EXECUTIVE COUNCIL MEETING
Wednesday, October 19, 2011
Anacla, British Columbia

Attendance: Jeff Cook (Chair), Charlie Clappis, Jack Cook, John Jack, Sheila Charles, Tom Happynook, Connie Waddell, Deborah Smith (Recording Secretary)

Absent: N/A

MINUTES OF THE MEETING

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1. AGENDA

MOTION:

BE IT RESOLVED that Executive Council accept the Agenda with the proposed changes of 2(c) Treat Implementation Committee Member appointments 2 (d) Citizen Development Committee Member Appointment 2(e) Finance Committee Member Appointments; 3(d) Emergency Funding; 4 (b) Trust Accounts for Newborns; 8. NTC Political Strategy (removed); and 9. Executive Council Reports.

Moved by Jeff Cook
Adopted by Consensus
Resolution #2011- 091

2. STRATEGIC PLAN

John Jack read the strategic plan as presented. Grammatical, punctuation and wording changes were made.

The Executive Council expressed their thanks to John for his time and effort in putting the document together.

MOTION:

BE IT RESOLVED that Executive Council adopt the Report on the Strategic Plan with agreed upon changes for the purpose of consultation with the People's Assembly and Huu-ay-aht Council and the revised version be distributed on Tuesday, October, 25th, 2011.

Moved by Tom Happynook
Adopted by Consensus
Resolution #2011-61

3. CONFIRMATION OF APPOINTMENTS FOR ALL COMMITTEES

a) Housing Act (draft guidelines)

John Jack advised that the draft guidelines are not prepared and that the Housing Committee will continue to develop the guidelines in the next two months (approximately two Housing Committee meetings).

MOTION:

BE IT RESOLVED that Executive Council agree to table the item "Housing Act – Draft guidelines" until a later date.

Moved by John Jack
Adopted by Consensus
Resolution #2011-62

b) Acting Speaker

John Jack read the briefing note. It was noted that we should identify "HFN Travel regulations" and change "expenses" to "expense regulation."

Section 41 of the Government Act requires that this must be done in consultation with Huu-ay-aht Council. Derek Peters advised that he had consulted the members of the Council as per section 41(1).

There is no process to select a regular speaker as of yet, however, we do have the authority to select an Acting Speaker.

MOTION:

BE IT RESOLVED that Robert Jack Dennis (Senior) of Port Alberni be selected as Acting speaker;

BE IT FURTHER RESOLVED that the position of Acting Speaker and the position of Speaker be paid a remuneration of $500 per day as per HFN Travel Regulation and Expense Regulation;

BE IT FURTHER RESOLVED that the Acting Speaker and Speaker be required to attend a briefing meeting prior to a People's Assembly or Session of the Legislature for no less than one day and that this briefing be to review relevant Huu-ay-aht law including but not limited to the Constitution, Government Act and Code of Conduct and Conflict of Interest Act as well as review the current general political developments within the HFN as well as the intentions of the Huu-ay-aht Government for the People's Assembly and/or the upcoming Legislative Session as determined by the Law Clerk in consultation with HFN legal counsel with the approval of the Executive council; and

BE IT FURTHER RESOLVED that the HFN Executive Council direct and authorize the Executive Director to conduct a process of advertisement to fill the position of Speak with a period lasting no less than six weeks to be finalized by March 1, 2012.

Moved by John Jack
Adopted by Consensus
Resolution #2011-063

Consistent with the Motion, the Executive Director to ensure completion of the Government Act requirements for the appointment of Acting Speaker by November 1, 2011 and the recruitment process for the Permanent Speaker by March 1, 2012.

Action: Executive Director

If the Acting Speaker does not accept the position, then Executive Council Member would have to go through a quick search to find someone that would, and then call an Emergency Council Meeting to pass the Motion.

The Selection and Review Committee for the Permanent Committee will consist of Chief Councillor as Chair and two other Committee Members.

c) Treaty Implementation Committee - Member Appointments

MOTION:

BE IT RESOLVED that Executive Council appoint the following Huu-ay-aht citizens to the Treat Implementation Committee:

Trudy Warner
Ed Johnson Senior

Moved by Tom Happynook
Adopted by Consensus
Resolution #2011-064

d) Citizen Development Committee - Member Appointments

John Jack read the briefing note. The Financial Administration Act states that the Citizen Development Committee is ultimately responsible for establishing the Housing Policy by March 31, 2012. As of April 1, 2011 we did not bring over the Housing Committee. There were a lot of good people on the Housing Committee and it is important that we keep them. John Jack has spoken to each member and they all expressed an interest in continuing to be involved.

Tom Happynook left the room prior to the Motion being moved as he has a conflict of interest.

MOTION:

BE IT RESOLVED that Executive Council appoint the following Huu-ay-aht citizens to the Citizen Development Committee:

Tommy Joe
Kathy Happynook
Ed Johnson Senior
Darlene Nookemus
Molly Clappis

Moved by John Jack
Adopted by Consensus
Resolution #2011-065

e) Finance Committee – Member Appointments

MOTION:

BE IT RESOLVED that Executive Council appoint the following Huu-ay-aht citizen to the Finance Committee:

Martha Johnson

Moved by John Jack
Adopted by Consensus
Resolution #2011-066

f) Economic Development Committee – Member Appointments

MOTION:

BE IT RESOLVED that Executive Council appoint the following Huu-ay-aht citizen to the Economic Development Committee:

John Mass
Ed Johnson

Moved by John Jack
Adopted by Consensus
Resolution #2011-067

4. FINANCE COMMITTEE

a) Finance Report

MOTION:

BE IT RESOLVED that Executive Council accept the Financial Position as at August 31, 2011 as submitted in the report.

Moved by John Jack
Adopted by Consensus
Resolution #2011-068

A request was made to have the pages of the report paginated.

b) Cloverpoint

Larry Johnson has put together the briefing memo submitted and is requesting an additional $35,000 that was not budgeted for to complete the project. By definition as the additional funds required was no budgeted for, it will be coming out of Contingency. Under section 51(3), in order to access funds in Contingency, it requires approval from the Finance Committee.

MOTION:

BE IT RESOLVED that Executive Council will accept the recommendation of Finance Committee to enter into this contract for $35,000 with Cloverpoint, and providing that Finance Committee recommends accessing the Contingency and New programs budget line item, the work may proceed.

Moved by John Jack
Adopted by Consensus
Resolution #2011-069

c) Finance Committee Report

John Jack reviewed the Financial Report as submitted. The Finance Committee is recommending:

1) that Council receive and approve the Finance Committee Report;
2) that Finance Committee be given the primary oversight role for legislative policy development, while working closely with the Law Clerk and, as appropriate, other committees; and
3) that the Law Clerk proceed with consultation on legislation in accordance with this memorandum.

The following items were discussed:

- The Huu-ay-aht Oath for public officers and the Citizenship Declaration are quite similar. Due to confusion on Effective Date, many citizens have taken the Huu-ay-aht Oath for public officers by mistake. It is recommended that the Citizenship and Treaty Enrolment Act be amended to make the Huu-ay-aht Oath the Citizenship Declaration with retroactive effect.
- Legislation in the Government Act under the Development of Acts and Regulations requires Executive Council to decide which committees will oversee the development of Legislation. When you look at the number of Acts, all of those arise out of the Finance and Administration Act, so it seemed appropriate to give the lead to Finance Committee but required to work with the other committees.
- There are seven Acts and Regulations to complete by the Spring 2012. We need to ensure that we are not rushed into completion.

MOTION:

BE IT RESOLVED that Executive Council has received and approved the Finance Committee Report as submitted;

BE IT FURTHER RESOLVED that Executive Council gives Finance Committee the primary oversight role for legislative policy development, while working closely with the Law Clerk and, as appropriate, other committees;

BE IT FURTHER RESOLVED that Executive Council directs the Law Clerk to proceed with consultation on legislation in accordance with the memorandum attached hereto.

Moved by John Jack
Adopted by Consensus
Resolution #2011-070

d) Member Emergency Funding

MOTION:

BE IT RESOLVED that Executive Council considers that in light of the special circumstances a delay in consideration of the matter is not in the best interests of the Huu-ay-aht; and Executive Council hereby waives the requirement that the report regarding the substantive Matter be delivered four working days in advance for consideration.

Moved by John Jack
Adopted by Consensus
Resolution #2011-071

MOTION:

BE IT RESOLVED that Executive Council accepts Finance Committee's recommendation to

provide Heather Clappis with one-time funding of $400 as she is a victim of the June 2011 fire and the funds will be drawn from the Contingency Budget line item.

Moved by John Jack
Adopted by Consensus
Resolution #2011-072

5. EXECUTIVE DIRECTORS REPORT

a) Unlawful Expenditures to Dancers

Jeff Cook, Chair and Jack Cook excused themselves from the meeting as it was a conflict of interest.

MOTION:

BE IT RESOLVED that the remainder of Executive Council designate Derek Peters as Chair for the topic of Unlawful Expenditure to Dancers, pursuant to section 15(1) of the Government act.

Moved by John Jack
Adopted by Consensus
Resolution #2011-072

MOTION:

BE IT RESOLVED that the Executive Council has decided to direct Chief Councillor Jeff Cook to repay the sum of $150 paid to the three dancers who performed at the opening of the Parks Canada building on August 6, 2011, and that Chief Councillor Jeff Cook participate in the Governance Training Workshop with all members of Government.

Moved by John Jack
Adopted by Consensus
Resolution #2011-073

Jeff Cook and Jack Cook returned to the meeting. The meeting went "in camera" at 2:37 pm. The meeting resumed at 3:02 pm.

b) Trust Accounts for Newborns

The Huu-ay-aht First Nations children born before March 31, 2011 are eligible to receive in Trust their $5,000 payment as per existing Band Council Resolution ending March 31, 2011.

There are eight children born prior to April 1, 2011 for a total fund requirement of $40,000.

MOTION:

BE IT RESOLVED that the Executive Council is directing this request to the Finance Committee for their recommendation.

Moved by Derek Peters
Adopted by Consensus
Resolution #2011-074

6. HDC

a) Micro Hydro Projects

MOTION:

BE IT RESOLVED that the Huu-ay-aht First Nations working together with their Economic Development Corporation (Huu-ay-aht Development LP) are committed to the development of renewable energy projects within their traditional territory including the Sarita River Watershed.

Moved by John Jack
Adopted by Consensus
Resolution #2011-075

MOTION:

BE IT RESOLVED that Executive Council approves Chief Councillor Jeff Cook signing the letter to BC Hydro along with Ditidaht, Hupacasath and Tseshaht.

Moved by John Jack
Adopted by Consensus
Resolution #2011-076

The original letter needs to signed by Chief Councillor Jeff Cook and forwarded to BC Hydro by the Executive Director.

Action: Chief Councillor & Executive Director

7. HDC

MOTION:

BE IT RESOLVED that Executive Council approve the Executive Director to enter into a lease and related security documents in the amount of approximately $13,000 for the purpose of leasing a photocopier from Monks Office Technology.

Moved by John Jack
Adopted by Consensus
Resolution #2011-077

8. LAW REQUIREMENTS AND REGULATIONS

a) Call Regular Session of People's Assembly

MOTION:

BE IT RESOLVED that:

Executive Council hereby instructs the Law Clerk to draft a regulation pursuant to section 108(2) of the *Government Act* to prescribe the form of a report of Executive Council on any substantive matter to be considered at a session of the People's Assembly for the purposes of section 89(1) of the *Government Act*;

Executive Council hereby delegates to the Law Clerk the task of determining the appropriate committee for overseeing development of the regulation;

The regulation will be presented at the meeting of the Executive Council presently scheduled for November 16, 2011;

The regulation will be introduced and discussed at the meeting of the Executive Council presently scheduled for November 29, 2011; and

If the Executive Council reasonably believes that in the circumstances it would be in the best interests of the Huu-ay-aht to waive the requirement under section 100(4) of the Government Act, Executive Council will vote on the regulation at the meeting of the Executive Council presently scheduled for November 29, 2011.

Moved by Jeff Cook
Adopted by Consensus
Resolution #2011-078

b) Tribunal Chair and Vice Chair

MOTION:

BE IT RESOLVED that Executive Council appoints Acting Chair, John Rich as Chair of the Tribunal; and

BE IT RESOLVED that Executive Council directs the Chair to identify and recommend potential candidates to Executive Council for the position of Vice Chair.

Moved by John Jack
Adopted by Consensus
Resolution #2011-079

c) Auditor:

MOTION:

BE IT RESOLVED that Executive Council waive the written report requirement under Section 56 of *the Government Act.*

Moved by John Jack
Adopted by Consensus
Resolution #2011-080

MOTION:

BE IT RESOLVED that to provide notice of Executive Council's intention to nominate Presley and Partners for appointment as auditor for Huu-ay-aht First Nations for the period April 1, 2012 to March 31, 2013 at the upcoming session of the People's Assembly.

Moved by John Jack
Adopted by Consensus
Resolution #2011-081

d) Legislation Development:

MOTION:

BE IT RESOLVED that Executive Council agrees with the intention of the tribunal to enact the attached rules of practice and procedure and does not intend to pass its own rules of practice and procedure.

Moved by Derek Peters
Adopted by Consensus
Resolution #2011-082

e) Regulations:

Fisheries and Wildlife and Migratory Bird Regulation:

MOTION:

BE IT RESOLVED that Executive Council hereby instructs the Law Clerk to draft amending regulations under the Resource Harvesting Act to:

1) Repeal section 29 of the Fisheries Regulation and provide for the issuance of a ticket or compliance notice for contravention of that regulation; and
2) Repeal section 29 of the Wildlife and Migratory Bird Regulation and provide for the issuance of a ticket or compliance notice for contravention of that regulation;

The Lands and Natural Resources Committee is responsible for overseeing development of the proposed regulations;

The Fisheries Committee is to be consulted on the regulations;

The regulations will be presented at the meeting of the Executive Council presently scheduled for November 29, 2011;

If the Executive Council reasonably believes that in the circumstance, it would be in the best interest of the Huu-ay-aht to waive the requirement under section 100(4), Executive Council will vote on the regulations at the meeting of the Executive Council presently scheduled for November 29, 2011.

Moved by Derek Peters
Adopted by Consensus
Resolution #2011-083

Ticket and Compliance Notice Regulation

MOTION:

BE IT RESOLVED that Executive Council hereby passes the Ticket Transitional Order, which is attached hereto and forms part of this order. The ticket Transitional Order expires on November 30, 2011.

Moved by Derek Peters
Adopted by Consensus
Resolution #2011-084

MOTION:

BE IT RESOLVED that Executive Council hereby instructs the Law Clerk to draft regulations under the Offence and Law Enforcement Act and to satisfy the requirements of the Act in respect of:

1) the form and content of compliance notices for contraventions of Huu-ay-aht law, including the effect of issuing a compliance notice under Huu-ay-aht law that is not in the prescribed form;
2) the form and content of tickets, including penalty, discounted penalty and surcharge penalty amounts, for contraventions of Huu-ay-aht law;
3) the Huu-ay-aht Tribunal's authority respect of an appeal of a ticket.

The Lands and Natural Resources Committee is responsible for overseeing development of the proposed regulations;

The Fisheries Committee is to be consulted on the regulations;

The regulations will be presented at the meeting of the Executive Council presently scheduled for November 16, 2011;

The regulations will be introduced and discussed at the meeting of the Executive Council presently scheduled for November 29, 2011;

If the Executive Council reasonably believes that in the circumstance, it would be in the best interest of the Huu-ay-aht to waive the requirement under section 100(4), Executive Council will vote on the regulations at the meeting of the Executive Council presently scheduled for November 29, 2011.

Moved by John Jack
Adopted by Consensus
Resolution #2011-085

Referendum and Recall Act

MOTION:

BE IT RESOLVED that Executive Council hereby instructs the Law Clerk to draft regulations pursuant to section 51(2)(a) of the Referendum and Recall Act to prescribe the forms to be used for the following:

1) Recall Petition Application
2) Recall Petition
3) Application for Petition to Amend the Constitution
4) Petition to Amend the Constitution

in order to comply with the requirements of the *Referendum and Recall Act*.

Executive Council hereby delegates to the Law Clerk the task of determining the appropriate committee for overseeing development of the regulations;

The regulations will be presented at the meeting of the Executive Council presently scheduled for November 16, 2011;

The regulations will be introduced and discussed at the meeting of the Executive Council presently scheduled for November 29, 2011;

If the Executive Council reasonably believes that in the circumstance, it would be in the best interest of the Huu-ay-aht to waive the requirement under Section 100(4), Executive Council will vote on the regulations at the meeting of the Executive Council presently scheduled for November 29, 2011.

Moved by Sheila Charles
Adopted by Consensus
Resolution #2011-086

Prescribed Form of Report of Executive Council for People's Assembly

MOTION:

BE IT RESOLVED that Executive Council hereby prescribes the use of Government Action Form 1, which is attached hereto and forms part of this order, for the preparation of a report of Executive Council on a substantive matter to be considered at a session of the People's Assembly.

No report of Executive Council on a substantive matter to be considered at a session of the People's Assembly will be invalidated merely because it is not done using the prescribed form, so long as the form used is substantially similarly to the prescribed form and in compliance with the requirements of the Government Act.

This resolution expires November 30, 2011.

Moved by Derek Peters
Adopted by Consensus
Resolution #2011-087

MOTION:

BE IT RESOLVED that Executive Council hereby instructs the Law Clerk to draft a regulation pursuant to Section 108(2) of the Government Act to prescribe the form of a report of Executive Council on any substantive matter to be considered at a session of the People's Assembly for the purposes Section 89(1) of the Government Act.

Executive Council hereby delegates to the Law Clerk the task of determining the appropriate committee for overseeing development of the regulations;

The regulations will be presented at the meeting of the Executive Council presently scheduled for November 16, 2011;

The regulations will be introduced and discussed at the meeting of the Executive Council presently scheduled for November 29, 2011;

If the Executive Council reasonably believes that in the circumstance, it would be in the best interest of the Huu-ay-aht to waive the requirement under Section 100(4), Executive Council will vote on the regulations at the meeting of the Executive Council presently scheduled for November 29, 2011.

Moved by Derek Peters
Adopted by Consensus
Resolution #2011-088

9. EXECUTIVE COUNCIL REPORT

MOTION:

BE IT RESOLVED that Executive Council that Executive Council waive the written report requirement under Section 56 of *the Government Act* regarding the Termination of Citizen Committee Member

Moved by Derek Peters
Adopted by Consensus
Resolution #2011-089

MOTION:

BE IT RESOLVED that Executive Council agrees to the termination of Committee Member Clarence Dennis from Citizenship Committee.

Moved by Derek Peters
Adopted by Consensus
Resolution #2011-090

There being no further business the meeting adjourned at 4:55 pm.