

**GENERAL CHIEF AND COUNCIL  
MEETING MINUTES  
JANUARY 9, 2024-9am-4pm**

**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 Garrett Gloade	Councillor James Stevens
Councillor Chris Googoo	Councillor Dana Sylliboy

**ABSENT**

**REGRETS**

Councillor Carley Gloade

**STAFF**

Claire Marshall, Executive Director  
Suzanne Penney, Admin Assistant to  
Chief & Council, Recorder of Minutes  
Michelle Gloade, Fisheries Operations  
Matt Glode, Conservation Team Lead  
Chantel Langille, Housing Project Manager  
Johnathan Lowe, Director Millbrook Fisheries  
Ayo Makanjuola, Chief Financial Officer (CFO)  
Lorne Paul, Director of Housing

External Legal Counsel:  
Roy Stewart and Derek Simon, Solicitors, Burchell  
Wickwire Bryson LLP

**GUESTS / DELEGATES**

RCMP: Sgt Joe Young and Cpl. Natasha Jamieson  
MNP Representatives: Joanne McRae, Council and Partner Robert Dean, Atlantic Lead  
BDO Representatives: Erica McCurdy, CPA, CA Partner Insurance Leader – Atlantic Canada  
Community Members  
DFO Representatives: Megan Folkins, A/Regional Manager, Indigenous Affairs, DFO Jemie Lent, A/Senior Advisor, Indigenous Affairs, SWNS, DFO Brittany MacGillivray, Consultation Coordinator, Indigenous Fisheries Management, DFO (attendee)

**1.0 PRELIMINARY MATTERS:** Call to Order – Chief Robert Gloade @ 9:08 am

**1.1 Adoption of Agenda** – Review and Approval of the agenda for the Chief and Council meeting of January 9, 2024

**MOTION 1.1**

**It was MOVED by Councillor Ward Markie and SECONDED by Councillor Garrett Gloade,** That the agenda of the January 9, 2024, Chief and Council meeting be accepted with the following additions in the Departmental reports section:

- Conflict of Interest
- Housing Question.

**CARRIED**

**ABSENT: 1 (Councillor Anissa Blackmore)**

**1.2 Review and adoption of previous minutes** – Review and approval of draft minutes of the Chief and Council Meeting of December 13, 2023

- Motion 6.6 which was tabled from the meeting on December 13, 2023, was revisited and the wording changed; the motion will be included in the Legal Section of these January 9, 2024 minutes.

**MOTION 1.2**

**It was MOVED by Councillor Zachary Julian and SECONDED by Councillor Stephen Marshall,** That the minutes of the Chief and Council meeting of December 13, 2023, be approved with additions/corrections made to Motion 6.6 as included in the Legal Section of these minutes.

**CARRIED**

**2.0 DELEGATES**

**2.1 RCMP Monthly Report**

- In camera for discussion of methamphetamine
- Congratulations were offered to Natasha Jamieson of the RCMP for their recent promotion to a Sergeant position in another community
- Comments were shared on new directions that the Health Centre and RCMP are working on to connect more closely when dealing with urgent issues from community members in order to bring more support to both departments supporting community members
- Councillor asked RCMP about individuals who are causing problems and asked whether the RCMP is receiving any calls to a particular residence

**3.0 DEPARTMENT OF FINANCE – PART 1**

**3.1 MNP Audit Group**

- MNP Audit Group representatives in attendance reviewed the PowerPoint presentation of a proposal from MNP to represent Millbrook First Nation once again as the audit team

- Resource and capacity concerns have shown some deficits, and they are realigning their team
- The engagement team has been expanded by two new employees, as well as a new taxation member who specializes in Indigenous taxation
- A query was raised on responsiveness to employees and MNP shared they do the best they can to reply in a timely manner, recognizing most concerns/questions are time-sensitive
- The changes within this proposal have come about from the last four years of working with Millbrook and learning what can be done better as far as improved communications; and they have built in more accountability measures around sharing information and commit to being more transparent. Additionally, they will add weekly calls to keep connected and to be proactive if any issues come up
- Having a digital copy of any changes/updates regularly and also meeting with Chief and Council three to five times a year to keep the focus on what the planning is, and that Millbrook is getting exactly what they need.

The following questions from Council were discussed:

- What is the plan to stay on top of irregularities within Finance? If there was an issue, would MNP come directly to Council and bypass the Finance department to ensure Council is aware?
- Regular meeting updates with Chief and Council would make sure these concerns were brought forward
- Enhanced quality control
- Planning more thorough testing and new processes to scrutinize the records and leverage technology to look at anything suspicious
- Updated presentations will be provided at the regular meetings with Chief and Council unless there needs to be something reviewed more urgently.

#### **4.0 COMMUNITY REQUESTS/FYI CORRESPONDENCE**

##### **4.1 Community Business Owner attended**

- Business owner outlined their issues; talked about profit margins being down as their tobacco sales are down due to the continued sale of low-priced, non-quota tobacco at other shops
- The business owner is trying to follow the rules and respect procedures and doesn't want to lose her Nova Scotia (NS) tobacco license and quota; they are looking for Chief and Council's support for suggestions of direction
- It was shared with the business owner that Millbrook Council was meeting with Grand River Enterprises on January 16, 2024, to look at bringing their regulated, low-priced, quality tobacco into Millbrook

- Trying to get Nation-to-Nation trading in place and share this with the business owners.

***ACTION:*** Contact will be made with the business owner if or when any new changes or directions come into effect after the meeting January 16, 2024

#### **4.2 Community Members attended**

- Community members attended because they do not agree with two individuals being disqualified for band-owned housing due to their partial interest in a Certificate of Possession (CP); they discussed their CP and they shared that there are three different names on the current CP
- Council agreed to look at the policy and discuss the request with the Department of Housing for clarification as to why they were disqualified.

#### **5.0 DEPARTMENTAL REPORTS: Executive Director**

**5.1 Education:** The new CBU Cohort Coordinator Position was discussed – Director of Education was asked to come to the meeting to discuss some concerns that have been brought forward.

- Director of Education will address the students directly and hear their concerns and will update Chief and Council with any developments.

#### **5.2 Department of Health Centre**

- A Councillor had been faced with an urgent situation over the holidays and when the Health Centre was contacted for support, when it re-opened on January 3, 2024, the Councillor was directed to contact 811
- This issue was brought to the attention of the Director of the Health Centre, as to why the Councillor had been directed to 811 when the Centre was open; she will follow up with her staff immediately to look into this matter and an update will be provided at the next Chief and Council meeting; additionally, the Director of the Health Centre will connect with the Councillor directly with further details as to what happened.

#### **6.0 DEPARTMENT OF HOUSING**

##### **6.1 Annual Section 95 Application for Signing from Council**

- Director of Housing and Housing Project Manager in attendance
- Department of Housing submitted the annual Section 95 application for signatures from Chief and Council

**MOTION 6.1**

**It was MOVED by Councillor Alex Cope and SECONDED by Councillor Anissa Blackmore,** That the Section 95 CMHC Loan Documents be approved as presented and signed today.

**CARRIED**

**ABSENT: 1 (Councillor Ward Markie)**

- Related discussion continued surrounding common housing issues
- It was unfortunate that some families do not have insurance; band-owned houses have some home insurance coverage, but each individual is responsible for buying their own content insurance.

**MOTION 6.1 (a)**

**It was MOVED by Councillor Lisa Marshall and SECONDED by Councillor Chris Googoo,** That Millbrook First Nation cover senior home insurance from the general funds for on-reserve housing.

**CARRIED**

**MOTION 6.1(b)**

**It was MOVED by Councillor Chris Googoo and SECONDED by Councillor James Stevens,** That social assistance recipients be offered the ability to opt-in to home content insurance with the insurance fees to be deducted from their housing maintenance funds.

**CARRIED**

**6.2 Rapid Housing Initiative Announcement** to take place on January 18, 2023 at 11:00 am in Millbrook.

**6.3 Council and Housing Department** discussed the housing issues surrounding the visit with community members when they met with Council this morning (Agenda # 4.2 above).

Discussion ensued

- After verifying that one individual does have 50% ownership of a CP and based on the Housing policy, it was deemed that he is eligible for band housing and will be placed on the list for a new home in the spring 2024
- Department of Housing will send a letter of reply with the above information to the individual.

A community member arrived at the Administration Office to request an urgent meeting with Chief and Council regarding any new development since experiencing a housing emergency, which has displaced this family.

- The community member's request today was to be allowed to rebuild on the same location
- Department of Housing was consulted and stated that there are too many variables to confirm this could happen

- Housing department will contact the family and move forward with them once a plan is set in place.

**7.0. Millbrook Fisheries with DFO Consultation on Food, Social, Ceremonial (FSC) Fisheries:** Prep with Millbrook Fisheries Director and legal counsel.

- The Fisheries Director initiated some preparatory discussion with the Chief and Council around:
  1. The constitutional right to self-government for Food, Social Ceremonial (FSC)
  2. The FSC fishery after conservation is the highest order of priority of all user groups of the fisheries

Some issues continually are not dealt with

- The main goal is to achieve minimal infringement on Millbrook First Nation's rights
- Overlapping claims and adjacency
- Licence authorization versus community authorization, which is a constitutional right under Aboriginal self governance
- Oversight of FSC is coming back to Millbrook and the community

**7.1 FSC Multi-species Planned Consultation with DFO**

1:30 p.m. DFO representatives joined the meeting at this point for discussion of consultation on FSC Fisheries. Introductions ensued with the following DFO representatives in attendance:

- Megan Folkins, A/Regional Manager, Indigenous Affairs, DFO
- Jemie Lent, A/Senior Advisor, Indigenous Affairs, SWNS, DFO
- Michael Leonard, Director, Indigenous Affairs, SWNS, DFO (arrived at approx. 2:10 pm).

Discussion highlights were noted as follows:

- Basis for meeting consultation – FSC
- Millbrook's intention is the right of self-governance
- DFO does issue FSC licenses deemed to be the regulatory tool for management
- Annual licenses are issued by DFO for Millbrook First Nation – a multi-species licence which includes access to salmon, an FSC Lobster Harvest document, and a scallop drag license

- DFO have received community management plans from Millbrook that specify the objective of the FSC Fishery
- Working to identify gaps and the areas where DFO needs to work towards aligning this
- Currently working on the Lobster Harvest document obtaining where to determine in which LFAs the tags are being validated to get the license aligned
- Community Management Plan versus DFO licence which has several species not identified
- A comparison to identify the species in the Community Management Plan and the multi-species license that DFO provides showed a number of species currently not reflected for the community's desired access
- DFO was asked if they are doing consultation work with each individual First Nation community
  - Response: FSC is what we are dealing with, eight communities and thus far have been working bilaterally unless those communities direct us to work with an aggregate on their behalf
- The license cycle is June 1<sup>st</sup> to May 1<sup>st</sup> annually but if there is an immediate need these licenses can be amended accordingly
- The Community Management Plan is what Millbrook Fisheries will be moving forward with
- There are still outstanding issues with the DFO Gulf region not recognizing Millbrook's Aboriginal right to fish for lobster out of season for FSC purposes
- DFO noted they are working bilaterally, and three or four tags are being issued within the Millbrook community
- DFO stated that the Gulf has been unstable and attributed this to staffing concerns and now feel this area is becoming more stable and it is the hope that this will be more supportive to FSC and moderate livelihood fishing within the Gulf regions even though these identified gaps raise questions as to DFO's level of commitment to self-governance
- Millbrook advised that community plans are being rejected yet the only thing that can supersede FSC access is conservation and there are no identified conservation concerns for the majority of species (especially those being fished commercially)
- DFO indicated they have not rejected Millbrook fisheries plans; they need to find out: what the current FSC access is in the region, what are the needs, and do they align with the community priorities?
- Instead of limiting FSC, DFO needs to reduce fishing efforts in the commercial sector to accommodate Mi'kmaw Aboriginal and Treaty rights
- DFO advised that there was a committee struck to not increase the fishing efforts because the stocks were considered to be fully subscribed; the Millbrook Director of Fisheries responded that this is an economic issue not a conservation issue for lobster
- Council member shared that evidence-based research shows stocks are considered to be fully committed, shown by the value of the stock and licenses while rights-based access is being ignored
- Council indicated that DFO needs to acknowledge the community-authorized harvest plans and if they choose to issue a licence on their end to account for it internally, that is up to them

- Millbrook has identified what the immediate needs are for DFO, and these could be prioritized, and additional access must be recognized
- Millbrook emphasized prioritization; this is our plan – questions why DFO needs to understand what the basic needs are, by the time DFO reviews it could lead to a missed season
- Millbrook asked why do we need a license? We have a harvest plan that is recognized, and it is based on Aboriginal and Treaty Rights and FSC being a priority after conservation which directly reflects the needs of the community
- Discussion followed regarding the science of the industry, DFO has a forum for the science, and query was raised as to why Millbrook's science is not supported or recognized by DFO
- Millbrook asked DFO what Indigenous groups provided feedback regarding the science of fisheries and how it applies to the (imposed) licenses
- DFO emphasized sustainability, indicating they are looking to Millbrook fisheries for what their needs are
- DFO wants an allocation identified that will meet the needs of the community, but Millbrook responded that it does not need a licence
- It appears that DFO is capping the Millbrook Community, but Millbrook does not need a license

2:10 p.m. Michael Leonard, Director with DFO joined the meeting.

- Conservation is first and Aboriginal Rights are second in the order of priority; DFO wants to set the needs upfront to make sure that adjustments are not needed during the commercial seasons
- Discussion around multi-species licence and how DFO prioritizes FSC
- Millbrook Fisheries questioned DFO why community plans and this information are being shared with the commercial management side of DFO
- DFO stated mitigation of rights-based fishing and asked what Council's view is on how Millbrook is respected; Millbrook stated the appearance is that DFO will let non-Indigenous fishers fish over Indigenous at every turn and why is this continuing to happen?
- Millbrook is trying to self-govern and make its own plan and have been fishing and considering conservation for thousands of years
- Discussion again visited the science and why this data has never been shared with Millbrook Fisheries and why there are no results on elvers for instance, which have been completed – how can we move forward?
- Access to Information was discussed as there is no mechanism
- There is a power imbalance there and it is not atypical; this information should not be released if it is against the community wishes; DFO stated that there is only one mandated observer company – Southwest Lobster Society; concerns were raised about the monopoly that DFO is mandated on and subsequent confidential information being shared through this entity
- Millbrook Fisheries and Chief and Council stated protection has been the issue, all areas are being harassed; commercial fishers have not been providing any support
- Discussion around the events in Saulnierville, where fishers are out of pocket for damages, this was addressed with DFO, and nothing was done



- The perception is that DFO and RCMP is top-down and there needs to be assurances
- This needs to have DFO step up and show that Indigenous fishers are protected, this needs to be the same across the board
- There is a lot of exacerbation of the issues as DFO is not communicating what the rights are for Mi'kmaw people and that they do not need a licence to exercise their rights
- DFO is not communicating with commercial fishers or the public at large to alleviate problems, which allows the lateral violence to continue
- Millbrook attributed this to lack of education, protection, understanding, procedures which support no trust
- DFO are in the position to send the messages regarding what the commercial fishers are doing, to get the message out, this is not happening
- Commercial fishers are not being suspended or have licenses revoked, this has not changed
- DFO shared that the talks this summer with Millbrook fisheries went well
- Millbrook stated there needs to be prioritization around the distribution of halibut; this needs to be looked at by DFO as well as any other species not included
- What is DFO's position on FSC and Indigenous Treat Rights? DFO feels the mechanism of licensing is in place for balance of conservation
- Millbrook position is based on inherent rights and FSC license not required – infringement needs to be justified
- DFO license is a mechanism to regulate and manage the *Fisheries Act*; Millbrook stated that the mechanisms of what DFO and commercial fishing operates under is privileged-based fishing and Millbrook operates under rights-based fishing and this shows distinctly two different fisheries
- Specifically, DFO needs to recognize the Aboriginal and Treaty rights-based fishing
- DFO currently working within Sparrow and Marshall decisions which provide direction specifically regarding managed fisheries to implement the rights and exercise those rights
- The inherent rights of Indigenous Peoples under Section 35 of the Constitution, are well known with DFO
- Councillor indicated that DFO stated that as per their mandate and mechanism of use it is NOT an infringement on their rights and using a comparison of their world and our world; was unacceptable
- DFO stated that they agree on the morals and ethics and did apologize for the way this information was presented today.

DFO representatives were thanked for coming in and the meeting with DFO ended at approximately 2:45p.m. January 9, 2024.

**7.3** Band Council Resolution (BCR) was presented for review and approval by Chief and Council, and was read into the minutes as follows:

**WHEREAS** Indigenous Services Canada (ISC) has completed the assessment of the funding request for the Seafood Market Feasibility Study.

**AND WHEREAS** ISC is considering supporting costs for professional and technical services of \$12,000.00.

**AND WHEREAS** ISC requires confirmation that Millbrook will pay an in-kind contribution of 20% which totals \$3,000.00, as well as BCR showing support for the project.

**NOW UPON MOTION** made at a duly convened meeting this 9th day of January 2024, that Chief and Council of the Millbrook First Nation approved the attached application for submission to ISC.

**APPROVED AND PASSED** at a duly convened meeting this 9<sup>th</sup> day of January 2024, that the Chief and Council of the Millbrook First Nation approve the attached application for submission to ISC.

**MOTION 7.3**

**It was MOVED by Councillor Garrett Gloade and SECONDED by Councillor Stephen Marshall, That the Band Council Resolution (BCR) for Fisheries Market Feasibility Study be approved.**

**CARRIED**

**ABSENT: 1 (Councillor Ward Markie)**

**8.0 DEPARTMENT OF FINANCE – PART 2**

**8.1 BDO Audit Group** – CPA, CA Partner Insurance Leader Atlantic and her team members attended to present on their abilities to conduct Millbrook’s audit.

- BDO Audit group representatives provided a handout with an overview of their team and approach
- Chief and Council asked several questions regarding customer service and commented that they did a good job on their presentation and materials
- BDO responded that they would have weekly calls to keep connected and to be proactive if any issues come up
- Question was asked on responsiveness to any employees and BDO Representative stated that they will return calls/messages within a 24-hour period for sharing of information or acknowledgement of receipt of messages and they would answer any questions or concerns that may come up in a timely manner
- Further, BDO was asked what the plan is to stay on top of possible irregularities within Finance and if there was an issue within Finance, would BDO come directly to Council and bypass Finance department to ensure Council is aware

- It was shared that this is when these regular meeting updates with Chief and Council would occur to ensure that concerns could be brought forward and addressed
- BDO representatives left the meeting and discussion ensued regarding the plan to move forward.

## 8.2 Decision on Auditors

Discussion ensued regarding the cost difference between the two companies; and the response to the questions from Chief and Council; and it was decided to continue with MNP until the end of the fiscal year which runs from April 1, 2024, to March 31, 2025, and then bring BDO on as the new audit team.

### MOTION 8.2

**It was MOVED by Councillor Anissa Blackmore and SECONDED by Councillor Garrett Gloade, That Millbrook proceed with the 2024 audit with MNP and award the 2025 audit to BDO.**

**CARRIED**

**ABSENT: 1 (Councillor Ward Markie)**

**CONFLICT: 2 (Councillors Natasha Bernard and James Stevens)**

## 9.0 LEGAL

**9.1** Revisit Motion 6.1(a) from December 13, 2023 was tabled due to wording concerns and the councillor who put the motion forward wanted it to be reviewed today with the Solicitor

**MOTION 6.1(a)** originally tabled from December 13, 2023, motion was reworded and submitted today as shown below:

### MOTION 6.1(a) (December 13, 2023)

**It was MOVED by Councillor Lisa Marshall and SECONDED by Garrett Gloade, That a class action lawsuit be opened against the Crown for infringing on Millbrook First Nation's right to earn a moderate livelihood, within all species, including the loss of income.**

**CARRIED**

## 9.2 General Updates

Band Council Resolution (BCR) was presented today for approval and signing and was read into the minutes as follows:

WHEREAS Millbrook First Nation has agreed to seek funding in collaboration with Imperial Oil to explore repurposing a brownfield site at Imperial Oil's Dartmouth terminal for the delivery of a renewable solar power generation facility and potential energy storage.

AND WHEREAS The electricity generated by the solar farm will be sold to offset the primarily coal and fossil fuel-based electricity used by the Terminal for day-to-day operations with the sale of excess power generation to the Nova Scotia grid.

AND WHEREAS a previous application for funding lead by Imperial Oil to the Low Carbon Economy Fund was unsuccessful.

AND WHEREAS there is a new opportunity for funding the repurposing of the idled tank lots at Imperial Oil's Dartmouth Terminal for the production of clean, renewable energy through the Indigenous Natural Resource Partnership Program (INRPP).

NOW THEREFORE, BE IT RESOLVED that Millbrook First Nation is in support of proceeding with an application for funding in the amount of \$1,011,880.00 through the Indigenous Natural Resource Partnership Program. If successful, INRPP's funding would include project management, commercial and financial advisory services, and offset design and engineering costs.

APPROVED AND PASSED, this 9<sup>th</sup> day of January 2024

**MOTION 9.2**

**It was MOVED by Councillor Alex Cope and SECONDED by Councillor Garrett Gloade, That the Band Council Resolution (BCR) related to the Indigenous Natural Resource Partnership Program (INRPP) request, as shown above, be approved.**

**CARRIED**

**ABSENT: 1 (Councillor Ward Markie)**

**CONFLICT: 1 (Councillor Zachary Julian)**

**9.3 Siting Cannabis Shops in the Power Centre Update:**

- External legal counsel anticipates having a written opinion to the Chief and Council next week, including consideration of how this will impact other Power Centre tenants
- Would be in violation of the head lease if there is no regulation law in place
- Unclear on the other stores that have band-owned stores on their own lands
- External legal counsel followed up on Chief and Council's request to inquire about monies paid to an external Solicitor; after looking at emails and his scope of work, it was determined that he was paid for consultation and preparing the consultation reports and not necessarily for preparing the law itself.

**9.4 AFNWA**

- Agreements to be reviewed for potential approval and signing at the next meeting on January 16, 2024 (depending on external legal counsel's further review of all relevant documents including the service agreement with the Town of Truro).

### **9.5 Children and Family Services**

- Executive Director invited Anna Crosby, the Team Lead for First Nation Children and Family Services Programs with ISC Atlantic, to attend the January 16, 2024, meeting so that the Chief and Council can receive an overview of the funding that Millbrook currently receives for prevention and what portion of that goes to the Mik'maw Child and Family Agency on Millbrook's behalf.

**10.0 ADJOURNMENT:** Meeting was adjourned by consensus.