IMPORTANT NOTE TO READER

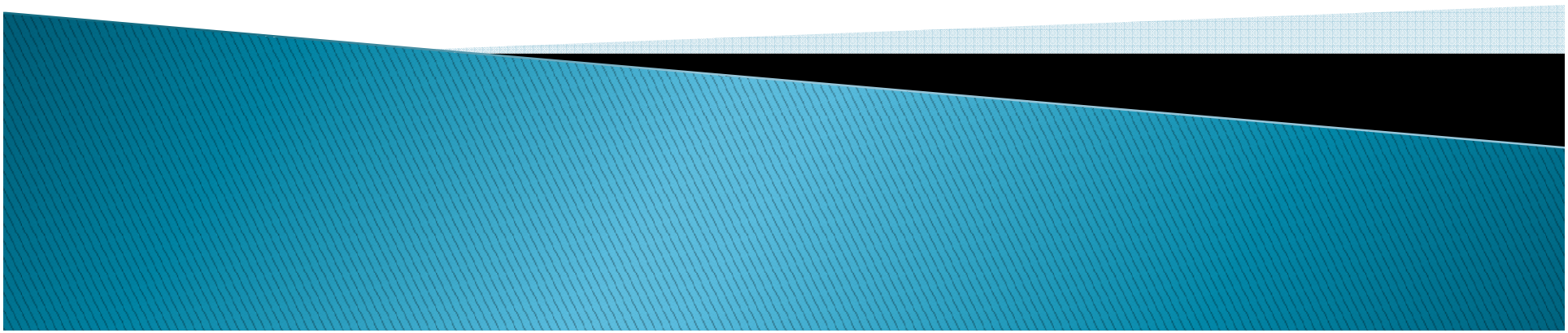
We welcome your questions and feedback on this presentation both before and during the People's Assembly on Saturday November 17th.

Please contact Connie Waddell, Law Clerk, by e-mail or at 250-723-0100 if you have any questions or comments.

Spring 2013 Legislation
Draft Presentation

October 2, 2012

Rob Botterell, Legal Counsel



Purpose of Presentation

- Provide overview of proposed Huu-ay-aht Acts and key proposed Huu-ay-aht regulations
- Consult with Huu-ay-aht Citizens and obtain feedback on these proposed laws
- Seek approval of People's Assembly, as required by law, for Amendments to *Financial Administration Act (FAA)* and other HFN Acts.

Please ask questions and provide feedback at any time during the presentation!

Spring 2013 Huu-ay-aht Laws

- *Budget Act*, 2013
- Amend Audit Deadline in FAA
- Amend Huu-ay-aht Development Corporation (HDC) references & repeal Economic Development references in FAA & other HFN Acts.
- *Economic Development Act*

Acts

- Exempt HDC from Cash Management, Purchasing Policy, and Risk Management regulations.
- Governance and Fiscal Agreement Regulation

Key Regulations

Budget Law & Audit Deadline

- *Budget Act*, 2013 – Required by FAA. Please provide feedback on budget priorities to Executive Council and Finance Committee.

- *Amendment to Financial Administration Act (FAA).*

  - S. 25(1)(a) of the FAA states that the audit of the draft annual financial statements must be completed within 90 days of year end (June 30th).

  - This is not achievable due to the size and complexity of HFN operations.

  - People's Assembly approval is sought to amend S. 25(1)(a) so that the audit deadline is 150 days after year-end (August 31st).

Proposed Motion – Audit Deadline

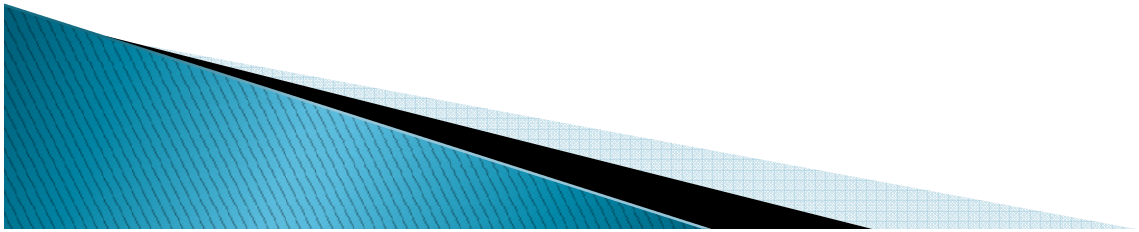
"BE IT RESOLVED to approve an amendment to Section 25(1)(a) of the *Financial Administration Act* to change the date for completion of the audit of draft financial statements to "within 150 days of the fiscal year end", and further to recommend that Executive Council ensure that the remaining steps to enact this amendment and bring it into force are completed by March 31st, 2013."

ECONOMIC DEVELOPMENT BACKGROUND

- On June 14th, 2012 R. Brent Lehmann, Ratcliff & Company made a presentation to Executive Council on Economic Development Structuring.

- On June 20th, 2012 Executive Council approved the 8 recommendations made by Brent Lehmann and has directed that they be implemented by October 31st, 2012.

- Before I outline the legislative amendments to implement the 8 recommendations, Brent is here to provide an overview of the 8 recommendations and the main elements of the new economic development legislation.



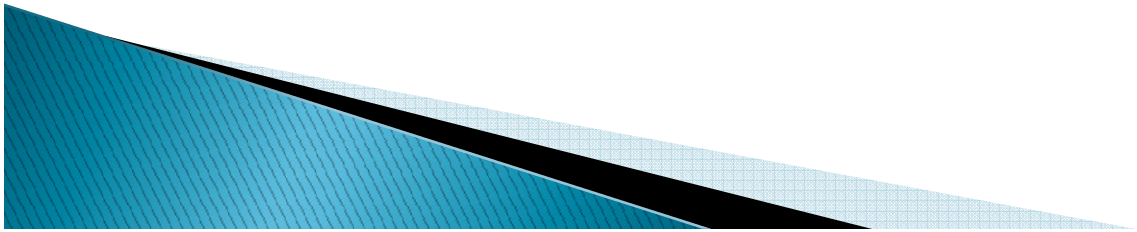
Legislation Required to Implement 8 Ec. Dev. Recommendations

Changes Where People's Assembly Approval Required

1. Amend references in FAA for HDC and dividends to Huu-ay-aht First Nations Development Limited Partnership and distributions.
2. Repeal provisions in FAA and other HFN Acts which are inconsistent with the new *Economic Development Act*.

Changes Where People's Assembly Feedback Requested

1. New *Economic Development Act*.
2. New *Governance and Fiscal Agreement Regulation*.
3. New *Governance and Fiscal Agreement*.
4. Exempting HFN companies from *Cash Management Policy Regulation*, *Purchasing Policy Regulation* and *Risk Management Policy Regulation*.



Proposed Motion – HDC

"BE IT RESOLVED to approve amendments to the *Financial Administration Act* and other Huu-ay-aht Acts, as necessary and appropriate, to implement the 8 recommendations for economic development structuring set out in R. Brent Lehmann's memorandum dated June 14th, 2012."

Next Steps

- Committee review of Citizen and Ha'wiih Council feedback
- Develop formal drafting instructions
- Executive Council approval of formal drafting instructions
- Draft legislation
- Executive Council approval of legislation for introduction to the Legislature
- Introduction of legislation at March 2013 session of Legislature