

**MISSISSAUGAS OF THE NEW CREDIT FIRST NATION
REGULAR COUNCIL
PUBLIC MINUTES
Monday, May 16, 2016**

Start 6:55 pm

Finish 10:07 pm

Chief Councillor

R. Stacey Laforme (Excused)

Councillor

Erma Ferrell

Councillor

Arland LaForme

Councillor

Veronica King-Jamieson

Councillor

Casey Jonathan (Vacation)

Councillor/Chair

Margaret Sault

Councillor

Evan Sault

Councillor

Cathie Jamieson

Executive Director

Cynthia Jamieson

Recorder

Charlotte Smith

DSED

Kevin Wassegijig

Communications Director

Deanna Dunham

OPP Inspector

Phil Carter

Guest – Legal Counsel

Garry Kissack

Band Members

Max King

AGENDA ITEM NO. 1 – OPEN MEETING

Chair/Councillor Margaret Sault opened the meeting at 6:55 pm. Garry Kissack (Legal Counsel) in at 6:54 pm, but waited in the DSED's office. Chief R. Stacey Laforme is away on Council business. Councillor Casey Jonathan is on vacation.

AGENDA ITEM NO. 2 – REVIEW & ACCEPT AGENDA

MOTION NO. 1

MOVED BY EVAN SAULT

SECONDED BY ARLAND LAFORME

That the MNCFN Regular Council accepts the Agenda with the following additions and changes:

- Agenda Item No. 2a) – Resignation Letter of Councillor;
- Agenda Item No. 8 – Paymobile – Share Subscription – moved to Executive Finance as there is not enough information at this time;
- Agenda Item No. 13a) – Chief's of Ontario – Annual General Assembly – who is attending;
- Agenda Item No. 18a) – In-Camera Item.

Carried

AGENDA ITEM NO. 2a) – LETTER OF RESIGNATION FROM COUNCILLOR ARLAND LAFORME

Councillor Arland LaForme has given his letter of resignation as a Councillor. He informed that he starts work on Tuesday, May 17, 2016 and was excused for the rest of tonight's meeting. He will be using a vacation credit.

MOTION NO. 2

MOVED BY EVAN SAULT

SECONDED BY ERMA FERRELL

That the MNCFN Regular Council accepts the Letter of Resignation dated Monday, May 16, 2016 from Councillor Arland LaForme at the conclusion of tonight's Regular Council Meeting.

Carried

2nd Reading Waived

AGENDA ITEM NO. 3 – REVIEW & ACCEPT THE PUBLIC MINUTES OF REGULAR COUNCIL DATED TUESDAY, APRIL 18, 2016

MOTION NO. 3

MOVED BY EVAN SAULT

SECONDED BY CATHIE JAMIESON

That the MNCFN Regular Council accepts the Regular (Public) Council Minutes of April 18, 2016.

Carried

AGENDA ITEM NO. 4 – MATTERS ARISING FROM THE MINUTES

4.1 – See Agenda Item No. 15c) of In-Camera Minutes. Attached is letter sent to Attawapiskat First Nation regarding donation of sports equipment.

Council acknowledged letter.

OPP Inspector Phil Carter in at 7:05 pm.

AGENDA ITEM NO. 5 – OPP INSPECTOR PHIL CARTER TO DO MONTHLY REPORT

Mr. Carter stated that for the month of April 2016, there were only 12 incidents on the New Credit Territory which indicates a downward trend. He also informed that work will commence any time soon at the intersection of No. 6 Highway and First Line as MTO (Ministry of Transportation Ontario) is just now going through the environmental stage, and further, MTO does not have the funding to begin this project.

A Hunters and Anglers Meeting is scheduled for May 25, 2016 here in the Council Chambers and Mr. Jeff Columbus of MNR (Ministry of Natural Resources) will be attending.

Since Arland LaForme is no longer a Councillor, the OPP Liaison contact for New Credit will be Councillor Evan Sault.

Mr. Carter was thanked for his presentation and left at 7:20 pm.

MOTION NO. 4

MOVED BY EVAN SAULT

SECONDED BY CATHIE JAMIESON

That the MNCFN Regular Council accepts the following OPP Report from Inspector Phil Carter for the month of April 2016:

Re: Mississaugas of the New Credit Monthly Police Incident Report:

April: 12 Incidents (2015 – 32 incidents, 2014 -13 incidents).

Breakdown of Incidents:

911: Children playing with phone.

2 Alarms: Lloyd S. King School, police found insecure door, Children Center – workers false alarm.

Bail Violation: Traffic stop found person in violation of his bail conditions resulting in arrest.

Domestic Dispute: Allegation of assault investigation is continuing.

Liquor License Act: Traffic stop, violation observed resulting in charge

Collision: Toby's gas bar, minor fender damage

2 Suspicious Vehicles: not located in both incidents, officers to observe during future patrols

2 Traffic Enforcement: Suspended driver & HTA enforcement

Trespass to Property: Unwanted person refusing to leave related to earlier domestic incident.

Carried

Garry Kissack (Legal Counsel) and DSED in at 7:20 pm

AGENDA ITEM NO. 6 – GUEST GARRY KISSACK (LEGAL COUNSEL) TO DO PRESENTATION ON MISSISSAUGA OF THE CREDIT BUSINESS DEVELOPMENT CORPORATION

Director of SED requested that Mr. Kissack (Legal Counsel) attend tonight's meeting to update Council on the Mississauga of the Credit Development Corporation, and the benefits of having such a corporation. .

Garry Kissack (Legal Counsel) was introduced to everyone. He referred to his power point presentation (which everyone has a copy) and highlighted a few areas. He also reiterated that taxes and governance issues are other reasons for having a Business Corporation. Another reason is making sure the Business Corporation is responsible to Chief and Council and the Crown

Page 3 – Personal property on Reserve is exempt from taxation, however, this does not apply to Corporations or Trusts. Sections 87 and 81 of the Indian Act are exempt from tax.

Page 4 – Section 149(1)(c) – Many First Nations seek reliance on this section which says “Public body performing a function of government exemption”. Mr. Kissack stated that somehow the First Nation has to fit into these rules ie how much money can be made. Executive Director questioned why a First Nation would need to be concerned about this section. Mr. Kissack answered that the importance is liability and risk ie if a Band owned five different businesses and borrowed money from the bank and the businesses became questionable; if someone fell and got hurt etc. you could insulate the Band and the businesses by the Corporation, also insulate shareholder's liability. Insulating each business is a very good business practice. First Nations have set up Economic Development Corporations and have done a good job of creating sovereign wealth. We (Legal Counsel) prefer to set up legal entities/corporations.

Councillor questioned how a company can be separate ie the Plaza. Mr. Kissack answered that putting in a legal entity sitting between the business and the Band will have asset owned shares and would be able to address risk through this.

Councillor pointed out that another reason to have a corporation is non-Native businesses partnering with New Credit would be tax exempt. Since outside parties want to partner with the Band, they would need a way to ensure tax exemption.

Government has a policy of “own source revenues” and the government can “claw back” which is very insulting. Executive Director stated that it is none of the government's business regarding our own source revenues. Mr.Kissack will send the Executive Director a copy of the Own Source Revenue Policy which is an INAC Policy. This Policy allows claw back if a Band generates too much money. If an Economic Development Corporation generates dollars the Band is not obligated to tell the government.

Band Member Max King in at 7:35 pm.

Page 5 – How do we satisfy Revenue Canada that we are a First Nation and tax exempt?

Page 12 is an example of how the corporation would work.

Page 13 is an example of the concept of a Trust in an Economic Development Group. Funds would be set aside, but a procedure would be set up to flow funds back to the Community.

Page 14 – The Economic Development Group has to be accountable to Chief and Council, therefore we have try to ensure the corporation is transparent and accountable.

Page 15 – This was discussed at the Working Group level – 90% of dollars generated on Reserve is tax exempt. The corporation is a good vehicle to have as long as dollars are generated on-Reserve. Income can be generated through power generation. Section 149(1)(c) – can earn dollars off-Reserve, but those dollars have to be attributed back to the Reserve.

Councillor noted that it is imperative that the majority of Board Members have to live on-Reserve. DSED advised that 5 Board Members have to be on-Reserve and there are two seats open for off-Reserve Board members. However, Mr. Kissack stated that all Board Members should live on-Reserve.

Executive Director questioned if there was a mechanism in place to terminate a Board Member who is not doing his/her job. Mr. Kissack answered that a Code of Ethics would need to be developed.

Mr. Kissack was thanked for his presentation and left at 8:20 pm. Max King left at 8:20 pm.

AGENDA ITEM NO. 7 – MOTION NO. 7 OF EDUCATION & SOCIAL SERVICES COUNCIL MEETING (MONDAY, MAY 9, 2016) REGARDING MISSISSAUGA OF THE CREDIT BUSINESS DEVELOPMENT CORPORATION COMING BACK FOR 2ND READING

The DSED informed that the Board would need to be set up first. However, Executive Director questioned if this should be explained to the Community first.

Councillor advised that this item should be placed on one of the Monthly Gathering Meetings.

MOTION NO. 5

MOVED BY EVAN SAULT

SECONDED BY CATHIE JAMIESON

That the MNCFN Regular Council agrees to accept and adopt the Terms of Reference for the Mississauga of the Credit Business Corporation and further, approves the posting to seek Community Members to serve on the Board of Directors.

Carried

2nd Reading Waived

Opposed: Councillors Erma Ferrell and Veronica King-Jamieson – lack of consultation with Band Membership.

Chair voted in favour and broke the tie.

AGENDA ITEM NO. 8 – PAYMOBILE – SHARE SUBSCRIPTION

This item has been deferred to the next Executive Finance Council Meeting on Tuesday, May 24, 2016 as there is not enough information at this time.

AGENDA ITEM NO. 9 – TIME SENSITIVE – CHIEFS OF ONTARIO (COO) PARENTAL ENGAGEMENT SURVEY (EDUCATION DIRECTOR)

Councillor questioned if the Education Director would be responsible for seeing that the survey is completed.

MOTION NO. 6

MOVED BY CATHIE JAMIESON

SECONDED BY EVAN SAULT

That the MNCFN Regular Council approves the participation in the Chiefs of Ontario Parent Engagement Research Project.

Carried

2nd Reading Waived

Opposed: Councillor Erma Ferrell – Motion is not specific to the target group.

AGENDA ITEM NO. 10 – TIME SENSITIVE – LSK 2016/17 SCHOOL CALENDAR YEAR (EDUCATION DIRECTOR)

MOTION NO. 7

MOVED BY VERONICA KING-JAMIESON

SECONDED BY CATHIE JAMIESON

That the MNCFN Regular Council approves the Lloyd S. King Elementary 2016-2017 School Year Calendar as presented with note that the Christmas closure dates are to be confirmed.

Carried

2nd Reading Waived

Opposed: Councillor Erma Ferrell – would like to see this come back when the Education Director is present.

**AGENDA ITEM NO. 11 – LSK EDUCATION AUTHORITY CONSULTATION
(COMMUNICATIONS DIRECTOR)**

Communications Director informed that the Committee met and agreed that the report on which the reorganization is to be based is incomplete due to lack of consultation with parents, Community and Chief and Council.

Communications Director stated that no changes can be made without Chief and Council input, but Councillor believes that Council would be in a conflict.

Councillor reiterated that she was not happy with Jennifer Kirkham's Organizational Report and questioned why the Communications Director would use her for this process. Communications Director answered that it was the easy short cut.

MOTION NO. 8

MOVED BY EVAN SAULT

SECONDED BY CATHIE JAMIESON

That the MNCFN Regular Council approves Chief and Council participation in the LSK Education Authority consultation process.

Carried

2nd Reading Waived

Opposed: Councillors Erma Ferrell and Veronica King-Jamieson – believe Chief and Council are in a conflict.

Chair broke the tie and voted in favour.

**AGENDA ITEM NO. 12 – EAGLEPRESS NEWSLETTER REDESIGN
(COMMUNICATIONS DIRECTOR)**

MOTION NO. 9

MOVED BY EVAN SAULT

SECONDED BY CATHIE JAMIESON

That the MNCFN Regular Council approve an increase in the Media and Communications print budget of \$21,880.56 + \$3119.44 in contingency dollars for a total of \$25,000.00 (Twenty Five Thousand Dollars) to print the redesigned Eaglepress Newsletter in-house, in full colour. Funds to be provided through gaming dollars.

Carried

2nd Reading Waived

**AGENDA ITEM NO. 13a) – CHIEFS OF ONTARIO – ANNUAL GENERAL ASSEMBLY –
WHO IS ATTENDING?**

Chiefs of Ontario Annual General Assembly is being held in Thunder Bay on June 28, 29 and 30, 2016.

SEPARATE ITEM

Communications Director would like to go to the Hiawatha Pow Wow as she says it is in her job description to attend these kinds of functions.

MOTION NO. 10

MOVED BY EVAN SAULT

SECONDED BY

That the MNCFN Regular Council agrees that the Communications Director will be allowed to attend the Hiawatha Meetings and Pow Wow on May 19 – 22, 2016.

Chair called for a Secunder three times and no one responded.

Motion is Defeated

Council moved In-Camera at 9:25 pm.