

Senate Meeting Minutes

Richmond, B.C., March 09, 2007

Senators present: Al Edkins, Ron Snider, Philip Gladue, Gerald Pope, Bob Adams and Bill Thibeault

Senator Elect: Margaret Penner

Interim Senate Clerk: Dean Trumbley, Chief of Operations, MNBC



March 09, 2007

1. Call to order at 09:45 hr
2. Opening prayer conducted by Senator Gladue.
3. Motion to accept verbal agenda as presented by COO Trumbley.
4. Minutes of meeting of March 02, 2007

Need to add motion for Senator Edkins to meet with BCMANR in Kelowna for discussion on alternative justice considerations. Senator Adams requested that a note be added regarding his attendance at the regional session in Cranbrook. Also, need to change web page item to show Diane and Noel Mineault assisting with design. Changes were agreed to, COO Trumbley will have them made and minutes printed off for signing today.

The agenda was accepted based on the above revisions.

Motion: *The agenda was motioned to be accepted.*

Moved by: *Senator Snider*

Seconded by: *Senator Adams*

Carried

5. Duties of Clerk

There had been discussion at the meeting of March 2 on the need to move some of the duties that COO Trumbley is taking on as Clerk for the Senate to the Chair. While the hard work of COO Trumbley is very much appreciated, with the other duties he is performing, we are concerned that the workload is too much. To this end, Senator Edkins, as the Chairperson, is willing to take on some duties.

Motion: *That Senator Edkins and COO Trumbley meet to discuss the duties that the Chairperson can take on to ease some of the workload with the Senate Clerk duties.*

Moved by: *Senator Pope*

Seconded by: *Senator Snider*

Carried

6. Opening and Closing Prayer

Discussion on the opportunity for each Senator to lead opening and closing prayer at Senate meetings. While Senator Gladue has gracefully and adeptly performed this for us, each Senator should use the meetings as an opportunity to practice this function. Prayers need to come from the heart, they do not need to be long or elaborate, but need to be an expression from the individual at that time. Senator Gladue is also working on a generic prayer form for use by Métis Senators at various functions.

ROD – 001 – *Various Senators will conduct opening and closing prayers at Senate meetings.*

7. Web-Page Design

COO Trumbley presented print outs of the suggested web pages for the Senator section of the MNBC web-site. For next year the MNBC will obtain a specific Senate fax number, with the fax locked and secured in the Citizenship records room for privacy and security.

The “Forms” site will contain only the approved forms at this time, as more forms are approved by the Senate in future, they will be added to the site. MNBC Counsel, Joe Gereluk, has put together detailed instructions for each form, which will be added to the web-site for the forms. In the “News and Cultural Events” section, want to have material on cultural role of Senate.

Some wording changes were suggested in the “Appeal Process” site. In the wording regarding the need for written evidence, it was suggested that the wording “will be refused” should be changed to reflect that the applicant has not met the criteria or process to proceed to a Senate hearing. We do not want to create any perception that we are refusing the hearing opportunity, but that the applicant has to proceed through the full and proper process before a hearing can occur. In the footnote for Citizenship Appeal, drop the wording “or interpret” as that is what the Senate is doing in applying the decisions on how the legislation works. Explanation of the word “attempting” in regards to completion of process for Senate intervention, is that if the person tries and is thwarted by other persons, needs to have final avenue to Senate.

For the “Decisions” site, the decisions once made, last forever, but the older decisions/determinations will be placed in an Archive site, the “Decisions” site will contain more recent determinations.

***Motion:** That the suggested format for the web-page be accepted, with the amendment as per discussion above.*

***Moved by:** Senator Adams*

***Seconded by:** Senator Pope*

Carried

8. Senate Budget

COO Trumbley presented the interim draft budget for Senate discussion as per decision at meeting of March 2. Noted changes to the fees for services amounts, this is because COO Trumbley reviewed the financial situation and requests for funds to Tripartite Self-governing Negotiations and Multilateral Contribution Agreement, and had to reduce some requests to meet the dollar amounts as per ongoing discussions/negotiations with government.

A suggestion was made to cut out the laptops. Laptops will be essential in future for carrying data (i.e. case law) rather than numerous binders. It was noted that lessons or training on the use of laptops can be provided for Senators. The “ASK” for funding is \$77,280 to TSN and \$82,225 to Multilateral. Once the budgets are approved, Senators can submit invoices for fees for service. COO Trumbley will develop forms for Senators to use for this process. We should know by early April if the budget is approved, funding is not usually received until summer for TSN and not till September for the Multilateral. It was noted that if there are challenges to the federal government budget, there could be additional delays in the approval and delivery.

***Motion:** That COO Trumbley proceeds with the presented budget as the basis for negotiation with government.*

***Moved by:** Senator Pope*

***Seconded by:** Senator Gladue*

Carried

9. Senate Meetings

Discussion on best location for Senate meetings. Downtown Vancouver is more economical for MNBC, as the offices are there and there are preferred rates given at local hotels. Kelowna is also a good location, with ease of access for travel and good rates.

It was felt that there may be a benefit in the Senate not meeting at the MNBC offices, perception of separation from MNBC political body. Thus Kelowna could be a location for some meetings. It was suggested that our next quarterly meeting in June be held in Kelowna.

It is anticipated that the Senate may start receiving registry/citizenship appeals in April. For these appeals, best location is Vancouver for security of files, although there are secure transport mechanisms that can be used for transport of files if another location is chosen.

For next fiscal year, anticipate five Senate meetings, two sub-committee meetings, and two conference calls. There will also be the MNGA and AGM. First Citizenship meeting will likely be late April or early May, the next quarterly sitting will be late May or early June, with the next quarterly meeting set to be linked to the AGM. If the Electoral Act goes forward tomorrow and is ratified at the AGM in September, there will need to be sittings of the Senate to work on the Appeal Process for that enactment.

ROD – 002 - *Next Senate meeting to be June 06-08, 2007 in Kelowna. Senator Edkins will contact other Senators once meeting arranged.*

10. Legal Counsel for Senate

Senator Edkins met with Mr. Nesbitt. Mr. Nesbitt is experienced in civil matters, and in mediation and arbitration. He agrees the Senate should not be involved in arbitration, but could be in mediation, both binding and non-binding negotiations. He suggests that the Senate should take courses on mediation.

He commented that the justice system in Canada is in free-fall collapse. It has lost sight of justice as an end, and is trying to satisfy paper-pushers. If the Senate can move forward on the application of natural and/or alternative justice systems, it could be a template for the justice system overall.

The pricing for Mr. Nesbitt was felt to be good. While he may lack some experience on aboriginal case law, his background on the constitutional side was seen to be strong.

Motion: *That we retain Mr. Nesbitt as counsel for the Senate on an as and when needed basis as determined by the Senate.*

Moved by: Senator Gladue

Seconded by: Senator Adams

Carried

We do not expect to need counsel until the first case comes forward, likely to be in mediation for a local or regional dispute issue. In the interim, Senator Edkins will ask Mr. Nesbitt to put a full package together for the Senate with fee structure. He will also ask Mr. Nesbitt what he needs from the Senate and MNBC, such as copies of legislation, guidebooks, policies and procedures. He will also explain our budgetary constraints (only allows for 12 hours of legal counsel next fiscal), and will ask what costs would be incurred for Mr. Nesbitt to review the governance documents we expect he will need to prepare for his work as counsel.

ROD – 003 - *Senator Edkins to meet with Mr. Nesbitt to discuss items as presented above.*

Discussion on the need to have counsel when we meet with BCMANR. It was suggested we could meet with BCMANR in Kelowna in June. BCMANR works on the conservation and management of natural resources, they do not want to have the judicial aspect. An example is the use of Harvesting Cards and the possible need for suspension of a card or the need to

carry out some form of community service as a sentence. Note the harvesting is a communal right, so a communal service as a sentence may have some application. If the person denies that sentencing, the charge may be turned over to the court system for their processing. BCMANR sees the Senate as the body where sentencing could occur. Concern is if the Senate sentences, what appeal avenue does the person then have.

11. Meeting with Gary Ducommun (BCMANR)

Mr. Ducommun met with the Senate to discuss some history of BCMANR and what BCMANR is looking to have Senate action on. BCMANR has been around about four years, and was the result of regional consultations on where communities wanted to see natural resource management go. A critical item was the conservation perspective, and the need for Métis management and dealing with our abusers. There were regional meetings with Officers, and meetings with all communities about a year ago on regulations dealing with fish and wildlife. BCMANR looks to management of the communal right to harvest, but with an emphasis on conservation. There is also a concern because some individuals have harvesting cards other than those authorized by BCMANR and hunt outside the rules asserting the rights of the cards.

There are discussions with government on resource management, looking for ways to work between government and Métis that do not have to go to the court system. Most discussions with government deal with licensing issues. The harvesting card from BCMANR is seen in future as a right to harvest in BC without a license. However, until we have our own legislation, we need to work under existing government legislation and regulation. Work is ongoing for cooperative agreements with agencies (federal) and ministries (provincial) on resource management and harvesting.

Harvesting is a communal right, but if charges go to the court system, it will be BCMANR and MNBC having to defend that right, once an individual has an authorized harvesting card under our legislation, and asserts communal rights for Métis harvesting. BCMANR will be putting out guidelines or points for harvesters to use if challenged on harvesting and if the harvesting issue goes to court alleging a communal right.

The Senate sees a need for legislation on natural resource management and harvesting. Until legislation is in place, we do not have any role. Once that is in place, we will need to develop protocols on how and when to approach the Senate for issues. In time, we may have a Senator as the contact for natural resource issues, for now the Chairperson will be the contact point for BCMANR.

There are some restorative justice groups active in B.C. Department of Fisheries and Oceans (DFO) are having their restorative justice person at BCMANR Natural Resource Forum in Kelowna on March 19, 2007.

ROD – 004 - *Senators Edkins and Penner will meet with the DFO Restorative Justice person in Kelowna on March 19.*

12. Closing Prayer conducted by Senator Pope.

13. Meeting adjourned: 12:15 p.m.

Approved: _____
Bill Thibeault, *Senate Secretary*