

EXECUTIVE COUNCIL MEETING
Thursday, February 27 and Friday, February 28, 2014
Government Office, Anacla & Port Alberni

Attendance: Jeff Cook, (Chair), Tom Happynook, Jack Cook, John Jack, Charlie Clappis, Sheila Charles, James Edwards (February 28, 2014)

Absent: Derek Peters, James Edwards (February 27, 2014)

Resource: Deborah Smith, Deputy Law Clerk

MINUTES OF THE MEETING

1. CALL TO ORDER

The meeting was called to order at 10:16 am. As Executive Council was unable to get through all of the Agenda on Thursday, February 27, 2014 (ended at 3:43 pm), the meeting resumed on Friday, February 28, 2014 at 12 noon in the Port Alberni Government Office to address outstanding Agenda item #5, Executive Directors Report. The meeting adjourned at 2:17 pm on Friday, February 28, 2014.

2. AGENDA

MOTION:

THEREFORE BE IT RESOLVED THAT:

1. In the circumstances it is reasonably justified to add the proposed Agenda item to the Agenda for February 27, 2014 Executive Council meeting;
2. The Proposed Agenda Item is hereby added to the Agenda for the February 27, 2014 Executive Council Meeting; and
3. Executive Council approves the Agenda for the February 27, 2014 Executive Council meeting as amended.

**Adopted by Consensus
Resolution #2014-041**

3. MINUTES OF PREVIOUS MEETING

Minutes of the December 10, 2013, January 16 and January 30, 2014 Executive Council meetings were included in the package. There were no comments or concerns raised.

4. EXECUTIVE COUNCIL REPORTS

There was discussion around HFN involvement with ACRD.

5. EXECUTIVE DIRECTORS REPORTS

Friday, February 28, 2014

James had provided an update to his report.

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 #2014-050**

James reviewed the proposed Lease Agreement for the Port Alberni Office space.

MOTION:

BE IT RESOLVED that Executive Council approves the Lease Agreement for the premises for the Port Alberni Government Office and directs the Executive Director, James Edwards to sign on behalf of Huu-ay-aht First Nations.

**Adopted by Consensus
Resolution #2014-051**

James reviewed the proposed contract with MNP for Human Resources services for job descriptions and performance planning.

MOTION:

BE IT RESOLVED that Executive Council approves the contract with MNP regarding job description and performance planning and directs the Executive Director, James Edwards to sign on behalf of Huu-ay-aht First Nations.

**Adopted by Consensus
Resolution #2014-052**

James reviewed the materials on the joint Harvard / UBC Project.

MOTION:

BE IT RESOLVED that Executive Council approves the joint Harvard / UBC Project: Building a Governance Framework to Support Transformative Goals: Supporting Huu-ay-aht First Nations Vision for Change.

**Adopted by Consensus
Resolution #2014-053**

James reviewed the materials on the upper Anacla Road Upgrade. RocStar Enterprises is slightly more expensive, however has more specifications. RocStar is also committed to hiring a Huu-ay-aht citizen for the project.

MOTION:

BE IT RESOLVED that Executive Council approves RocStar Enterprises to complete the work to repair work us Road, Anacla at a cost up to \$80,518; and directs the Executive Director to sign the contract on behalf of Huu-ay-aht First Nations.

Adopted by Consensus
Resolution #2014-066

There was general discussion regarding all items in the Report of the Executive Director including:

- We will have a “going away” luncheon for Larry and Stefan sometime in March. We are working very closely with Larry and Stefan to keep as much of the key information and get it documented.
- We need to go through a complete year with the new organizational structure working in conjunction with the new strategic plan before we can evaluate.
- A contingency was set aside for individuals who opted to take the severance package.
- We are looking at four to six month with the new organizational structure before we see the bumps all worked out.

James reviewed the Social Services Jurisdiction briefing note. The following highlights some of the discussion:

- Costs reflect the cost to drawdown the jurisdiction, not to maintain or operate. We do not have administrative capacity to draw down on all jurisdictions at once. To complete all would be 8 years.
- The briefing note provides a high level overview of the activities. Each one of these activities.
- Drawing down on the Social Services Jurisdictions covers more than originally anticipated. We need to focus on what means the most.
- We have options in approaching the social aspects that have been neglected. We need to go about it with a plan about what we are going to do first. We can go after one piece at a time ie: social assistance, child protection.
- An informal meeting was recommended for Executive Council to discuss drawing down the social services jurisdiction and individual visions. Executive Council would like to hear from Kathy Waddell.
- Community Forum report has not been posted yet.

MOTION:

THEREFORE BE IT RESOLVED THAT Executive Council accepts the Executive Council Report, Executive Directors report and Summary of Motions as submitted.

Adopted by Consensus
Resolution #2014 -067

6. FINANCIAL REPORT

Tom Happynook reviewed the Financial Report to January 31, 2014. Eighty percent (80%) of the deficit is due to legal fees.

MOTION:

THEREFORE BE IT RESOLVED that Executive Council accepts the Financial Report as at January 31, 2014 as presented.

Adopted by Consensus
Resolution #2014-042

7. HDC UPDATE

Angela Wesley will be providing quarterly updates.

8. NEW BUSINESS

a) USMA Protocol Agreement

Jeff Cook reviewed the briefing note. There was discussion with respect to parental consent to release confidential information. There are ways of sharing information that may have unexpected results; we need to ensure confidentiality.

The Protocol Agreement is a working document and can be opened up at any time. The current document indicated that an evaluation would be completed once a year.

Amendment: Evaluation to be completed immediately upon signing the Protocol Agreement and thereafter at least semi-annually. Do not take out “meet as required.”

MOTION:

THEREFORE BE IT RESOLVED THAT EXECUTIVE COUNCIL:

1. approves the USMA Protocol Agreement with the amendment noted in the minutes of the February 27, 2014 Executive Council meeting

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2. directs the Chief Councillor, Jeff Cook to sign the USMA Protocol Agreement on behalf of HUU-ay-aht First Nation.

Adopted by Consensus
Resolution #2014-043

b) Carry Forward Policy

Taken off Agenda.

c) HFN Communication Plan

Tom Happynook reviewed the briefing note.

MOTION:

BE IT RESOLVED THAT EXECUTIVE COUNCIL:

1. endorses the Communications Plan as presented;
2. agrees the communications plan will be the basis for the Communication Coordinator; and
3. a Communications working group consisting of council and staff will be established.

Adopted by Consensus
Resolution #2014-044

d) Food Fish

Tom Happynook reviewed the briefing note. There was discussion around the following:

- All Maa nulth Nations rely on HFN to coordinate food fish.
- A conflict on Tom's part was brought up; he agreed.
- This was not a decision of Executive Council, but an administrative decision.
- Executive Council should have faith in whoever is hired for the position.

It was agreed that Jack Cook would follow up with Maa nulth.

e) Treaty Implementation Department

Tom reviewed briefing note. There was discussion around the following:

- Tom needs help to implement Treaty.
- It needs to be determined where this fits in to the new organizational structure; have been advised that it will fall under the Project Manager.
- The organization is turning a corner and we need to give it some time to see how the new organizational structure works.

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- Treaty Implementation is important and requires resources.
 - The Executive Director and Executive Council will review Treaty Implementation requirements.

f) Maa-nulth Society Membership

Jack reviewed the briefing note. There was discussion around the following:

- If we withdraw we will save \$240,000 plus. There are still things that we will need to be involved in and probably some legal work that we could probably do with all the other nations. Our contribution is approximately 31%.
- The other nations have similar government models; we are just so different that there are only certain things that we have in common.
- We need to be clear with Maa nulth - If you don't want to lose us, this is what we expect.

MOTION:

BE IT RESOLVED that Executive Council:

1. will continue participating in the Maanulth Treaty Society for the fiscal year 2014/2015; and
2. will notify Maanulth Treaty Society of HFN's consideration of withdrawal on March 31 2015

**Adopted by Consensus
Resolution #2014-045**

g) Executive Director – Letter of Expectation

The meeting went in camera from 11:21 am to 11:39 am to discuss the Executive Director – Letter of Expectation.

MOTION:

BE IT RESOLVED THAT Executive Council will go “in camera” is review and discuss the substantive materials.

**Adopted by Consensus
Resolution #2014-046**

MOTION:

BE IT RESOLVED that Executive Council approves the Employment Agreement between HUU-ay-aht First Nations and James Edwards with minor amendments (addition of Schedule “B” in 1.2 and Schedule “A” in 12.2)

**Adopted by Vote
Resolution #2014-047**

h) Tribunal Applications

The meeting went in camera at 11:45 am until 12:15 pm.

MOTION:

THEREFORE BE IT RESOLVED THAT:

3. 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
4. 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.
5. Executive Council will go “in camera” is review and discuss the substantive materials.

**Adopted by Consensus
Resolution #2014-048**

MOTION:

BE IT RESOLVED that Executive Council hereby:

1. Accepts the Chair’s recommendation that independent legal advice be provided the Applicants in respect of the Applications;
2. Directs the Executive Director to take the steps necessary to pay the cost of that independent legal advice in accordance with the suggestions that have been provided by the chair; and
3. Confirms that it is aware that Dominique Nouvet, the legal counsel suggested by the chair, has advised that her firm, Woodward and Co. LLP, has previously provided legal services to the HUU-AY-AHT and agrees to her representation of the Applicants in respect of the Applications.

**Adopted by Consensus
Resolution #2014-049**

There being no further business the meeting adjourned.