

**TYENDINAGA MOHAWK COUNCIL MINUTES
MARCH 18, 2024**

A meeting of the Tyendinaga Mohawk Council was held on Monday, March 18, 2024 at 9:30 a.m. in the Council Chambers.

Present: Chief R. Donald Maracle
Councillors: Chase Ogwari Brant, Kurtis Brant, Erin Ferrante, Lynda Leween and Chris Maracle

Regrets: Chris Brant, not feeling well

Staff: Sherry Maracle, CAO; Angela Maracle, Senior Director of Operations; Shelley Bowden, Executive Administrative Assistant and Recording Secretary to Council; Amsey Maracle, Executive Assistant to the Chief;

MOTION #1: Moved by Chase Ogwari Brant, seconded by Erin Ferrante to adopt the Agenda. Carried.

MOTION #2: Moved by Erin Ferrante, seconded by Chase Ogwari Brant that the Tyendinaga Mohawk Council Minutes of March 4, 2024 be approved. Carried.

MOTION #3: Moved by Chris M. Maracle, seconded by Kurtis Brant to approve the following meetings Outside the Territory:
Chief: attending the CCOS FNCFS LTR Negotiations Meeting on March 19, 2024 in Toronto; attending the Chiefs of Ontario (COO) Indigenous Health Equity Fund Information Session and a meeting with Deputy Cole (MCCSS) on March 20, 2024 in Toronto; Carried.

MOTION #4: Moved by Chase Ogwari Brant, seconded by Lynda Leween to acknowledge the donation to the Elders Care Facility from the Kanyengeh Festival Board as the board is no longer a functioning organization in the amount of \$962.83, representing the surplus money that was in the account. Carried.

MOTION #5: Moved by Erin Ferrante, seconded by Chase Ogwari Brant approve the Business Registration for CarBen Concepts, owner Angela Markland. Carried.

Council received an invitation to Bellevue House, Sir John A. Macdonald's House in Kingston on Thursday, April 11, 2024 at 9:30 a.m. for the full-scale renewal of exhibits and programming of the Historic site. Chief Maracle, Councillors Chase Ogwari Brant and Kurtis Brant will be attending.

MOTION #6: Moved by Lynda Leween, seconded by Chris M. Maracle to approve to be a permanent member of the Bay of Quinte Film Board and appoint Councillor Chase Ogwari Brant as the MBQ Board member. Carried.

MOTION #7: Moved by Chase Ogwari Brant, seconded by Chris M. Maracle to defer the request to Harvest in MBQ Traditional Territory from James Adario Leslie George, Thomas Sydney Darryl George and Lyle Moise Poucachiche for clarification if the Ministry of Natural Resources will accept the Quebec Federation of Hunters and Fisherman's card. Carried.

MOTION #8: Moved by Erin Ferrante, seconded by Chase Ogwari Brant to approve awarding the contract to complete a feasibility study for the Tyendinaga Tourism/Visitor Centre to Smoke Architecture in the amount of \$161,735.00 and approve the budget in the amount of

\$223,726.00. MBQ's contribution is \$44,745.00 and Indigenous Services Canada (ISC) funding \$178,981.00. No other proposals received.

Carried.

MOTION #9: Moved by Erin Ferrante, seconded by Lynda Leween to decline signing the Ministry of Finance Tobacco Retail Agreement and Distribution of Tobacco for 2024-2025.

Carried.

MOTION #10: Moved by Erin Ferrante, seconded by Kurtis Brant that the Tyendinaga Mohawk Council approve the following new vendors for Tax Exempt Tobacco allocations:

Tara Green	Nations Finest	5455 Old Hwy 2 Shannonville, ON K0K 3A0	Core-Mark International 8030 Esquesing Line Milton, ON L9T 5C8
Amie Lewis	Lily Doll's Farm	122 Airport Rd. Deseronto, ON K0K 1X0	Sobeys 4980 Tahoe Blvd Mississauga, ON L4W 0C7

M.C.R. #2023/24-061.

Carried.

MOTION #11: Moved by Erin Ferrante, seconded by Lynda Leween to approve the following Tobacco Allocations as recommended:

Business Name	Owner
49 Quik Stop Frozen Foods	Robin Brant
49 Vape	Summer Maracle
Aqua Gen	April Conger
Arnie's Appliance and Variety	Arnold Sager
Arnie's Frozen Foods	Arnold Sager
BB Tobacco	Ryan Baptiste
Breakaway Gas & Convenience	Shawn Brant
B's Country Boutique	Brenda Brant
Christina's Café & Drive Thru Smokes	Christina Akey
Coffee Shop	Lorne Loft
Cubby's Chip Truck	Jake Brant
Deb's Gas Bar and Restaurant	Deborah Maracle
Fast Freddy's	John Brant
Fast Freddy's North	Michael Brant
Five Nations	Tara Green
Free Flow	Robin Brant
Gas N Go	John Brant
L & M Enterprises	Sharon Maracle
McMurter Home Centre	Jim McMurter
Millside Ceramics	Marleen Murphy
Mohawk Duty Free	Terry Maracle
Mohawk One	John Baptiste
Mohawk Tobacco Outlet	Matthew Brant
Mohawk Trading	Robert Greenwood
Nation 2 Nation	Kevin Brant
Nations Best Convenience	Tara Green & Jason Maracle
Native Renaissance II	Thomas B. Maracle

Oasis Tobacco & Convenience	Mathew Weldon
Onkwehonwe Neha Enterprises	John Baptiste
Oyen'kwa Convenience & Wholesale	Matt Weldon
Peacemaker Convenience	Mario Baptiste Jr
Rez Boyz	James Bowden
Rez Cresting	Kirk Brant
Ruby's Fish & Chips	Lorne & Ruby Loft
Sago Full Service Gas & Variety	Sharon Maracle
Salmon River	Brian Brant
Sam's Lil Variety	Sam Martin
Smokin' Coffee Xpress	Brian Brant
Smokin Pit Stop	Lisa Maracle-Sexsmith
Smokin Speedway	Virginia Maracle
Speedway Gas	Virginia/Lisa
Sundance Trading	Isaiah Maracle
The Gas Depot	John Akey
The Sacred Circle	Charlene Maracle & Kevin Fox
The Smoke Depot	John Akey
The Variety Store	Russell Loft
United Trading	Robert Greenwood
Village Variety	Trevor Lewis
Work Gear	Trevor Lewis
New Vendors:	
Nations Finest	Tara Green
Lily Doll's Farm	Amie Lewis

Carried.

MOTION #12: Moved by Chase Ogwari Brant, seconded by Erin Ferrante to approve extending Hickory Road by approximately 20 feet to provide access to Lot 20E, Concession A, along the property line.

Carried.

MOTION #13: Moved by Erin Ferrante, seconded by Lynda Leween that **WHEREAS**, First Nation Regional Health Survey 4 (RHS 4) is a First Nation driven survey which is aimed at collecting information regarding the health status of First Nation Communities across Canada; and

WHEREAS, the First Nations Information Governance Centre (FNIGC) is funded by the Government of Canada to conduct the RHS, together with its regional partners, including the Chiefs of Ontario . COO maintains accountability to First Nations through its membership, which includes all 133 Ontario First Nations as represented by their respective Chiefs. FNIGC maintains accountability to First Nations through its membership, which includes all participating Regional Organizations; and

WHEREAS, in its conduct and stewardship over the First Nations Regional Health Survey 1, 2 and 3 (RHS 1 2 3), the FNIGC, working together with the Regions, has an established reputation and infrastructure that maintains direct accountability to First Nations leadership, respect for First Nations' principles of OCAP®, while providing a security and privacy framework that meets the highest standards; and

WHEREAS, the Regional Health Survey IV was developed to respect and uphold rights of First Nations and the jurisdiction of their representative bodies, and to gather First Nations data to be used by First Nations to improve the quality of life of their citizens, communities, and tribal and regional entities;

WHEREAS, the Regional Social Survey (RSS) is the upcoming survey that will explore the wellbeing of First Nations children and their families living on reserve and is slated for collection in Fall 2024. The RSS is a continuation of previous work done by FNIGC and its regional partners, the First Nations Regional Early Childhood, Education and Employment Survey (FNREEES) and the First Nation Labour and Employment Development Survey (FNLED). If and when the Mohawks of the Bay of Quinte is selected, this resolution will be inclusive of the RSS.

THEREFORE BE IT RESOLVED that TMC consents to the participation of Mohawks of the Bay of Quinte in the First Nations Regional Health Survey 4 (RHS4) and the Regional Social Survey (RSS), TMC acknowledges that, the Chiefs of Ontario has been mandated by the Chiefs in Assembly to conduct this research project. M.C.R. #2023/24-062.

Carried.

MOTION #14: Moved by Erin Ferrante, seconded by Kurtis Brant to approve to pay the Alan Pratt Invoice #6265 in the amount of \$1,375.46 for the Culbertson Tract Land Claim Partial Settlement.

Carried.

MOTION #15: Moved by Erin Ferrante, seconded by Kurtis Brant to approve to pay the Andrea St. Bernard invoice #2314 in the amount of \$4,964.40 regarding MBQ Corporations.

Carried.

MOTION #16: Moved by Chris Maracle, seconded by Erin Ferrante to approve appointing Wilkinson & Company LLP as the auditor for Mohawks of the Bay of Quinte for the fiscal year ending March 31, 2024.

Carried.

MOTION #17: Moved by Chase Ogwari Brant, seconded by Erin Ferrante to acknowledge the Bank of Montreal (BMO) Mortgage Loan Guarantee report.

Carried.

MOTION #18: Moved by Erin Ferrante, seconded by Lynda Leween to approve the Indigenous Services Canada (ISC) Agreement #2122-ON-000027, Amendment #0048 in the amount of \$40,000.00 for additions to reserve; amendment #0049 in the amount of \$250,000.00 for water & wastewater and \$240,000.00 for QMS indoor water piping replacement; amendment #0050 in the amount of \$16,738.00 for Home & Community Care policy development and one time supportive care.

Carried.

MOTION #19: Moved by Erin Ferrante, seconded by Lynda Leween to approve the Indigenous Services Canada (ISC) Agreement #2122-ON-000027, Amendment #0051 for reporting date change; amendment #0052 for reporting date change; amendment #0053 in the amount of \$300,000.00 for the water line extension.

Carried.

MOTION #20: Moved by Erin Ferrante, seconded by Lynda Leween to approve the Indigenous Services Canada (ISC) Agreement #2122-ON-000027, Amendment #0054 in the amount of \$1,800.00 for Mohawk Family Services Operations; amendment #0055 for reporting date change; amendment #0056 in the amount of \$34,500.06 for education; \$32,500.00 for Infrastructure; \$416,772.00 for Infrastructure; \$178,981.00 for Economic Development; \$1,021,954.00 for Economic Development; \$25,000.00 for Water & Wastewater..

Carried.

Disclaimer: Comments of individual members may not necessarily reflect the opinion of the whole Council.

MOTION #21: Moved by Erin Ferrante, seconded by Lynda Leween that WHEREAS the Independent Electricity System Operator (IESO) through its Save On Energy brand is offering the First Nations Commercial Building Retrofit Program (FNCBRP) for eligible on-reserve First Nation commercial buildings,

WHEREAS the IESO requests a band council resolution from a First Nation community that wishes to participate in the FNCBRP.

WHEREAS the energy efficiency measures are provided and/or installed by the IESO and Save on Energy at no cost to the Mohawks of the Bay of Quinte First Nation, subject to the funding limit of \$100,000 for each participating community.

WHEREAS the IESO and Save on Energy have indicated that they will review and follow the COVID-19 pandemic protocols currently in place within the Mohawks of the Bay of Quinte First Nation territory. M.C.R. #2023-065.

Carried.

MOTION #22: Moved by Chris M. Maracle, seconded by Erin Ferrante that

1. The First Nation requests that the Minister of Indigenous Services approve a Guarantee Agreement, so that the First Nation may obtain a loan for the construction, acquisition or renovation of housing on unencumbered land under the control of the First Nation.
2. The following information is correct:
 - i. **Project name:** North Street Net Zero Ready Tiny Homes-Phase 1
Number of units: 14
 - ii. **Amount of money invested by First Nation:** \$184,100.00
 - iii. **Loan amount requested from lender:** \$1,955,600.00
 - iv. **Other funds:** \$0
 - v. **Project total value:** \$2,139,700
3. The First Nation has informed itself of, and understands the Ministerial Loan Guarantee requirements and agrees to the attached Appendix "A" "Ministerial Loan Guarantee Terms and Conditions".
4. The loan, if granted, will provide for the construction, acquisition, or renovation of housing on lands as defined in Appendix "A" "Ministerial Loan Guarantee Terms and Conditions".
5. Services and utilities for the project will be in place by the completion of the project.
6. The First Nation certifies that all housing units constructed, acquired or renovated will be inspected by qualified inspectors who must confirm that they meet or exceed the National Building Code (NBC) standards and other applicable code standards. The First Nation agrees that the record of inspection and record of compliance to the NBC standards and other applicable code standards will be kept on file by the First Nation for the life of the Ministerial Loan Guarantee.
7. The project will comply with the *Yukon Environmental and Socio-Economic Assessment Act* (YESAA) or the *Impact Assessment Act*, and the First Nation acknowledges that the Minister will make a determination of environmental effects, pursuant to section 67 of *Impact Assessment Act*, as applicable, for projects not requiring a federal environmental assessment, as per the departmental Environmental Review Process.
8. The First Nation, in undertaking the project, will practice due diligence and inform itself of its obligations and responsibilities associated with all applicable federal environmental statutes and regulations including the *Canadian Environmental Protection Act*,

Species at Risk Act and the *Fisheries Act* in order to avoid potential violations.

9. An Environmental Site Assessment has been carried out on the subject property, either individually or as part of a sub-division or community assessment, in accordance with the Canadian Standards Association's standard Z768-01 for Environmental Site Assessment (or as may be revised from time to time) by a qualified assessor. A record of the assessment will be kept by the First Nation for the life of the Ministerial Loan Guarantee.

10. The First Nation confirms that there is no evidence of contamination that may, upon exposure, constitute an identifiable risk to human health or to the natural environment.

11. Where section 89 of the *Indian Act* is applicable, the First Nation shall provide Her Majesty in Right of Canada with a waiver to the application of section 89 with respect to assets other than land.

12. OPTIONAL: Please fill if the Minister requested that the First Nation provide an Acceptable Security (provide description). The First Nation pledges as Acceptable Security. To avoid conflict of interest, the security must not be under the control of the Minister.

13. The First Nation agrees that if the Minister pays under the Guarantee Agreement in respect of the Ministerial Loan Guarantee, the amount paid by the Minister is a debt due and immediately repayable by the First Nation to the Minister. In addition to any other remedies available to the Minister, the debt plus any interest that may accrue may be recovered by set off in one or more installments as the Minister may determine against any payments that otherwise would be made by Canada to the First Nation.

14. Notwithstanding paragraph 13 at the option of the Minister, the Minister and the First Nation may agree to enter into a repayment agreement.

15. In respect of the loan that is the subject matter of the Guarantee Agreement, if the First Nation and the lender agree to renew the loan for another term, or agree to refinance the loan or transfer the loan to a new lender, or the lender assigns the loan to a new lender, the First Nation will continue to assume the obligations set out in this Council Resolution.

16. Along with this Council Resolution, the First Nation provides the following supporting documentation:

- a completed Ministerial Loan Guarantee application form;
- a project description for the purposes of Environmental Review Process;
- a CMHC Certificate of Insurance;
- a CMHC Operating Agreement;
- a copy of either a Letter of Intent or Loan Agreement from the lender or a CMHC conditional commitment letter; and
- a site map, including the address for each housing unit under the Ministerial Loan Guarantee application form (if available).

17. For the purposes of this Council Resolution, the following definitions form part of the Ministerial Loan Guarantee Terms and Conditions:

"Acceptable Security" means a security within a First Nation's control which is accessible to use as a payment to the Minister if a First Nation Council has defaulted on a Loan, and includes stockholdings, bondholdings, real property, and moveable assets, but does not include any security under the control of the Minister.

"Environmental Assessment" means an assessment of the environmental effects of a project defined by the *Regulations Designating Physical Activities* that is conducted in accordance with the *Impact Assessment Act* or the *Yukon Environmental Socio-Economic Assessment Act* (YESAA). A federal Environmental Assessment may be administered by one of three authorities: Canadian Environmental Assessment Agency, Canadian Nuclear

Safety Commission, or the National Energy Board. "**Environmental Review**" means an analysis of environmental effects, pursuant to Section 67 of the *Impact Assessment Act* by which the Minister makes a determination on the likelihood of a Project to cause significant adverse environmental effects before allowing the project to proceed. This type of review is for projects defined by the Section 66 of the *Impact Assessment Act*, but not subject to a federal environmental assessment.

18. For the purposes of this Council Resolution, the following definition of "Environmental Site Assessment" replaces the definition provided in the Ministerial Loan Guarantee Terms and Conditions: "**Environmental Site Assessment**" means an Environmental Site Assessment as prescribed by the Canadian Standards Association (CSA) Standard Z768 entitled: *Environmental Site Assessment*, describing a systematic process by which an assessor determines whether a particular property is or may be subject to actual or potential contamination, but does not refer to an Environmental Assessment, as may be required pursuant to the *Impact Assessment Act* or the *Yukon Environmental Socio-Economic Assessment Act*.

19. The commitments made herein are irrevocable.
M.C.R. #2023/24-063.

Carried.

MOTION #23: Moved by Chris M. Maracle, seconded by Lynda Leween to approve that 6 of the new 12 tiny homes will be built in-house, 6 will be tendered and 2 different designs will be used.

Carried.

Tom Kring, Director of Housing & BPM to provide a report on the options for the foundations.

MOTION #24: Moved by Chris M. Maracle, seconded by Kurtis Brant to approve all future projects be tendered as per policy.

Carried.

MOTION #25: Moved by Erin Ferrante, seconded by Lynda Leween to approve to accept the funding from the Independent Electricity System Operator (IESO) in the amount of \$125,000.00 to further the education and training of the Community Energy Champion Worker and Energy Team.

Carried.

Councillor Chris M. Maracle – opposed due to the lack of adherence to policy and the lack of a lot of staff not knowing about policy or not following policy.

MOTION #26: Moved by Erin Ferrante, seconded by Lynda Leween to approve to accept the funding from the Independent Electricity System Operator (IESO) in the amount of \$200,000.00 to complete a pilot project installing 2 solar systems.

Carried.

MOTION #27: Moved by Chris M. Maracle, seconded by Lynda Leween to defer the request to reaffirm the locations for the future housing development for full Council discussion.

Carried.

MOTION #28: Moved by Chase Ogwari Brant, seconded by Lynda Leween to approve the North Street Phase 2 Concept Plan for the community engagement and approve the updated construction budget for Phase 1 in the amount of \$1,681,554.00

Carried.

MOTION #29: Moved by Erin Ferrante, seconded by Kurtis Brant to approve scheduling a meeting with the Ministry of Natural Resources and

Forestry Lake Ontario Management Unite to discuss their 2024 fisheries programs in Lake Ontario, Bay of Quinte and St. Lawrence River.

Carried.

MOTION #30: Moved by Chase Ogwari Brant, seconded by Erin Ferrante to approve waiving the rental fees for the Community Centre for the Wolf Clan Breakfast Fundraiser on March 29, 2024.

Carried.

Council confirmed the following scheduled meetings:

- March 26, 2024 – Tyendinaga Mohawk Council Local Business
- April 5, 2024 – Tyendinaga Mohawk Council Regular
- April 10, 2024 – Tyendinaga Mohawk Council Local Business
- April 16, 2024 – Tyendinaga Mohawk Council Regular
- April 23, 2024 – Tyendinaga Mohawk Council Local Business

Council has to cancel the Local Business meeting on March 26, 2024 due to Council needing to travel that day for a meeting outside of the Territory.

MOTION #31: Moved by Erin Ferrante, seconded by Chase Ogwari Brant to approve rescheduling the April 16, 2024 meeting to April 19, 2024.

Carried.

MOTION #32: Moved by Lynda Leween, seconded by Erin Ferrante to approve 4 staff members from the Good Minds program travel to Niagara Falls, New York to attend the Story Tellers Conference on April 5 & 6, 2024.

Carried.

MOTION #33: Moved by Erin Ferrante, seconded by Lynda Leween that this meeting go into private. (11:57 a.m.)

Carried.

Recorded by:

Shelley Bowden

Executive Administrative Assistant and Recording Secretary to Council

Chief R. Donald Maracle