

# EXECUTIVE COUNCIL MEETING

Thursday, May 16, 2013

10:00 am Port Alberni Government Office

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

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

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## MINUTES OF THE MEETING

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### 1. CALL TO ORDER

The meeting was called to order 10:01 am. Council congratulated James Edwards on his appointment as Executive Director. James thanked Council for the trust they are putting in him.

### 2. AGENDA

MOTION:

BE IT RESOLVED THAT that Executive Council accepts the Agenda as amended.

Adopted by Consensus  
Resolution #2013-090

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 #2013-091

### 3. MINUTES OF PREVIOUS MEETING

The minutes of the April 10, 2013 Executive Council meeting were included in the materials for review.

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#### 4. STANDING ITEMS

##### *Executive Council Reports*

Sheila asked John Jack to investigate the safety trail being built in the Kiixin area.

**Action: John Jack**

Parks Canada would like to hold a seminar in Anacla on “How to live with Wildlife,” They would like to utilize the House of HUU-aya-aht for the seminar. They will also be extending the invitation to the Village of Bamfield

John Jack advised that most local governments on Vancouver Island are wanting to work with First Nations, however they are hesitant because of failed passed relationship. We need to find a way to help initiate the communication.

The transition team for Tides & Trails has been selected - John Mass. There has been some question whether there is a conflict of interest. John Jack advised that the selection was made at the Operating Board level and John Mass was not present at the time of the decision. John further emphasized that this is a transition team and that they would only be in place for a specific amount of time.

John Jack advised that there will be a grand opening for Tides & Trails Market & Café once the restaurant is open.

Trevor Coates has been hired to run the campground. Trevor has brought his own trailer to the campground and is living on site.

##### *Executive Director's Report*

James reviewed the Executive Director's Report. James highlighted that a Retainer Agreement with Ratcliff & Company needs to be negotiated.

MOTION:

BE IT RESOLVED THAT Executive Council approves the legal service contract presented at the May 16, 2013 Executive Council meeting; and further directs the Executive Director to sign the contract on behalf of HUU-ay-aht First Nations for two years.

**Adopted by Consensus  
Resolution #2013-092**

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MOTION:

THEREFORE BE IT RESOLVED THAT EXECUTIVE COUNCIL:

1. Approves the temporary rental of the Executive Council Chamber s and related office space for the Specific Claims Tribunal on June 18, 19 & 20, 2013; and
2. directs the Interim Executive Director to set the rental rates based on market rates and arrange for the necessary rental agreements to be executed.

**Adopted by Consensus  
Resolution #2013-093**

MOTION:

BE IT RESOLVED that Executive Council directs Chief Councillor, Jeff Cook to make a determination as to the most appropriate use of funds regarding the financing for the purchase of the current Port Alberni office space.

**Adopted by Consensus  
Resolution #2013--094**

MOTION:

BE IT RESOLVED that Executive Council supports the Direct Support 2013-2014 Governance Capacity Initiatives application submitted to New Relationship Trust and directs the Chief Councillor, Jeff Cook to sign a letter of support.

**Adopted by Consensus  
Resolution #2013-086**

MOTION:

BE IT RESOLVED THAT Executive Council approves the TecWorks quotation to upgrade and HUU-ay-aht Server and network infrastructure for the Port Alberni Government Office presented at the May 16, 2013 Executive Council meeting; and further directs the Executive Director to sign the contract on behalf of HUU-ay-aht First Nations.

**Adopted by Consensus  
Resolution #2013-095**

MOTION:

BE IT RESOLVED THAT Executive Council approves that \$100,000 be set aside in the Contingency Fund for the Specific Claims; and further any monies that are received from the Specific Claims Tribunal in June, 2013 will be reimbursed back to Contingency Fund and additional money will be set aside for future Specific Claims.

**Adopted by Consensus  
Resolution #2013-096**

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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.

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MOTION:

**NOW THEREFORE BE IT RESOLVED THE EXECUTIVE COUNCIL HEREBY DIRECTS:**

1. That Ratcliff & Company LLP file the Declaration of Claim for the IR1 Roads Claim, substantially in the form enclosed; and
2. That after the Declaration of Claim has been accepted for filing by the Tribunal, Ratcliff & Company LLP in communication with and on behalf of the Huu-ay-aht First Nations, submit a funding request to Canada for anticipated expenses related to the IR1 Roads Claim.

**Adopted by Consensus  
Resolution #2013-099**

MOTION:

**NOW THEREFORE BE IT RESOLVED THE EXECUTIVE COUNCIL HEREBY DIRECTS:**

1. That Ratcliff & Company LLP retain an expert to provide an appraisal of the historical value of timber, lost opportunity and lost income related Canada's breaches of fiduciary duty in respect of the IR9 Timber Claim;
2. That, upon receipt of an expert's appraisal, Ratcliff & Company LLP provide the Executive Council a legal opinion and recommended next steps regarding the IR9 Timber Claim; and
3. That Ratcliff & Company LLP in communication with and on behalf of the Huu-ay-aht First Nations, submit a funding request to Canada for anticipated expenses related to the IR9 Timber Claim.

**Adopted by Consensus  
Resolution #2013-100**

MOTION:

BE IT RESOLVED THAT EXECUTIVE COUNCIL directs the Executive Director to reach a written retainer agreement with Ratcliff & Company prior to Ratcliff & Company undertaking the work for the IR9 Timber Specific Claims and IR1 Road Claim.

**Adopted by Consensus  
Resolution #2013-101**

### ***Lands Committee Appointment***

Jeff Cook reviewed the briefing note.

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MOTION:

BE IT RESOLVED THAT Executive Council

1. appoints Ed Johnson Sr. and Sarah Johnson to the Lands & Natural Resources Committee; and
2. and by this motion waives the requirement under the Code of Conduct and Conflict of Interest Act section 7 (1) that a government member must hold no other position as a public officer.

Adopted by Consensus  
Resolution #2013-101

***Presentation by Arnie Pollmer***

The meeting went “in camera” for the presentation (timed at 11:28 am – 12:05 pm)

MOTION:

BE IT RESOLVED THAT Executive Council directs the Executive Director to undertake Geological studies for Huu-ay-aht’s Treaty Settlement Land.

Adopted by Consensus  
Resolution #2013-103

***Land Use & Zoning Regulation:***

Rob Botterell reviewed the briefing note.

MOTION:

THEREFORE BE IT RESOLVED that Executive Council instructs the Law Clerk to:

1. approve non-substantive amendments resulting from final legal review and copy editing of the proposed regulations;
2. approve additional substantive amendments highlighted in yellow on the attached copies of the proposed regulations;
3. hereby pass the proposed regulations, as amended; and
4. unless another date is specified in the proposed regulation, bring the proposed regulations into force on the date of their enactment.

Adopted by Consensus  
Resolution #2013-102

***Research Partnership – Heather Castleden***

Jeff Cook reviewed the briefing note.

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MOTION:

BE IT RESOLVED that Executive Council:

1. approves to support the project “Our Journey, Our Choice, Our Future” identifying, documenting and understanding the challenges and indicators of Success on the HUU-ay-aht Path to a Modern Treaty as submitted by Dr. Heather Castleden; and
2. directs Chief Councillor Jeff Cook to sign a letter of support on behalf of HUU-ay-aht First Nations for the SSHRC Insight Grant

Adopted by Consensus  
Resolution #2013-105

### ***LNG Proposal***

Rob Botterell reviewed the briefing note.

MOTION:

BE IT RESOLVED THAT EXECUTIVE COUNCIL:

1. authorizes and directs the Executive Director to prepare a preliminary list of the land and natural resources issues under HFN law that would need to be addressed if a proponent wishes to investigate and consider pursuing any sites within HFN Territory and such report be brought back to Executive Council at the June regular meeting;
2. directs that the option of this project (“HUU-ay-aht Deepsea Port”) being added to the Economic Development Plan be referred to Economic Development Committee for a recommendation to be prepared in accordance with Part 3 of the *Economic Development Act* (see in particular sections 16 (1), 16(3), 17 and 21) and brought to Executive Council at its June regular meeting.
3. Directs and authorizes that the reports coming to the June Executive Council meeting as noted above set out a detailed implementation strategy including the use of a request for expression of interest approach by the HFN government.

Adopted by Consensus  
Resolution #2013-105

### ***Fisheries Signing Authority***

Tom Happynook reviewed the briefing note.

MOTION:

BE IT RESOLVED that Executive Council approves that the Department of Fisheries and Oceans Confirmation of Company Signing Authorities Form be completed and that the authorized representatives be Stan Coleman, Lawrence Johnson and Stefan Ochman

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Adopted by Consensus  
Resolution #2013-105

***MFN President Rebate***

Tom Happynook reviewed the briefing note.

MOTION:

BE IT RESOLVED that Executive Council supports reimbursement of the MFN President, and directs Chief Councillor Jeff Cook to sign a letter of support.

Adopted by Consensus  
Resolution #2013-105

***Flemming Island Logging Proposal***

Derek Peters asked Larry Johnson to join the meeting and speak to the briefing note.

MOTION:

BE IT RESOLVED that Executive Council:

1. opposes the logging of Flemming Island;
2. directs that Chief Council, Jeff Cook & Tyee Derek Peters sign an a letter to Island timberland and MoFLNRO advising of Huu-ay-ahts opposition to logging on Flemming Island; and
3. authorizes the Executive Director to follow up as required.

Adopted by Consensus  
Resolution #2013-109

***Local Education Agreement***

MOTION:

BE IT RESOLVED that Executive Council directs Councillor Sheila Charles to negotiate and sign off the Local Education Agreement on behalf of Huu-ay-aht First Nations.

Adopted by Consensus  
Resolution #2013-110

There being no further business, the meeting adjourned.