

Senate Meeting Minutes
Kelowna, B.C., June 11-12, 2010
Best Western

Senators Present: Al Edkins, Ron Snider, Philip Gladue, Margaret Penner
and Terry Anonson

Administrative Assistance: W.I. (Bill) Thibeault, Senate Clerk

June 11, 2010



1. CALL TO ORDER, at 09:05 hr
2. OPENING PRAYER – Senator Gladue
3. APPROVAL OF AGENDA
Agenda amendments: Add Regional Senate Reports, item no. 14.

Motion: *That the agenda be approved as amended.*

Moved by: Senator Snider
Seconded by: Senator Gladue
Carried

4. INTRODUCTION OF NEW SENATOR AND SENATE CLERK

Introduction of Senator Terry Anonson as Senator for Region 4, replacing Bob Adams who has taken a role as Regional Director. Also, W. I. (Bill) Thibeault, representing Thibeault Management Services Ltd., as Senate Clerk. Bill has resigned as Senator for Region 5, leaving that region with a vacancy.

5. ELECTION OF OFFICERS

Table until we have received the information for administering oath to Senator Elect Anonson, after that will have election.

6. POLICIES AND PROCEDURES

For recent mediation process, had four applicants who appeared to be requesting mediation for election process dispute. At first some question on what was sought. Discussion among Senators, we cannot do fact finding, that is outside the role of the Senate.

Concern that many do not seem to understand mediation. There will not be a decision rendered by the Senate in mediation. If we proceed with mediation, will have a panel of two Senators, as now have only four Senators who could sit, go with panel of two so as to have two others in case a question of Ethics arises with regard to the panel.

For mediation process, our current Policies and Procedures were written from a dispute resolution view, and were never really set up to deal with mediation, which is a different process than dispute resolution. Currently we are tied to the methodology in the Policies and Procedures, we need to update for mediation, thus need to set a mediation policy. Bring back for further discussion at the meeting tomorrow, for tonight everyone encouraged to think over and bring back to adopt a new mediation process.

Motion: *That the discussion on mediation process be moved to day 2, at the call of the Chair.*

Moved by: Senator Penner
Seconded by: Senator Gladue
Carried

7. SENATE FEES AND TRAVEL ALLOWANCES

- a) Discussion on “essential services” designation, c) Fees and travel allowance versus staff payment,
- d) Funding processes, e) Expense cheques for meetings

The designation by MNBC means that MNBC has to make sure the Senate able to carry out its duties. Since the federal government stated it would not pay travel allowance and stipend for Senators, saying such was maintenance for the Senate and not development, that means MNBC has to find the funds to pay such out of administrative dollars administered by the Board. As such, that does not impact timing of pay, such that the Senate still has to wait for the funds to be made available. Discussion on the Board being paid promptly, the Board is paid out of funds directed by the government for salary, whereas the Senate is a form of contractor and managed from the contractor pool, although a priority for payment as contractor. As such, there is generally a thirty day turnaround at the MNBC office for processing, but timing can be impacted by the time of year for payment due to the government allocation process for funds. As an example, even this meeting had to be cash managed out of administrative funds, as the government requires all audits for the previous fiscal to be complete before it releases holdback funds for the end of the year, and the funds for the new fiscal.

Discussion on funding: Senator Edkins brought a copy of BARTALK, a bi-monthly magazine of the British Columbia Branch of the Canadian Bar Association. The June 2010 issue has a focus on aboriginal law.

In discussion with legal counsel, it was suggested that the Chair, the Senate Liaison and the Clerk should try to get an interview with the Chief Justice of the Supreme Court of BC, look for support to approach the federal government for funding for our legal system, based on the significant dollars we save the legal system by administering our court system through the Senate. It was mentioned that no other court system in the country is paid as poorly as the MNBC Senate.

ROD – 001 – The Chair will speak with Senate legal counsel, R. Nesbitt, on drafting a letter on Senate letterhead to request an interview with the Chief Justice.

It was discussed that past attempts to meet with the Attorney General’s office were not successful, seems to be a need to have a court case to establish section 35 rights before they want to speak with us.

b) Senate Travel Arrangements

Discussion on past arrangements not always proceeded smoothly. Now, once aware of travel, each Senator is to contact Tracey and make arrangements through her at the office, providing specifics on flights, etc.

5. ELECTION OF OFFICERS

With the paperwork having arrived, administered oath to Senator Anonson. Then proceeded to election of officers.

Election of Officers:

With the slate of officers standing down, the Clerk ran the election for Chair.

Call for nominations for Chair:

Nomination: Senator Edkins for Chair.

Moved by: Senator Snider

No further nominations on second and third call.

Senator Edkins accepted the nomination. Acclaimed as Chair.

With the Chair in place, the Clerk turned the balance of the election over to the Chair.

Call for nominations for Vice-Chair:

Nomination: Senator Sniders for Vice- Chair.

Moved by: Senator Penner

No further nominations on second call.

Third call.

Nomination: Senator Anonson for Vice- Chair.

Moved by: Senator Edkins

Both candidates accepted nomination. Secret ballot election, votes counted by Clerk and MNBC Senate Liaison Dean Trumbley. Senator Snider elected as Vice-Chair.

Call for nominations for Secretary. Noted that Secretary keeps records and works with the Senate Clerk to ensure good notes/minutes of meetings.

Nominations: Senator Anonson for Secretary.

Moved by: Senator Gladue

No further nominations on second and third call.

Senator Anonson accepted the nomination. Acclaimed as Secretary.

8. NEW LEGISLATION FOR SENATE AWARENESS

a) Adoption

The Ad Hoc adoption committee has carried out a lot of work., meeting with experts, looking at Metis history and practices on the rules of adoption and Metis citizenship. A new article has been introduced to go in the Citizenship Act, if ratified at the AGM in September. The Senate Liaison presented a slide show on the aspects of the work and considerations by the committee, and the anticipated aspects of the new article in the Citizenship Act.

b) Veteran's Act and c) Youth Act

Still in development, thus not discuss any specifics. Basically looks at entrenching processes in legislation, still needs to go through process for enactment.

9. PROPOSED LEGISLATION

The Interpretative Act and the Assembly and Procedures Act are in formative stages. Were introduced at MNGA, but MNGA said not prepared to deal with at that time, so have been sent to a Governance Committee to work on. At this point, only awareness that such are being looked at for possible future introduction.

The Interpretative Act would be an overarching document for interpretations/ applications and help to clear up definitions. Noted that also the province of BC has an Interpretation Act.

10. CASE DOCKET UPDATE

Probably looking at September at earliest before can have cases ready to bring to Senate. At this point, have a backlog of cases to write up final communication. Mediation, if proceeds, would be early August at earliest. Concern on alleged Conflict of Interest for one Senator, thus would not be sitting on appeals until decision/action on that item, in order to ensure reality and perception of integrity and impartiality of the Senate.

11. MINUTES OF PAST MEETINGS

Minutes to approve. Clerk to get posted to web-site in near future. Bill Thibeault to sign as Secretary for the minutes, as he was a Senator and Secretary for those meetings.

Motion: *That the minutes of the October 23-25, 2009 meeting be approved as presented.*

Moved by: Senator Snider

Seconded by: Senator Gladue
Carried

Motion: *That the minutes of the December 10-12, 2009 meeting be approved as presented.*

Moved by: Senator Snider

Seconded by: Senator Penner

Carried

Motion: *That the minutes of the December 14 conference call be approved as presented.*

Moved by: Senator Snider

Seconded by: Senator Gladue

Carried

12. JUDICIAL REVIEW AND DETERMINATION

The Senators review, do not render interpretative judgments and decisions. There is an interpretative aspect to enforcing legislation, thus the Senate already does some application of this. The Senate, as a body, and through the facts, does apply interpretative aspects, however individual Senators do not apply such.

13. SENATE REPORTS

Region 6: Attends at local meetings. Not all communities inform him of their meetings, thus not able to attend. Senators need to be invited in order to attend community meetings.

Region 2: Attended Regional Governance Council session in Abbotsford. Also a community dinner in Chilliwack, and a community meeting in Surrey. Went to a couple of schools for Metis flag raising events. Continuing with school presentations on the Metis Nation history in the lower mainland. Now recognized in the school system, and seeing more pride in students on aboriginal heritage. Note that communities need to invite Senators, we cannot just drop in on meetings.

Region 1: Attended two meetings with Cowichan nation, concerns on funds allocated to the school system for aboriginal aspect are applied only to First Nations, refused to even put Metis on the program. Cowichan working with Metis in regard to ensuring funds spent on aboriginal programs, not just allocated to general funds. There is a Legacy Fund from the 2009 North American Aboriginal Games, funds are being allotted out to support aboriginal sports and recreation. Attended a long house ceremony with Comox tribe. At grad ceremonies to give out Metis sash to graduates, to be later in June in Cowichan. In April went to a COSEWIC (Committee on the Status of Endangered Wildlife in Canada) to make a presentation.

Region 3: Had a conference call in January. Invitation to attend a meeting in Grand Forks. On February 20, went to a meeting/presentation with Penticton Indian Band on discrimination and racism. Attended Women's Health Conference in Victoria in March.

ADJOURN FOR DAY, RECONVENE AT 0900 TOMORROW.

June 12, 2010

14. CALL TO ORDER, AT 09:00 HR

15. MEDIATION DISCUSSION

Process would be to have a form for application for mediation. Clerk would screen for validity, discuss with Chair. Provide letter to applicants/invitees within seven days of receipt of application. Would take at least 30 days from that to set up a session. Need to provide information packages at least 14 days prior to mediation session, and share packages at least seven days prior. Legal representation could be available for parties, if they bring their own, but are not part of the actual mediation process, available for caucus with their clients.

Confidentiality is a critical part of mediation.

Parties need to exhaust other potential avenues to solve the disagreement before coming to Senate with mediation request. Clerk should ask a few questions to ensure has occurred, do some fact finding associated with the process – have parties approached appropriate levels of governance structure to assist with the disagreement.

Note: THE SENATE DOES NOT MAKE A DETERMINATION IN MEDIATION. ONLY DECISION IS IF TO CONTINUE WITH THE MEDIATION PROCESS.

There is a formality in mediation. Need to have a different form of Oath for parties. Need to keep heavy duty comments out of the process, want a formal, structured process geared towards helping the parties to an agreed upon solution.

Motion: *That the Senate develop a mediation process based on current policies and procedures, and incorporating the RCMP community justice forum procedures, subject to necessary amendments to adapt to our needs.*

Moved by: Senator Snider

Seconded by: Senator Anonson

Carried

16. AD HOC COMMITTEE UPDATE

Chronic Disease Surveillance Program – Senate serves as overview committee to ensure confidentiality of information. Meet quarterly and receive report out on progress. Three on committee, also three other Senators on an Ethics Tribunal in case of questions that need a determination on process or activities of Senators on oversight committee.

Provincial government signs off on the program and agreement, as they are the funding body for the work (BC Government Health Department). There is still some concern on the provincial government recognition of Metis, however, we have a five year renewal on the program, although the scope was narrowed somewhat by the government.

ROD – 002 – The Senate Clerk is expected to attend meetings also to provide administrative support for the Senators.

17. SENATE VESTMENTS

At call of Chair. Senators in past had discussion on blue robes – as made of nylon, they at times were hot and uncomfortable. Looking at new robes, made of 100% cotton, thus breathe better and more comfortable. Costs about \$300 per robe, need about 5 meters of material per robe.

Also, vests were made to fit each individual. With Senators departing, we need to discuss if vests are for individual or for Senate, and how we will address when Senators leave, as vests cost about \$300 each. Table to a future meeting. Ribbon shirts cost about \$100 each, also made to fit individual. Discussion on slacks/trousers tabled to a future meeting for discussion.

ROD – 003 – The Chair and Clerk to look into funding aspects around Senate vestments.

IN CAMERA SESSION

ROD – 004 – The Senate will develop an Ethics process. Ethics issues will be dealt with at internal/in-camera sittings of the Senate.

ROD – 005 – The Clerk will develop an Ethics Review Request Form to bring to the Senate in the near future for discussion. We will look into further development of Policies and Procedures for Ethics issues.

ROD – 006 – The Clerk will contact the individual who requested an Ethics Review in regard to one Senator and alleged political interference. The Senate will look to have a review session to make a determination on the matter as expeditiously as possible.

OUT OF CAMERA

18. LAPTOP TRAINING
19. CLOSING PRAYER
20. ADJOURNMENT

Approved:
Terry Anonson, *Senate Secretary*