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## HFN Communications Department Resource

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### Report on Dec. 8, 2012 People's Assembly Motions



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## **PREAMBLE**

The motions are presented in the following format. First, each motion is listed with the legal language as it was presented to the People's Assembly. The feedback or implementation on each specific motion from the Executive Council follows. Finally, brief, simple comments on each motion are provided in italics to aid in understanding of each motion or add relevant details.

1<sup>st</sup> motion:

### **MOTION ON PEOPLE'S ASSEMBLY QUORUM REQUIREMENT – JOHN JACK**

**WHEREAS** quorum was lost at the Fall 2011 People's Assembly and not achieved at the November 17th 2012 People's Assembly in part due to the 25% eligible voter requirement;

**WHEREAS** Executive Council is taking steps to ensure Huu-ay-aht Citizens are provided with information, materials and community briefings earlier for future People's Assemblies;

**WHEREAS** Huu-ay-aht Citizens have a right and responsibility to participate in People's Assemblies;

**BE IT RESOLVED** that the People's Assembly approves the amendment of Section 77 (c) of the Government Act to change the quorum requirement to 15% of eligible voters and further to recommend that Executive Council ensure that the remaining steps to enact this amendment and bring it into force are completed by March 31st, 2013.

### **Executive Council action taken:**

*People's Assembly Quorum:*

Section 77 (c) of the *Government Act* referencing eligible voters for the People's Assembly will be changed to 20%. This will be detailed in Legal Counsel's instructional memorandum.

*This motion was straightforward. At the meeting the quorum requirement was amended to 20% and passed with this amendment. This will allow Huu-ay-aht First Nations to more easily achieve quorum assuming People's Assembly attendance remains steady.*

2<sup>nd</sup> motion:

**MOTION ON EXECUTIVE COUNCIL AND EXECUTIVE DIRECTOR SALARIES AND BENEFITS – NORMAN DENNIS**

**WHEREAS** the amount of salaries and benefits being paid to the Executive Council and Executive Director are a serious concern given the post-treaty workload, particularly during a recession; **THEREFORE BE IT RESOLVED** to recommend that Executive Council direct the Finance Committee to prepare a report to Executive Council reviewing salary and benefit levels of the Ta'yii Hawiith, Chief Councilor, other Executive Council members, and the Executive Director compared to similar positions in other governments. Such report to be completed by March 31st, 2013, presented to Executive Council for their review and made available to HUU-AY-AHT citizens.

**Executive Council actions taken:**

Executive Council is directing this motion to the Finance Committee to prepare the report as described in the motion.

*This motion was automatically referred to the Finance Committee as they have been recommended to complete the report by the People's Assembly.*

3<sup>rd</sup> motion:

**MOTION ON EDUCATION AND TRADES TRAINING - NORMAN DENNIS**

**WHEREAS** in the past HUU-AY-AHT citizens who applied for funding from HUU-AY-AHT for their education and training got the run around because they were required to apply to HUU-AY-AHT, NUU-CHAH-NULTH and other government agencies; and

**WHEREAS** some HUU-AY-AHT citizens are concerned that education and trades training benefits are not shared and provided fairly,

**THEREFORE BE IT RESOLVED** to recommend that Executive Council review its current education and trades training funding policies and procedures by March 31, 2013 to determine how this issue is being addressed and make their findings available to HUU-AY-AHT citizens.

**Executive council action taken:**

Citizen Development Committee has completed all this work and the education policies have been amended. This information needs to be communicated to the citizens

*In addition to the note by Executive Council, citizens can expect a full report to be published on the HFN website on the new education policies.*

4<sup>th</sup> motion:

**MOTION ON PAYMENT TO CITIZENS – NORMAN DENNIS**

**WHEREAS** it has been 22 years since there has been a payment to citizens and we are all getting older;

**THEREFORE BE IT RESOLVED** to recommend that the Executive Council direct Finance Committee to prepare a report on options for a per capita payment to citizens including the source of funding for the citizen payment. Such report to be completed by March 31st, 2013, presented to Executive Council for their review and made available to HUU-AY-AHT citizens.

**Executive council action taken:**

Although this motion was not passed at the People's Assembly, Executive Council felt that it should be addressed. Consideration was given to a variety of different options; however, it was agreed that an Investment Policy with consideration for profit distribution to citizens as an option be developed.

*This motion was defeated but council observed that there were strong feelings on both sides of the issue.*

5<sup>th</sup> Motion:

**MOTION ON OTTAWA TRUST FUND BENEFIT PROGRAMS – DEBORAH COOK**

**WHEREAS** the previous HUU-AY-AHT government wound up the Ottawa Trust Fund on April 1, 2011 before the current HUU-AY-AHT government took office, and

**WHEREAS** some citizens have asked that the benefits from the Ottawa Trust Fund be reinstated,

**BE IT RESOLVED** to recommend that Executive Council investigate and prepare a report by April 30, 2013 on the implications and options for reinstating, retroactive to April 1, 2011, benefit payments for funeral expenses, newborns and attaining 50 years of age, at the same or a reduced level, and further that this report be provided to citizens for their review and consideration.

**Executive Council action taken:**

Executive Council is directing this motion to the Finance Committee to prepare the report by April 30, 2013.

*This was another motion that was automatically referred to the Finance Committee by necessity.*

6<sup>th</sup> motion:

**MOTION ON HFN INVESTMENT IN HDC – KAREN HAUGEN**

**WHEREAS** HUU-AY-AHT has invested \$1.7 million in the HDC Group of Companies; and

**WHEREAS** it is in the best interests of present and future generations of HUU-AY-AHT Citizens that our businesses:

- (a) are profitable and earn a Return on Investment for HFN of greater than 10% to fund important HFN programs and services; and
- (b) create sustainable job opportunities for our people;

**THEREFORE BE IT RESOLVED** to recommend that Executive Council, as the major investor in the HDC Group of Companies,

1. Retain an independent financial expert, in consultation with the HDC Group of companies, to complete a sustainable financial and business strategy plan for HDC businesses by March 31, 2013 which reviews current and future businesses and identifies
  - (a) which businesses are most viable and capable of generating sustained profits and a return on investment of greater than 10%;
  - (b) which businesses are not viable and capable of generating sustained profits and a return on investment of greater than 10%;
  - (c) recommendations and an action plan for HFN investments in the HDC group of companies which supports viable HDC businesses and a wind down of HDC businesses that are not viable;
  - (d) Such other recommendations as the independent financial expert considers appropriate.
2. Require the HDC Group to fund the study from funds (the \$1.7 million) invested by HFN in HDC;
3. Present the plan to the Spring 2013 People's Assembly for our review and further recommendations;
4. Take such other actions as are necessary and within the scope of HFN authority to ensure HDC businesses are viable and will contribute to achievement of the HFN Wealth Plan and increased HFN Employment.

**Executive Council action taken:**

Councilor John Jack advised that the implementation of the Brent Lehman’s Eight Recommendations on Economic Development Restructuring will address many of the concerns brought up in this motion. He further advised that there is a solid operating Board that can be the “independent financial expert”. There are concerns about the 10% return threshold and how the \$1.7 million dollar figure was derived.

Executive Council recommended that HDC meet with all members of government and the Finance Committee to review HDC’s plan.

This motion was passed with 95 citizens in favour: the highest “in favour” participation of any motion.

It was highlighted that the motion called for an independent financial expert to review the businesses.

Executive Council recommended that Councilor Jack meet with Karen Haugen to review specifics of the motion.

*This motion had the highest percentage of “yes” votes of any of the motions. HDC is key to HFN’s strategic financial plan.*

7<sup>th</sup> motion

**TRIBUNAL DECISION #2012-001.....JEFF  
COOK**

**“BE IT RESOLVED** to receive the PowerPoint entitled, “Tribunal Decision #2012-001,” presented to the People’s Assembly on December 8, 2012.”

**“BE IT RESOLVED** to:

- (a) support immediate implementation of the recommendations contained in the November 17th, 2012 PowerPoint entitled “Tribunal Decision #2012-001,”
- (b) approve amendments to Huu-ay-aht Laws, as necessary and appropriate, to implement the legislative aspects of these recommendations, and
- (c) recommend that Executive Council ensure the remaining steps to enact all these recommendations are completed as soon as possible and by no later than March 31st, 2013.”

**Executive Council action taken:**

Connie Waddell advised that Brenda McLuhan, Human Resources Legal Counsel, is working on implementing the recommendations in the Tribunal Decision into the HUU-AY-AHT Human Resources Policy. There will be consultation with legal counsel with respect to the creation of fines.

**Action: Executive Director**

Ha'wiih Council to consider their involvement in Tribunal issues. This is scheduled to be discussed at the next Ha'wiih Council Meeting.

**Action: Ha'wiih Council**

There was discussion of Hugh Braker's Letter of Dissent with regard to the Tribunal Decision not being received. The Executive Council directed the Executive Director to send a letter to John Rich, Tribunal Chair to inquire about the status.

*In addition to these actions taken by Executive Council, directors and managers also attended a workplace conflict resolution workshop facilitated by Theresa Kingston, HR director for the City of Port Alberni.*

8<sup>th</sup> motion:

## **TREATY SETTLEMENT LANDS REQUIREMENT OF PEOPLE'S ASSEMBLY MEETINGS**

**WHEREAS** part of the reason that quorum was lost at the Fall 2011 People's Assembly and not achieved at the November 17th 2012 People's Assembly was the location of the People's Assembly;

**BE IT RESOLVED** that the People's Assembly approves the amendment of Section 77 (b) of the Government Act to remove the requirement that People's Assemblies be held on HUU-AY-AHT lands and further to recommend that Executive Council ensure that the remaining steps to enact this amendment and bring it into force are completed by March 31st, 2013.

### **Executive Council action taken:**

Section 77 (b) of the *Government Act* that requires that the People's Assembly be held on HUU-AY-AHT Land will be deleted. This will be detailed in Legal Counsel's instructional memorandum.

*The passing of this motion addresses the challenges of organizing meetings among a widespread people. This will open up more options for future People's Assemblies.*

9<sup>th</sup> motion:

## **SUPPORT OF TIMBER HARVEST ON HFN TREATY SETTLEMENT LANDS**

### ***Motion on Short Term Tenure***

**WHEREAS** Huu-ay-aht First Nations owns the Huu-ay-aht Forestry Limited Partnership (LP) through its ownership of the Huu-ay-aht Development Corporation; and

**WHEREAS** the Huu-ay-aht First Nations relies on the returns of its investment in HFN Forestry LP to help fund important programs and services; and

**WHEREAS** Huu-ay-aht First Nations can support the success of HFN Forestry by providing HFN Forestry LP with access to timber on Huu-ay-aht Treaty Lands;

**THEREFORE BE IT RESOLVED** to recommend that Executive Council direct that the necessary steps be taken all in accordance with Huu-ay-aht Law to direct award to HFN Forestry LP:

- (1) A non-replaceable forest licence in 2013 for up to 50,000 cubic meters as soon as practicable and by no later than June 30, 2013.
- (2) A non-replaceable forest licence in 2014 for up to 50,000 cubic meters by June 30, 2014, and
- (3) A non-replaceable forest licence in 2015 for up to 50,000 cubic meters by June 30, 2015.

### ***Motion on Long Term Tenure***

**WHEREAS** Huu-ay-aht First Nations owns the Huu-ay-aht Forestry Limited Partnership (LP) through its ownership of the Huu-ay-aht Development Corporation; and

**WHEREAS** the Huu-ay-aht First Nations relies on the returns of its investment in HFN Forestry (LP) to help fund important programs and services; and

**WHEREAS** Huu-ay-aht First Nations can support the success of HFN Forestry LP by providing HFN Forestry LP with access to timber on Huu-ay-aht Treaty Lands;

**THEREFORE** be it resolved that the HFN People's Assembly supports the adoption of the laws and processes necessary for the creation of an economically, socially and environmentally sustainable timber harvest on Huu-ay-aht Treaty Settlement lands and recommends that Executive Council takes the necessary steps to create an economically, socially and environmentally sustainable long term

timber harvest tenure for HFN Forestry LP on HUU-ay-aht Treaty Settlement Lands by January 1st, 2016.

**Executive Council action taken:**

This process does require concurrent work by HFN Forestry and HFN Lands and Natural resources Department. The work will be initiated by HDC and work its way through the process – Lands Committee, Ha’wiih Council, Finance Committee with a final recommendation to Executive Council for the June 2013 Executive Council Meeting.

The Executive Director to coordinate a meeting with the HFN Forestry Department in early January. Director Larry Johnson and Chief Councilor Jeff Cook to be included in the meeting.

**Action: Executive Director**

*In the short term work can start next fiscal year on harvesting HFN timber on Treaty Settlement Lands with the approval from the People’s Assembly. Long term plans need to be discussed and negotiated but the work can now begin.*

10<sup>th</sup> motion:

**FOOD, SOCIAL AND CEREMONIAL FISH**

**WHEREAS** food, social and ceremonial fish are a priority for HUU-ay-aht citizens,

**BE IT RESOLVED** to recommend that Executive Council treat food, social and ceremonial fish as a priority and budget \$125,000 for the period April 1, 2013 to March 31, 2014 for harvesting and distribution of the food, social and ceremonial fish allocations set out in Chapter 10 of the Maa-nulth Treaty.

**Executive Council action taken:**

Food, Social and Ceremonial Fish is a priority and should be given due consideration in the budget process. This will be addressed in the January Executive Council Meeting once the budget process has begun.

*This motion cannot be executed until the budgeting process for next year has begun but it has been identified as a budget priority by HFN citizens.*

11<sup>th</sup> motion:

**HUU-AY-AHT ADMINISTRATION ORGANIZATIONAL STRUCTURE - DUANE NOOKEMIS**

**WHEREAS** it has been nearly 2 years since our Treaty came into effect and the HUU-ay-aht government has not delivered the promised results; and

**WHEREAS** it is the responsibility of Executive Council to provide political leadership and establish an effective, affordable, and efficient administration organizational structure to carry out Executive Council direction; and

**WHEREAS** the current administration organizational structure is costly, top heavy at the upper administration levels, and is not effectively organized to efficiently carry out Executive Council direction; and

**WHEREAS** it is in the best interests of HUU-ay-aht for Citizens to provide the current government with an opportunity to fix the problem before pursuing other options such as recall;

**THEREFORE BE IT RESOLVED** to recommend that Executive Council:

- (a) direct the Executive Director to have a report on HUU-ay-aht administration organizational structure prepared by February 28th, 2013 setting out recommendations and an implementation plan for an HFN administration organizational structure that is effective, affordable and efficient; and
- (b) ensure that Citizens are given an opportunity to provide input on the report; and
- (c) make the organizational structure report available to Citizens; and
- (d) Implement organizational structure changes based on the report by March 31, 2013.

**Executive Council Action taken:**

The Executive Director advised that a lot of work has been done for this already. With the organization review underway in each department, it will be easy to identify where we are efficient and where we could improve. The Executive Director will report back to Executive Council at the January Executive Council Meeting.

**Action: Executive Director**

The reporting deadline is March 31, 2013 and much of the ground work for this motion was already under way.

12<sup>th</sup> motion:

**REVIEW OF SPRING 2013 LEGISLATION.....ROB  
BOTTERELL/JOHN JACK**

**“BE IT RESOLVED** to receive the PowerPoints entitled, “Spring 2013 Legislation” and “Addendum HDC” presented to the People’s Assembly on December 8th, 2012.”

**“BE IT RESOLVED** to approve an amendment to Section 25(1)(a) of the Financial Administration Act to change the date for completion of the audit of draft financial statements to “within 150 days of the fiscal year end”, and further to recommend that Executive Council ensure that the remaining steps to enact this amendment and bring it into force are completed by March 31st, 2013.”

**“BE IT RESOLVED** to receive the PowerPoint presentation prepared by R. Brent Lehmann and presented to the People’s Assembly by Executive Council Member John Jack on December 8th, 2012.”

**“BE IT RESOLVED** to approve amendments to the Financial Administration Act and other HUU-AY-AHT Acts, as necessary and appropriate, to implement the 8 recommendations for economic development structuring set out in R. Brent Lehmann’s PowerPoint presentation presented at the People’s Assembly by Executive Council Member John Jack on December 8, 2012 and further to recommend that Executive Council ensure that the remaining steps to enact these amendments and bring them into force are completed by March 31st, 2013.”

**Executive Council action taken:**

*Spring Legislation:*

Rob Botterell, Legal Counsel, is drafting an instructional memorandum with respect to Spring Legislation for distribution to Executive Council on Thursday, December 18, 2012.

**Action: Legal Counsel**

Executive Council will prepare a one-page summary of Spring Legislation requirements for posting on the webpage.

**Action: Executive Council**

*Economic Development Legislation:*

Councilor John Jack advised that the first steps will be to conduct community rounds to review the presentation in full form to ensure that we have consulted as many citizens as possible.

**Action: John Jack**

Legal Counsel's instruction memorandum will detail the steps necessary for the legislative steps.

*Community rounds will happen in the early part of this year to consult on Spring Legislation. In addition, the review of pending legislation on January 24<sup>th</sup> will be open to all HUU-AY-AHT citizens.*