



**GENERAL CHIEF AND COUNCIL MEETING
JULY 13, 2021**

Minutes of the Millbrook First Nation (MFN) General Chief and Council (Council) Meeting held July 13, 2021, at the Millbrook Community Hall, 72 Church Road, Millbrook, Nova Scotia, at 9:00 a.m.

CHIEF AND COUNCIL

PRESENT:

Chief Robert Gloade	Councillor Leana Kennedy
Councillor Colin Bernard	Councillor Ward Markie
Councillor Natasha Bernard	Councillor Lisa Marshall
Councillor Alex Cope	Councillor Stephen Marshall
Councillor Carley Gloade	Councillor Barry Martin
Councillor Peter Gloade	Councillor James Stevens
Councillor Gordon Johnson	

STAFF:

Claire Marshall, Executive Director	Shelley Martin, In-House Legal Counsel
Nigel Gloade, Communication Officer	

RECORDING SECRETARY

Jessica Haji Mohamad, Administrative Assistant
Carol Lee, Mosaic Writing Group (from recording)

GUESTS

Corporal Natasha Jamieson (Item 4.3)
Donna Stephens (Item 4.2)

The order of the agenda was varied throughout the meeting. Items are presented in these minutes, in the order in which they appear in the approved agenda.

CALL TO ORDER

Chief Robert Gloade called the meeting to order at 9:28 a.m.

1. ADOPTION OF AGENDA

Related Information: Draft agenda for the July 13, 2021, MFN General Chief and Council Meeting.

<p>Consensus Decision: The agenda for the July 13 2021, Millbrook First Nation General Chief and Council meeting was approved, as presented.</p>

2. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS (FROM 2020)

Related Information:

- *Draft Minutes of the March 10, 2020 MFN Regular Chief and Council Meeting*
- *Draft Minutes of the March 16, 2020 MFN Regular Chief and Council Meeting*
- *Draft Minutes of the March 23, 2020 MFN Regular Chief and Council Meeting*
- *Draft Minutes of the March 25, 2020 MFN Regular Chief and Council Meeting*
- *Draft Minutes of the March 28, 2020 MFN Regular Chief and Council Meeting*
- *Draft Minutes of the May 23, 2020 MFN Regular Chief and Council Meeting*

- *Draft Minutes of the July 14, 2020, MFN Regular Chief and Council Meeting.*

It was agreed to defer consideration of the previous minutes to the July 20, 2021, Chief and Council Economic Development and Project Consultation meeting.

3. MINUTES FROM PREVIOUS MEETING (June 8, 2021)

3.1. Approval of Previous Minutes

Related Information: Draft Minutes of the June 8, 2021, MFN Regular Chief and Council Meeting.

Discussion ensued on:

- Agreement that minutes should be a summary of the discussion, not a verbatim record of comments:
 - Agreement that attribution of comments is not be required in future minutes
- Agreement that Councillors who have a conflict of interest should recuse themselves and depart the meeting for the entire discussion of the item.
- Agreement that the motions are correctly reflected in the draft minutes with the following exceptions:
 - The motion on the bottom of Page 7 may be deleted as it was withdrawn by the mover.
 - Page 12, Item 9.2 – replace “individuals” with “Band members”.

APPROVAL OF MINUTES OF JUNE 8, 2021

It was MOVED (Councillor Peter Gloade) and SECONDED (Councillor Stephen Marshall)

That the minutes of the June 8th, 2021 Regular Chief and Council meeting are approved.

CARRIED UNANIMOUSLY

3.2. Business Arising from Previous Minutes

The action items were reviewed with the following updates:

- The ED will retain legal counsel to re-draft the letter requesting the RCMP to focus its attention on the enforcement efforts on hard drugs that are in the community:

Action Item (01): *The Executive Director to arrange for the minutes of the June 8, 2021, meeting to be summarized in a manner that is consistent with standard meeting minutes for consideration at the July 20, 2021, Economic Development and Project Consultation Meeting.*

4. DELEGATIONS/GUESTS

4.1. Implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIP) – Band Member

This item was not discussed.

4.2. Request for Reintegration of Community Member – Band Member

Related information:

- *Letter from band member*
- *Building a Bridge Referral Checklist*
- *Correctional Service Canada Consent for Disclosure of Personal Information (Inmate), dated*

June 9, 2021.

- *Council is supportive of the early release application and would like to be kept updated as to what stage the community gets involved.*

Band Member joined the meeting.

Band Member referenced the documents provided with the agenda material and reviewed the conditions of the proposed reintegration into the community.

Band Member departed the meeting.

4.3. RCMP Monthly Update – Corporal Natasha Jamieson

Corporal Natasha Jamieson joined the meeting.

Corporal Jamieson reported on:

- Investigation of a suspicious death.
- Three reports regarding the potential for human trafficking were received in June 2021:
 - The Human Trafficking Unit has been notified, and a public awareness event will be held in the community in September 2021.
 - Suggestion that education be provided at the Youth Centre during the summer.
- A quotation for the speed trailer radar was received on July 13, 2021.
- A new constable has joined the Millbrook Detachment.
- The program to promote bicycle safety was held in June 2021.

Discussion ensued on:

- Suggestion that business operators receive the education to recognize unusual signs that may be related to human trafficking.
- Request for an update on the financial crime investigation.
- Suggestion to publish RCMP information regarding the prevention and signs of human trafficking on the MFN website.
- Actions that can be taken by the RCMP to enforce the prohibition of trafficking of hard drugs occurring at residences in the community:
 - The RCMP is unable to take action without evidence to support the issuance of a warrant.
- Concern regarding the sale of cannabis to youth at a location in the vicinity of the Youth Centre:
 - Concern that activities at cannabis dispensaries are not being enforced equally by the RCMP.
- Concerns regarding illegal activities occurring in homes that have been rented to non-Band members by the owner:
 - Comments about whether MFN should be establishing and enforcing rules around the use of rented homes.
- Concern regarding the courts releasing non-Band members to the MFN community without prior consultation with MFN.
- Chief and Council were invited to contact Corporal Jamieson if they become aware of any information regarding illegal activities.

Corporal Jamieson departed the meeting.

5. POLICY DISCUSSION/DECISIONS

5.1. Cannabis

Related information: Draft letter re “Millbrook First Nation – Development of Cannabis Legislation – RCMP Enforcement”, dated July 12, 2021

Discussion ensued on:

- The suggestion that the Chief and Councillors should not be involved in the development of a Cannabis Regime as they all have a conflict of interest.
 - It would be prudent to engage an independent consultant to develop the MFN Cannabis Regime.
 - The ED has contacted independent lawyer Scott Robertson to discuss his involvement in this initiative.
- Agreement that the draft letter to the RCMP provided with the agenda material will not be issued at this time.

5.2. Housing

Related information:

- *Draft MFN Housing Policy*
- *Housing Subsidy Applications and supporting documents from two band members.*
- *Letter from Band Members, dated June 30, 2021.*

Discussion ensued on:

- The agreement that Council should establish an annual budget and delegate responsibility for reviewing and approving housing subsidy applications to administration staff.
- The need to establish clear landscaping standards for residences.
- The need for requests for landscaping to be provided in writing.
- Payment should be collected from residents for damages to Band houses, in accordance with the Housing Policy.
- Band-provided housing at Sheet Harbour:
 - The deadline for the submission of applications is the end of July 2021.
 - Concern that providing off-reserve housing for Band members free of charge will set a precedent.
 - Concern that the applicants who receive social assistance will be unable to afford the \$500 monthly rent payment for the Band housing.
 - The applicants have been advised that they will be charged rent for the off-reserve housing.
 - If the Sheet Harbour properties become reserve land, rent will no longer be charged directly but will come from their social allowance, if applicable.

It was MOVED (Councillor James Stevens) and SECONDED (Councillor Leana Kennedy)

That the Millbrook First Nation (MFN) Chief and Council directs the Executive Director to amend the MFN Housing Policy to delegate responsibility for the review of housing subsidy applications to administration staff.

CARRIED UNANIMOUSLY

It was MOVED (Councillor Leana Kennedy) and SECONDED (Councillor Lisa Marshall)

That the Millbrook First Nation (MFN) Chief and Council approves the reservation of a lot for *Band Members* to be held in their name only.

CARRIED UNANIMOUSLY

It was MOVED (Councillor Gordon Johnson) and SECONDED (Councillor Stephen Marshall)

That the Millbrook First Nation (MFN) Chief and Council approves a rental rate of \$500 per month for off-reserve Band-provided housing at Sheet Harbour.

CARRIED

(Councillors Lisa Marshall and James Stevens opposed)

5.3. Fisheries

Related information: Fisheries Report, dated July 13, 2021.

Jonathon Lowe, Commercial Fisheries Director, joined the meeting.

Mr. Lowe referenced the Commercial Fisheries Report provided at the meeting and noted:

- Sheet Harbour lobster buying and holding facility:
 - Removal of the debris and renovation of the structure to serve commercial purposes has commenced.
 - Signs will be erected on the wharf to indicate the spaces that are reserved for the use of MFN members only.
 - A feasibility study of the Sheet Harbour operation will be included in the strategic business development plan of MFN's fisheries capacity.
- Fishing licences:
 - The sale of the swordfish licence is nearing completion.
 - An unused jonah crab licence and a mackerel licence in Sheet Harbour have been activated.
- Food, social and ceremonial (FSC):
 - A request has been made to extend FSC access to diverse, traditionally harvested marine species across a broader geographic range within the province.
- Interviews for the Moderate Livelihood Coordinator position are in progress.
- Support for an MFN moderate livelihood harvester whose lobster traps were seized by the Department of Fisheries and Oceans (DFO).

Discussion ensued on:

- Sheet Harbour lobster buying and holding facility:
 - Will provide opportunities for MFN to negotiate the sale of lobster directly with retail grocery stores and wholesalers and to brand and support the export of lobster in the longer term.
 - Suggestion to consider purchasing the property in the future.
- The facility must have a minimum 2,000-pound capacity to be eligible for a Fish Buyer Licence:
 - Suggestion to advance a rights-based argument for the Fish Buyer Licence instead of purchasing the licence.

- The sale of ice could be part of the Sheet Harbour facility business plan:
 - The ice machine at the Sheet Harbour wharf requires replacement.
- There is capacity at the wharf for MFN members to achieve a moderate livelihood:
 - Potential to lease portions of the wharf.
 - Leases could be limited to MFN members if required.
- Suggestion to consult with Confederacy of Mainland Mi'kmaq (CMM) regarding the ground fish that were harvested historically.
- Concern regarding the blurring of boundaries between moderate livelihood and treaty rights.
- Whether data can be accessed from the DFO regarding lobster stocks in the southwest nova area:
 - The DFO monitors the lobster stocks and has determined there is no imminent conservation threat.
 - If there is a conservation threat to lobster, the DFO would be required to reduce commercial access to accommodate First Nations' access.
- The need to develop an interim Moderate Livelihood Harvesting Plan as soon as possible to protect moderate livelihood harvesters against DFO actions:
 - DFO has been requested to reduce the harassment of moderate livelihood harvesters until the Moderate Livelihood Harvesting Plan is in place.

Mr. Lowe departed the meeting.

5.4. Request for Certificate of Possession (CP) Property

Related information: Letter from Band Member re "Request for Certificate of Possession."

Discussion ensued on:

- Concern regarding the implications of the numerous requests for the issuance of CPs.
- Band members are not permitted to sell their homes unless they have a CP.
- Suggestion to review the CP policy to ensure it is applied equitably to all Band members.

Action Item (02): *The Executive Director to propose revisions to the CP policy and include consideration of the revised policy on the agenda of the September 2021 General Chief and Council meeting.*

6. EXECUTIVE DIRECTOR REPORT

Discussion ensued on:

- Suggestion to develop a business plan for a food bank with the assistance of CMM staff:
 - Potential to include a community garden with the yield to be distributed to community members and a freezer for the longer-term preservation of food.
- Funding from the federal and provincial government and private sector organizations is being sought for the \$5 million gap for the \$30 million Mi'kma'wey Debert Cultural Centre:
 - Agreement that MFN will contribute \$300,000.
 - It is hoped that the MFN contribution will encourage other communities to make a contribution.

Consensus Decision: The MFN agrees to contribute \$300,000 to the Mi'kma'wey Debert Cultural Centre, comprised of \$60,000 per year over five years, with a portion of the proceeds from the

power centre to offset the annual contribution.

Action Item (03): *The Executive Director to complete an application for the \$100,000 Rapid Response Grant.*

Action Item (04): *The Executive Director to develop a business plan for the creation of a food bank for the community.*

7. CHIEF FINANCIAL OFFICER REPORT

Greg Mosher and Joanne McRae, MNP, joined the meeting.

Ms. McRae and Mr. Mosher reported:

- Revenues, expenses and operating results for the year ended March 31, 2021, compared to the prior year, for:
 - Administration
 - Economic development
 - Tobacco store
 - Fisheries
 - Gaming Commission
- The current cash balance of approximately \$15 million does not include the trust funds deposited with TD Bank.
- Status of the external audits being performed on 23 entities:
 - Draft financial statements for 13 entities are ready for approval by the Chief and Council
 - The audit of six additional entities will be completed by the end of July 2021
 - Information gathering is in progress on the remaining four entities and will be completed by the end of July 2021
 - Expectation that the 2021 audit will be a “normal” audit as significant issues were resolved during the 2019/2020 audit
- Special projects in progress:
 - Oversight of the implementation of new accounting software and training of accounting staff before deployment in October 2021
 - Development of internal control manual
- Recommendation that 10 ten entities with limited assets and transactions be subject to a review, rather than a full financial audit, engagement for the 2020/2021 fiscal year:
 - Notice to Reader financial statements will be produced
 - A full financial audit engagement will result in audit fees that exceed the revenue generated during the 2020/2021 fiscal year
- The independence letter will require the signature from an MFN representative.

Discussion ensued on:

- Indigenous Services Canada (ISC) program to provide funds to offset declines in own-source revenues due to the COVID-19 pandemic:
 - The submission of audited financial statements will be required to support the application
- The accounting treatment of the insurance claim received.
- The cost to construct the apartment building will be subsidized by \$1 million from Canada Mortgage and Housing Corporation (CMHC):

- The CMHC audit will be performed shortly.
- A large number of MFN bank accounts have been included in the calculation of overdraft.
- Suggestion that an MNP employee be retained to provide relief and vacation coverage for MFN accounting staff.

Mr. Mosher and Ms. McRae departed the meeting.

Action Item (05): *The Executive Director and external auditors to recommend the entities that should be transitioned from a review to a full financial audit engagement in future years.*

8. IN-CAMERA SESSION

Chief and Council adjourned to in-camera sessions throughout the meeting to consider correspondence and presentations from Band members regarding confidential matters.

10: NEW BUSINESS

Discussion ensued on:

- Celebration arrangements for Saint Ann’s Day on July 26, 2021.

It was MOVED (Councillor Natasha Bernard) and SECONDED (Councillor Lisa Marshall)
 That the Millbrook First Nation (MFN) Chief and Council approves the distribution of lobster to seniors as part of the Saint Ann’s Day celebrations.

CARRIED
 (Councillor Leana Kennedy opposed)

Councillors Colin Bernard, Carley Gloade, Peter Gloade, Lisa Marshall and Stephen Marshall declared a conflict of interest and departed the meeting for consideration of the following motions:

It was MOVED (Councillor James Stevens) and SECONDED (Councillor Natasha Bernard)

That the Millbrook First Nation (MFN) Chief and Council approves, effective immediately, as an MFN Executive Director Administrative Policy Directive, that tobacco quota holders be precluded from running for MFN Chief and Council. This motion will exclude the two existing Councillors who were already holders of the tobacco quotas, as the Conflict of Interest Policy was not in place when they assumed their positions on Council. If either of the two Councillors who are tobacco quota holders run for election to Council in the future and are defeated, they must abide by this policy. If any member of Chief and Council were to apply for a tobacco quota from the MFN and are successful, they may elect to:

- A. Accept the tobacco quota and resign from Council; or
- B. Decline the tobacco quota and remain on Council.

CARRIED

Councillors Stephen Marshall and Lisa Marshall returned to the meeting.

It was MOVED (Councillor James Stevens) and SECONDED (Councillor Natasha Bernard)

That the Millbrook First Nation (MFN) Chief and Council approves, effective immediately, as an MFN Executive Director Administrative Policy Directive, that all current and future contractors with a contract with proceeds in excess of \$25,000 annually be precluded from running for MFN Chief and Council. The policy will exclude the four sitting Councillors with existing contracts in excess of \$25,000 with the MFN, as they were already holders of the contracts, and the Conflict of Interest Policy was not in place when they assumed their positions on Council. If any of the four Councillors with private contracts in excess of \$25,000 run for election to Council in the future and are defeated, they must abide by the policy. If any member of Chief and Council is successful in securing a contract with proceeds in excess of \$25,000 annually from the MFN, they may elect to:

- A. Accept the contract and resign from Council; or
- B. Decline the contract and remain on Council

CARRIED

Councillors Leana Kennedy, Ward Markie and Chief Robert Gloade returned to the meeting.

Consensus Decision: The MFN agrees to grant Christina Dykstra's request to provide a 50% contribution to the cost of employing a student recreation assistant for seven weeks.

Discussion continued on:

- The need to provide a portable washroom at the ball field immediately until the washroom is repaired:
 - The need to ensure the washrooms at the ball field are maintained
- Former member's request to transfer Band membership back to MFN:
 - Past community referendum disallowing Band membership to be transferred to MFN
 - Whether a Band Council Resolution (BCR) would enable a previous Band member to be invited back to the MFN
- The owners of the cannabis dispensaries have requested a meeting with Council.

- Concern regarding the use of the dumpsters behind the community hall:
 - Funding will be provided from ISC to install fencing near the dumpsters shortly
 - Suggestion that the use of the dumpsters be monitored until the fencing is installed
- Suggestion that the annual sports funding for children participating in registered sports programs be increased.
- Request that all new business be submitted in writing to the ED in advance of Council meetings.

Action item (06): *The Executive Director to implement additional greeter or security team support at the Band office on the social assistance days.*

Action Item (07): *Councillor James Stevens to provide an update on Zennabis.*

Action Item (08): *In-House Legal Counsel to review the validity of a BCR to overturn the results of a community referendum.*

Action Item (09): *The Executive Director to arrange for security to monitor the use of the dumpsters behind the community hall until the fencing is installed.*

Action Item (10): *The Executive Director to determine if an increase to the sports funding can be accommodated within the existing budget.*

CONCLUSION

It was MOVED (Councillor Barry Martin) and SECONDED (Councillor Lisa Marshall)

That the July 13, 2021, Millbrook First Nation Chief and Council General Meeting be adjourned.

CARRIED UNANIMOUSLY

Time: 5:31 p.m.

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