

# BOTTERELL LAW CORPORATION

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## MEMORANDUM

**To:** Jeff Cook, Chief Councillor & Executive Council Members

**Copy:** Connie Waddell, Executive Director and Law Clerk

**From:** Robert H. Botterell, Legal Counsel

**Date:** March 11<sup>th</sup>, 2013

**Issue:** Spring 2013 Regulations

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The purpose of this report is to brief Executive Council regarding introduction of the regulations set out in the attached table.

### BACKGROUND

On January 9<sup>th</sup>, 2013 Executive Council approved the drafting of the Regulations, Schedules and Maps listed in the attached table.

On February 20<sup>th</sup>, 2013, Executive Council approved, with amendments, the proposed regulations as set out in the attached table for formal introduction and passage at the March 18<sup>th</sup>, 2013 and March 28<sup>th</sup>, 2013 EC meetings.

These amendments included:

- amend references in economic development legislation to employment targets
- amend notice provisions to reference multiple administrative offices as necessary
- amend reference in Human Resource Policy to Huu-ay-aht elected office from elected office
- review Maa-nulth Treaty definition of hish uk tsa wak and adjust HFN spelling as appropriate
- reference other fish aquaculture in a manner that enables based on environmental science
- amend hotel rates to reference "up to" limits set out in regulation
- add schedule with meal rates

The regulations have been reviewed and amendments made, as necessary and appropriate. Also non-substantive legal and copy edits have been made. Prior to final consideration on March 28<sup>th</sup>, 2013, several additional steps should be taken:

- final legal and legislative edits,
- updated figures for *Property Tax Rates Regulation, 2013*, and
- updated land use and zoning maps to conform with changes to regulation.

For the purposes of the March 18, 2013 meeting, the following steps are required under Huu-ay-aht Law:

- The Chief Councillor or chair of the committee responsible for the Huu-ay-aht Act under which the regulation is authorized, introduces the proposed regulation to Executive Council by written motion (s. 100(1)(b) of GA).
- Members of Executive Council review and discuss the proposed regulation and any proposed amendments to the proposed regulation (s. 100(1)(c) of GA).

### **DISCUSSION**

These regulations establish or amend Huu-ay-aht Laws in key areas such as land management and economic development.

Please review these regulations to identify any further proposed amendments.

### **PROPOSED RESOLUTION**

WHEREAS:

- At its January 9<sup>th</sup>, 2013 meeting, Executive Council passed a resolution in accordance with section 97 of the *Government Act (GA)* instructing the Law Clerk to draft the regulations set out in the attached schedule (the “proposed regulations”);
- The proposed regulations have been drafted, however they remain subject to final legal and legislative review, editing and amendments;
- The *Government Act* requires that a proposed regulation be presented to Executive Council by the Chair of the committee responsible for overseeing its development (s.98 of GA) and that, if approved by Executive Council (s. 99 of GA), the proposed regulation will then be introduced at a subsequent meeting of Executive Council (s. 100(b) of GA);
- The proposed regulations were presented and approved, with amendments, by Executive Council at its February 20<sup>th</sup>, 2013 meeting.

THEREFORE BE IT RESOLVED THAT:

- The proposed regulations, as amended, are hereby introduced;
- The Law Clerk is hereby authorized and directed to
  - make final legal and legislative drafting changes to the proposed regulations;
  - update the *Property Tax Rates Regulation, 2013* with figures provided by the Director of Finance and Government Services,
  - update land use and zoning maps to conform with changes to the applicable regulation, and
  - <insert any further amendments>; and
 finalize the proposed regulations for consideration by Executive Council at its March 28<sup>th</sup>, 2013 meeting.