**Band Council Meeting**

**July 16, 2019**

**Minutes**

Attendance:

Chief Bob Gloade

Councillor Bryan Brooks

Councillor Adrian Gloade

Councillor Peter Gloade

Councillor Ward Markie

Councillor Mike Stephens

Councillor Barry Martin

Councillor Barry Gloade

Councillor Alex Cope

Councillor Colin Bernard

Councillor Chris Nasson

Councillor Stephen Marshall

Chief Bob Gloade called meeting to order at 10:10am.

Presentations to Council:

Reference: Band member

Request to have community members brought back to our community and band membership.

Discussion: The 5-year wait for referendum for band membership can be included in the referendum process and Band member can vote on changing it. Band Administrator asked that the updated addresses for both of them.

Reference: Band member

Thank you for the housing repairs.

(*in camera discussion*)

Reference: Band member

Surveying along their house, 5 acres along trailer park down to the brook, property is for sale, same side of James Street by their lot. Requests a 'finder's fee' if Millbrook does purchase the property, band member would like an extension to their residence.

(*note: Millbrook was already looking into surrounding properties including this one*).

Reference: Band member (letter #16)

Requested New flooring.

(*in camera discussion*)

This request for foundation for a split entry is denied, does not fit in policy. it was agreed to have Maintenance and Repairs Supervisor to inspect flooring underneath to determine if it can be repaired or needs replacement.

Reference: KMKNO staff

Presented on the Mi’kmaw Child Welfare Initiative and a draft Band Designate job Position.

Discussion: This initiative would be for a representative of the Millbrook Band to play an important advocacy role within the child welfare system to ensure children, who are members or eligible to be members of the band and are involved with the child welfare system are able to exercise their rights to their culture and community. A sample job description will be emailed, Bands can modify the job description based on their unique community needs. Also, a sample of proposal for funding via Jordan's Principal and mental health will be sent via email.

Band Administrator forward to Millbrook's Director of Health Services.

**BCRS**

Reference: Participation in Wskijinu'k Mtmo'taqnuow Agency holdings partnership (*reference #2019-16*)

**WHEREAS** it is desirable and in the best interest of the Mi'kmaq of Nova Scotia to pursue the following objectives (collectively, the "Partnership Business"):

a. to operate various business opportunities for the benefit of the Mi'kmaq of Nova Scotia; and

b. to develop internal governance processes and a supporting infrastructure to facilitate and enhance the conduct of Mi'kmaq business, including the appointment of directors and executive officers selected for their expertise, with the goal of evolving into a Mi'kmaq Crown Corporation;

**AND WHEREAS** the Mi'kmaq propose to participate in the Partnership Business through a structure that involves a Mi'kmaq general partnership named "Wskijinu'k Mtmo'taqnuow Agency Holdings Partnership", a limited partnership named "Wskijinu'k Mtmo'taqnuow Agency Limited Partnership" and a Mi'kmaq owned and controlled corporation named "Wskijinu'k Mtmo'taqnuow Agency Ltd." (the "Company"), in which Mi'kmaq First Nations will be shareholders;

**AND WHEREAS** the shareholders of the Company will elect directors, who will in turn appoint officers of the Company;

**AND WHEREAS** the structure of the Mi'kmaq participation in the Partnership Business will protect the First Nations from liability and will flow profits back to the First Nations that participate in the Partnership Business;

**NOW THEREFORE BE IT RESOLVED THAT: Upon duly made and passed at a duly convened Council meeting, Council hereby:**

1. Agree to participate in the Partnership in the Partnership Business as a partner in the Mi'kmaq general partnership named "Wskijinu'k Mtmo'taqnuow Agency Holdings Partnership" and approve the execution by our Chief of the Partnership Agreement. The profits from that partnership will/are to be distributed:

a. 25% of annual profits to a Special Reserve for reinvestment;

b. The remaining 75% f annual profits will be distributed:

i. 40% equally to each First Nation Partner;

ii. 60% divided between the First Nation Partners based on their Band membership:

1. For the first five (5) year term, based on Band membership as reported by the Department of Crown Indigenous Relations and Northern Affairs ("CIRNA") at the date of formation of the Partnership;

2. For each subsequent five-year term, based on the Band membership lists reported by CIRNA at the commencement of that new five (5) year term.

2. Agree to participate in the Partnership Business as a shareholder in the Company and authorize our Chief to sign any documents necessary on our behalf;

3. Agree that our Chief shall hold the share in the Company in trust on behalf of the band and that our Chief (or another member of band council whom the Chief designates in writing) shall exercise the shareholder voting rights on behalf of the band.

4. Understand that the Company will be a General Partner in a Mi'kmaq limited partnership, named Wskijinu'k Mtmo'taqnuow Agency Limited Partnership, and as a General Partner will be entering into other business arrangements; and

5. Understand that the share holders of the Company at a shareholders meeting may appoint such individuals as they deem appropriate as Director of the Company.

**Motion by Councillor Alex Cope** to accept BCR(*reference #2019-16*)

**Seconded by Councillor Stephen Marshall**

11 for;

Motion Carried.

Reference: **BCR** - 1919 Halifax County Invalid Surrender Claim (*reference #2019-17*)

Millbrook First Nation Band Acceptance of Federal Offer

**WHEREAS** in September 2005, the Millbrook First Nation and Sipekne'katik (collectively the “First Nations”) submitted a specific claim relating to the invalid surrender in 1919 of the Sambro, Ship Harbour, and Ingram River Reserves (the “1919 Halifax County Claim”) to the government of Canada;

**AND WHEREAS** by letter dated July 11, 2007, Michel Roy, Assistant Deputy Minister, Claims and Indian Government, wrote to the Chiefs of the First Nations and accepted the 1919 Halifax County Claim on behalf of the government of Canada for negotiations pursuant to its Specific Claims Policy;

**AND WHEREAS** in November 2009, the Chiefs and Councils of the First Nations passed Band Council Resolutions in which they agreed to enter into negotiations with Canada of the 1919 Halifax County Claim;

**AND WHEREAS** on July 5, 2019, Chris Fleck, Federal Negotiator, wrote to the Chiefs of the First Nations and made an offer to settle the Halifax County Claim on terms and conditions set out in that letter;

**THEREFORE BE IT RESOLVED** that the Chief and Council of Millbrook First Nation/Sipekne'katik accepts the offer set out in the July 5, 2019 letter from Chris Fleck, Federal Negotiator, subject to the ratification of a settlement agreement by the eligible voters of Millbrook First Nation/Sipekne'katik, and to commence the preparation of such agreements and other documents as may be necessary to complete such a ratification process.

**AND BE IT FURTHER RESOLVED** that the Chief and Council of Millbrook First Nation/Sipekne'katik authorizes our Legal Counsel, Tim Librande and our Chie Negotiator, Dr. Ian Johnson, to work with the government of Canada's representatives in drafting the settlement agreement and preparation of other required documentation.

**Motion by Councillor Barry Gloade** to accept BCR (*reference #2019-17*)

**Seconded by Councillor Ward Markie**.

11 for;

Motion carried.

Reference: **BCR** - Sublease for lot 261 (*reference #2019-18*)

Consent to assignment of existing sublease for lot 261 - Super 8 Hotel Property

**AND WHEREAS: HL General Partner Inc.** is requesting the **Millbrook Band Council** pass a Band Council Resolution consenting to the assignment of the existing sublease for lot 261, Plan 2002-015R R.S. Atl. (the Super 8 Hotel Property) **held by HL General Partner Inc.** to **1947024 Ontario Inc.**, an Ontario numbered company.

**NOW THEREFORE:** upon motion duly made and passed at a duly convened Band Council meeting of the Millbrook Band, the **Millbrook Band Council** here gives its consent to an assignment of the existing Sublease held by **HL General Partner Inc.** for lot 261, (Plan 2002-015R R.S. Atl.) and registered in the **ILR** as number 338752 **to 1947024 Ontario Inc.**, an Ontario numbered company.

**Motion by Councillor Colin Bernard** to accept BCR.

**Seconded by Councillor Alex Cope**.

11 for;

Motion carried.

Reference: Band Solicitor - Trust fund agreement

Overview of what is in the trust agreement *(didn't get a copy of this) for wording in minutes)*

Two components to the trust, money that goes to the children's trust goes to their trust account.

Discussion: now is the time to add to it if Millbrook wants to add wording "*be able to invest money in any economic development adventure*" just to clarify the Band receives 40%.

**Motion by Councillor Mike Stephens** to make change.

**Seconded by Councillor Adrian Gloade**

11 for;

Motion carried.

Reference: Land for sale

Currently Millbrook's Economic Development Officer is looking into 185 & 215 on James Street.

Have them check if there are any Environmental concerns?

Reference: Coach Rd - Cannabis Shop

Can we make complaint to the Millbrook RCMP? Band Solicitor - yes.

Discussion: It jeopardizes housing because of zoning, residential, and housing policy does not allow. Write a letter and provide a copy of policy and tenant agreement signed by occupant of household.

Review of June 11, 2019 minutes

**Motion by Councillor Colin Bernard** to accept minutes.

**Seconded by Councillor Bryan Brooks**.

motion carried unanimously.

Letters to Council:

Reference: Director of Health Services - monthly Report

Reference: Director of Educational Services - monthly Report

*Action Requested*: Requests permission to move forward with the building while Finance Manager seeks the funding.

Discussion: Right now, the priority is with the water tower and sewage lines on Micmac Avenue. Have the Director of Educational Services and MEEC supervisor meet with PDI as soon as possible to get a connectional design so Finance Manager can pursue funding.

Reference: New Construction Supervisor - monthly Report

noted.

Reference: Asset Management Training

It was suggested that Finance Manager should apply to the Asset Management training, dollars available from ISC, opportunities for all our buildings.

If Finance Manager has not already applied for funding, Council would like to give direction to do so.

Reference: Band member

Submitted a letter of concern.

(*in camera discussion*)

(*Councillor Mike Stephens stepped out due to conflict*)

Reference: Band member - Cultural Healing Ceremony re: MTS rules

Requested to have Cultural Healing Ceremony to be covered through Millbrook Tobacco Store.

This request was **denied**.

Reference: Livingstone Family

Thank you, card.

Reference: Nova Scotia Ground Search and Rescue Association

Requested support in advertisement in the Wilderness Survival Guide.

**Agreed by consensus** to a 1/8 Power Centre business card sized ad at $205.

Reference: Students on Ice Arctic Expedition

Requested financial assistance with purchasing items needed to purchase for Students on Ice program.

**Agreed by consensus** to donate $500.00 towards financial assistance.

Reference: Students on Ice Arctic Expedition

Requested financial assistance with purchasing items needed to purchase for Students on Ice program.

**Agreed by consensus** to donate $500.00 towards financial assistance.

Reference: Individual

On behalf of Jake Maloney, requested financial support towards travel for Peewee boys provincial Lacrosse Team to travel to British Columbia in August 2019.

**Agreed by consensus** $500.00 towards travel expenses.

Reference: Band member

Requested financial assistance toward travel for U16 Midget provincial Lacrosse team to travel to Ontario and British Columbia in July & August 2019.

**Agreed by consensus** $500.00 towards travel expenses.

Reference: Paqtnkek Sundance Committee

Requested financial donation towards Sundance Ceremony starting this week.

**Agreed by consensus** to donate $1000.00 towards Sundance Committee.

Reference: Band member

Requested a wheelchair ramp.

This is already in process of being done.

Reference: Band member

Requested to have a bathroom installed in bedroom.

**Agreed by consensus** to build a bathroom off of bedroom.

Reference: Band member

Provided a medical letter that doctor recommend to have dog as a companion to help with mental health and medical illness.

Discussion: Just needs to make sure they clean up after dog, and keep off neighbors lawns.

Noted.

Reference: Band member

Requested a heat pump for house.

Request **denied**.

Reference: Band member

Requested that Chief and Council reconsider taking house back.

(*in camera discussion*)

Reference: Band member

Requested on-reserve housing.

noted.

Reference: Band member

Requested bigger housing space and concern of neighbours being loud and smoking.

They can keep applying for house.

noted.

Reference: Band member

Requested to have lot 15 held for one year so that they can work on finalizing housing subsidy application.

**Agreed by consensus** can hold that lot for a year.

(Councillor Barry Gloade stepped out due to conflict)

Reference: Band member

(*in camera discussion*)

**Agreed by consensus** without prejudice to finalize to pay out $900.00.

Reference: Band Solicitor

Band Solicitor's part-time Assistant, would like to hire assistant on till March 31, 2020.

**Agreed by consensus** to hire student lawyer for an additional six months.

Reference: Post Secondary Education Director

mentioned that Chief and Council could increase funding if needed for funding additional students for Native Employment Officer's program. Suggested a deadline to be set, no later than August 1, 2019.

noted.

Reference: Band Solicitor

Native Employment Officer spoke to METS and this has come back to Band Administrator and to Chief and Council. Band member completed program, graduated with honours.

Discussion: Based on the fact that the Band member didn't give up, they applied for funding on their own, and completed program graduating with honours. As in the policy, Band member has followed the appeal process and Chief and Council feel It would be good to reward them, and reimburse the receivable, and student loan? If agreed by consensus, Band Administrator and Native Employment Officer can meet and figure out numbers. Deal with similar situations case by case.

**Agreed by consensus** to reimburse what Band member was owed through receivable.

Reference: Former Native Employment Officer Assistant

Thank you, letter, six months leave up absence will be up this week July 18, 2019 and will not be returning.

Send a thank you letter for their time.

Reference: Bus Driver retirement

**Agreed by consensus** to give a gift card from Canadian Tire. $500.

Reference: Children's Wish Foundation

Requested donation towards BBQ fundraiser.

Youth Support Worker's program has gift cards to donate.

Reference: Band member

Requested to transfer house to family member and requested a housing RRAP.

**Agreed by consensus** to transfer house and to apply for a RRAP.

Reference: KMKNO

Requested to have a solar panel system installed on KMKNO building.

Request **denied**. CMM have had many problems with pigeons.

Reference: Band member

Requested an off-reserve housing subsidy.

**Agreed by consensus** to approve housing subsidy application.

New Business:

Reference: Band member

heading to Pan Am Games in Peru and Tokyo next summer. Student Ambassador for Pan Games.

**Motion by Councillor Colin Bernard** to sponsor $7500.00

**Seconded by Councillor Mike Stephens.**

9 for; 0 against

Motion carried.

Reference: **BCR** Withdrawal from KMKNO negotiation or consultation (*reference #2019-19*)

Directing the Department of Fisheries and Oceans Canada (DFO) and the Kwilmu'kw Maw-Klusuaqn Negotiation Office (KMKNO) to cease any negotiation, consultation, or any other discussions regarding Millbrook's behalf as it relates to Treaty related measures (TRM) and Rights and Reconciliation Agreement (RRA) or any related matters.

**WHEREAS:** Millbrook is an Indian Band pursuant to the *Indian Act*.

**AND WHEREAS:** Millbrook has determined it will not sign any future Aboriginal Fisheries Strategy Agreements with the DEPARTMENT OF FISHERIES AND OCEANS:

**AND WHEREAS:** the Millbrook First Nation Band has developed a Moderate Livelihood, a Food, Social and Ceremonial Aboriginal and Treaty Rights framework and, an implementation plan that will achieve the vision of taking a leading role to secure food and provide a livelihood for community members;

**WHEREAS:** it is Millbrook's intention to continue and maintain its autonomy in managing and negotiating their own Moderate Livelihood and Food, Social and Ceremonial (FSC) Aboriginal and Treaty Rights Fisheries;

**AND WHEREAS:** at a duly convened Council meeting at Millbrook, Nova Scotia, Millbrook discussed, deliberated and affirmed that no other entity has any authority from Millbrook to negotiate and/or discuss or consult on Millbrook's right to fish for a moderate livelihood or FSC fisheries;

**THEREFORE, BE IT RESOLVED: Upon motion duly made and passed at a duly convened council meeting:**

**1. It is resolved** that Millbrook will not/must not be included in any future discussions and/or negotiations by DFO or KMKO on matters regarding the current "Treaty Related Matters Agreement (TRM)" and/or the "Rights and Reconciliation Agreement (RRA)", or any other related matters.

**2. It is further resolved** that any negotiated monies currently being discussed and/or negotiated under any and all agreements regarding TRM and RRA must not include what the DFO intends to define as Millbrook per capita share.

**3. It is further resolved** that the Millbrook does not intend on accepting government loan funding for Aboriginal and Treaty Rights Moderate Livelihood and Food, Social and Ceremonial fisheries negotiations.

**4. It is further resolved** that any past, present or future DFO and/or KMKNO TRM and RRA negotiations' outcomes in all forms, in writing or agreement, do not/will not accrue a benefit to Millbrook or amount to a legal liability of expectation or implementation.

**5. It is further resolved**, in the spirit of Reconciliation and the Honour of the Crown, Millbrook hereby requests that a table be established directly with Millbrook to discuss how Millbrook will implement its own Moderate Livelihood and Food, Social and Ceremonial Aboriginal and Treaty Rights Fisheries in accordance with its inherent right to govern itself and to implement Aboriginal and Treaty Rights.

**6. It is further resolved** that any negotiated monies currently being discussed, or will be discussed, and/or negotiated under any and all agreements regarding TRM and RRA must not include what the DFO intends to define as "Millbrook per capita share".

**Motion by Councillor Mike Stephens** to ratify the BCR drafted by MCG (*reference #2019-19*)

**Seconded by Councillor Stephen Marshall**.

9 for; 0 against.

Motion carried.

Reference: Band member

Requested travel assistance with Junior Thunderbird Lacrosse.

**Agreed by consensus** to fund $500.00

Reference: Elder

Why do we not have a Road/Street named after Chief Stephen Gloade Sr.

This can be noted for the future road/streets.

Reference: Millbrook Front door

It was requested to have Civic number and Millbrook’s Logo on front door of band office.

Band Administrator will have Millbrook by law Officer to have this done.

Reference: Native Employment Officer position

It was suggested to reschedule the posting and reword the questions for interviews. Worked with METS rep on questions, questions at the time were too difficult.

Reference: Dead end sign for Tower Road

Suggested that we put up a sign, lots of un-needed traffic

Band Administrator will have by law officer to get signage.

Reference: Filing rooms

It was suggested to hire shredding company to come for storage rooms in basement.

Band Administrator said the Finance Comptroller usually takes care of this.

Reference: Power Centre

It was Suggested that we adjust our lease amounts.

Reference: Appearance of the side of highway up Power centre.

can we hire someone to beautify the hill along the highway?

Reference: Bleachers for Pow wow grounds

Aluminum bleachers/benches.

Discussion: Youth Support Worker suggested that Truro may have some to lend;

This can be discussed at projects meeting tomorrow.

Reference: Meeting

Thursday's meeting cancelled, but we can still meet with Moose management meeting with Eric Zscheile.

Reference: Solar lights for path

It was suggested to have solar light along path between Abenaki Rd & ramp to overpass.

**Agreed by consensus** to purchase and install.

Reference: Needle boxes

Having a problem with the locks, some of them are being used. Director of Health Services probably has a better idea how they are doing and which ones are being used.

Reference: Cole Harbour Store

When is the deadline for applying?

Friday July 19, 2019 is the deadline date.

Reference: Bryan Brooks

Has a tour with St FX Master of Education Students 22 people in Millbrook, can Millbrook cover cost for lunch.

**Agreed by consensus** to reimburse cost of the lunch.

Thursday's meeting still on.

**Motion by Councillor Barry Martin** to adjourn at 2:50pm.