

**GENERAL CHIEF AND COUNCIL MEETING
DRAFT MINUTES OF NOVEMBER 14, 2023
9 AM TO 4 PM**

CHIEF AND COUNCIL PRESENT

Chief Robert Gloade	Councillor Zachary Julian
Councillor Natasha Bernard	Councillor Ward Markie
Councillor Anissa Blackmore	Councillor Lisa Marshall
Councillor Alex Cope	Councillor Stephen Marshall
Councillor Carley Gloade	Councillor James Stevens
Councillor Garrett Gloade	Councillor Dana Sylliboy
Councillor Chris Googoo	

ABSENT

REGRETS

Suzanne Penney,
Admin Assistant to Chief & Council

STAFF

Claire Marshall, Executive Director
Gerald Gloade, Recorder of Minutes
Hayley Johnson,
Economic Development Coordinator
Ayo Makanjuola, Chief Financial Officer

GUESTS / DELEGATES

Roy Stewart, Burchell Wickwire Bryson LLP
John Doyle, Cox and Palmer
Kathryn Eng, MTI, Trust Officer,
TD Wealth Private Trust, 1919
Cpl. Natasha Jamieson, RCMP
Sgt. Joe Young, RCMP

1.0 PRELIMINARY MATTERS

1.1 Call to Order - Chief Robert Gloade

1.2 Adoption of Agenda - Review and Approval of the agenda for the Chief and Council meeting of November 14, 2023, were approved by consensus with the change indicated below:

- A request to move item # 5.2 (MOU) to earlier in the meeting today (now item # 1.4)
- Addition to the agenda – a BCR for review and motion (will be included at the end of day).

Item 1.2

It was AGREED by CONSENSUS, That the agenda for the meeting of Chief and Council November 14, 2023 be approved with the following changes:

- Item 5.2 (MOU) to be considered earlier in the meeting, immediately following item 1.3
- Addition of BCR review to be considered at the end of the meeting.

RESOLVED BY CONSENSUS

1.3 Adoption of previous minutes – Minutes of the Chief and Council Meeting of October 11, 2023:

MOTION 1.3

It was MOVED by COUNCILLOR Alex Cope and SECONDED by COUNCILLOR James Stevens, That the minutes of the October 11, 2023, meeting be approved with the following amendments:

Correction to Motion # 5.3 #2

- Councillors James Stevens and Natasha Bernard were Absent from the vote, not in conflict;
- Councillor Lisa Marshall was added to minutes as being in favour of the motion;
- Removal of Councillor Ward Markie's name from being in conflict (he voted in favour).

CARRIED UNANIMOUSLY

5.2 MOU for signing with Truro and Colchester County re: Marketing Levy (item previously discussed with Council January 2023 included in package)

- The Economic Development Coordinator was in attendance at the meeting
- The marketing levy will create a pool of money for attraction of businesses to the community
- A Memorandum of Understanding (MOU) was presented to Chief and Council and was supported and approved.

MOTION 5.2

It was MOVED by Councillor Chris Googoo and SECONDED by Councillor Ward Markie, That Millbrook First Nation join the destination marketing organization and implement the 3% hotel levy.

CARRIED

CONFLICT: 1 (Councillor James Stevens)

2.0 DEPARTMENTAL REPORTS UPDATE: Executive Director

2.1 Department of Housing – (2) On-reserve housing loan guarantees – Council signatures required (were passed to Councillors in meeting)

- RBC Loan Guarantee for Garrett Gloade was presented to Council for approval and signing

MOTION 2.1 (1)

It was MOVED by Councillor James Stevens and SECONDED by Councillor Stephen Marshall, That the RBC Loan Guarantee for Garrett Gloade be approved.

CARRIED

CONFLICT: 1 (Councillor Garrett Gloade)

- RBC Loan Guarantee for Buck Sylliboy – was presented to Council for approval and signing

MOTION 2.1 (2)

It was MOVED by Councillor Chris Googoo and SECONDED by Councillor Lisa Marshall, That the RBC Loan Guarantee for Buck Sylliboy be approved.

CARRIED

CONFLICT: 2 (Councillors Anissa Blackmore and Dana Sylliboy)

2.2 Departmental Reports Review - Executive Director

- A request for a change of funding for equipment per year per use, 18 years and older. The decision was made to increase the funds from \$500.00 to \$750.00.

Motion 2.2

It was MOVED by Councillor Chris Googoo and SECONDED by Councillor Dana Sylliboy,
That funding for sports equipment be increased from \$500.00 to \$750.00 per year for youth 18 years
and older under item number four on the Tobacco Funding Regulations.

CARRIED

ABSENT: 1 (Councillor Natasha Bernard)

3.0 DELEGATES

3.1 RCMP Monthly Report Review and Update (Report in package): RCMP Sargeant and Corporal in attendance for discussion of this item.

- The monthly report was reviewed with RCMP representatives present at the meeting
- There was a recommendation made that RCMP could liaise with community members who may be affected by an incident or event (e.g. the senior population once a matter was settled).

4.0 LEGAL

4.1 D. Ellis Financial Irregularities Update – Cox and Palmer representative present for discussion

- There will be two sides pursued for the court cases – Criminal and Civil
- An appearance for the criminal side of the investigation will be on December 22, 2023.

4.2 Virtual - Summary of Kanien'kehá:ka Tobacco Ruling out of Quebec – Burchell Wickwire Bryson LLP representative

The following discussion highlights were noted:

- Superior Court of Quebec 's decision, there are higher levels for appeal, but this does not permeate other provinces
- New approaches set out for Aboriginal and Treaty rights gives the potential for change across Canada
- Two Mohawk men were charged and convicted for importing tobacco into Canada without paying duty on excise tax; one is facing up to 14 years in prison and changed his motion based on his constitutional right
- Covenant chain of treaties afforded the ability to trade tobacco and he is seeking a stay of proceedings on criminal convictions
- Stated that he had the right to economic development and trade tobacco
- Section 4.2 of the *Excise Act* interfered with his sovereign rights under the Act, he could only exercise rights at ministerial discretion
- Crown could not justify infringement on his rights and the Crown made no effort to accommodate the man
- It was ordered a permanent stay of criminal proceedings
- Court decided his right to freely purchase is a right held by all First Nations
- Universal right is fundamentally tied to survival and the dignity of the Nation, and they have the right to pursue economic development
- C92 Child Services Right is similar indecision
- From R.B. Vanderpete's appeal in the late 1990s focused upon time of contact being central if a right exists

- Claim would have no identity and the collective right to freely determine and pursue economic development
- Does not create room for development temporarily
- Prove or demonstrate the right is protected by communities' traditional legal systems based on the society we currently live in not the society we once lived in
- Activity has to be deemed as an exercising of that right and in this case, it was the trading of tobacco
- There is extensive evidence that there was a historic tobacco trade
- Court is now addressing individuals claiming individual rights
- In line with United Nations Declaration on the Rights of Indigenous People (UNDRIP) by recognizing rights to Indigenous legal principles and systems
- New test – An individual wants to carry out an activity and they get charged under the Aboriginal right; they have to explain what the collective right is that they are exercising (e.g., to freely pursue economic development). It is protected by traditional Mi'kmaw legal systems. The task is to prove the individual's claim that it is part of a communal right and that communities are accepting of it
- Solicitor, Burchell's Wickwire Bryson LLP, advised to wait it out and see what happens
- Councillor asked about the agreement that was signed with the province.

4.3 IN CAMERA – An HR matter was discussed and has been redacted for privacy/confidentiality reasons.

- Decision was made to defer to a labour lawyer from Cox and Palmer.

ACTION: Executive Director was requested to refer the matter to a new labour lawyer.

MOTION 4.3

It was **MOVED** by **Councillor Alex Cope** and **SECONDED** by **Councillor Stephen Marshall**, That a labour lawyer review the HR matter in question.

CARRIED

CONFLICT: 3 (Councillors Natasha Bernard, James Stevens, Dana Sylliboy)

Additional discussion:

- Councillor asked if Millbrook First Nation could begin to locate land for Millbrook to establish a distribution centre for any potential economic development opportunities for the communal benefit of the community should new opportunities arise.
- Burchell Wickwire Bryson LLP solicitor affirmatively indicated that Millbrook could begin to identify space but hold off on anything else, because this is part of why a law would need to be put in place.

5.0 POLICY DISCUSSION/DECISION

5.1 1919 Land Settlement Trust Fund–TD Wealth representative

The following highlights of the discussion on spending/investing policy were noted:

- Value of the 1919 claim is \$10,446,000 sitting in a money market account

- Currently working on an investment policy with Executive Director and Chief Financial Officer (CFO)
- Work is being done to find investment managers. Need input from the Chief and Council on what proportions to lock in and a target for expected return on investment
- Potential options will be brought forward to consider any investment ideas suggested
- Some questions were posed regarding options and using an investor
- Investment options showing different income generation concepts will be considered at a future meeting in 2024.

5.3 Millbrook First Nation – Annual Taxation Laws (included in package for review and approval)

- This item was moved forward to the November 28, 2023, meeting when additional documents would be available for review and approval.

6.0 IN CAMERA: Human Resources (handouts to be provided)

6.1 Letter of Complaint: re: hiring process

- Discussion ensued and Chief and Council will not overturn the decision of Human Resources as it is clear that proper procedures and policy were followed. Letter will be sent to individual involved.

6.2 Mental Health Services

- Discussion regarding mental health services/assessments that are covered, noting additional research will be done to look at the services that are covered by Non-Insured Health Benefits (NIHB)
- Consideration was given to the possibility that wait times for services may be the issue and not the fact that some services are not covered.

7.0 COMMUNITY LETTERS/REQUESTS/ CORRESPONDENCE//FYI

7.1 Musician Cody Bowels letter of apology – FYI (email included in package)

7.2 Road Signs in Millbrook

a) Murdered and Missing Indigenous Women signs (sample included in package)

MOTION 7.2a

It was MOVED by Councillor Zachary Julian and SECONDED by Councillor Carley Gloade,

That approval be given for the purchase of two Murdered and Missing Indigenous Women signs for the highway – one facing east, one facing west.

CARRIED

ABSENT: 2 (Councillors Natasha Bernard and Ward Markie)

b) Autism Signs – it was decided to place a notice in the newsletter regarding community members who may require autism signs and contact the Health Centre for support regarding this.

7.3 Request from a community member Email - Re: Mental Health Assessment (included in package)

- Director of Health Centre will follow up
- Review healthcare policy and look at adding mental health

- Look into accessing private mental health services.

7.4 Housing Construction Activity Concerns:

- Councillor brought forward concerns from a community member regarding operating hours of current construction under way for new housing units
- This was discussed and there will be a review of the construction bylaw and could be brought back to Council for ratification (time of construction work)
- The construction team would be notified of the decision.

Band Council Resolution (BCR)

Discussion ensued on the following rationale for signing of Band Council Resolutions (BCR) within a duly convened meeting of Chief and Council:

- Whereas there was a previous unapproved BCR put out to the front desk of Millbrook First Nation Band Office to obtain signatures from Chief and Council for a quorum to pass a BCR that was not officially approved by MFN Chief and Council
- Whereas some Council members signed the unapproved BCR and BCR almost had enough signatures for quorum to pass the BCR
- Whereas the presumption that a signing of a BCR has to be with everyone present at the meeting and the *Indian Act* does not provide to be chasing everyone around for signatures
- Exemption to all amendments regarding funding agreements from Indigenous Services Canada (ISC) – As per the current method is sufficient.

It was MOVED by Councillor Chris Googoo and SECONDED by Councillor Lisa Marshall,
That, effective immediately, all future Millbrook First Nation Band Council Resolutions (BCR) approved by Chief and Council must be signed during a duly convened meeting where all Chief and Council members get to formally review the BCR as a whole before obtaining signatures for quorum.

CARRIED UNANIMOUSLY

8.0 ADJOURNMENT

8.1 Next Meeting of Chief and Council; will be a half day meeting, December 13, 2023, in Council Chambers from 1pm to 4 pm, due to Confederacy of Mainland Mi'kmaq (CMM) Assembly, Truro in the morning.