

REGULAR COUNCIL MEETING TUESDAY, SEPTEMBER 30, 2014

In Attendance: Chief Philip Franks, Councilors Teresa Greasley, Mike DeCaire, Stuart Lane and Community Members

I. Call to Order

The meeting was called to order at 7:12

II. Opening

Chief Philip suggested that everyone take a moment to quietly reflect and keep in mind that we all have common goals, and that we should give thanks for what we have.

Ryan Decaire then gave the Thanksgiving address and gave an overview of it in English.

III. Adoption of Agenda

Chief Philip asked that if anyone had additional agenda items that they have their names placed on a list so that he could get to their issues later.

Motion to accept the agenda by Councilor Mike DeCaire and seconded by Councilor Teresa Greasley to adopt agenda. All in favor, carried

IV. Adoption of minutes of August 26, 2014 meeting

Chief Philip read the minutes of the last meeting. Minor corrections need to be made to the MCR's; a clarification re: juice making, raised by Councilor Stuart Lane; a clarification raised by Stuart re: Karen Commandants' resignation- that it should read "resigned from Council".

The community members suggested that the minutes be more detailed to reflect discussions.

Ellen volunteered to take minutes this time and Chief and Council were in agreement with this.

As Councilor Stuart Lane had issues with the minutes, their approval has been deferred until the next meeting. Stuart suggested putting minutes on the website but Chief Philip explained that until the site is made somewhat more secure it may be better to wait. At this time the site is public and putting financial information on it concerning ICG and Nursing Station may cause misconceptions. When the site is more secure this suggestion can be revisited.

V. Actions Arising

Old Business/Follow-up

Philip updated members regarding Hydro One re: renewal agreement and other commitments i.e.

Memorandum of understanding concerning real estate. Council will be meeting with Hydro One but the dates have not been confirmed.

Regarding Finance, we are still working within budget. When the Board of Directors for ICG is struck, then they will be monitoring the ICG expenditures.

We have two areas with no funding. They are ICG and Nursing Station. We are using past budget amounts and covering costs as we can.

The audit for 2013/14 is on track and we aren't likely to be penalized. One of the auditors is on leave and when he is back this process will speed up considerably.

Land Claim - it is not certain where the lawyer is on this. Time is running short and Danny asked if he can be

invited to speak to members. Philip will take this under consideration. At this point the documents have been submitted to renegotiate but a case for such has to be made in case it goes to Court. Negotiating may be an option. There was discussion over who has what documents. Chief Philip Franks will get Mr. Healey to clarify how much information he has. Councilor Stuart Lane suggested that the previous lawyer Bob Potts may have information. Tim suggested that there should be a list of documents to support the case and it should be shared with members. Our current lawyer should be aware of what he doesn't have. Chief Philip Franks will get the list. Tim asked if Chief Philip Franks was present when Mr. Potts made the presentation to the elders and that they seemed upset at the time. There was a discussion regarding loss of use. The document was in the band office at one time but Tim thinks it is missing. If it is around it may be useful.

Philip gave an update regarding the MNR meeting and gave an explanation of programs and delivery. The other First Nations were involved with this but the meeting was not well attended by Chiefs. Two reserves have expressed concern over duty to consult and accommodate. These reserves are under the Robinson Huron Treaty.

Chief Franks informed the group that council will be meeting tomorrow with advisors to improve communications to all members.

Bala Portage

Chief Franks explained that there is misleading media information, for example that Wahta and Six Nations met concerning this issue. This is false. There is a question that the past Chief waived the right for public consultation with Swift River Energy. This was reported to the media by Karen McGhee, an employee of Swift River Energy. Chief Franks made it clear that it is up to us to determine what a consultation is. A member questioned how much money we have put into this issue. All we have done is hold a press event and Chief Franks attended meetings in Bracebridge and Port Carling. Muskoka Lakes township has done all of the work. Our position is strictly concerning the lack of consultation. This issue is also being clarified with all levels of government including MNR and MOE. Phone contact has been made by Tony Clement who asked if he could help. We will get these meetings going ASAP. There is a deadline approaching for release of permits which will allow Swift River to put a driveway on the property near the church in Bala. The local government has been asked not to issue permits. The district could not rescind their original motion on this issue but can do so in December. Unfortunately the permits may be issued prior to that date. Dennis asked why the Mohawk flag is flying on the site and that the original site was not in that location. Chief Franks explained that David Thompson, a surveyor has done some work and it is indeed there. In any event, it is not harmful to have the flag there.

Pioneer Solar

The time frame has elapsed for us to submit our contribution to this project. It is in the area of 3.5 million dollars which would realize a return of 4.6 million dollars over a twenty year period. This is questionable as to whether it is a good business move. There would be regular maintenance, and possibly ongoing costs. As well, power production would diminish in the final years as the equipment is less efficient. This issue can be revisited in the next round of proposals.

ICG-Algoma Orchards

Two thirds of the stored cranberries have been processed into juice and the remainder will be done when the company finishes processing their apples. The upside of this is that the berries have been moved out of freezer storage and into refrigeration which is a cost saving. Councilor Lane would like to see a paper trail concerning all the specifications re: amounts processed.

Restricted Services Policy

Chief Philip explained that no action has been taken on this at this time. Council has not decided on action but the memorandum is being considered. Chief Franks explained that the names came from pictures, social media entries and witnesses to participants at the fire. Davey suggested that the list is not complete without the addition of Jerry Montours name and if his name is not on the list it should be. Chief Franks took note of this. There was discussion whether the list should even be in existence. Chief Franks explained again that the list is only a recommendation and no action has been taken. There is a concern about fairness and how fairness can exist in the presence of a list, written or unwritten. Again, this is just a recommendation and council will consider the options.

Ontario Government - Jury Duty

Chief Philip Franks gave a short background on our position on jury duty, simply being that if called for duty, residents cannot be made to report if they don't wish to. He called for a motion to be put forth just reaffirming that position. Councilor Stuart Lane wanted time to study this motion. Information will be put in the newsletter and this item will be on the agenda for next month.

New Business

Administration Code Review

At this point the document is back at the lawyer's office for a general legal review. Lawyer Mr. Herbert and Bob Antone would like to do a presentation to point out and clear up the ambiguous areas. They are both of the mind that this document gives further power to Chief and Council. It was suggested to have a General Meeting in late October or November to get this information out there. There are about fifty five legal points that need to be addressed to make the document workable and clear. Councilor Lane was concerned about finances that have been put into this process. Chief Franks reiterated that it is a work in progress. Tim's position is that the process has been done. Council's position is that the code was never going to be dismissed, but only examined and clarified with full participation of the membership.

Chief Franks expressed the hope that our reserve could move forward in a positive way. Tim questioned why the council has never taken the Oath of Office., Chief Franks responded that whether it is called Oath of Office or Code of Ethics, the promise has been made and signed by councilors, with the exception of Councilor Stuart Lane. It is time to rebuild, communicate, learn and move forward. The discussion continued with various points being made around participation in making these documents, money involved in making the document, etc. Not all questions and comments were audible therefore not recorded.

Other Issues

Ryan expressed a concern about allegations re: last election and the theory that some people were bullied/paid/threatened with loss of membership if they didn't vote the right way. He requested this matter be looked into because he has heard reports of this happening. He also noted that it was odd that voter turnout was up more than 50%. Dennis suggested that the 25% members were the cause of this turnout. Ellen suggested that all members received \$3,000 just prior to election and that helped voters attend. Philip will look into these allegations.

Gerry brought up the issue of Dana Strength's resignation, which happened only this afternoon. She is very concerned about the loss of services that we may face. Chief Franks explained the Committee and the NP had agreed for services to be delivered from the Resource Centre and that was his understanding as of Friday.

Danny suggested that Dana is a big asset to the community and that we can fund her through the twenty million dollars in the trust fund. Chief Franks will find out where the NP's request for funding is at and explained that there has been no budget since April. Carol Holmes stated that the Chief and Council is separate from Administration and that this is an Administration issue as it involves human resources. The Health Committee's role is to support the NP program but stay out of the personnel area. There was a question about the security of confidential records in the Band Office. These records are securely locked and it shouldn't be a concern. Donna had a question about the appointment of a Band Councilor to Administrator position. Council responded that it was done according to rules. A question was raised as to the condition of the septic system in the rental units. There is leakage, odor and it is not a good situation. Residents have been complaining about this for two years and nothing has been done. There are children living there and it is unhealthy. Chief Franks will look into this tomorrow.

There were questions on what motions have been passed by this council. Philip responded that when money is spent there must be a motion recorded. Tim asked if there is one for the hiring of Administrator. Philip said there was, and added that Council meets as needed to discuss issues, in response to the question about councilors meeting. Council's activities are published in the newsletter, and minutes of Council Meetings are read monthly.

Dennis would like to see monthly expenditures. Chief Franks will look into seeing if this can be done quarterly. Ryan would like a moratorium on land transfers. Chief Franks clarified that Council does not need to be involved with individual land transfers. That is a right that members have. Ryan would like to know more about transferring band property to individuals. There was discussion about the hundred acre rule and that this rule may not be enact able. Carol News would like to see a land registry like the townships have. This could be done if one would like to see the history of their own property. Karen Sahanatien already does this but does not disclose information about other's properties.

VI. Next Meeting

The next meeting will be Tuesday 28 October at 7pm at the Administration Building.

VII. Adjournment

Motion to adjourn made by Counselor Mike Decaire, seconded by Councilor Teresa Greasly. Meeting adjourned at 9:45pm.

VII. Closing