

**TYENDINAGA MOHAWK COUNCIL MINUTES
JUNE 22, 2011**

A meeting of the Tyendinaga Mohawk Council was held on Wednesday, June 22, 2011 at 9:15 a.m. in the Council Chambers.

Present: Chief R. Donald Maracle
Councillors: Roy C. Maracle, Douglas E. Maracle, Keith A. Sero
and Velma Hill-Dracup
Staff: Angela Maracle, A/CAO

Chief opened the meeting with a prayer in Mohawk.

MOTION #1: Moved by Douglas E. Maracle, seconded by Keith A. Sero that the Tyendinaga Mohawk Council Special Minutes of May 5, 2011 be accepted as read.

Carried.

MOTION #2: Moved by Douglas E. Maracle, seconded by Roy C. Maracle that the Tyendinaga Mohawk Council Special Minutes of June 7, 2011 be accepted as read.

Carried.

MOTION #3: Moved by Douglas E. Maracle, seconded by Roy C. Maracle that Council approve the following meetings outside the territory:
Chief: attending Ontario First Nations Limited Partnership Meeting on July 23, 2011 in Toronto; attending Chiefs Committee on Health Meeting on June 23, 2011 at 5:00 p.m. in Toronto
Chief and Velma: attending the Assembly of First Nations Annual General Assembly on July 12 – 14, 2011 in Moncton;
Roy: attending the Health/Social Advisory Board meeting on July 5 & 6, 2011 in Wahta

Carried.

MOTION #4: Moved by Douglas E. Maracle, seconded by Roy C. Maracle that Council approve the following Council Meetings for July 2011:
Regular: July 6 and 20 at 9:00 a.m.
Local Business: July 6 and 27 at 7:00 p.m.

Carried.

MOTION #5: Moved by Douglas E. Maracle, seconded by Roy C. Maracle that Council approve scheduling a meeting with Callie Hill, Executive Director of Tsi Tyonnheht Onkwawenna, on June 28, 2011 at 1:30 p.m. regarding the Shatiwennakaratats Adult Language Program Funding.

Carried.

MOTION #6: Moved by Roy C. Maracle, seconded by Douglas E. Maracle that Council approve of scheduling a meeting with Carl "Ted" Maracle, Electrical Inspector, Electrical Safety Authority, and Gary Eve, Senior CSS Inspector, Electrical Safety Authority, on July 8, 2011 at 10:00 a.m. regarding electrical inspection process.

Carried.

MOTION #7: Moved by Douglas E. Maracle, seconded by Roy C. Maracle that Council approve of scheduling a conference call with Harold Van Winssen on June 24, 2011 at 1:00 p.m. regarding FiberNet.

Carried.

- MOTION #8: Moved by Douglas E. Maracle, seconded by Roy C. Maracle that Council approve of scheduling a meeting with Barry Brant on June 29, 2011 at 10:00 a.m. regarding an update on the Tobacco Policy Project.
Carried.
- MOTION #9: Moved by Roy C. Maracle, seconded by Douglas E. Maracle that Council approve payment of Hicks Morley invoice #224125 in the amount of \$518.50 regarding a Human Resources Issue and #224126 in the amount of \$5,381.08 regarding the Robins Lawsuit.
Carried.
- MOTION #10: Moved by Douglas E. Maracle, seconded by Roy C. Maracle that Council approve payment of Blaney McMurtry invoice dated May 20, 2011 in the amount of \$2,143.00 regarding the Land Purchase for the water plant.
Carried.
- MOTION #11: Moved by Roy C. Maracle, seconded by Douglas E. Maracle that Council approve payment of Alan Pratt invoice #3615 in the amount of \$12,409.74 regarding the Culbertson Tract Land Claim.
Carried.
- MOTION #12: Moved by Douglas E. Maracle, seconded by Roy C. Maracle that Council approve payment of Blaney McMurtry invoice dated April 30, 2011 in the amount of \$4,181.31 regarding Mohawk Liquidation.
Carried.
- MOTION #13: Moved by Douglas E. Maracle, seconded by Velma Hill-Dracup that Council defer making a decision on TMT TriplePlay's permanent location for operations until July 20, 2011.
Carried.
- MOTION #14: Moved by Velma Hill-Dracup, seconded by Keith A. Sero that Council decline the donation request from David & Kimberly Maracle for a Hand Drum Competition being held during the Pow Wow due to limited funds.
Carried.
- MOTION #15: Moved by Keith A. Sero, seconded by Roy C. Maracle that Council acknowledge Health Canada Amendment 2011/2012 ON0900124-A15 providing \$107,141.00 for Health Human Resources; and increase of \$790.00 total funding \$32,492.00 for Accreditation; a decrease of \$3,890.93 total funding \$45,000.00 for Water and Wastewater Action Plan.
Carried.
- MOTION #16: Moved by Velma Hill-Dracup, seconded by Douglas E. Maracle that Council acknowledge the 2011/2012 Association of Iroquois and Allied Indians funding for Red Cedars Shelter in the amount of \$339,691.00 for programming, training and community support.
Carried.
- MOTION #17: Moved by Roy C. Maracle, seconded by Douglas E. Maracle that Council acknowledge the 2011/2012 Association of Iroquois and Allied Indians funding for Aboriginal Healthy Babies Healthy Children in the amount of \$61,479.83.
Carried.

- MOTION #18: Moved by Keith A. Sero, seconded by Velma Hill-Dracup that Council acknowledge the 2011/2012 Association of Iroquois and Allied Indians funding for Aboriginal Healing and Wellness Strategy Community Wellness Worker, Demonstrated Mental Health and Aboriginal Fetal Alcohol Spectrum Disorder/Child Nutrition in the amount of \$96,606.50.
Carried.
- MOTION #19: Moved by Douglas E. Maracle, seconded by Roy C. Maracle that Council acknowledge the 2011/2012 Association of Iroquois and Allied Indians funding for Aboriginal Diabetes Education, Indian & Inuit Careers Program and Aids Community Funding in the amount of \$16,860.50.
Carried.
- MOTION #20: Moved by Roy C. Maracle, seconded by Velma Hill-Dracup that Council acknowledge the 2011/2012 Association of Iroquois and Allied Indians funding for Health Promotions and Health Consultation in the amount of \$3,075.00.
Carried.
- MOTION #21: Moved by Douglas E. Maracle, seconded by Velma Hill-Dracup that Council approve the submission of the one-time funding request to the First Nations & Inuit Health Branch by Aboriginal Head Start Program for items related to enhancing the Cultural resources within the program in the amount of \$22,599.98 and a submission from the Early Childhood Development for items related to enhancing the Early Childhood Development Program in the amount of \$13,088.76.
Carried.
- MOTION #22: Moved by Velma Hill-Dracup, seconded by Douglas E. Maracle that Council approve that the surplus furniture and items from Red Cedars Shelter be open to the community for silent bids.
Carried.
- MOTION #23: Moved by Velma Hill-Dracup, seconded by Roy C. Maracle that Council approve of staff looking for alternate funding sources for the Tyendinaga Fitness and Resource Centre for maintenance and new equipment in the amount of \$45,572.40.
Carried.
Douglas E. Maracle declared conflict of interest and did not vote
- MOTION #24: Moved by Roy C. Maracle, seconded by Keith A. Sero
Where as pursuant to the Indian Act and their inherent powers of self-government, the Tyendinaga Mohawk Council is empowered to act to on behalf of the Mohawks of the Bay of Quinte;

And where as the Tyendinaga Mohawk Council hereby support the request to transfer administrative responsibility of the Homemakers and Nurses Services Act (HNSA) from the Social Assistance Administrator, in accordance with Section 46 of the Ontario Works Act, to the Home and Community Care Case Manager. The Home and Community Care Case Manager will remain directly accountable to the Mohawks of the Bay of Quinte Senior Administration and ultimately to the Tyendinaga Mohawk Council;

Section 46 of the Ontario Works Act reads:

“Delegation of administrator’s power and duties
46.(1) An administrator may, in writing, authorize a person or class of persons employed by the delivery agent for the purpose to

exercise any of his or her powers and duties under his or her supervision and direction.

(2) A decision made by a person exercising the administrator's power or duties under this section shall be deemed to be a decision of the administrator. 1997, c.25, Sched. A, s. 46"

Therefore for be it resolved that the Tyendinaga Mohawk Council support the designation of responsibility to the Home and Community Care Case Manager as having full administrative responsibility of the HNSA program and requirements associated with reporting to the Ministry of Health and Long-Term Care for the Mohawks of the Bay of Quinte. M.C.R. #2011/12-025

Carried.

MOTION #25: Moved by Roy C. Maracle, seconded by Keith A. Sero that Council approve the water delivery truck being parked in the Road Department Building if there is space available.

Carried.

MOTION #26: Moved by Douglas E. Maracle, seconded by Roy C. Maracle that Council acknowledge the Mohawks of the Bay of Quinte participating in Health Canada's 2011 West Nile Virus Program.

Carried.

MOTION #27: Moved by Velma Hill-Dracup, seconded by Keith A. Sero that Council approve to post the Water Delivery Manager Position.

Carried.

MOTION #28: Moved by Roy C. Maracle, seconded by Keith A. Sero that Council approve of Lisa Maracle, A/Director of Nation Building, and Tanya King-Maracle, Policy Analyst, attending the Assembly of First Nations Annual General Assembly in Moncton, New Brunswick on July 12 – 14, 2011.

Carried.

Douglas E. Maracle declared conflict of interest and did not vote

MOTION #29: Moved by Roy C. Maracle, seconded by Douglas E. Maracle that Council approve of signing the Ontario Clean Water Agency Agreement.

Carried.

MOTION #30: Moved by Roy C. Maracle, seconded by Douglas E. Maracle that Council approve of scheduling a meeting with staff on June 30, 2011 at 2:00 p.m. to discuss implications of Bill 186: Supporting Smoke-Free Ontario by Reducing Contraband Tobacco Act, 2011 proclaimed law on June 1, 2011.

Carried.

MOTION #31: Moved by Roy C. Maracle, seconded by Douglas E. Maracle that Council approve the Land Transfer from Francis Gene Hill to Thomas Joseph and Lisa Noreen Maracle, the whole of Lot 14A-5, Concession A, as shown on Plan No. CLSR 93028.

Carried.

MOTION #32: Moved by Douglas E. Maracle, seconded by Velma Hill-Dracup that Council approve the Land Transfer from Clell Robert & Marjorie Jean Maracle to Darlene Elizabeth Maracle, the whole of Lot 2-4 in part of Lot 34, Concession A, as shown on Plan No. CLSR 62997.

Carried.

- MOTION #33: Moved by Keith A. Sero, seconded by Douglas E. Maracle that Council approve the Land Transfer from Jean Mildred Hepburn to James Robert Gordon McMurter, the whole of Lot 33J-13-2, Concession A, as shown on Plan No. CLSR 95360. Carried.
- MOTION #34: Moved by Douglas E. Maracle, seconded by Velma Hill-Dracup that Council approve the Land Transfer from Carl Edward and Debra Faye Maracle to Melissa Rose Maracle, the whole of Lot 17C-2-2, Concession 2, as shown on Plan No. RSO 4641R. Carried.
- MOTION #35: Moved by Roy C. Maracle, seconded by Douglas E. Maracle that Council approve the Land Transfer from Ruth Marion Brant to Ruth Marion Brant and Margaret Ann Sliwa, the whole of Lot 36B-1, Concession 1, as shown on Plan No. RSO 3905R. Carried.
- MOTION #36: Moved by Douglas E. Maracle, seconded by Roy C. Maracle that Council approve the Land Transfer from Jason Christopher Maracle and Terry Allen Maracle to Terry Allen Maracle, the whole of Lot 33J-7, Concession A, as shown on Plan No. RSO 6311. Carried.
- MOTION #37: Moved by Roy C. Maracle, seconded by Douglas E. Maracle that Council approve the Land Transfer from Victor Conway Maracle to John Thomas Baptiste Jr., the whole of Lot 16B-2, Concession 2, as shown on Plan No. RSO 2031. John Baptiste is aware of the right of way easement. Carried.
- MOTION #38: Moved by Douglas E. Maracle, seconded by Keith A. Sero that Council approve the Land Transfer from Mary Yvonne Maracle to Terri Lynn Maracle and Brent Wayne Maracle, the whole of Lot 10A-1, Concession 1, as shown on Plan No. CLSR 76096. Carried.
- MOTION #39: Moved by Keith A. Sero, seconded by Douglas E. Maracle that Council approve the Land Transfer from Kevin Allen White to Allen Kevin White, the whole of Lot 25C-1, Concession A, as shown on Plan No. CLSR 67531. Carried.
- MOTION #40: Moved by Douglas E. Maracle, seconded by Velma Hill-Dracup that Council request that staff provide a report on how much money was invested in the purchase of Lot 7B-3 by the Mohawks of the Bay of Quinte. Carried.
- MOTION #41: Moved by Velma Hill-Dracup, seconded by Keith A. Sero that Council approve of scheduling a meeting on July 7, 2011 at 10:00 a.m. with the Royal Bank of Canada and at 2:00 p.m. with the Canadian Imperial Bank of Canada regarding the Mohawks of the Bay of Quinte On-Reserve Housing Loan Program. Carried.
- MOTION #42: Moved by Douglas E. Maracle, seconded by Velma Hill-Dracup that Council was informed of an assault on a staff member and it is Council's responsibility to ensure the safety of its staff, Council will not tolerate inappropriate behavior such as bullying, threatening or physical assault towards MBQ's employees. Demonstration of such behavior will not be tolerated and appropriate action will be taken. Carried.

- MOTION #43: Moved by Douglas E. Maracle, seconded by Velma Hill-Dracup that Council approve of signing the contract with RB Contracting for the renovations to the old Health Centre to accommodate the Library.
Carried.
- MOTION #44: Moved by Keith A. Sero, seconded by Douglas E. Maracle that Council approve to waive the Community Centre fees for the summer camps for the month of July as the Youth Centre is being renovated.
Carried.
- MOTION #45: Moved by Douglas E. Maracle, seconded by Keith A. Sero that Council approve to have the air conditioners installed for the rental units that previously had air conditioners using the most practical way possible.
Carried.
- MOTION #46: Moved by Douglas E. Maracle, seconded by Velma Hill-Dracup that Council approve of scheduling a meeting with Measurement Canada regarding gas stations on the Territory on June 30, at 3:00 p.m. and have Jason Maracle join the meeting at 3:30 p.m.
Carried.
Roy C. Maracle – Negative Vote
- MOTION #47: Moved by Douglas E. Maracle, seconded by Velma Hill-Dracup that Council approve of moving ahead with the renovation at the Daycare to accommodate the Toddler Program.
Carried.
- MOTION #48: Moved by Douglas E. Maracle, seconded by Velma Hill-Dracup that Council approve of identifying funding to install fencing in the subdivision to ensure safety of children play areas from ATV's.
Carried.
Keith A. Sero – Negative Vote, fence may be ineffective against ATV's
- MOTION #49: Moved by Douglas E. Maracle, seconded by Keith A. Sero that Council acknowledge receipt of Aboriginal Gaming information from Jason Maracle and submit to the next Council agenda for discussion.
Carried.
- MOTION #50: Moved by Douglas E. Maracle, seconded by Velma Hill-Dracup that Council approve sending a letter to Craig White, A/Senior Funding Services Officer, Indian and Northern Affairs Canada regarding funding increase for full day kindergarten.
Carried.
- MOTION #51: Moved by Velma Hill-Dracup, seconded by Douglas E. Maracle to go in private. (12:50 p.m.)
Carried.

Summary of Private Minutes:

- Approval of Private Minutes: March 8, 2011 Special Private; April 4, 2011 Special Private; April 15, 2011 Special Private; May 5, 2011 Private; May 9, 2011 Special Private; May 11, 2011 Special Private; May 12, 2011 Special Private, June 6, 2011 Special Private; June 7, 2011 Special Private
- Acknowledged letter from legal counsel
- Approved to send letter to Community member stating Council will not tolerate abusive behavior towards MBQ employees
- Notify legal counsel of direction regarding the Former Mohawk Liquidation lawsuit

Recorded by:
Shelley Bowden

Angela Maracle
A/Chief Administrative Officer

Chief R. Donald Maracle