



# GENERAL COUNCIL MINUTES

## January 19, 2010

### 7:30 P.M.

The forty-eighth General Council meeting of the Fifty-fourth Elected Council of the Six Nations of the Grand River Territory was held on the above noted date held in the Main Hall of the Six Nations Recreation Complex Ohsweken, Ontario, N0A 1M0 with Councillor George Montour presiding as Chair and a traditional opening by Stan Henry.

#### **THOSE PRESENT:**

Ava Hill

Christopher Martin

George Montour

Levi White

Barbara Harris

Claudine VanEvery-Albert

Helen Miller

Melba Thomas

Carl Hill

David Hill

Joanne Johnson

#### **ABSENT:**

Chief William Montour

Councillor Wray Maracle, bereavement

#### **IN ATTENDANCE:**

Dayle Bomberry, A/Senior Administrative Officer

Karen Best, Communications Officer

Tim Brubacher, A/Senior Policy Analyst

Jody Hill, Website Coordinator

#### **GALLERY:**

About 70 community members and business owners.

#### **MEDIA:**

Turtle Island News

#### **RECORDER:**

Shirley W. Johnson, Council Secretary

CHANGES/ADDITIONS/DELETIONS/ADOPTION OF THE GENERAL COUNCIL  
AGENDA FOR JANUARY 19, 2010

**NEW BUSINESS:**

- 1) Carl Hill, Recommendations from director of Social Services Re: Section 226 Review and Child and Family Services Act Review
- 2) Barbara Harris, Permission to Attend Chiefs Committee on Health meeting, January 20, 2010, Toronto
- 3) Dayle Bomberry, Approval for Destruction of Records

**GC#434/01/19/2010**

Moved by Carl Hill and seconded by Christopher Martin that this Council accepts the General Council Agenda for January 19, 2010 with the noted additions.

ALL IN FAVOUR

CARRIED.

**BUILDING AND INFRASTRUCTURE COMMITTEE/PUBLIC WORKS**

**GC#436/01/19/2010**

Moved by David Hill and seconded by Joanne Johnson that the Six Nations Council petition for the balance of the subsidy in the amount of four hundred forty-four thousand nine hundred forty-six dollars (\$440,946.00) from the Ministry of Transportation for payment of subsidy under the Public Transportation and Highway Improvement Act on expenditures made in 2009 in the amount of one million one hundred ninety-two thousand three hundred eighty-three dollars and seventy-six cents (\$1,192,383.76).

ALL IN FAVOUR

CARRIED.

SECOND READING WAIVED.

**PROPOSED" BUSINESS REGISTRATION REGULATIONS**

Comments from the community are noted as follows:

- 75% native and 25% non-native
- Justice System, this is required so that outside activity can be controlled
- Make hard choices to keep to the community's main use only
- There are still business recognition for those businesses whose owners passed away, this needs to be controlled, ex. a man's son received a letter to attend this meeting, however, he has been dead for five years
  
- The Police should be involved
  
- There is concern about the "fee" being charged. There shouldn't be a fee charged.
- Items are being sold to off-reserve costumers "tax-free"
- The idea is to help this community, the registration allows for council to be able to help the businesses; it takes people to maintain the registry, so the registration fee helps off-set those costs and part of that money will go to maintain that system
- A supervisory body is needed
- What are the benefits to business owners that purchase the license?
  - Same as what the "Letter of Recognition" is offering
  - When tax issues come up from outside sources, Council will have access to the information on the business in order to help them as opposed to "acting on the fly".

- Over five hundred letters were sent out by Administration and about fifty were returned and that is the type of information that we do not have (whether or not the business is still operating, whether or not they have re-located)
  - There are things we can do “policy wise” including a database
- Could this possibly be a way for businesses to get assistance with GST and/or HST rebates
  - Will this registration license be eligible to be used as a reference for a bank loan?
  - It will have to be something Council will have to consider. Past Councils co-signed for band owned business owners on the Territory for bank loans, but once again this cannot be considered without the necessary information on the business
  - A new council does have the prerogative to disband the licenses, if they see fit
  - Who will be selected to be on the grievance board, if you are disqualified for some reason?
    - ◆ Section 17, outlines the process and Council would have the final decision based upon a recommendation from Administration and if you disagree, you have a thirty day window to appeal, but ultimately it is Council’s decision on the appeal
  - There is no indication on the registration side of a business being recognized by the banking system. An Ontario license is required in order to be registered with a bank (even the banks on the Six Nations Territory) as a business. Will this letter take care of that or will it still be necessary to register?
  - This new system was developed to make the present “letter of recognition” system an administrative process as compared to a “political process” (which is what it is now) and this will certainly be helpful. At the present there is nothing in place, but as the new system evolves, this is something that will be considered, but at the present time, it will not solve this concern. Section No. 12 “...will revoke...honesty and integrity, how will that be proven, so will Council monitor the businesses closely, including health, safety and environment issues.
  - The Master Business License, licenses you for five years at \$60.00 as compared to one year with Six Nations at \$120.00 per year. The Master Business License also includes your name search and your name registry for your business, so if a business applies with the proposed new system, what guarantee will there be so that the business name cannot be used by anyone else? How will Six Nations communicate with the Federal and Provincial system on behalf of the businesses?
  - If this moves ahead, there will be a database developed which will guarantee that on other business on the Six Nations Territory that are registered are registered with the same business name. However that is something, once again that Six Nations will have to look into. One benefit is that council will have to fight on behalf on the business if someone from outside Six Nations is trying to impose taxes on the business. If a resident of Six Nations is now using this licensing, what is going to happen to residents who needs licenses (this could possibly happen as a similar situation with the CPIC where Six Nations Police are no longer able to obtain them)?

- The next step for Council is that once these Regulations are passed that this council will have to meet with both Governments, and ensure that the regulations are compatible with the systems that they have in place and that these licenses are fully recognized off the Territory, including CPICs, and Registration (name registries).
- Why was the Tobacco Quota Agreement between the Six Nations Council and Revenue Canada not brought to the community?
- Concern: Imposing a fee for inspection for ingress of commercial (wholesale) vehicles. This will affect all business on the Territory, not just the tobacco shops. This will affect every business because all the businesses rely on non-natives for our businesses.
- If an individual approaches council and asks for support for any type of tax purposes, council would assist them. However, according to the business regulations, if a business which is not registered or that does not have an updated license seeks Council assistance with tax issues then according to Section.
- Anything to be done regarding the Tobacco Quota will have to be done in consultation with the community. Council would not impose such on the business owners without the community's input.
- Tonight's purpose is for the "Business Regulations Registration only" and the Tobacco Quota system will be discussed at a later date.
- Community member feels that neither document should be approved, that it is extortion.
- How can Council protect the Territory from taxation when they are being invited onto the Territory?
- The "Tobacco Quota Agreement" is something that Council has "just received" and has not had an opportunity to discussed and as stated earlier that when Council starts looking into this agreement, the Community will have an opportunity to have input.
- There are other businesses on the Territory that do business other than tobacco and one community members wants to know "So what is council going to do for these businesses?"
- Council asked what the Community wanted and the business owners at the meeting felt that Council was disguising the Business Registry regulations as the Tobacco Quota.
- One major question, "what benefits will the business owner be getting with the fee they will be paying?"
- The community wanted the security that the regulations would not get passed until council could answer the questions that the community has.

- It was suggested that if all the businesses have concerns with the draft, that they document their concerns and hand them into the Policy Department at Administration.
- The main purpose for the business registration regulations is so that Council could “go to bat” for that business, especially in cases where Revenue Canada wants to audit books of businesses on the Territory. In the past, Council has been asked to defend a Community member that did not have their business registered.
- Another by a community member is that they feel that having to pay the fee for the business license (especially when more than one business is own) and they do not have a tobacco quota is a way that Council is charging them to help “clean up” the tobacco quota system. The legitimate businesses are being penalized for those who have cigarette quota.
- The community was reminded the business regulations are “draft” and all concerns expressed would be considered, changes can be made. The fee may not be \$120.00.
- One advantage is that there will be an “appeals” process and that there will not be just one person making a decision.
- The community member would gladly pay the fee if it were the same price as what the Ministry of Revenue charges with the same benefits.
- This will not interfere with the quota letters coming in March. Any recognition will apply next year.

In closing, the feedback from the Community was positive and Council will come up with a plan as a results of the business owners’ feedback, requiring community input, possibly workshops or break out sessions for the business owners. It was suggested possibly a one-day session of all the business owners. It was suggested that it be advertised earlier and that the businesses be given one month’s notice.

#### RECOGNITION OF BUSINESS APPLICATIONS

##### GC#437/01/19/2010

Moved by Melba Thomas and seconded by Levi White that this council provide a standard letter recognizing Yvonne Bomberry Counselling and Consulting Services, owned by Yvonne Bomberry as a business operating on the Territory.

ALL IN FAVOUR

CARRIED.

(GM/CM) Seneca Smokes, owned by P. Paul Bomberry—Deferred for further consideration

#### ADOPTION OF THE MINUTES OF DECEMBER 15, 2009 and JANUARY 5, 2010

##### GC#438/01/19/2010

Moved by Christopher Martin and seconded by Carl Hill that the General Council Minutes of December 15, 2009 be adopted as read.

ALL IN FAVOUR

CARRIED.

**GC#439/01/19/2010**

Moved by Helen Miller and seconded by Christopher Martin that the General Council Minutes of January 5, 2010 be adopted as read.

ALL IN FAVOUR

CARRIED.

Councillor David Hill Abstains from voting as he was not present.

**SCHEDULING**

**GC#440/01/19/2010**

Moved by Carl Hill and seconded by Joanne Johnson that this Council delegates Councillors Helen Miller, Claudine VanEvery Albert, David Hill and Melba Thomas to attend the Breakfast with Phil Mccolemen and Dave Levac on Friday, February 19, 2010 at the Best Western Brant Park Inn, 19 Holiday Drive, Brantford, Ontario.

ALL IN FAVOUR

CARRIED.

**GC#441/01/19/2010**

Moved by Melba Thomas and seconded by Levi White that this Council delegates Councillor Barbara Harris to attend the Ontario Chiefs Committee on Health on Wednesday, January 20, 2010 at the Sheraton Centre, Toronto, Ontario.

ALL IN FAVOUR

CARRIED.

**GC#442/01/19/2010**

Moved by Carl Hill and seconded by Claudine VanEvery Albert that the Six Nations Council approves the recommendation of the Social Services Committee that Carl Hill, Social Services Portfolio, Arliss Skye, Director of Social Services and Larry Longboat, participate in the regional session and local session on the review of the Child and Family Services Act representing Six Nations.

ALL IN FAVOUR

CARRIED.

SECOND READING WAIVED.

**GC#443/01/19/2010**

Moved by Carl Hill and seconded by Barbara Harris that the Six Nations Council recommends Arliss Skye, Director of Social Services to attend a regional session of the Child and Family Services Act Review, if needed in Thunder Bay to assist the Independent First Nations Coordinator .

ALL IN FAVOUR

CARRIED.

SECOND READING WAIVED.

**GC#444/01/19/2010**

Moved by Carl Hill and seconded by Claudine VanEvery Albert that the Six Nations Council support the joint application for funding with the other Independent First Nations for participation in the Child and Family Service Act.

ALL IN FAVOUR

CARRIED.

SECOND READING WAIVED.

**GC#445/01/19/2010**

Moved by Carl Hill and seconded by Melba Thomas that the Six Nations Council prepare a response from Six Nations once information is gathered on the compliance of the Native Provisions within the Child and Family Services Act and general overview of the Child and Family Services Act.

ALL IN FAVOUR

CARRIED.

SECOND READING WAIVED.

**GC#446/01/19/2010**

Moved by Carl Hill and seconded by Barbara Harris that the Six Nations Council recommends that Arliss Skye, Director of Social Services and Carl Hill, Social Services Chair participate in the group designated by the Chiefs of Ontario to keep apprised of the progress of the review.

ALL IN FAVOUR

CARRIED.

SECOND READING WAIVED.

**GC#447/01/19/2010**

Moved by Melba Thomas and seconded by Claudine VanEvery Albert that this Council approves of the Authorization for Destruction Forms dated January 11, 2010 for Economic Development/Bingo Hall.

ALL IN FAVOUR

CARRIED.

**ADJOURNMENT**

**GC#448/01/19/2010**

Moved by Levi White and seconded by Christopher Martin that this meeting be adjourned at 10:02 p.m.

ALL IN FAVOUR

CARRIED.

---

signature of Chief William Montour