



GENERAL COUNCIL MINUTES

January 5, 2010

7:30 P.M.

The forty-seventh 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 in the Council Chambers of the Administration Building, Ohsweken, Ontario, N0A 1M0 with Chief William Montour presiding as Chair and an opening prayer was done by Edward Staats, Deacon, Medina Baptist Church.

THOSE PRESENT:

Carl Hill

George Montour

Melba Thomas

Christopher Martin

Helen Miller

Wray Maracle

Claudine VanEvery-Albert

Levi White

ABSENT:

Councillor David Hill, personal

Councillor Ava Hill, personal

Councillor Barbara Harris, personal

Councillor Joanne Johnson, personal

IN ATTENDANCE:

Dayle Bomberry, A/Senior Administrative Officer

Jacklyn Martin-Hill,

Karen Best, Communications Officer

GALLERY:

MEDIA:

Turtle Island News

RECORDER:

Shirley W. Johnson, Council Secretary

**CHANGES/ADDITIONS/DELETIONS/ADOPTION OF THE GENERAL COUNCIL
AGENDA FOR JANUARY 5, 2010**

NEW BUSINESS

Helen Miller:

- 1) Pilot Project Akwesasne, HST Exemption Status Card
- 2) Direct Action on the Harmonized Sales Tax

Dayle Bomberry:

- 1) Health Restructuring

Melba Thomas:

- 1) Elders' Relief fund
- 2) Caldwell/Brown Settlement
- 3) Federal Government Prorogue
- 4) Contribution Agreement for RINc Funding for Sports Field

Christopher Martin

- 1) Questions regarding the Secure Indian Status Cards (SISC)

Levi White

- 1) Community Newsletter

GC#423/01/05/2010

Moved by George Montour and seconded by Christopher Martin that this Council accepts the General Council Agenda for January 5, 2010 with the noted additions.

ALL IN FAVOUR

CARRIED.

SOCIAL SERVICES COMMITTEE

GC#424/01/05/2010

Moved by Carl Hill and seconded by George Montour that this council approves the recommendation of the Social Committee that the Terms of Reference for the Child Welfare Capacity Development Process be approved for signature. The authorized signatures to the agreement are the Director of Social Services and the Senior Administrative Officer.

ALL IN FAVOUR

CARRIED

SECOND READING WAIVED

GC#425/01/05/2010

Moved by Carl Hill and seconded by Claudine VanEvery Albert that this Council approves the recommendation of the Social Committee that the working group for the Child Welfare Capacity be increased to include, two clanmothers, two community members, two members of the Social Services Committee (The Chair and one other), the Senior Administrative Officer, the Director of Social Services, the Manager of Child and Family Services and Six Nations Children's Aid Society Board Member.

ALL IN FAVOUR

CARRIED.

SECOND READING WAIVED.

GC#426/01/05/2010

Moved by Carl Hill and seconded by Claudine VanEvery Albert that this Council approves the recommendation of the Social Committee that the details and administrative functions for the committee and project manager/coordinator be designated to the Senior Administrative Officer and the Director of Social Services.

ALL IN FAVOUR

CARRIED.

SECOND READING WAIVED.

BUSINESS REGISTRATION REGULATIONS NEWSLETTER UPDATE

For Council's approval

The "draft" Six Nations Business Registration Regulations are in the final stages before approval by Council. Also Council and the Ministry of Revenue are negotiating the possibility of administering the Tobacco Quota system currently ran by the Ministry of Revenue. A letter has been drafted to notify all Six Nations business owners that discussions will be taking place at the next General Council on January 19 on the new regulations. Also included in this letter is reference to the tobacco quota System and that negotiations are underway to ensure that the proposed Regulations and Licenses will also accommodate business owners who wish to apply to a tobacco quota. The draft is here tonight for Council's approval for release. Council discussed whether these two matters (business regulations and tobacco quotas) should remain totally impartial from the other. It was agreed that Council would deal with the business regulations, as a whole, at this time and seek the Community's input, specifically business owners, at the next General Council meeting on January 19, 2010. Given the potential for a large crowd, it was suggested that the Community Hall be reserved for Council's next meeting. The letter was edited and all reference to the tobacco quota system was removed from the letter and generalized the subject of the letter to the business registration regulations (which will be replacing the present "Business Letter of Recognition").

GC#427/01/05/2010

Moved by George Montour and seconded by Claudine VanEvery Albert that this Council approves to send the Six Nations Business Registration Regulations letter dated January 5, 2010 to all business owners on Six Nations territory with the noted corrections and that in anticipation of many of our local business owners attending, the next General Council meeting of January 19, 2010 be held at the Six Nations Community Hall.

ONE-OPPOSED

CARRIED.

SECOND READING WAIVED.

SCHEDULING AND UPCOMING DELEGATIONS

General Finance Jan 12/10

7:30 p.m

CC

NEW BUSINESS, HELEN MILLER, PILOT PROJECT AKWESASNE, HST EXEMPTION STATUS CARD

A proposal is being completed by Akwesasne for a pilot project on a revised HST Tax Exemption Card or better known as “Point of Sale” Exemption Card. There will be a cost for Six Nations to participate in the project. Chief William Montour gave Council a verbal update on the HST Exemption. On December 15, 2009, the HST received Royal Assent. The Working Group was established to find a resolution using the Comprehensive Integrated Taxation Coordination Agreement (better known as CITCA). The working Group is expected to continue working on this matter until a resolve is found or July 1 comes up. Lewis Staats is presently sitting on this Committee as a Technical Resource, however it is necessary to have political representation. The Department of Finance is trying to put “structure” on Section 87 of the Indian Act, meaning that our Treaty Right can only be exercised on Reserve. Exemption is considered a “privilege” that’s given to farmers, religious groups, and other organizations through legislative authority not to pay tax, section 87 says “that the property of an Indian or Band is tax exempt”. We are being “curved” into this legislative box. Immunity is a “right” whereas (Treaty of Ghent 1814) Section 35 of the 1982 Constitution Act says “the existing Aboriginal and Treaty Rights are hereby recognized and affirmed, meaning that they (aboriginal and treaty rights) are still alive. The point of sale exemption only allows us to be exempted from the Provincial Sales Tax, and if we wanted, we could keep all our receipts for all goods purchased and brought onto the Territory for consumption, we could have gotten the GST back also. There is a bigger fight than just being exempted from the PST or the GST or the PST portion of the HST and Six Nations should move this matter to a constitutional fight. In 1987 when Prime Minister Mulroney “deferred constitutional discussions to a latter date”, that still has not happened. Shawn Atleo, National Chief agrees that we should push for a Constitutional Fight and if we don’t we will be having this same fight later by way of some other legislation. We need to make this an “immunity fight”. Chief Montour went on to say, that the Hulikumun Treaty Group of Vancouver Island have taken Canada to Human Rights Court. Canada has to appear this year to justify why they are not protecting First Nations rights under the Constitution of Canada, where they have allowed the Province of British Columbia and other Provinces and Canada to trample on our rights for Economic reasons. We have the Forum on Indigenous Issues in April and May in New York and we need to prepare to present to this Forum. If this matter is left within Canada, it is not going to go anywhere.” One concern is that the corporate entities such as NAN, AIAI, Treaty 3, Union of Ontario Indians, are not thinking “immunity”. All they want is the point of sale exemption because they are directly affected as

their offices are off-reserve. Jim Flaherty is making the exemption specific to the commodity not the individual. Chief Montour intends on drafting a letter to the Governor General informing her that it is her duty to advise Canada that they are disregarding on our rights. Six Nations has an obligation to make it work. It is important for Six Nations to take the leadership role. However, Six Nations will remain involved in the point of sale exemption.

GC#428/01/05/2010

Moved by Levi White and seconded by Wray Maracle that Chief William Montour be delegated to sit on the Harmonized Sales Tax Exemption Working Group.

ALL IN FAVOUR

CARRIED.

SECOND READING WAIVED.

NEW BUSINESS, HELEN MILLER, DAY OF ACTION ON THE HARMONIZED SALES TAX

On January 18, 2010, there will be a Province wide day of action protesting the HST. Because the Federal Government has prorogued until March 2010, Six Nations will lobby Federal Politian's at the local level. Chief Montour's office will set up a schedule for two to three councillors to attend different local constituents' offices.

NEW BUSINESS, DAYLE BOMBERRY, RESTRUCTURE, HEALTH SERVICES

In December of 2009, the Six Nations Council signed an agreement with the Ministry of Health for Long-term Care, so restructuring was done for the position. The Director of Health Services wants the positions filled before the fiscal year end and requires, as a formality, Council's approval for the restructuring.

GC#429/01/05/2010

Moved by Carl Hill and second by Claudine VanEvery Albert that this Council approves the recommendation of Six Nations Health Services to the restructure the Health Promotions Unit such restructuring to include of the addition of two staff positions consisting of one registered nurse and one Dietician within the Diabetes Education program and that such implementation be effective immediately.

ALL IN FAVOUR

CARRIED.

SECOND READING WAIVED.

NEW BUSINESS, MELBA THOMAS, ELDERS RELIEF FUND

One elder in District No. 6 is in need of immediate financial assistance because of her health and the strict budget she is required to live on. Her propane may well be cut off. She is required to pay three hundred and fifty dollars (\$350.00) in order for her propane to be delivered to her. At the last Finance and Audit Committee meeting, the Director of Finance is to be bringing back some recommendations to the General Finance, however there is a fear that there may be no funds available until the new fiscal. It was suggested that the elder contact the Welfare office to see if there might be assistance to help her given she is on a fixed income. The Senior Administrative Officer will be looking into this and some recommendations are to be brought back to General Finance. Council will look further into and consider working the Bingos to generate revenue from the sale of the Nevada Tickets and set it aside into a fund to develop a Seniors' Relief Fund. Council needs to examine further if they are eligible to become a Sponsor. It will be discussed further at the Community Development Committee, January 6, 2010.

NEW BUSINESS, MELBA THOMAS, CALDWELL BROWN SETTLEMENT

The Province of Ontario has settled (Douglas Creek Estates) and what does that mean to Six Nations? Will it be considered further by Council and questioned? A meeting will be requested with Minister Duguid to discuss this matter further.

NEW BUSINESS, MELBA THOMAS, FEDERAL GOVERNMENT PROROGATION

The Matrimonial Real Property and other Criminal Code cases died on the table because of the prorogue but the HST received Royal Assent on December 15, 2009, which makes it law. The Throne Speech will occur on March 3 and the budget on March 4, 2010. The Budget will be so erroneous that the rest of the Party will vote against it. A vote of confidence that the government will go down will occur and it is suggested that April 3, 2010 will be the election.

NEW BUSINESS, CHRIS MARTIN QUESTIONS

Will there be a new INAC that will be put in place after the Olympics to cross the border? The Secured Indian Status Card is actually being issued now. If you are not going to cross the border, you can apply for or obtain a "regular" status card, but if you plan on crossing the border you need the Secured Indian Status Card (SISC) or a Passport. The Status Card has to be Western Hemisphere compliant (which has your personal information included) and will be observed when the US Border Patrol swipes your card. If you decide not to give them this authority, then you can obtain the card without this personal information, however you cannot use this card to cross the border. The SISC requires the passport friendly picture. INAC in Brantford are presently issuing these new cards.

NEW BUSINESS, MELBA THOMAS, RINC APPLICATION

GC#430/01/05/2010

Moved by Melba Thomas and seconded by Levi White, that this Council approves the recommendation from Six Nations Parks and Recreation to enter into an agreement with both Canada and Ontario for an investment of three hundred and forty-two thousand each from Ontario and Canada towards the installation of the Six Nations Sports Field Project and that a Six Nations Council Resolution be signed which reads as follows:

Six Nations Council acknowledges receipt of the July 8, 2009 correspondence from the governments of Canada and Ontario, which states that the application for the Construction of Sports Fields, which was submitted on behalf of Six Nations of the Grand River to the Recreational Infrastructure Canada (RInC) Program in Ontario and Ontario Recreation (Ontario Rec) has been approved by each of the governments of Canada and Ontario for an investment of up to \$342,000 toward the eligible costs of \$1,026,000 for the Installation of the Six Nations Sports Fields Project;

AND WHEREAS the purpose of the Recreational Infrastructure Canada Program in Ontario and Ontario Recreational Program (referred to collectively herein as "**RInC/Ontario REC**") is to rehabilitate and/or repair recreational facilities such as arenas, swimming pools and other recreational facilities;

AND WHEREAS RInC/Ontario REC is being administered by the Government of Ontario;

AND WHEREAS investments under RInC/Ontario REC focus on projects in communities to advance federal and provincial objectives of economic growth, and strong and prosperous communities;

AND WHEREAS RInC/Ontario REC supports projects that address local needs;

AND WHEREAS Recipients under RInC/Ontario REC may apply for funding for projects in the categories of arenas; gymnasias; swimming pools; sports fields; tennis, basketball, volleyball or other sport-specific courts; parks, fitness trails and bike paths; as well as other multi-purpose facilities that have physical recreation activity as the primary rationale (a “Project”);

AND WHEREAS the Contribution Agreement, Ontario File Number: TSC1017, Project Number(s): R2026 defines the terms and conditions of a financial contribution from Canada and Ontario to assist with the Project under RInC/Ontario REC;

NOW THEREFORE in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged), the Six Nations Council agrees to enter into the:

CONTRIBUTION AGREEMENT, Ontario File Number: TSC1017, Project Number(s): R2026 for the sum of \$342,000 from each of the governments of Canada and Ontario towards the total eligible cost of \$1,026,00 for the installation of Sports Fields at the Six Nations of the Grand River.

ALL IN FAVOUR

CARRIED.

SECOND READING WAIVED.

NEW BUSINESS, LEVI WHITE, SAFETY AND SECURITY

A recommendation came from the Safety and Security Committee to request that the Six Nations Police be allowed to utilize the Six Nations Council’s newsletter to help bridge the gap between the community and the Police on policing issues, to communicate with the community in an accurate fashion and for the community’s input.

GC#431/01/05/2010

Moved by Levi White and seconded by Melba Thomas that the Six Nations Police be allowed to utilize Six Nations Council’s monthly newsletter to help bridge communication between the Six Nations Police and the community and that this will also be an avenue to provide accurate information.

ALL IN FAVOUR

CARRIED.

ONTARIO ECONOMIC FIRST NATIONS FORUM, FORT WILLIAM FIRST NATION

GC#432/01/05/2010

Moved by Christopher Martin and seconded by George Montour that Councillors Wray Maracle and Levi White and Matt Jamieson, Director of Economic Development attends the Ontario Economic Forum hosted by Chiefs of Ontario on Fort William First Nations, on Thursday, January 14 and Friday, January 15, 2010.

ALL IN FAVOUR

CARRIED.

ADJOURNMENT

GC#433/01/05/2010

Moved by Levi White and seconded by Christopher Martin that this meeting be adjourned at 9:20 p.m.

ALL IN FAVOUR

CARRIED.

signature of Chief William Montour