

**MISSISSAUGAS OF THE NEW CREDIT FIRST NATION
INFRASTRUCTURE & DEVELOPMENT COUNCIL MINUTES
Monday, October 6, 2014**

REGULAR I & D MINUTES

Start 9:17 am

Finish 4:35 pm

Chief Councillor

Bryan LaForme

Councillor

Erma Ferrell

Councillor

Arland LaForme

Councillor

R. Stacey Laforme

Councillor/Chair

Larry Sault

Councillor

Clynten King(Absent)

Councillor

Cecil Sault

Councillor

Sharon Bonham

Executive Director

Cynthia Jamieson

Recorder

Charlotte Smith

Director SED

Kevin Wassegijig

LRM Director

Margaret Sault

PW Director

Barbara Hill

Housing Program Supervisor

Lorraine LaForme

Community Consultation/Lands

& Membership Officer

Julie Laforme

Legal Counsel

Kim Fullerton

Mackie Research Investment Capital

Corporation

Scott Barker, Joseph Debus, Jovan Stupar

Other Guests

Deborah Cope, Alena Campbell, Serle

Chukseev, Walter Kehky, Moreh Fenning

Six Nations Council

Darryl Hill, Robert Johnson

AGENDA ITEM NO. 1 – OPEN MEETING

Councillor/Chair Larry Sault opened the meeting at 9:17 am. Councillor Clynten King will be here at 10:30 am. Chief Bryan LaForme has to leave at 3:30 for an appointment.

NOTE: Councillor R. Stacey Laforme informed that he left the Special Council Meeting on Monday, September 29, 2014 at the Community Centre early as his Uncle had passed away.

AGENDA ITEM NO. 2 - REVIEW & ACCEPT AGENDA

MOTION NO. 1

MOVED BY R. STACEY LAFORME

SECONDED BY BRYAN LAFORME

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

- Agenda Item No. 7a) – Casey Jonathan Letter;
- Agenda Item No. 8a) – Native Horizons Treatment Centre (NHTC) Update from Councillor Cecil Sault;
- Agenda Item No. 21a) – Draft Agenda for Nationhood Meeting;
- Agenda Item No. 26a) – Garry Kissack (Legal Counsel) BCR – 8392692 Canada Inc.;
- Agenda Item No. 26a) – PAGES Recommendation was deleted in favor of the above;
- Agenda Item No. 29 – Band Member Request was deleted;
- Agenda Item No. 33 – Independent Consultant Contract;
- Agenda Item No. 34a) – LSK Principal Resignation.

Carried

AGENDA ITEM NO. 3 - REVIEW & ACCEPT INFRASTRUCTURE & DEVELOPMENT COUNCIL MINUTES FROM TUESDAY, SEPTEMBER 2, 2014

MOTION NO. 2

MOVED BY Bryan LaForme

SECONDED BY ARLAND LAFORME

That the MNCFN Infrastructure & Development Council accepts the Minutes of Infrastructure & Development Council dated Tuesday, September 2, 2014 with noted changes/corrections.

Carried

AGENDA ITEM NO. 4 – MATTERS ARISING FROM THE MINUTES

4.1 DIRECTION NO. 4 – Page 10 – Letter dated September 8, 2014 to HaaB;

4.2 MOTION NO. 16 – Page 17 – Letter was written, signed and sent on September 4, 2014.

ECONOMIC DEVELOPMENT

DSED in at 9:05 am.

AGENDA ITEM NO. 5 – ONTARIO TOBACCO TAX ACT (TTA) – RAW LEAF TOBACCO OVERSIGHT

In his Briefing Note the DSED highlighted some of the issues that the Ontario Ministry of Finance is endeavoring to do regarding raw leaf tobacco. The ultimate goal is to impede the flow of untaxed tobacco products. MOF is developing a discussion paper wherein raw leaf tobacco oversight means monitoring, registering and permitting participants receiving and transferring raw leaf tobacco. First Nations impacts would be enormous on operators not registered with Ontario.

Chief informed that the problem some First Nations are having is the tax issue. Hiawatha First Nations' books are now being audited. This discussion paper does not address anything.

DSED pointed out that this is just regulation thus far.

There is also the issue of the MOF including a section on the definition of raw leaf tobacco grown and used for First Nations' ceremonial and cultural purposes.

It would appear that GRE is taking over the market.

It was agreed that no decision would be made at this Council Table until further discussion could take place at the Mississauga Nationhood meeting.

Council moved to an In-Camera session.

LANDS, MEMBERSHIP & RESEARCH

LMR Director, Deborah Cope, Serle Chukseev, Moira Fenning, Alena Grunwald and Walter Kehky in at 12:00 pm.

AGENDA ITEM NO. 12 – GUESTS – TO GIVE A PRESENTATION ON THE URBAN PARK & WATERFRONT TRAIL AT ONTARIO PLACE

Moira gave a brief update on the final design of the Urban Park and Waterfront Trail at Ontario Place. On Wednesday, October 8, 2014 she will be taking this design to Design Review Committee. There will be a public unveiling of this design on November 4, 2014 and she has invited the Chief to attend. She advised that the Park and Trail is only the first step.

Everyone was given a handout and Walter Kehky went though same. He noted that their office appreciates working with Carolyn King.

With regard to the Moccasin Identifier, the moccasins will be embedded into the stone and range from four to seven metres long.

Councillor questioned if it was wheelchair accessible and Walter said yes.

Moira stated that they will come back and keep Chief and Council posted on everything.

Guests were thanked and left at 12:30 pm.

MOTION NO. 12

MOVED BY BRYAN LAFORME

SECONDED BY ARLAND LAFORME

That the MNCFN Infrastructure & Development Council endorses the two final design elements within the urban park and waterfront trail at Ontario Place, which are:

- Moccasin Identifier on the ravine wall, the gateway to the park and
- The placement of three Marker Trees to show meaningful direction along the upper trail

Carried
2nd Reading Waived

LMR Director out at 12:30 pm.

LUNCH BREAK 12:30 TO 1:25 PM.

Council moved to Agenda Item No. 19 at 1:30 pm.

PUBLIC WORKS

Darryl Hill and Bob Johnson from Six Nations Council in at 1:30 pm.

PW Director in at 1:30 pm.

AGENDA ITEM NO. 19 – SIX NATIONS’ REQUEST TO HOOKUP TO MNCFN WATERLINE

PW Director went through her Briefing Note and highlighted some points. Both New Credit and Six Nations (SN) Council met in Cayuga with Haldimand County (HC) Mayor Ken Hewitt. The outcome of that meeting was HC does not have the capacity to accommodate SN’s with water; the water supply would not be increased should NC accommodate SN’s; SN’s was to confirm the number of potential hookups plus their potential growth & NC was to check present usage to see if NC could accommodate SN’s.

Bob Johnson is a Six Nation’s Councillor and he informed that four years ago a Six Nations Band Member approached him about hooking up to New Credit’s waterline. What he thought was a simple request has now turned into something political.

Darryl Hill is also a Six Nations Councillor and he stated that there are now six homes interested In hooking up to NC’s waterline. He stated that Six Nations would pay New Credit. He also pointed out that it will cost Six Nations \$120 Million to get water to the whole Six Nations Reserve. Six Nations is actively approaching government agencies for funding. It was suggested that the issue of Haldimand County not assisting would carry more weight when approaching government agencies.

Chief Bryan LaForme stated that New Credit has to take care of its own Community first.

Guests were thanked and left at 1:45 pm.

It was agreed that NC does not have the capacity to accommodate SN’s to hookup to NC’s waterline. It was also agreed that PW Director would prepare a letter for the Chief’s Signature denying Six Nations access to hook up to New Credit’s waterline.

MOTION NO. 13

MOVED BY ARLAND LAFORME

SECONDED BY SHARON BONHAM

That the MNCFN Infrastructure & Development Council agrees to deny Six Nations’ request to hook-up to MNCFN Waterline as MNCFN does not have the capacity to accommodate Six Nations due to future growth of MNCFN.

Carried

2nd Reading Waived

DIRECTION NO. 3

That the MNCFN Infrastructure & Development Council gives direction to the Public Works Director to prepare a letter for the Chief’s signature to Six Nations Council denying Six Nations access to hook up to the MNCFN Waterline.

PW Director out at 1:50 pm.

Council moved back to Agenda Item No. 13.

LANDS, MEMBERSHIP & RESEARCH

LMR Director back in at 2:00 pm.

AGENDA ITEM NO. 13 – PROTOCOL AGREEMENT BETWEEN MNCFN & ENBRIDGE PIPELINES INC. (BCR TO BE SIGNED) (DOES THE PROTOCOL AGREEMENT HAVE TO BE SIGNED)

The following BCR was signed by everyone. With regard to the Protocol Agreement, Councillor stated that Schedules A, B and C will be filled in later on when there is more detail.

MOTION NO. 14

MOVED BY ARLAND LAFORME

SECONDED BY CECIL SAULT

That the MNCFN Infrastructure & Development Council agrees to the following wording for BCR No. 111 – 2014-2015:

That the Protocol Agreement between Enbridge Pipelines Inc and the Mississaugas of the New Credit First Nation, a copy of which is attached hereto, be approved and thereafter executed.

Carried

2nd Reading Waived

NOTE: Recorder had Chief sign the Protocol Agreement in duplicate and sent it to Chris Graham (Legal Counsel). Chris will send an executed copy back to Chief and Council once it is signed by all parties.

AGENDA ITEM NO. 14 – DONATION REQUEST – LSK ANNUAL TOY BINGO

It was noted that LSK has a surplus in their budget and the Executive Director had the Education Director put this back into the 2014/15 budget.

MOTION NO. 15

MOVED BY R. STACEY LAFORME

SECONDED BY BRYAN LAFORME

That the MNCFN Infrastructure & Development Council approves the donation of \$3,000.00 (Three Thousand Dollars) for the LSK Annual Toy Bingo to be held on November 29, 2014 at the Six Nations Bingo Hall. Funds will be paid from the Donation Policy Fund.

Carried

2nd Reading Waived

AGENDA ITEM NO. 15 – BEAHR (BUILDING ENVIRONMENTAL ABORIGINAL HUMAN RESOURCES) ENVIRONMENTAL TRAINING

LMR Director informed that the Archaeological Monitoring is now slowing down and the next phase of construction is Environmental Monitors. Band Members from New Credit do not have this training, and it is necessary for employment. Councillor questioned if constructing monitoring was included. LMR Director will check. There was also the question of supervisor training. LMR Director will also check this. The issue was brought up again that many of the Archaeological Monitors do not have a Drivers License or a vehicle. LMR Director stated that it is not her job to get the Monitors to the sites.

With regard to the Terms of Reference the DSED and Don Richardson are still working on this.

It was noted that GREAT offers this training. Would this be comparable to what the LMR Director is requesting. LMR Director will also check this and find out the cost.

Another concern is EI is not taken out of the Archaeological Monitors' wages as they are contract positions. LMR Director was told that if any of the Monitors tried to apply for EI that New Credit would be fined. Once the Consultation Office is up and running this will be given more consideration.

MOTION NO. 16

MOVED BY ERMA FERRELL

SECONDED BY BRYAN LAFORME

That the MNCFN Infrastructure & Development Council approves the proposal to facilitate BEAHR Environmental Training to be delivered by Shared Value Solutions in late 2014 and early 2015, in the amount of \$30,371.00 The remaining part of the budget will be to pay the participants, meeting space, mileage and food in the amount of \$25,156.00. The total amount which is \$55,527.00 (Fifty Five Thousand Five Hundred Twenty Seven Dollars) will come from the Casino Rama Community Development Account 100203, Dept. 47200.

Carried

2nd Reading Waived

Opposed: Councillors Arland LaForme and Sharon Bonham – Further information needs to be gathered from the GREAT Office and from the Consultation & Accommodation Office.

AGENDA ITEM NO. 16 – REQUEST FOR THE USE OF THE MNCFN LOGO

MOTION NO. 17

MOVED BY R. STACEY LAFORME

SECONDED BY ARLAND LAFORME

That the MNCFN Infrastructure & Development Council grants permission to the Peel District School Board to use the MNCFN logo in their recently developed video to support the Voluntary, Confidential Self-Identification Policy for First Nation, Metis and Inuit Students.

Carried

2nd Reading Waived

**AGENDA ITEM NO. 17a) - LETTER PREPARED BY LMR DIRECTOR TO AANDC
REGARDING ATR – MISSISSAUGAS OF SCUGOG NATION - TO BE APPROVED AND
SIGNED BY THE CHIEF**

MOTION NO. 18

MOVED BY ERMA FERRELL

SECONDED BY CECIL SAULT

That the MNCFN Infrastructure & Development Council approves that the letter to the ATR Coordinator at AANDC regarding the Mississaugas of Scugog Island First Nation Proposed Addition to Reserve Notification will be signed by the Chief and mailed.

Carried

2nd Reading Waived

NOTE: Letter was prepared on MNCFN letterhead and was signed by the Chief and mailed today.

Council moved to Agenda Item No. 25 – In-Camera.

OTHER/NEW BUSINESS

AGENDA ITEM NO. 21 – NATIONHOOD (EF)

MOTION NO. 22

MOVED BY R. STACEY LAFORME

SECONDED BY ARLAND LAFORME

That the MNCFN Infrastructure & Development Council approves the following:

1. The Pipe Carriers from other First Nations to participate in the Nationhood meeting to be held on October 15 & 16, 2014.
2. The participation of our Elder Garry Sault, to conduct the Traditional opening on October 15 & 16, 2014.
3. A budget of two thousand dollars to purchase gifts for the Nationhood Gathering scheduled for October 15, & 16, 2014.

Dollars will come from Casino Rama.

Carried

2nd Reading Waived

Council moved back to Agenda Item No. 18.

PUBLIC WORKS

PW Director back in at 2:55 pm.

AGENDA ITEM NO. 18 – 2014/2015 FIRST NATIONS INFRASTRUCTURE INVESTMENT PLAN (FNIIP) – ANNUAL REPORT

MOTION NO. 23

MOVED BY R. STACEY LAFORME

SECONDED BY ARLAND LAFORME

That the MNCFN Infrastructure & Development Council accepts the 2014/2015 First Nations Infrastructure Investment Plan (FNIIP) as presented.

Carried

2nd Reading Waived

Rationale: Report was due September 30, 2014.

PW Director out at 3:00 pm.

Council moved to Agenda Item No. 22.

OTHER/NEW BUSINESS

AGENDA ITEM NO. 22 – NOVEMBER 11, 2014 – REMEMBRANCE DAY CEREMONY (EF)

MOTION NO. 24

MOVED BY R. STACEY LAFORME

SECONDED BY ARLAND LAFORME

That the MNCFN Infrastructure & Development Council agrees to host a Remembrance Day Ceremony on Sunday, November 9, 2014.

Carried

2nd Reading Waived

MOTION NO. 25

MOVED BY R. STACEY LAFORME

SECONDED BY ARLAND LAFORME

That the MNCFN Infrastructure & Development Council designates Chief Bryan LaForme and Councillor Erma Ferrell to contact the participants of the Ceremony and will expense any fees for equipment, etc. to the Casino Rama Profit Centre.

Carried

2nd Reading Waived

Opposed: Councillor Erma Ferrell

AGENDA ITEM NO. 23 – MNCFN WEBSITE – INFORMATION FROM PEACE HILLS TRUST & KIM FULLERTON TO BE POSTED UNDER BAND MEMBERS LOGIN SECTION (EF)

MOTION NO. 26

MOVED BY ERMA FERRELL

SECONDED BY ARLAND LAFORME

That the MNCFN Infrastructure & Development Council will review and pre-approve the posting of all information related to the Toronto Purchase Trust on the MNCFN website. The postings will be added to the Band Members login section and will be available to all Band Members.

Carried

2nd Reading Waived

AGENDA ITEM NO. 24 – CHRISTMAS DINNER – INVITATIONS & GIFTS

It was agreed that more information is required and this will come back to the next Education & Social Services Council meeting on Tuesday, October 14, 2014.

Council moved to Agenda Item No. 26a) as Agenda Item No. 25 has already been dealt with.

AGENDA ITEM NO. 26a) – GARRY KISSACK (LEGAL COUNSEL) – BCR

A BCR is necessary regarding the numbered company because eventually it will become the Economic Development Corporation.

One Councillor and the Chief are not in agreement.

MOTION NO. 27

MOVED BY CECIL SAULT

SECONDED BY SHARON BONHAM

That the MNCFN Infrastructure & Development Council approves the following BCR:

WHEREAS the Chief and Council of the Mississaugas of the New Credit First Nation (the "**First Nation**") is empowered to act for and on behalf of the members of the First Nation, through powers conferred on them by the Parliament of Canada through the *Indian Act* (Canada) and other applicable acts and regulations, and through their own rights of self-determination;

AND WHEREAS the Chief and Council of the First Nation formed 8392692 Canada Inc. (the "**Corporation**") to pursue certain economic development opportunities on behalf of the First Nation and has elected a Board of Directors of the Corporation to manage the business and affairs of the Corporation;

AND WHEREAS the Chief and Council of the First Nation wish to form a working group (the "**Economic Development Working Group**") with the mandate to, among other things, review the structure under which various business assets are currently owned and operated on behalf of the First Nation to determine if it may be desirable for the First Nation to implement a new structure for the First Nation to develop, invest in, own and operate businesses and investments located on its reserve as well as outside of the First Nation's reserve, including through the Corporation;

NOW THEREFORE the Chief and Council of the First Nation hereby resolve as follows:

1. The Economic Development Working Group is hereby created, which group will initially be comprised of four (4) persons, being three (3) nominees selected by the majority vote of the Council from time to time (which nominees may, but are not required to, be members of Council from time to time) and one (1) nominee being the First Nation's Director of Sustainable Economic Development from time to time;
2. Arland LaForme, Erma Ferrell and Larry Sault are hereby appointed as the three (3) nominees of the Council to the Economic Development Working Group, and Kevin Wassegijig is hereby appointed to the Economic Development Group in his capacity as the First Nation's current Director of Sustainable Economic Development; and
3. The Economic Development Working Group shall have the mandate to review the structure under which business assets are owned and operated on behalf of the First Nation to determine if it may be desirable for the First Nation to implement a new structure to develop, invest in, own and operate businesses and investments located within (but not limited to) its traditional territory;
4. The Economic Development Working Group shall, upon completion of its review, report and make recommendations to the Council on how the ownership of such businesses and investments should be structured, which structure shall incorporate the following goals and principles:

- (a) the economic development group's governance must be legitimate and accountable to the First Nation's community. At the same time, investment and business decisions (including operational decisions) must be made on a sound "business" basis, which means having (or having access to) the right expertise;
- (b) income generated from and distributed by the First Nation's business interests will be: (i) reinvested in the same or other businesses or investment opportunities or in a passive investment portfolio; and/or (ii) distributed to the First Nations' community members or used for community purposes. To the extent possible, that income should be tax exempt, whether it is earned on or off-reserve. One of the goals of the First Nation for the economic development group will be to set a path towards the First Nation becoming a self-sustaining community;
- (c) there should be a separation of business interests and investments in order to protect (to the extent possible) the First Nation's investments and holdings and to facilitate the financing and/or sale of each business and investment. This would also suggest creating or designating, to the extent necessary, separate entities to own the various business interests and a community trust or other entity to receive and distribute income received from such businesses from time to time, and to avoid cross-guarantees as much as possible;
- (d) the structure must be understandable to the First Nation's community, financiers and relatively simple and cost effective to operate;
- (e) the structure must also be a "plug and play" structure, allowing new businesses and investments to be added, whether on or off-reserve (including the transfer of existing businesses held by the First Nation, directly or indirectly, to the economic development group), on a tax effective basis and without having to develop costly new structures for each new venture; and
- (f) the structure must also allow for status Indian employees of the economic development group and subsidiaries to have an opportunity to claim a tax exemption on their employment income.

Carried
2nd Reading Waived

Opposed: Councillor R. Stacey Laforme – because of his own ignorance; Chief Bryan LaForme – does not agree with Council sitting on the Board.

Council moved back to Agenda Item No. 20a).

AGENDA ITEM NO. 20a) – DRAFT AGENDA FOR NATIONHOOD MEETING ON OCTOBER 15 AND 16, 2014

DIRECTION NO. 5

That the MNCFN Infrastructure & Development Council gives direction to Councillor Erma Ferrell to follow up regarding the Draft Agenda for the Nationhood Meeting with contacting David Moses to film the sessions and prepare a media release, and what the next step action will be.

Council moved to Agenda Item No. 27 In-Camera.

AGENDA ITEM NO. 35 - ADJOURNMENT

MOTION NO. 32

MOVED BY R. STACEY LAFORME

SECONDED BY BRYAN LAFORME

That the MNCFN Infrastructure & Development Council adjourns this meeting at 4:35 pm.

Carried