

Senate Meeting Minutes

Richmond, B.C., December 14-16, 2007

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

Absent: N/A

Interim Senate Clerk: Dean Trumbley



December 14, 2007

1. Call to order at 15:00 hr
2. Opening prayer conducted by Senator Adams
3. Review and approval of agenda:

Motion: The agenda was motioned to be accepted.

Moved by: Senator Pope

Seconded by: Senator Adams

Carried

4. Minutes of meeting and conference call

Motion: That the minutes of the meeting of September 19-20 be accepted as presented.

Moved by: Senator Snider

Seconded by: Senator Penner

Carried

Motion: That the minutes of the conference call of October 18 be accepted as presented.

Moved by: Senator Snider

Seconded by: Senator Pope

Carried

5. Restorative Justice – Department of Fisheries and Oceans

Dates are solid for sessions in Kelowna on January 28 to 31. There will be a provincial enforcement agreement between the MNBC and DFO, one that is also endorsed by the federal Department of Justice. With the signing of the agreement, funding will come forward for the Senate to hear files that come forward from DFO.

Agenda is for signing of the agreement at 1:00 p.m. on January 28. The next days will be training for RCMP facilitation, and teaching on how to draft agreements between parties for mediation. The training is three full days, and following the training, there is a requirement to co-facilitate on five cases before an individual can be deemed a full facilitator. The RCMP is setting up to bring in the Senate on some cases to help Senators be full facilitators in a short time frame.

6. Senate Sub-Committee – Shawnigan Lake

The sub-committee was Senators Snider, Penner and Edkins. They met with legal counsel on the changes to the legislation for the Senate, including the Electoral Code. Changes to the Senate Policies and Procedures were also made to match the changes to the Senate Act. For the upcoming election, we have to sit as a full Senate to have full force and majesty of law behind any decisions that may arise. Generally we are to stay out of the legislative process, but are part of the process of identifying issues that are emerging and the legislative changes required to address them.

For the MNBC funds, that come from contribution agreements, and there are controls that prevent the MNBC from allowing Senate administration. The MNBC has discussed a policy mechanism that can be worked on to ensure Senate funding. The MNBC and the Senate need to work out process. It was suggested that the Senate Clerk and the CEO of MNBC work out a protocol to bring to the Board of Directors and the Senate for ratification.

ROD 001 Senate Clerk and CEO of MNBC to meet and work on a protocol in regards to the administration of Senate funding to bring forward to the Board of Directors and the Senate for ratification.

Senate Policies and Procedures need to be cleaned up to align with the legislation. A section 8 on the Electoral Appeal Process will be added to the Policies and Procedures, to be ratified once the Electoral Act is passed and ratified. The proposed Section 8 from the sub-committee was presented to the Senate.

Motion: Accept the proposed section 8 for the Senate Policies and Procedures as prepared by the sub-committee to bring forward to the Board of Directors..

Moved by: Senator Pope

Seconded by: Senator Adams

Carried

For section 9 of the Policies and Procedures, a schematic will be designed to clarify the process. The section on obtaining a second genealogical opinion on all citizenship appeal cases will also be added.

7. MNGA

Discussion commenced on the rationale behind the Senate not attending the MNGA. Generally accepted that the MNGA is a political process, and the Senate cannot, and cannot be perceived to, be part of the political process in any way. There may be some instances where the Senate Clerk can be part of the MNGA to provide explanation, in particular on the Natural Resources Act and the amendments to the Senate Act. The Senate as a whole agreed that the Senate Clerk is the best to provide explanation on those aspects, and is not part of the deciding body of the Senate, but a source of expertise for both the Senate and the MNBC.

8. Appeal Forms for Mediation

Suggested forms have been sent by legal counsel for the Senate to the MNBC office for the mediation and dispute cases.

Process for mediation is that the appellant will have 30 days to put forward a rationale. Following that the Board of Directors will have 30 days to submit rebuttal. From that a hearing will be set, and a pre-hearing for the Senate to decide if the hearing will be oral evidence or to proceed based on the evidence submitted. Advice from legal counsel is to not have a trial “de novo” but to proceed based on the evidence submitted, as that was the evidentiary body present to the Board of Directors at the time of their decision. The hearing will consider what policy was breached, if any and what evidence was there to support any potential breach. Note that the Senate is to decide only when all other avenues within the MNBC have been exhausted, following a Senate decision, the only avenue available is to proceed to the provincial court system.

December 15, 2007

Senate conducted official hearings, no minutes required.

December 16, 2007

9. Senate Workload

It is anticipated that the first mediation will likely occur in March of next year. There are also a number of citizenship appeal files in process. The next batch of letters from the Registry are expected to go out in mid-January, thus approaching fiscal year-end and with the timing of funding decisions, will likely not be able to meet on them until June.

The election is set for September 13, 2008; the decision was made at the MNGA to extend the mandate of the Board of Directors to that date. One concern is the possibility of an appeal of the election and the need to have such resolved prior to the AGM later in September. The time frame would be very tight for such a resolution.

At the MNGA, all resolutions related to Senate business went through. On the issue of the Senate being deemed an essential service, there was an amendment on the process for Senate funds, the mediation of funds for the Senate will be a process with the Senate Clerk and the Board of Directors.

10. Senate Logo

The Senate discussed the benefits of registering the logo adapted by the Senate, for use as a Coat of Arms and Seal for the Senate correspondence. It was suggested that Graham Anderson would have full information to assist in understanding the process and costs for such registration. Note that the seal has to be visible on Senate correspondence posted on the website, so will need to be a stamp. Senator Penner offered to make a jacket to be used as a raffle item; the MNBC will run a raffle at the AGM, and proceeds to go to Senate for rings and seal.

***Motion:** That Senator Edkins research the costs of registering the Senate logo for use as a Coat of Arms and Seal for Senate correspondence..*

***Moved by:** Senator Penner*

***Seconded by:** Senator Snider*

Carried

11. Senate Finances

RE: Meeting with Cora David on the MNBC's invoice process and administration.

The Senate as a whole agreed that Senators should endeavor to submit fees for service and travel cost invoices on the first day of each month following the end of the quarter. MNBC will send to Senator Edkins a monthly general copy of all invoices processed for the Senate, Senator Edkins will e-mail or fax to the other Senators. The MNBC office will be closed for Christmas until January 7, so third quarter cheques will not be sent out until after that date.

12. Closing prayer conducted by Senator Gladue

13. ***Motion:** That the meeting be adjourned at the hour of 2:30 p.m.*

***Moved by:** Senator Pope*

***Seconded by:** Senator Snider*

Carried

Approved: _____

Bill Thibeault, *Senate Secretary*