

Date: February 27, 2014

To: Chair: John Rich - Huu-ay-aht Tribunal/Tribunal Registrar

From: Charlene (Shawn) Kruse

Decision#5

Particulars pertaining to Decision#5

Meeting Date	Section 56	Topic
January 9, 2013	Yes	Citizen Development Regulation
January 16, 2013	Yes	Budget/Strategic Plan PAGO Option Analysis
January 23, 2013	Yes	Wildlife Protection Plan
February 13 2013	Yes	Budget/Strategic Plan/Spring Legislation
February 20, 2013	Yes	Social Services Jurisdiction
March 5, 2013	Yes	Government Office Purchase
March 18, 2013	Yes	Citizen Development Committee Budget
March 22, 2013	Yes	Economic Development Opportunity (Tides & Trails) Purchase
March 28, 2013	Yes	Financial Plan/Spring 2013 Regulations
April 10, 2013	Yes	Peoples Assembly
April 16, 2013	Yes	In Camera
May 1, 2013	Yes	In Camera
May 15, 2013	Yes	ED Appointment
May 16, 2013	Yes	Technical Difficulties with Dropbox
June 4, 2013	Yes	Peoples Assembly
June 28, 2013	Yes	Technical Difficulties with Dropbox
July 11, 2013	Yes	In Camera
July 17, 2013	Yes	EC Reports, ED Reports, Financial Reports
August 27, 2013	Yes	HDC Update
September 27, 2013	Yes	
October 29, 2013	Yes	

Decision#1 & #4

Relief Sought

The Respondent's maintain that since the organizational structure changed January 30, 2014, and that the Executive Director no longer carries out the powers and functions of the Director of Finance and that the Economic Development Officer Position is now budgeted for that the Application is Moot. The Application with respect to Decision#1 & 4 was filed prior to the approval of the new organizational structure and the rescinding of the Council Motion appointing the Executive Director as the EDO.

I would like the Tribunal to make recommendations as per Sections 22-24 of the Tribunal Act. The Motion was Illegal, and the current organizational chart was not in place during the time these decisions were made. There should be accountability and consequences regarding these decisions. I am also requesting that a review of the potential conflicts with the Executive Director also being the Law Clerk.

Decision#2

Relief Sought

While the Respondents have stated that there are no legal obligations or requirements to support that minutes and materials must be posted on the website there is an obligation, as per the HUU-AY-AHT Constitution and the Government Act, that Executive Council conduct themselves in a manner that is consistent with being open, accountable, transparent and effective. HUU-AY-AHT Citizens live in several jurisdictions and do not have the ability to publicly inspect minutes and materials every time the Executive Council has a meeting. Citizens have the right to be informed as to the decisions our Government is making. The HUU-AY-AHT Government and Administration have the resources and the ability to Post up to date information Via the HUU-AY-AHT Webpage.

I would like the Tribunal to make recommendation as per Section 22-24 of the Tribunal Act.

Decision#3

Particulars Pertaining to Decision#3

(See Attached Documents)

EXECUTIVE COUNCIL MEETING
Wednesday, January 9, 2012
10 am, Administration Office, Port Alberni

Attendance: Jeff Cook, (Chair), Tom Happynook, Jack Cook, John Jack, Sheila Charles, Derek Peters, Charlie Clappis, John Jack, Connie Waddell

Resource: Deborah Smith (Recording Secretary), Rob Botterell

MINUTES OF THE MEETING

1. CALL TO ORDER

The meeting was called to order at 10:12 am.

2. AGENDA

MOTION:

THEREFORE BE IT RESOLVED THAT:

1. In the circumstances it is reasonably justified to add the Proposed Agenda Item to the Agenda for the January 9, 2013 Executive Council meeting;
2. The Proposed Agenda items are hereby added to the Agenda for the January 9, 2013, 2012 Executive Council meeting; and
3. Executive Council approves the Agenda for the January 9, 2013 Executive Council meeting as amended.

**Adopted by Consensus
Resolution #2013-001**

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 be delivered four working days in advance of consideration.

**Adopted by Consensus
Resolution #2013-002**

EXECUTIVE COUNCIL MEETING
Wednesday, January 16, 2012
10 am, Administration Office, Port Alberni

Attendance: Jeff Cook, (Chair), Tom Happynook, Jack Cook, John Jack, Sheila Charles, Derek Peters, John Jack, Connie Waddell

Conference Call: Charlie Clappis

Resource: Deborah Smith (Recording Secretary), James Edwards

MINUTES OF THE MEETING

1. CALL TO ORDER

The meeting was called to order at 10:04 am.

2. AGENDA

MOTION:

THEREFORE BE IT RESOLVED THAT:

1. In the circumstances it is reasonably justified to add the Proposed Agenda Item to the Agenda for the January 16, 2013 Executive Council meeting;
2. The Proposed Agenda items are hereby added to the Agenda for the January 16, 2013, 012 Executive Council meeting; and
3. Executive Council approves the Agenda for the January 16, 2013 Executive Council meeting as amended.

**Adopted by Consensus
Resolution #2013-005**

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 be delivered four working days in advance of consideration.

**Adopted by Consensus
Resolution #2013-006**

EXECUTIVE COUNCIL MEETING

Wednesday, January 23, 2012

10 am, Government Office, Anacla

Attendance: Jeff Cook, (Chair), Tom Happynook, Jack Cook, John Jack, Sheila Charles

Conference Call: John Jack, Derek Peters, Connie Waddell

Resource: Deborah Smith (Recording Secretary)

MINUTES OF THE MEETING

1. CALL TO ORDER

The meeting was called to order at 10:15 am.

2. AGENDA

MOTION:

THEREFORE BE IT RESOLVED THAT:

1. In the circumstances it is reasonably justified to add the Proposed Agenda Item to the Agenda for the January 23, 2013 Executive Council meeting;
2. The Proposed Agenda items are hereby added to the Agenda for the January 23, 2013, Executive Council meeting; and
3. Executive Council approves the Agenda for the January 23, 2013 Executive Council meeting as amended.

**Adopted by Consensus
Resolution #2013-011**

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 be delivered four working days in advance of consideration.

**Adopted by Consensus
Resolution #2013-012**

Huu-ay-aht First Nations – Written Motion
(Government Act, s. 52)

For ease of reference, this motion may be referred to as:
Motion Regarding Waiving Section 56 Requirements for Report

Motion

WHEREAS:

1. Wildlife Protection Plan, (“the Substantive Matters”), is on the Agenda for the **January 23, 2013** regular Executive Council Meeting
2. Executive Council was not provided with a written report on the Substantive Matter at least four days in advance of the meeting in accordance with section 56 of the Government Act;
3. Executive Council may waive the requirements of section 56 of the Government Act in an emergency or special circumstances where Executive Council reasonably believes that a delay in consideration of the matter is not in the best interests of the Huu-ay-aht;
4. In making decisions and taking actions Executive Council must, pursuant to section 10 of the Government Act, take into consideration the all of following:
 - Huu-ay-aht priorities;
 - the best available information;
 - differing perspectives on the matter being decided;
 - workable options;
 - the financial implications or other impacts on other government programs and priorities;
 - the merits of each course of action;
 - performance measures and timelines for completion; and
 - other prescribed considerations; and
5. The deadline for the Wildlife Protection Plan Grant application is January 25, 2013 and it requires Executive Council approval.

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 Matters be delivered four working days in advance of consideration.

Follow-up action to be taken:

Date for completion of follow up action: not applicable

Appendices attached to Motion:

Written report prepared by n/a

Note: Section 56 of the *Government Act* requires that the report on any substantive matter to be considered by Executive Council must be provided to Executive Council at least 4 working days in advance of its consideration.

The following documents:

Note: Any documents or records referred to in the motion **MUST** be attached (*Government Act*, s. 52(5)). *Nil*

Introduced by: _____
(EXECUTIVE COUNCIL MEMBER)

Date: **October 12, 2012**
(DATE OF EXECUTIVE COUNCIL MEETING)

EXECUTIVE COUNCIL MEETING
Tuesday, March 5, 2013
10 am, Government Office, Port Alberni

Attendance: Jeff Cook, (Chair), Tom Happynook, Jack Cook, John Jack, Sheila Charles

Conference Call: John Jack,

Absent: Derek Peters, Connie Waddell

Resource: Deborah Smith (Recording Secretary), James Edwards

MINUTES OF THE MEETING

1. CALL TO ORDER

The meeting was called to order at 10:08 am.

2. AGENDA

MOTION:

BE IT RESOLVED THAT:

1. Executive Council approves the Agenda for the March 5, 2013 Executive Council meeting as presented.

**Adopted by Consensus
Resolution #2013-040**

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 be delivered four working days in advance of consideration.

**Adopted by Consensus
Resolution #2013-041**

3. PURCHASE OF THE PORT ALBERNI GOVERNMENT OFFICE

James distributed the briefing note. The meeting went “In Camera” at 10:15 am to discuss the confidential materials.

MOTION:

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

Adopted by Consensus
Resolution #2013-097

Financial Report

James reviewed the Financial Statements.

James highlighted:

- James advised that the numbers will change will change for the audited statements. We should be in the black for year end.
- Managers will not be allowed to spend money they don't have next year.
- Developing a Policy on Training and Development for staff; suggested that Council put together a training and development plan.
- Finance Committee has approved a new monthly template for statements.
- The loss in halibut is approximately \$15,000; Administration would like to offer a reward -of\$1000 (administration budget) for information leading to a conviction.

James to draft up a media release advising of the theft and reward; and to coordinate the media release with RCMP.

Action: James Edwards

MOTION:

THEREFORE BE IT RESOLVED that Executive Council accepts the Financial Report at March 31, 2013 as submitted.

Adopted by Consensus
Resolution #2013-098

5. NEW BUSINESS:

People's Assembly

James reviewed the Agenda. There were some suggestions on cultural aspects to be added to the day. An addition of "Celebrating our Success" will be added to the Agenda.

Specific Claims

Jeff Cook reviewed the briefing note.

EXECUTIVE COUNCIL MEETING

Tuesday, June 4, 2013

10:00 am Port Alberni Government Office

Attendance: Jeff Cook, (Chair), Tom Happynook, Jack Cook, John Jack, Sheila Charles, Derek Peters, Charlie Clappis, John Jack, Connie Waddell

Conference Call: Charlie Clappis

Resource: Deborah Smith (Acting Law Clerk), Rob Botterell

MINUTES OF THE MEETING

1. CALL TO ORDER

The meeting was called to order 10:01 am.

2. AGENDA

MOTION:

THEREFORE BE IT RESOLVED THAT:

1. In the circumstances it is reasonably justified to add the Proposed Agenda Item to the Agenda for the June 4, 2013 special Executive Council meeting;
2. The Proposed Agenda items are hereby added to the Agenda for the June 4, 2013 special Executive Council meeting; and
3. Executive Council approves the Agenda for the June 4, 2013 special Executive Council meeting as amended.

Adopted by Consensus
Resolution #2013-111

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 Matters be delivered in writing four working days in advance of consideration.

Adopted by Consensus
Resolution #2013-112

3. PEOPLE'S ASSEMBLY REPORTS

James Edwards reviewed the Reports of Executive Council as presented in the dropbox.
