EXECUTIVE COUNCIL MEETING

Wednesday, May 16, 2012
10 am, Administration Office, Anacla

Attendance: Jeff Cook (Chair), Jack Cook, John Jack, Tom Happynook, Charlie Clappis,
Absent: Derek Peters, Sheila Charles, Connie Waddell
Resource: Larry Johnson, Deborah Smith (Recording Secretary)

MINUTES OF THE MEETING

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1. CALL TO ORDER

The meeting was called to order at 10:14 am.

2. AGENDA

The following items were added to the Agenda: 4 (b) (vi) HFN Truck Policy, 4 (b) (vii) Nuu-chah-nulth Education Agreement, 4 (b) (vii) NETP Summer Youth Program, 4 (d) (i) Bridge Financing, 5 (b) Gifts / Contests, 5 (c) HST, 5 (d) Anacla Stand Tending Obligation Invoice, 5 (e) Numukamis Stand Tending Obligation Invoice, 5 (f) Port Alberni Investment Project Feasibility & Communication Plan, 5 (g) Contract 2 Contractor Services and 5 (h) Mutual Lease 5 (i) Additions to Infrastructure Project List.

MOTION:

THEREFORE BE IT RESOLVED THAT:

1. In the circumstances it is reasonably justified to add the Proposed Agenda Items to the Agenda for the May 16, 2012 Executive Council meeting;
2. The Proposed Agenda items are hereby added to the Agenda for the May 16, 2012 Executive Council meeting; and
3. Executive Council approves the Agenda for the May 16, 2012 Executive Council meeting as amended.

Adopted by Consensus
Resolution #2012-095

The section 56 requirement for reports was waived for 3 (a) Councillor Report 4 (b) (vii) Truck Policy; 4 (c) Audit; 4 (d) HDC Update – Flupsy Sale; 4 (d) (i) Bridge Financing 5 (i0 Additions to Infrastructure Project List.

MOTION:

THEREFORE BE IT RESOLVED THAT:

1. Executive Council considers that in light of the special circumstance set out above a delay in consideration of the matter is not in the best interests of the Huu-ay-aht; and
2. Executive Council hereby waives the requirement(s) that the report regarding the Substantive Matter (Councillor Report, Truck Policy, Audit, Flupsy Sale (HDC), HDC Bridge Financing and additions to Infrastructure Project List) be delivered four working days in advance of consideration.

Adopted by Consensus
Resolution #2012-096

3. MINUTES OF PREVIOUS MEETINGS

Minutes of the March 5, 14, 22, 30 and April 18, 2012 Executive Council Meetings were included in the package for information purposes.

4 (a) EXECUTIVE COUNCIL REPORTS

Executive Council reviewed some of the Emerging Issues identified in the reports such as the sewer issues, changes to the Economic Development Regulation and Tri-plex renovations.

4(b) EXECUTIVE DIRECTOR REPORT

Larry Johnson reviewed the Executive Director Report. He commended Rob Botterell for his success in bending CMHC in a way they have never been bent before for an insurable RBC lease.

Larry was recognized by Council for all the great work he did during his tenure as Acting Executive Director.

It was agreed by all that our citizen should be acknowledged for their success as well.

The Briefing Note received regarding Legal Fees was referred to Finance Committee.

MOTION:

THEREFORE BE IT RESOLVED that Executive Council accepts the Executive Council Reports, Acting Executive Director's Report and Summary of Motions as submitted.

Adopted by Consensus
Resolution #2012-097

Hydro to Grappler

Larry Johnson reviewed the briefing note.

We were only able to obtain two quotes due to the remote location and lack of interest. As per section 5 (c) of the Purchasing Policy Regulation:

MOTION:

BE IT RESOLVED THAT Executive Council selects Brian MacKay to complete the installation of Hydro power to the main building at the Sugaw Hatchery for a maximum cost of $20,000.

Adopted by Consensus
Resolution #2012-098

Truck Purchase

Jeff Cook reviewed the briefing note.

MOTION:

BE IT RESOLVED that Executive Council approves the purchase of a 2012 F250 XL Crew Cab 4x4 from Van Isle Ford for a cost of $39,600.

Adopted by Consensus
Resolution #2012-098

Truck Policy

Larry Johnson reviewed the briefing note. Executive Council changed point 4 to read that a minimum of 6 hours will be spent in the Anacla Office.

MOTION:

BE IT RESOLVED that Executive Council directs the Executive Director to develop a Truck Policy based on the following:

1. Any staff/council member can drive the truck for business purposes to and from Anacla;
2. PAGO receptionist will keep track of individuals wanting to travel and coordinate schedules;
3. PAGO receptionist will coordinate and track all maintenance on the vehicle; and
4. Employees will spend a minimum of 6 hours in the Anacla office.

Adopted by Consensus
Resolution #2012-099

Nuu-Chah-nulth Education Agreement

Larry Johnson reviewed the briefing note.

MOTION:

BE IT RESOLVED that Executive Council:

1. agrees to continue to purchase NTC education program services (approximately $144,000) advising of our intent to discontinue our contract in stages over the next fiscal year. Stage One: Local Education Agreement with SD70 Stage two: Administrate post-secondary for at least one HFN student Stage Three: Complete post-secondary program take over April 2012;
2. approves the Director of Human Services, the Huu-ay-aht Citizen Development Committee and HDC officer to establish policies, procedures, assessments, and required resources and administrative infrastructure required to full take over all aspects of the Education program in April 2012; and
3. approves to negotiate and enter into Local Education Agreement with School District 70 by June 30, 2012 (based on the beginning of school academic year).

Adopted by Consensus
Resolution #2012-100

NETP Summer Youth Program

Larry Johnson reviewed the briefing note.

MOTION:

BE IT RESOLVED that Executive Council supports the NETP Summer Youth Program proposal to provide employment to three Huu-ay-aht youth with additional training.

Adopted by Consensus
Resolution #2012-100

4 (c) FINANCIAL REPORT TO MARCH 31, 2012

John Jack reviewed the Financial Report to February 29, 2012. More information was requested with respect to Public Works being under budget by $80,000.00.

Action: John Jack

As per the *Financial Administration Act* section 22 (1) quarterly results are not required for the quarter ended March 31, 2012 as it is year end. Executive Council agreed that the March 31, 2012 financial package be posted on the Huu-ay-aht webpage and directed Deborah Smith to undertake this task.

Action: Deborah Smith

MOTION:

THEREFORE BE IT RESOLVED that Executive Council accepts the Financial Report at March 31, 2012 as submitted.

Adopted by Consensus
Resolution #2012-102

Year End Audit

John Jack reviewed the briefing note and advised that Presley & Partners had notified Huu-ay-aht that there was more work required to complete the audit due to the complexity of separating out the business from operating expenses. The cost could increase by $30,000 to a maximum of $60,000.

Executive Council reviewed Finance Committees recommendations, but agreed that more detailed information was required for the June 20, 2012 Executive Council Meeting. The motion to approve the additional costs did not pass.

Action: John Jack

Executive Council reviewed Finance Committee recommendations with respect to the timing of this years audited statements and future years audited statements.

MOTION:

THEREFORE BE IT RESOLVED that Executive Council acknowledges that Presley & Partners will not be able to meet the requirement of the *Financial Administration Act* section 25 (1) (a) to complete an audit of the draft annual financial statements within 90 days of the fiscal year end; and

BE IT FURTHER RESOLVED that Executive Council is accepting Finance Committee's recommendation that the *Financial Administration Act* section 25 (1) (a) be changed to reflect that the draft annual financial statements be completed by August 31 of each fiscal year.

Adopted by Consensus
Resolution #2012-103

5 (a) ISLAND TIMBERLAND LAND PURCHASE

Christopher Doss joined the meeting and advised that Island Timberlands own 255,000 contiguous hectares across Vancouver Island. There are about 30 different parcels of non-contiguous land available for purchase. Island Timberlands is looking for a commitment from Huu-ay-aht of their intent to purchases lands, and would work with Huu-ay-aht to develop a strategic purchase plan.

Executive Council discussed the possible acquisition of lands and developed the following action list:

- Lands Committee will work with Island Timberlands to review the lands available for sale and compile a Huu-ay-aht purchase priority list; the priority list will be forwarded to the Finance Committee to make a recommendation to Executive Council.

Action: Jeff Cook

- The Law Clerk will ensure that "Huu-ay-aht Treaty Land Purchase" is on the Agenda for the 2012 People's Assembly to reconfirm the mandate to acquire Huu-ay-aht First Nations Treaty Land.

Action: Connie Waddell

5 (b) HDC UPDATE

Stan Coleman joined the meeting and reviewed the briefing notes.

MOTION:

BE IT RESOLVED Executive Council authorizes HDC to dispose of FLUPSY (Flowing Upwelling System) for a fair market value.

Adopted by Consensus
Resolution #2012-104

Bridge Financing

MOTION:

BE IT RESOLVED that Executive Council approves Finance Committee's recommendation to provide Bridge Financing to HDCLP for six months in the amount of $116,000.00 and that funds would be available to HDCLP in monthly draws;

BE IT FURTHER RESOLVED that Executive Council approves Finance Committee's recommendation that the funds come from the Budget Line item Contingency and New Programs; and

BE IT FURTHER RESOLVED that HDCLP agrees to payback HFN for all monies provided via bridge financing immediately upon receipt of fund from the Royal Bank of Canada.

Adopted by Consensus
Resolution #2012-105

5 (b) GIFTS/CONTESTS

As per section 20 (1) of the Code of Conduct and Conflict of Interest Act "Accepting gifts":

> *A public officer must not, directly or indirectly, accept a fee, gift or personal benefit that is connected to that public officer's performance of official duties.*

Charlie Clappis disclosed that he was one of two winner of the HDC Logo contest. Although it was determined that he was not in breach of the Code of Conduct and Conflict of Interest Act, in an effort to be clear and transparent he wanted to advise Executive Council of his decision to donate the prize money of $750 to the Huu-ay-aht Active Living Society.

5 (c) HUU-AY-AHT SETTLEMENT TRUST

John Jack reviewed the briefing note. Further clarification was required on what "unspent balance of the 2012-13 capital transfer" means as well as "Distribution for Community Benefits"

MOTION:

BE IT RESOLVED THE Executive Council authorizes the transfer of $3,017,215, being the unspent balance of the 2012-13 capital transfer and resource revenue sharing payments received by the Nation by the Crown, to the Huu-ay-aht Settlement Trust.

Adopted by Consensus
Resolution #2012-106

BE IT RESOLVED THAT Executive Council:

1. Directs the Trustees of the Huu-ay-aht Settlement Trust to make a cash distribution of $2,626,036 to the Huu-ay-aht First Nations by May 31, 2012; and
2. Certifies to the trustees of the Huu-ay-aht Settlement Trust that the distribution is for Community Benefits.

Adopted by Consensus
Resolution #2012-107

5 (d) ANACLA STAND TENDING OBLIGATIONS INVOICE

Referred to Finance Committee for recommendation.

5 (e) NUMUKAMIS STAND TENDING OBLIGATIONS INVOICE

Referred to Finance Committee for recommendation.

5 (f) PORT ALBERNI INVESTMENT PROJECT FEASIBILITY AND COMMUNICATIONS PLAN

Charlie Clappis reviewed the briefing note. Executive Council was very positive about the work to date and encouraged Charlie to continue working on the Feasibility and Communications Plan and provide updates to Executive Council.

5 (g) CONTRACT TWO CONTRACTOR SERVICES

Charlie Clappis reviewed the briefing note.

MOTION:

BE IT RESOLVED that Executive Council accepts Finance Committee recommendation to approve the Direct Award of Contract 2 Phase to Bowerman Excavating as per section 5 (b) of the Purchasing Policy; and

BE IT RESOLVED that Executive Council accepts Finance Committee recommendation to direct the Executive Director to prepare the contract for Phase I Contract 2 for presentation to Bowerman Excavating.

Adopted by Consensus
Resolution #2012-108

5 (h) MUTUAL RELEASE

MOTION:

BE IT RESOLVED that Executive Council approves that Larry Johnson sign the Mutual Release between Canada and HFN in the amount of $2,500.

Adopted by Consensus
Resolution #2012-109

5 (i) ADDITIONS TO GOVERNMENT INFRASTRUCTURE LIST

Charlie Clappis reviewed the briefing note.

MOTION:

BE IT RESOLVED that Executive Council approves the addition of the Port Alberni Investment Project, Anacla Road Upgrade and Anacla Tri-Plex projects to the Government Infrastructure List.

Adopted by Consensus
Resolution #2012-110

There being no further business, the meeting adjourned at 3:20 pm.