



## Indian Brook First Nation Newsletter

*July 2011*

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***Message from the desk of Chief Jerry Sack:***

Welcome to the 1<sup>st</sup> Annual Report Shubenacadie Band Council. My intent is to provide our members with the most up to date information.

During the past year, there has been a fury of media releases that have had a negative impact on our Community. We have surmounted this difficult era, and are moving forward, both financially and economically. I would hope from now on we shall have all good news stories, which will allow our Community to flourish and outsiders can no longer talk about us in such a negative way. Together we need to look at all the good work the band staff do and the good leadership that is taken place. As the on-going lack of understanding and trust by the general public fuels negative views and perceptions of First Nation Peoples.

There is a lot of work that needs to be done in our Community. The Chief and Council need to get back on track and become strong for our issues. This includes the need for additional investments in our First Nation Community to invest in all our people to realize the potential and opportunities to have on family income equal or greater than what is needed to survive. Our focus on values and sense of Community and focus in families is important.

This new fiscal year will bring investment, new policy and new directions.

First I want to clarify “Wallace Hills Entertainment Centre”. Mike Sack applied to the Band Council with a presentation for approval for the above noted Business. Mike Sack is a Band Member, and only a Band Member or a Band can build there without a referendum.

Mike Sack applied for 45 machines with an arrangement of 66%-34% going to Mike Sack. What people don't know is that out of the 34%, Mike Sack has to pay his own Power Bills, Oil Bills, Staff and any other overhead expenses. The Province does not allow the Band to split revenue by percentage anymore, but the Band will receive 2/3 of the revenues, once an arrangement has been agreed to. Also, the Band will receive their 2/3 of revenue free and clear of any administrative bourdon.

The Band Council, at a Duly Convened Band Council Meeting, passed a motion, which was clear that the proposal was acceptable.

**LET'S MAKE THIS CLEAR THERE IS NO SUCH ARGREEMENT WITH MIKE SACK AND THE BAND.**

**What you HAVE BEEN SHOWN OR TOLD was Mike Sack's Proposed Agreement to the Band. The agreement is with the Band Lawyer, and NO Decisions on what he is proposing has been Finalized. It is ONLY a Draft. This is part of Business practice for any individual, and the Band would like to see what is being proposed first.**

The Band Council's understanding is, the agreement in the end will be for a period of ten years, at which time the machines will revert back to the band, and the Band then will be responsible for the day to day operation etc... Also, in ten years the band will decide the future of the building. Also Mike Sack has agreed to assume all cost associated with constructing and maintaining the building over the 10 year period.

Further, in relation to the **Draft** Petition going around the Community, many of the items are not factual and there is more to add.

First and foremost, it is a sad day for the community members that have to be reminded of the past. The election was investigated and overturned, a new election was held and the People Spoke. Isn't it time we move forward? We have the opportunity now!!

Second, the MRJJ issue was questioned, and no further action was taken which is true, and the administration department of the Band and all staff and council cooperated as asked. Others who were asked to co-operate and did so the Band Lawyer provided a letter to the police as well.

Wallace Hills and not Wallace Heights, will serve the interest and ownership of the Community first:

1. At a Duly Convened Band Council meeting has had full disclosure of Mike Sack's Proposal. Any other new proposals will be treated the same.

2. Mike Sack's proposal is not Subject to a tendering proven as he applied as a Band Member, and not as a company but as a developing band member with the ability to successfully complete projects. Was approved and he is taking the risks and securing the financing. When someone wants machines we don't go to tender and never have.

3. Also Mike Sack will be providing employment to band member which is important to the band.

The recent charges against Mike Sack is in relation to the food fisheries, and not crab fisheries. Any and every person is entitled to be innocent until proven guilty. However in this community it seems the other way around.

Chrissy Mason also approached the band with to proposal where she would receive 45 machines, and to have the same deal as Mike Sack. The Band cannot legally give machines to Chrissy until she has a building on reserve land.

Yours truly; Chief Jerry F. Sack - Please email me with any questions at ChiefJerrySack@hotmail.com

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In relation to the Chronological order of events:

September 27<sup>th</sup>, 2010 - Elections were overturned, true, but a new election was held. The people spoke!!

September 14<sup>th</sup>, 2010 – Someone breached confidentially in relation to a letter from the Band Lawyer to Sgt. Steve Gloade. The truth was told, and that MRJJ was a legitimate business set up by the Band Council, during a Duly Convened Council meeting.

December 2010 – Welfare cheques start bouncing. As was said many times the band had problems with securing an overdraft at the bank. Not because the band was a risk or mis-management but all the bad publicity we receive out there through the media.

Now any update about our Banking Situation:

The band has been in negotiations with Peace Hills Trust. The main objective is to negotiate overdraft protection, so the band can start direct deposit now. We have been in a surplus position for the past two years to bring down the overall debit of the past. No one mention this: Peace Hills also have any other plans to assist the band in the next few years in a variety of areas.

March 10<sup>th</sup> – May 3<sup>rd</sup>, 2011

In relation to the Crab Quota – and Cheryl Maloney. Cheryl Maloney had received a license for the first two years. In the first year, that Cheryl held the license the band made 2-3,000 max. The second year, Cheryl sold her license to Mike Sack, and received \$70,000. She obviously she had no intention fishing this license. The Council decided since this was the case then she would not receive any license and sold it to Mike Sack, in the water, for \$400,000. This money carried us through the end of the fiscal year. What Mike Sack makes as profit is between him and the buyer. The band has made their profits and Cheryl Maloney was not in a position to offer anything better.

However, what the Community should know is that Cheryl Maloney has also received \$25,000 this year from the buyer and has not lifted a finger. The Band Council is not aware of how this had happen. The Band Lawyer is looking into this now.

Major Projects: They are going through a tendering process. Any band member can come and talk to a housing staff member, and received the information as to how it is done. The Band has a Tendering Policy and is available upon request.

Trust Fund Dollars:

There has never been a trust fund set up for band members under 18. However, if a minor turns 18 then whatever the band owes this individual, the dollars are paid out in full at time. This has been practice for the past few years.

Gas Bar:

The reason we had no gas was because the company the band dealing with would not fill the tank to its capacity and the demand went up, and the band could not maintain this. So now, Irving has agreed to supply gas and diesel to the gas bar. The distribution system has been set up with the supply being delivered from Dartmouth on consistent basis. There will be no prepayment required as in the past. There will be two payments per month after delivery of the product. We are discussing supply when needed. As you can see this has already taken place.

Draft Gaming Agreement with provincial has not been finalized. It's with the province, waiting approval by Cabinet. Once this is approved, as it is subject to an Economic Development Plan, the 1.2 million will be released to the band. Also for confirmation, the band will receive 100% off the VLT's, and the band council will determine who is entitled to what. The Band will draft agreements with store owners.

June 2011 - There was a BCR passed in Council, to allow Mike Sack to proceed with his building in Wallace Hills. At the same time the band and Mike Sack's Lawyer, will negotiate an agreement that will be acceptable to all parties. All Council was informed, as there was a lengthy discussion in relation to Mike Sack's Plans, so there would be no misunderstanding. That was made clear at the end of the meeting. What would have been a consensual decision was put to a vote, based on the discussion.

**Again, for the clarification there was no final agreement between the band and Mike Sack.**

Legal opinion from Janice Switlo:

This was being passed around by one of the Councillors as well. Let's be clear this lady is from another province and obviously knows nothing about the factual situation that is happening in our Community.

The Band Lawyer already knows that the agreement that will be entered into with Mike Sack has to be consistent with the provincial Gaming Agreement.

The Criminal Code is not relevant here so it is confusing as to why this is mentioned.

Further more, why she is talking about MRJJ, as this company is not used for anything. It seems that MRJJ is just being used as a smoke screen.

In relation to the Wallace Hills Development Cooperation, there needs to be a Trust Agreement drafted for the Board of Directors. The Board will hold this position and represent the best interest of the Community.

There are so many vague assertions in Ms. Switlo letter, which it makes it different to follow. For example, the letter says the band cannot control assets. The band has never considered giving up control of anything. The Band Council are smarter then that. The Band can, as it does with all VLT operators now, allow Band Members to operate the VLT and gain profit from their work.

The Province has confirmed in writing to the Band that the Band will be permitted to continue with location agreements with VLT operators, so Ms. Switlo is simply wrong about this point. There will be no percentage deal in any Wallace Hill VLT agreement because the new gaming agreement with the Province does not allow it. Council knows this and has already discussed how to change location agreements to keep them legal under the new gaming agreement.

There will be no certificate of possession given in any agreement. The Band can agree that an operator will be allowed to operate a VLT business in a band building for a certain length of time, but this does not give CP rights to anyone. The draft agreement contains no CP, and it never will.

Lastly in relation to Ms. Switlo letter the council has already voted to have MRJJ audited. This is being completed and everyone will see that the so called \$277,000 was put back into the Band's General Funds. If there wasn't so much negative accusations about this money, the band would have by now had the money to build our own building. One has to be certain of facts before printing information in the newspaper, as it has a negative impact on the Band.

#### In relation to the Bands Fund:

The 2010-2011 is on schedule. The band's many banks accounts are close to being reconciled for the year which is the most important process that is to be completed before any audit testing can take place. I have an audit meeting scheduled hopefully for next Wednesday to lay out the time line of when the audit will be completed – July Month end.

Cash Flow: The cash flow is looked at on a daily basis. As stated in Council, if reports are late the Government agency hold their money. This continues to be a problem but it has improved lately. We sill need work in this area.

Monthly statements are being done and circulated do **all** Council Members.

Oil Spill: The latest home oil spill/leak is close to becoming cleaned up. The estimated cost will be close to \$300,000. INAC have been sent all the necessary report and they have submitted these to their special requested team. If INAC does not cover this, it will be a direct hit to our bottom line.

Gaming: The new gaming agreement has been signed by Council and is now in the hands of the provincial government for their approval. We are exerting pressure for them to sign as they did to us as well as the promise of \$1,200,000 VLT reduction numbers. Please be reminded that this money is earmarked for the CMHC Replacement Reserve Fund and possible XMAS bonus. If the reserve fund is not brought up to date, we will not receive our allotted houses.

Also, The Band is preceding with a concept plans for a First Peoples Center of Balance. We are developing a Business Plan and are actually seeking funding. This will be treatment facility for our youth and their families.

The Band Council has been making improvements. Council meeting are being held as needed. If you want to be added to the agenda, please submit a letter by Fridays regarding your issue you would like to have discussed.

Also, there are several committees that were approved by Council. – One of the first thing that the Council did was, outline vision statement for the community, which puts “Shubie First”.

**The following sheet is to confirm for which Councillors are in which committees.**

**Education Committee:**

Thomas J Howe  
Doreen E. Knockwood  
Reginald Maloney  
Deborah Thieboux  
Ronnie Augustine

**By-Law Committee:**

Ronnie Augustine  
Thomas J Howe  
Ryan Julian  
Keith Julian  
Gary Richards

**Health Committee:**

Ryan Julian  
Ian Knockwood  
Thomas J Howe  
Deborah Thieboux

**Bus Contract Committee:**

Ryan Julian  
Deborah Thieboux  
Thomas J Howe  
Jeff Hayes  
Gary Richards

**Chief and Council:**

Chief Jerry F. Sack  
Colleen Knockwood  
Ronnie Augustine  
Alexander McDonald  
Ian Knockwood  
Jeff Hayes  
Rick Simon

**Wallace Hills Committee:**

Chief Jerry F. Sack  
Colleen Knockwood  
Ian Knockwood  
Ronnie Augustine  
Alexander McDonald  
Jeff Hayes  
Rick Simon  
Gary Richards

**Policy Committee:**

Ron Knockwood  
Violet Paul  
and Managers

