

SCHEDULE "A"

I, Charlene (Shawn) Kruse, a citizen of the Huu-ay-aht First Nations bring this Application before the Tribunal under the following sections of the **Tribunal Act: 17 (1)(a)**.

I am also requesting under the heading "**Time Limit for appeals**", **Section 21(2)** be considered for the following reasons:

As a Citizen I rely on the information that is posted on the "Huu-ay-aht.org Website. All Council Meeting Agendas, Meeting Materials, Motions and Minutes are to be posted on the website for citizens to review. There are several times where this information is not posted in a timely manner or not posted at all. On October 25, 2013, I took time off without pay from my job to attend the Port Alberni Government Office to Review and Read the materials in order to stay informed.

As a concerned citizen I arranged a Private & Confidential meeting with Chief Councillor Jeff Cook, Tyee Ha'wiih Derek Peters and Councillor Charlie Clappis to discuss my concerns and give them the opportunity to provide me with some answers. I also requested that Tracey Walker, Assistant to Chief & Council be present. I set November 14, 2013 as deadline for a response and as of November 21, 2013 I have not received satisfactory answers.

I am Appealing the following Decisions:

REFERENCES

1. *Human Resources Policy Regulation*
2. *Financial Administration Act, Part 10, Division 5, Section 84*
3. *Financial Administration Act, Part 10, Division 6, Section 11*
4. *Financial Administration Act, Part 11, Sections 86-89*

DECISION#1

Changes made to HUU-AY-AHT ADMINISTRATIVE ORGANIZATIONAL STRUCTURE

RESPONDENT

(Probationary) Executive Director/Law Clerk (James Edwards) & Executive Council

DATE OF DECISION

June 4, 2013 Council Meeting/June 6, 2013 Posted Report on HUU-AY-AHT WEBSITE

GROUND FOR APPEAL

1. Decision was not made by Executive Council
2. Decision was not reviewed and approved by Finance Committee
3. Decision was not reviewed by Citizens at A People's Assembly

SUMMARY

Executive Director/Law Clerk (James Edwards) prepared a report, dated May 21, 2013, for Executive Council Approval regarding the Administration Organizational Structure. The Report was prepared for consideration at the June 22, 2013 Session of the People's Assembly. The Report Included an INFORMATION/UPDATE. Executive Council approved the May 21, 2013 report for distribution to Citizens at the June 4, 2013 Council Meeting. On June 6, 2013 an Amended Report Dated June 5, 2013 was posted to the HUU-AY-AHT.ORG WEBSITE. The amended version of the report clearly shows a different INFORMATION/UPDATE. There are no Meeting Minutes or Council Motions to support the amended report.

I am aware that Executive Council has the authority to amend policies, however, there are no Minutes, Motions or other documentation to support any amendments to the 2011 Human Resources Policy Regulation Organizational Structure.

REFERENCES

Government Act:

1. **PART 10 -LAW CLERK AND REGISTRY OF LAWS AND OFFICIAL RECORDS, Division 1 & 2**
2. **PART 5 - Division 1 & 2**

Interpretation Act:

PART 4 – NOTICE AND DELIVERY , Sections 36 - 38

DECISION #2

Failures to Post Meeting Minutes and Materials on Huu-ay-aht Website

RESPONDENT:

(Probationary) Executive Director/Law Clerk (James Edwards)

DATE OF DECISION

Ongoing

GROUNDS FOR APPEAL

1. It is the Responsibility of the Executive Director/Law Clerk to ensure that the Registry of Laws and Official Records are true and accurate and available to Citizens for their review.

SUMMARY

As a Huu-ay-aht Citizen I utilize the Huu-ay-aht Website to stay informed as to what Committee's and Council are doing. The positing of this information should tell a story. When all minutes and materials are not posted in a timely manner it is extremely difficult to understand why and how decisions came about.

REFERENCES

Government Act:

1. *PART 10 – LAW CLERK AND REGISTRY OF LAWS AND OFFICIAL RECORDS*
2. *Division 1 – Law Clerk*
3. *102 Law Clerk designation*
4. *103 Delegation*
5. *104 Responsibilities of Law Clerk*
6. *105 Minor correction and consolidation of Huu-ay-aht Acts*
7. *Division 2 – Registry of Laws and Official Records*
8. *106 Registry established*
9. *107 Certified copies of registry documents*

DECISION #3

**Failures to Validate the Accuracy and Integrity of Certified Registry Documents
(inaccurate dates)**

RESPONDENT:

(Probationary) Executive Director/Law Clerk (James Edwards)

DATE OF DECISION

Ongoing

GROUND FOR APPEAL

1. It is the Responsibility of the Executive Director/Law Clerk to ensure that the Registry of Laws and Official Records are true and accurate.

SUMMARY

The Executive Director/Law Clerk has a responsibility and a duty protect the Integrity and proper Registry of Huu-ay-aht Laws. The Law Clerk has the authority to appoint a Deputy Law Clerk; however that does not negate The Law Clerks responsibilities.

REFERENCES

1. *Huu-Ay-Aht Economic Development Act*, April 1, 2013 Sections 12 (1-4).
2. *Code of Conduct and Conflict of Interest*
3. PART 3 – CONFLICT OF INTEREST
4. 15 Definitions
5. 16 Conflict of interest
6. 17 Apparent conflict of interest
7. 18 Conflict of interest prohibition
8. 19 Exception
9. 20 Accepting gifts
10. 21 Insider information
11. 22 Duty to disclose and avoid conflict

DECISION #4

Appointment of Economic Development Officer

RESPONDENT:

(Probationary) Executive Director/Law Clerk (James Edwards) & Executive Council

DATE OF DECISION

August 27, 2013 Council Meeting Resolution #2013-145

GROUNDS FOR APPEAL

1. It is not within Councils Authority to Appoint the Economic Development Officer
2. The Executive Director/Law Clerk cannot appoint themselves as Economic Development Officer

SUMMARY

Executive Director/Law Clerk (James Edwards) Presented a Briefing Note to Executive Council “Regarding Economic Development Officer” with the following Options: ***Option 1: Direct the Executive Director to undertake a recruitment process, identifying suitable candidates and budget required to meet the responsibilities of the Economic Development*** ***OR Option 2: Appoint the Executive Director as Economic Development Officer***

Under the ***Huu-Ay-Aht Economic Development Act***, which came into force as of April 1, 2013 and as per ***Sections 12 (1-4)*** it clearly states that the Executive Director **MUST** appoint an Economic Development Officer

REFERENCES

1. *Government Act Part 5, Division 1 & 2*
2. *Government Act Part 10, Division 1 & 2*
3. *Financial Administration Act Part 11, Section 86 & 87*

DECISION #5

Waiving Section 56 Requirements for Report

RESPONDENT:

Executive Director/Law Clerk & Executive Council

DATE OF DECISION

All Council Meetings

GROUND FOR APPEAL

1. Executive Council must not decide any substantive matter until a report has been received and considered by Executive Council.
2. Executive Director/Law Clerk is overusing Section 56 and Executive Council is consistently and improperly Waiving Reporting Requirement.
2. In the case of an emergency, or in 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 the Use of Section 56 & 57 is an option.

SUMMARY

Executive Council is obligated to make decisions on matters and be provided the relevant information in a timely manner to ensure those decisions are based on what is in the best interest of HUU-AY-AHT citizens.

RELIEF SOUGHT

- Huu-ay-aht Tribunal Act Section 23(c)
- Set aside the changes made to Huu-ay-aht Organizational Structure including removing Executive e Director/Law Clerk as Director Of Finance
- Remove Executive Director/Law Clerk as the Economic Development Officer
- Provide recommendations making the Law Clerk and the Executive Director separate Positions in order to maintain continuity and integrity of Huu-ay-aht Laws and Records.
- Ensure that all information is distributed to citizens in a timely manner
- Other Relief that the Tribunal determines appropriate.