm.

AGENDA ITEM NO. 24 – SECTION 95 – EXPRESSION OF INTEREST

Housing Program Supervisor (HPS) handed out an extra page which came from the PW Director wherein she states that she supports the CMHC Section 95 if the First Nation cannot provide the funds to construct rental units with their own dollars.

Regarding Section 95 New Credit is borrowing from CMHC. The subsidy is the dollars that CMHC pays back to the First Nation. HPS stated that it is a grant and is used for the homes. The Technical Resource Manager does a yearly inspection of these homes.

It was noted that a Group Home should be in the Housing Plan.

Councillor stated that he is not favorable with CMHC as they are receiving the First Nation's monies and offering us a subsidy.

It was pointed out that a Band Member is in a long term care home and cannot come back to the Community as there is nowhere suitable for him to live. Housing Program Supervisor informed that there is a two bedroom available on March 12th. She will check to see if it is suitable and will keep Chief and Council updated.

MOTION NO. 20

MOVED BY ARLAND LAFORME

SECONDED BY SHARON BONHAM

That the MNCFN Infrastructure & Development Council agrees that the CMHC Expression of Interest Application will not be completed for March 27, 2015 because of future long term planning for MNCFN's own housing as a business.

Carried

Opposed: Chief Bryan LaForme and Councillor R. Stacey Laforme – opportunities are available for MNCFN to do over and above what is now being done.

AGENDA ITEM NO. 25 – BEAUTIFYING OF TOWNLINE ESTATES

Housing Program Supervisor (HPS) provided a rough estimate of three different kinds of fencing: chain link fencing, wrought iron fencing and vinyl board fencing. Councillor suggested that this would be an ideal project for a Property Manager. Another Councillor questioned if pressure treating could be a health issue for children. HPS responded that she does not know, but in the meantime will get an estimate for vinyl siding for which there would be no health issues.

Councillor questioned if HPS needed another worker. Housing Program Supervisor informed that there are dollars somewhere in the budget wherein a person could be hired for the purposes of beautifying the Town Line Estates.

This item will be brought back to the Infrastructure & Development Council meeting on Monday, May 4, 2015.

AGENDA ITEM NO. 26 – OTHER/NEW BUSINESS

There was no Other/New Business.

OTHER/NEW BUSINESS

AGENDA ITEM NO. 27 – SERVER REQUIREMENTS – MOTION NO. 5 FROM EXECUTIVE FINANCE COUNCIL MEETING OF MONDAY, FEBRUARY 23, 2015 COMING BACK FOR 2ND READING

This Motion came back for 2nd Reading from Executive Finance Council as it was not in the fiscal budget.

It was agreed that the Executive Assistant would bring back some numbers on how much is being spent with Jim Varga vs MNCFN having its own IT staff.

Councillor questioned if this should be part of the Policy.

It was noted that Jim Varga has not increased his rates in the last few years.

MOTION NO. 21

MOVED BY R. STACEY LAFORME

SECONDED BY CLYNTEN KING

That the MNCFN Executive Finance Council accepts the estimate provided by Jim Varga, BrantNet Computer Systems and approves the purchase of Server Hardware and Software, and labour up to the amount of \$55,517.00 (fifty-five thousand five hundred seventeen dollars). Dollars to come from Casino Rama Funds.

Carried

2nd Reading Waived

DIRECTION NO. 7

That the MNCFN Infrastructure & Development Council gives direction to the Executive Assistant to bring back some numbers i.e. how much is being spent with Jim Varga vs MNCFN having their own IT staff.

AGENDA ITEM NO. 28 – FIRST NATIONS & INUIT HEALTH (FNIH) FUNDING ENHANCEMENTS (SHS DIRECTOR – THIS ITEM IS TIME SENSITIVE)

MOTION NO. 22

MOVED BY R. STACEY LAFORME

SECONDED BY BRYAN LAFORME

That the MNCFN Infrastructure & Development Council accept the First Nations and Inuit Health (FNIH) *Notice of Budget Adjustment* for the 2014/2-15 Fiscal year as follows:

- **Brighter Futures** \$3,339.00
- **Building Healthy Communities/ Mental Health** \$3,129.00
- **NNADAP** \$1,557.00
- **First Nations and Inuit Home and Community Care** \$5,023.00
- **Capital Facilities- Operation and Maintenance** \$594.00
- **Healthy Childhood Development** \$675.00
- **Injury Prevention-Community Health Promotion and Injury/Illness Prevention-** \$5,640.00
- **Chronic Disease Prevention and Management (ADI)-** \$800.00

Carried

2nd Reading Waived

AGENDA ITEM NO. 29 – OTHER/NEW BUSINESS

There was no Other/New Business.

Council moved to an In-Camera session.