

Listuguj Mi'gmaq Government Order-In-Council



Chronological no.: 2337	Subject: Independent Inquiry - LMG / Councillor Cathy Martin	Originated by:
The Council of the Listuguj Mi'gmaq Government		District Gespe'gewa'gi
Date of duly convened meeting	D M Y 1 1 1 2 1 7	Province Gepeg

WHEREAS On November 7, 2017, the Council adopted the Order in Council no. 2334 re: Breach of Code of Conduct by Councillor Cathy Martin;


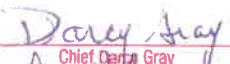



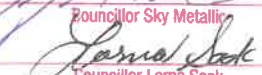






WHEREAS The said Order in Council acknowledges that Councillor Martin was in breach of several provisions of the LMG Code of Conduct and imposed "a three (3)-month suspension with no access to Council meetings, with no remuneration pertaining to Cathy Martin Councillor's duties and no reimbursement of any travel expenses during the suspension [...]";

WHEREAS On or about 10 November 2017, Councillor Martin received a letter signed by Chief Darcy informing her of the decision rendered by the Council;

WHEREAS On or about 20 November 2017, following several reactions from the LMG membership, following the disagreement concerning the Council's decision expressed by Councillor Martin and also considering the Council's wish to maintain a harmonious relationship among the elected members, Chief Darcy, on behalf of the Council, sent a letter to Councillor Martin inviting her to use the Code of Conduct's appeal process or to participate into an independent inquiry as an alternative;

Moved: Sky Metallic
 Seconded: Annette Barnaby
 Abstain: Kevin Methot / Sheila Swasson
 Opposed: Calvin Barnaby
 Status: Passed Defeated Tabled

Quorum 7

 Councillor Lloyd Atcon	 Chief Darcy Gray	 Councillor Calvin Barnaby
 Councillor Gordon Isaac Jr.	 Councillor Dr. Cathy Martin	 Councillor Sky Metallic
 Councillor Wendell Metallic	 Councillor Kevin Methot	 Councillor Lorna Sook
 Councillor Sheila Swasson	 Councillor John Murvin Vicaire	 Councillor Chris Wysote

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WHEREAS On or about 27 November 2017, during a duly called Council meeting, the Council has expressed its support for an independent inquiry and the temporary suspension of the Order in Council no. 2334,

WHEREAS On or about 27 November 2017 both the Council and Councillor Cathy Martin agreed to the independent inquiry.

BE IT RESOLVED:

THAT The Council hereby orders the launch of an independent investigation concerning the adoption and the enforcement of Order in Council no. 2334;

THAT Mtre. Joanne Brodeur is hereby mandated as a lawyer for the Council to run the said inquiry within the framework of the mandate described as follows:

- 1) Investigate the relevant factual context that led to the adoption of the Order in Council 2334;
- 2) The Council hereby authorizes Mtre. Brodeur to have full access to documents which and meet with witnesses who she determines are relevant to her investigation and report;
- 3) Submit a final report to the Council no later than February 20, 2018 containing the following:
 - a. Advise in writing the Council whether or not the LMG Code of Conduct was properly applied and if the rules of procedural fairness have been followed appropriately;
 - b. Advise in writing the Council whether or not the penalty imposed on Councillor Martin was justified;

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- c. Advise in writing whether the three-month suspension and its terms were appropriate;
 - d. Provide all useful recommendations to the Council regarding the Code of Conduct, its implementation and its enforcement;
- 4) Mtre. Brodeur is authorized to submit interim and draft reports if she determines doing so is useful and to present same to the Council *in camera*;
 - 5) Mtre. Brodeur's exchanges, oral and written, and her report are subject to solicitor-client privilege.

THAT

The Senior Director of Operations is hereby authorized to do all things necessary to implement this Order in Council, including ratifying a service agreement with Mtre. Brodeur on behalf of LMG.