

CHIEF & COUNCIL MEETING
FEBRUARY 4, 2020
(Transitional Meeting of Newly Elected Council)

APPROVED FOR DISTRIBUTION:

Present: Chief Gerald T. Anatole

Stanley Tom

Jarrold Tom

Dwayne Martin

Theresa Morris (Video Conference)

Others: Outgoing Chief: Joshua Hallman

Kelley Williams

Barry Duncan

**Guests: First Nations Health Authority: Michael Rupisan, Jessica Hill,
and Dan Julian**

John Prince Research Forest: Sue Grainger

Lawyer: Kristen (in place of Darwin Hanna)

Chairperson: Joshua Hallman

Recording Secretary: Diana Martinson

Opening Prayer: Joshua Hallman

The meeting began at 10:10 AM.

Former Chief Joshua Hallman advised that Council would be meeting with First Nations Health Authority and we need a strategy re what to do and what is their goal for us. He spoke of how First Nations Health Authority want to tie us to TI'azt'en Nation. We say no, want to do our own. He spoke of (FNHA) disrespecting our authority and sovereignty and we don't want anything to do with TI'azt'en Nation and Nak'azdli. He added that they get all the program money there. Joshua spoke of how we need to listen to what they present but that we are not interested in an agreement with TI'azt'en Nation.

Kelley Williams advised that there is an email in our binders from Darwin Hanna (covering a number of points for consideration). Kelley spoke of how FNHA have zero respect for our Chief & Council as they invited TI'azt'en Nation here to our meeting. She added that FNHA have to work with us. Kelley said she is going to sit quietly as FNHA have to learn to work with our Chief & Council. She advised that today it would be Kristen (by video conference) in place of Darwin Hanna. Joshua Hallman referred to program dollars and Theresa Morris asked where does TI'azt'en Nation stand and Joshua replied that they want to control it. Barry Duncan added that we never had a say. Joshua Hallman added that TI'azt'en Nation want all the money up there because when we break away it takes a big chunk out of the dollars. He spoke of how Binche's needs and TI'azt'en's needs are totally different, that we need health services specific to Binche. Stanley Tom commented that when this is all done they will have to reduce their staff.

Before the presentation with FNHA Joshua Hallman went over the Agenda.

MOTION 2020.02.04.01

That Binche Whut'en Chief & Council adopt the Agenda for the February 4, 2020 Chief & Council Meeting as presented.

Moved by Dwayne Martin / Seconded by Stanley Tom

Carried

Next was the presentation by First Nations Health Authority (FNHA). Present were Michael Rupisan, Jessica Hill, and Dan Julian.

Introductions were made around the table. Michael Rupisan said he is pleased to be here with us and that he has received communication from Kelley Williams. He said at our last discussion it was decided if possible, if delivery taken as a whole (wanted funding to be done by TI'azt'en Nation). He referred to TI'azt'en Nation's request that a portion for TI'azt'en Nation be divided because of population base. Michael said they provided information to TI'azt'en Nation for their approval. That it was a final determination. Michael said they presented information to TI'azt'en Nation. He said this is temporary. Michael advised that medical funding is reimbursable and if there is a constant deficit they will reimburse us. He added that we need to come up with a base so Binche is not out of pocket. Dwayne Martin said Michael has said 4 times that he needs TI'azt'en Nation's approval to talk of the deal. Michael spoke of how Barry can attest, it was only the latter. It is a separate entity program, Manu was there. He said he knew the Band wanted separation for April and added that he was out of the country. Joshua Hallman commented that April 1st was our goal and asked if it is still on track. Michael replied yes, that it requires the endorsement of Binche.

Kelley Williams told Michael 4 times he has said that he needs TI'azt'en Nation's approval. That her concern is that we have received invoices for equipment and inventory that does not exist at our Centre – not even a stethoscope. She spoke of how we need equipment, that our Clinic is grotesquely under equipped. Kelley mentioned how we never had a custodian in there. Kelley referred to the \$203,000 budget and how our Nurse's wages and Mercs are over \$100,000 – that's based on FNHA. How do you deliver wages allocated i.e. \$13.85 per hour. That she has concerns unless FNHA 'beef' it up. Michael referred to the \$255,284 (Flexible Funding Total) plus amount) plus the \$113,115 (Set Funding Total) which bring the final amount to \$368,399. Joshua Hallman referred to the final and asked who was there. Michael did not reply and instead spoke of adding funding for medical transportation that has breakdown. Kelley commented that her and Barry were at it back in September. She asked which representatives were representing Binche and Barry Duncan replied Verne Tom and himself.

Michael Rupisan (FNHA) referred to Medical Records and equipment and Kelley replied that there is nothing in there. Michael spoke of how any extra equipment would have to go back. Kelley Williams commented that Betty from TI'azt'en Nation has been invited 5 times and she doesn't attend because

she said the political will is that she not attend. Michael commented that a HR Policy needs to be established and Kelley Williams advised that all of our policies are in place. Michael commented that last year when Binche was still very young we wanted to take care of everybody, any assistance is open to discussion. Michael said he apologizes for his absence for 1 month. That for the April 1st Agreement he just wants a Band Council Resolution. He also referred to a release of planning funds. Kelley Williams spoke of legal fees and that we have our legal team by video. Michael said it is news to him that we have legal counsel. This is the first time he is being told.

Joshua Hallman referred to the \$368,399 and asked in Michael's view if it is efficient? Michael referred to West Moberly Band being about the same size and that they get the same funding based on Health Canada. Michael said they never touched the Health Canada formula, its population driven – population of Binche. Kelley Williams asked how many Band Members was this based on and Michael replied 185. That they were given this and used the data based on that date of discussion. He said we told them it was based on ISC. Joshua Hallman asked when does the numbers change and Michael replied that they built in increases every year. He said they need to bump up the nurse to one full-time - \$70,000 per year. He added that after the agreement they need to bump up Binche Whut'en. Kelley advised that we hired 1 nurse full-time and that our CHR is full-time, also that we have a Certified Home Care Worker. Kelley spoke of how 1/3 goes to wages of professionals. She asked Michael at what time does he consider new increased population.

Michael said why go back to formula increases when we are providing 2% - 3% increases every year. He said for now we have to stick to this. Come May Binche can write a letter asking if Binche Whut'en can be provided increases. He said this year is 2020 and in 2021 there is a two year increase coming. He added that for the last 5 years there has been a minimal of 18% up to 20%.

Michael Rupisan (FNHA) said he wanted to review the funding breakdown with Council. Kelley Williams spoke of how we have a member with substance abuse and how that person has to drive up there (referring to the Tache Health Centre). Michael referred to NNADAP (National Native Alcohol and Drug Abuse Program) and said the initial agreement will be set

and that funding can be moved around. Michael referred to accreditation and how our Health Centre could be accredited and that we could apply.

Michael spoke of how this agreement was supposed to be terminated in March and then there was an extension. Kelley asked who extended it and Michael replied Health Canada. He said once you receive your agreement, the regional staff all ready to receive. Kelley referred to the costs for a nurse and that 1/3 of the proposed money goes directly to the nurse's wages. She added that we have a CHR and that we provide Binche and our members qualified services. She said with wages/mercs/benefits – we have a generous HR policy. Kelley added that there is little left for doing delivery. That we have applied but have a fraction of money to buy a fridge for vaccines. Kelley spoke of a repair that had been done before discussions and that we had to reimburse TI'azt'en Nation. Michael said give me your quotes and he will work on it. He commented that it is a set funding agreement. He added that he knows Binche will develop their own Health and Wellness. That it would be flexible funding (like TI'azt'en Nation) or block funding. Dwayne Martin referred to flexible funding. Michael said initially it was set funding and added that Jessica Hill will support us in terms of planning, that only reporting will be strict.

Joshua Hallman referred to April 1st and endorsing a separate agreement and release of Health Planning dollars. Michael said he has been supporting Binche Whut'en and TI'azt'en Nation. Joshua told Michael to make sure he is in touch with Kelley as she is the Band Manager and the Health Director. Joshua then referred to Medical transportation and how come April everything will be signed. Joshua asked about if there is a deficit and Michael said we would need to provide a report on a monthly basis and to send someone for training so that come April you are ready to go. Michael said they try their best to provide reimbursements every year. Kelley said she is still confused as to the discrepancy in the amount of funding for the CHR and asked why does TI'azt'en Nation get 3 times more than us when they have 1 and we have 1. Michael responded that the original formula for a CHR is from Health Canada. Kelley said she understands but is asking about the discrepancy. Michael spoke of TI'azt'en Nation including Middle River. He said it is based on the funding they inherited. Kelley asked how was it decided as these 2 positions are equal. How is TI'azt'en Nation's one worth more than Binche's?

Jessica Hill said you guys determine your priorities, and referred to a growing population. She asked Council if they have seen from ISC a book titled 'A Tool Kit for BC First Nations'. She said she only brought 2 copies but it is on the web site. She spoke of how they are trying to digitize as much resources as they can. Jessica Hill commented that when we are developing a Health & Wellness Plan it covers an introduction to the community, population etc., budget, reporting – that it is fun but takes awhile to put a Health & Wellness Program together. Jessica said she will reach out to us and help us get it 'kick started'. She added that she could share a draft with us. She told us to work closely with ISC – releasing funding around the Comprehensive Community Planning. Jessica suggested we develop our Comprehensive Community Plan. Michael commented that they are looking at Binche being a pilot project with ISC supporting. He said while developing the Community Comprehensive Plan – land and mental wellness working together. Kelley asked what do they mean about Binche being a pilot project. Jessica replied working with ISC to try and align that. Michael said to include funding to support services in our Health and Wellness Plan.

Dwayne Martin referred to it being traditional driven and when there were drug issues we had healing circles. That we came up with a traditional wellness plan. He spoke of how we wanted to go back to our traditional ways. As a pilot initiative – work with Binche. He added that we went through it twice at TI'azt'en Nation. Dwayne said he likes the idea of under a pilot, to put back to our traditional ways. He asked does it go to the Comprehensive Community Plan first or just in the Health Plan. Jessica Hill said to highlight culture and tradition, it's how you see it. Michael referred to land use, i.e. back to the land. He added that's where culture and tradition comes in. Further, that Keith Henry could provide Kelley with additional information on top of this. He referred once again to as soon as we have signed the agreement. That by April 1st he wants our agreement. Joshua Hallman advised that the next Chief & Council is March 3rd. Joshua asked Michael to give the wording for the BCR to Kelley for the Agreement. Michael spoke of them doing electronic transfers so between March 3 and April 1 he wants the Agreement signed. Joshua reiterated that Michael send the wording to Kelley. Michael referred to the transition of services and assets. Kelley said she has talked to Renata and will be leaving sharply at 3:00 P.M. Joshua Hallman thanked Michael and his team.

Theresa Morris said she would like clarification on the funding amount, that it does not change this year but goes up next year. That Michael had said \$90,000 and asked if that is an addition. Michael replied yes. He added that come May Binche Whut'en could send them a letter asking if they could be entitled to more. That it depends on the type of Agreement. Theresa asked if the funding level was to remain the same how much would the numbers increase by and Michael replied depending on what is available 2% to 5%. Theresa said if we are locked in, how long for it to go up when the population is increasing. Michael replied that there are built in increases, they are not basing it on population. Joshua Hallman asked if anyone else had anything to add and no one did. He spoke of the meeting with FNHA with Betty and Kelley and for them to try and make it happen quicker.

Next were BCR's.

MOTION 2020.02.04.01

That Binche Whut'en Chief & Council adopt the October 1, 2019 Minutes of Meeting as presented.

Moved by Dwayne Martin / Seconded by Stanley Tom

Carried

MOTION 2020.02.04.02

That Binche Whut'en Chief & Council adopt the December 3, 2019 Minutes of Meeting as presented.

Moved by Gerald Anatole / Seconded by Jarrod Tom

Carried

MOTION 2020.02.04.03

That Binche Whut'en Chief & Council adopt the December 4, 2019 Minutes of Meeting as presented.

Moved by Gerald Anatole / Seconded by Dwayne Martin

Carried

MOTION 2020.02.04.04

That Binche Whut'en Chief & Council adopt the January 8, 2020 Minutes of Meeting as presented.

Moved by Gerald Anatole / Seconded by Stanley Tom

Carried

Joshua Hallman advised that Sue Grainger is coming in at 11:00 A.M. to have Council appoint 1 rep and 1 alternate to the Board of Directors for the John Prince Research Forest. Also, that she is asking for an expansion to the Research Forest but that it may interfere with our own plans for a forest license. Joshua told Council to let Sue present but no decision in her asking for an expansion.

Joshua Hallman spoke of how we have been held hostage for the last 5 months as we had no quorum.

Next to be discussed was the Barricades Treaty Agreement and that it is a draft sharing formula with Canada - \$100 million to be shared among the 3 Bands - TI'azt'en Nation, Nak'azdli and Binche Whut'en. Now we have to decide how to divide. Chief Gerald Anatole suggested 1/3rd each. Joshua commented that it is a shared formula. That it is not based on population or we would get 'ripped off'. Joshua spoke of how we were supposed to get fishing nets, net twine, farming equipment, a school etc. That we need to sign off on it as this was one of the things that should have been signed off months ago.

MOTION 2020.02.04.05

To approve and authorize Chief Gerald Anatole of Binche Whut'en to sign off on the document re the Draft Sharing Protocol in Connection with the Stuart Lake Barricades Treaty Specific Claim & Litigation.

Moved by Stanley Tom / Seconded by Dwayne Martin

Carried

Next to be discussed was the Pinchi Mine Legacy - \$5 million. Joshua commented that Nak'azdli have been dictating to us how to split it and that it has been a long time going on. He spoke of how even the late Justa Monk was saying it should be Binche's and that Binche has the right to go to mediation. Joshua said it will go to mediation because \$2.5 million is going to Tl'azt'en Nation and \$2.5 million to Nak'azdli and Tl'azt'en Nation were to donate to Binche out of their \$2.5 million. That Tl'azt'en Nation were going to donate us back our own money. Joshua said we advised Alec that we are going to mediate and Darwin (lawyer) is looking after everything. Dwayne Martin said the last meeting with Darwin was here. Stanley Tom spoke of how back in the 60's they took hair samples and they never gave us back the samples. He commented that they had to move their house down and they were never compensated for that.

Joshua Hallman spoke of staying on as Council's political adviser to ensure victory for Binche. He commented that people don't like him but that he held them off since 2018 when they were suppose to spend the full \$5 million. He added that it wasn't spent that we tied it up in litigation. Further that we offered them 1/3, 1/3, 1/3. Stanley Tom commented that all they were doing was using us to benefit them. Joshua spoke of how they were hoping we would have a weaker Council.

At 12:45 P.M. Sue Grainger was invited in to update on the Board. Sue Grainger spoke of Joshua having written a letter to inform them that during separation Binche assumes ½ of Tl'azt'en and voted to have representation on the Board. Sue advised that there are 4 on the Board from the University and 4 from Tl'azt'en Nation who gave 1 seat to Nak'azdli and 1 seat to the Keyoh Holders. Sue advised that Bev John is on it for Tl'azt'en Nation, Johnny Tom

is on for the Keyoh Holders, Pete Erickson for Nak'azdli and Barry Duncan for Binche Whut'en. Joshua Hallman asked Council if they agree with having Barry on the Board and everyone said yes. Sue advised that they want to expand the Research Forest and provided a map showing the proposed expansion. She spoke of Dexter being interested in the expansion area because of the Grizzlies. That it would increase the Research Forest by 1500 hectares. Sue commented that the intent is not timber supplies. She added that she needs our support. Dwayne asked if she has support from Tl'azt'en Nation and Nak'azdli. Joshua spoke of how she won't have a problem with them but maybe here. He added that it may interfere with our request for a forestry license. Sue commented that there is a lot of deciduous wood. Sue said they are thinking of a tenure, that she can certainly share with you guys. Barry Duncan asked if we sold logs this year and Sue replied Carrier were the only ones that wanted it. Gerald Anatole spoke of how they're bringing in tons of poplar. Dwayne Martin asked about research projects and Sue replied this is Dexter's area but that she knows they are tracking moose, collaring lynx, and work re Grizzley and Kokanee. Sue advised that out of UNBC they are working on the effects of climate change and a different style of logging. Gerald Anatole asked what is the ratio between bulls and cows. Sue said she doesn't know. Barry said there are 33 collared. Joshua advised that we will choose an alternate for the Board.

MOTION 2020.02.04.06

That Barry Duncan be appointed to sit on the Board of Directors for the John Prince Research Forest and Jarrod Tom as an alternate.

Moved by Gerald Anatole / Seconded by Dwayne Martin

Carried

Joshua Hallman advised that we got in \$275,000 from the Lotto Corporation. That we are hiring a Finance Manager. Joshua advised that when Council does Planning sessions for the budget that he will assist with new business.

Next was choosing Portfolios. Economic Development – Gerald Anatole, Operations & Maintenance – Stanley Tom, Natural Resources – Dwayne Martin, Economic Development – Dwayne Martin, Keyoh Society – Dwayne Martin, Health – Theresa Morris, Education – Theresa Morris, Employment

**Services – Theresa Morris, Community Social Services – Theresa Morris,
Liaison – Binche Bu Society – Jarrod Tom**

Joshua Hallman commented that with Portfolios it is not managing the departments, just participating in meetings etc. He added that you don't have to, it is just a way of helping to share stuff. With the Binche Bu Society eventually they will say no more housing. With Economic Development there is no politics within the businesses so we can attract investors. Joshua spoke of how they are all separate entities but all have to work together. With everything off-reserve the Keyoh Holders look after. Joshua spoke of how with other bands the Chief & Council are controlling all their business i.e. Tl'azt'en Nation and Nak'azdli. Dwayne Martin commented that the way we structure, it won't happen here. Joshua spoke of how we are getting experienced people in the right places.

With regards to Membership transfers Joshua advised that for anyone who was notified and didn't transfer, Council don't have to sign. For those who were not notified it is good to sign. Joshua spoke of how right now we have some Binche members wanting to transfer back to Tl'azt'en etc. but that there is a moratorium of 3 years – Tl'azt'en are not taking them back.

Joshua Hallman advised that next week there is Governance training with Jamie Sterritt, Council and some Administration staff. It will cover Council's roles and responsibility. Thursday we will review our own policy. Joshua advised that there will be lunch and Council will receive \$100.00 per day Honorarium. If Jarrod loses pay to attend the training give a stub to Kelley. The dates of training are February 11, 12, and 13.

Dwayne Martin mentioned the Pathways Agreement ceremony in Prince George. The agreement is between CSTC and Carrier Sekani First Nations. He mentioned that Nak'azdli are not part of CSTC. He said CSTC lost Wet'suwet'en. The Pathways Agreement was signed but CSTC didn't include them so they have to renegotiate the agreement to have Wet'suwet'en in there.

Dwayne Martin spoke of Premier Horgan wanting to mention Binche Whut'en under Tl'azt'en Nation. Dwayne said he told him no, that consultation is to include Binche. Dwayne advised that Tl'azt'en Nation has kicked him out of meetings because he is Binche Whut'en. He added that the Province won't settle with us until separated from Tl'azt'en Nation. Joshua Hallman advised that the Ottawa Trust money is still with Tl'azt'en and other

agreements i.e. LNG. Dwayne mentioned First Point Minerals. Joshua Hallman referred to KPMG as an independent auditor- that we are not affiliated under TI'azt'en. He commented that Bev says she wants to meet with him and Chief & Council. He spoke of them having a list of assets and that they have nothing to do other than send us our money.

Kelley Williams advised that Michael is going for training and certification. With Health we heard about that today. They now want a detailed report monthly. Kelley commented that Betty said to send to a guy in Natural Resources. She advised that they failed to consult with us as there were no health professionals at the table. Kelley said she has HR things to discuss In-Camera. Kelly commented that the Health Clinic is cleaned up.

Joshua Hallman referred to the budget and whether or not to do a Motion. Kelley said to wait for our legal advice that \$110,000 alone is just for the nurse. Barry Duncan said they promised us 5 positions. Kelley spoke of the programs that we deliver i.e. the community bus. She advised that she has applied for more funding but that we won't hear until June. Further, that a lot of our employees don't drive and that our hours are from 8:30 A.M. to 4:00 P.M.

Kelley referred to Dave Birdi and how do we address our poor assessment. She said some of these positions may require 3 years and added that we are developing capacity with our own. When bring in a CHR we only have 1 from here qualified and they are away. We are developing internal capacity. Dwayne Martin asked about PGNAETA dollars and Kelley replied that the \$17,000 is for the full year with PGNAETA – October, November / December we got 3 months of the \$17,000. Until we have a full year of business – Natural Resources has a better chance. PGNAETA – EI or EI eligible. People on Income Assistance. Helping Band Members with Red Seal Certification. Helped 1 person get a Drivers License. Small ticket – very easy to support, just need a letter from employer. Kelley advised that there are no dollars for Post Secondary. As we help our youth we get back every penny. Kelley spoke of getting people dedicated to their training. Kelley advised that we have hired a Finance Manager as we got \$275,000 from BC Gaming funds that we can spend on a Finance Manager. The Finance Manager will start with us on February 10th. Kelley said we have been approved for \$19,000 for software and staff. That once Norman is 'on board' we start with training

right away. Kelley spoke on the purpose of using the Visa account. That the bill comes out every month and that the card is kept secure with no one having access other than herself.

Kelley mentioned budget planning and asked if Council could free up some time during the last 2 weeks of February. Kelley suggested February 18, 19, and 20th. Theresa said she would be available from 1:00 PM to 2:30 PM on the 3 days.