



## HUU-AY-AHT TRIBUNAL NOTICE OF RESPONSE RESPONSE OF ADMINISTRATIVE DECISION MAKER

# FORM B1

NOTES: This form is to be used for a Response by or on behalf of an administrative decision maker responding to an Application.

If there is not sufficient space on this form for any of the information required, you may attach a schedule and reference it in the space provided. You may also attach documents if necessary.

Responses must be filed with the Tribunal within 14 days of service of the Notice of Application.

### APPLICATION RESPONDED TO

This is a Response to Application # **2014-005**

### RESPONSE TO GROUNDS

Briefly set out your position on the Grounds for Appeal advanced in the application, including any relevant additional facts.

1. On May 16, 2013 Executive Council passed a resolution supporting an application to the “Direct Support 2013-2014 Governance Capacity Initiatives Program” and directing the Chief Councillor to sign a letter of support. The application was to, amongst other things, conduct a risk management survey. The budget summary for the project included professional/consulting fees from MNP with a total cost of \$23,750 and was supported by quotes for all costs over \$5,000. MNP is Huu-ay-aht’s auditor and has a long-standing contractual relationship with the Huu-ay-aht.
2. The application described in the previous paragraph was successful and on June 18, 2013 the Respondent entered into an agreement with MNP on behalf of the Huu-ay-aht to provide the services outlined in the application without seeking further authorization from Executive Council.
3. In the fall of 2012, MNP conducted a budget and accounts review of HDC and the Respondent understood HDC had received good value in the project. As such, the requirements of s. 4(1)(b) of the *Purchasing Policy Regulation* did not apply (*Purchasing Policy Regulation*, s. 5(b)).
4. Executive Council considered the matter of whether the Respondent had failed to comply with the requirements of the *Financial Administration Act* or the *Purchasing Policy Regulation* by authorizing the expenditure in the circumstances outlined above and determined that no disciplinary action against the Respondent was necessary or appropriate.
5. The relevance of *Government Act*, s. 56 to the application is unclear.

### RESPONSE TO RELIEF SOUGHT

Set out your position on the relief sought in the Application.

See attached Schedule “A”.

**THIS FORM HAS TWO SIDES  
YOU MUST COMPLETE BOTH**



HUU-AY-AHT TRIBUNAL NOTICE OF RESPONSE  
RESPONSE OF ADMINISTRATIVE DECISION MAKER

**FORM B1**

RESPONDENT		
<b>Edwards</b>	<b>James</b>	<b>Executive Director</b>
LAST NAME	GIVEN NAME(S)	POSITION
MAILING ADDRESS	CITY/TOWN	POSTAL CODE
PHONE	FAX	EMAIL ADDRESS
RESPONDENT'S AGENT		
To be completed only if an agent will be acting on behalf of the Respondent.		
<b>Skeels</b>	<b>Melinda</b>	
LAST NAME	GIVEN NAME(S)	
<b>Suite 500 – 221 West Esplanade</b>	<b>North Vancouver</b>	<b>V7M 3J3</b>
MAILING ADDRESS	CITY/TOWN	POSTAL CODE
<b>(604) 988-5201</b>	<b>(604) 988-1452</b>	<a href="mailto:mskeels@ratcliff.com">mskeels@ratcliff.com</a> <a href="mailto:ccraighead@ratcliff.com">ccraighead@ratcliff.com</a>
PHONE	FAX	EMAIL ADDRESS
ADDRESS FOR DELIVERY		
This will be used to deliver any notices in relation to the Application. <b>Note: the Tribunal's preferred means of communication is through email.</b>		
<b>CHECK ONE:</b> <input type="checkbox"/> Applicant's Email <input type="checkbox"/> Applicant's Fax <input type="checkbox"/> Applicant's Mailing Address <input checked="" type="checkbox"/> Agent's Email <input type="checkbox"/> Agent's Fax <input type="checkbox"/> Agent's Mailing Address <input type="checkbox"/> Use Email or Fax or Address <b>provided in space below:</b>		
SIGNATURE		
This notice must be signed by the Respondent or Respondent's agent.		
FIRST AND LAST NAMES OF PERSON SIGNING		
January 22, 2014		
DATE	SIGNATURE	
<b>For Office Use Only</b>	Date Received: <u>January 22, 2014</u>	

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## SCHEDULE "A"

To: Form B1 – Response to Application # 2014-005

The Respondent objects to all relief sought on the following bases:

1. The time limit to appeal the decision at issue has expired and the Applicant has presented no information with respect to special circumstances to justify an extension (*Tribunal Act*, s. 21).
2. Further, it is Executive Council, as the Respondent's employer, and not the tribunal who is responsible for investigating and considering what, if any, disciplinary action should be taken (*Financial Administration Act*, s. 86(2); *Code of Conduct and Conflict of Interest Act*, s. 14(5), 23).