

EXECUTIVE COUNCIL MEETING
January 16, 2014
10:00 am, Government Office, Port Alberni

Attendance: Jeff Cook, (Chair), Tom Happynook, Jack Cook, John Jack, Charlie Clappis, James Edwards

Conference Call: Sheila Charles

Absent: Derek Peters

Resource: Deborah Smith, Deputy Law Clerk, Melinda Skeels

MINUTES OF THE MEETING

1. CALL TO ORDER

The meeting was called to order at 10:05 am. Jeff confirmed with those individuals attending via conference call that they were by themselves.

2. AGENDA

There was a brief discussion regarding the health of employees in Port Alberni and Anacla. Stress and conflict in the workplace can cause absenteeism.

MOTION:

THEREFORE BE IT RESOLVED THAT:

1. In the circumstances it is reasonably justified to add the proposed Agenda item to the Agenda for January 16, 2014 Executive Council meeting;
2. Executive Council approves the Agenda for the January 16, 2014 Executive Council meeting as amended.

**Adopted by Consensus
Resolution #2014-001**

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 #2014-002**

3. NEW BUSINESS

(a) Appointment of Maa nulth Director

Jeff Cook reviewed the briefing note.

MOTION:

BE IT RESOLVED THAT EXECUTIVE COUNCIL appoints Jack Cook as the Maa-nulth First Nations Director, Tom Happynook as the Alternate Director and Jeff Cook as the Maa-nulth First Nations Member Delegate.

Adopted by Consensus
Resolution #2014-004

(b) Patient Travel

Jeff Cook reviewed the briefing note. There was a great deal of discussion regarding the information provided ie: submitting receipts, differentiate between day and overnight trips.

Possible amendments to be considered: April 1, 2014 patient travel mileage will be set at \$0.27 per km paved; \$0.40 per km gravel; and the meal allowance increased to \$35 for 6 hours to 24 hour period.

MOTION:

BE IT RESOLVED THAT EXECUTIVE COUNCIL that Executive Council has selected option 2 from the HFN Patient Travel briefing note and directs Finance Committee in consultation with Manager of Community Health and Social Development to review Patient Travel with the amendments noted in the Executive Council minutes of January 16, 2014 and to provide a recommendation to Executive Council.

Adopted by Consensus
Resolution #2014-010

(c) Organizational Review

The meeting went “in camera” from 10:48 am to 11:34 am to discuss the organizational review.

Executive Council acknowledged James for all the work he has put into the organizational review.

MOTION:

BE IT RESOLVED that Executive Council approves the proposed organizational structure in principle subject to minor revisions and instructs the Law Clerk to draft a regulation to amend the Human Resources Policy Regulation according to the following drafting instructions in accordance with s. 97 of the *Government Act*:

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- (a) The Proposed Regulation is authorized under the *Financial Administration Act*;
 - (b) The purpose and objective of the Proposed Regulation is to amend the *Human Resources Policy Regulation* to allow changes to the organizational structure the Huu-ah-aht administration and compliance with the requirements of the *Financial Administration Act*;
 - (c) The reason for the Proposed Regulation is that Executive Council believes it is in the best interests of the Huu-ay-aht to change the organizational structure of the Huu-ay-aht administration so that it is smaller, more efficient and less top-heavy;
 - (d) The Finance Committee will be responsible for overseeing the development of the Proposed Regulation;
 - (e) The changes are being made in accordance with recommendations made by the People's Assembly, no additional consultation is required with citizens, with the Hawiik Council or other committees is required.
 - (f) The Finance Committee will consider the matter in time to present it at the Executive Council meeting presently scheduled for January 30, 2014.

**Adopted by Consensus
Resolution #2014-005**

(d) People's Assembly

House of Huu-ay-aht Floor: James to consult with engineer to provide option analysis (repair, replace or refurbish) with costs for Executive Council to review and select the best option.

Action: James Edwards

School Bus: Currently we do have a program. We pay a driver and insure the van for bus transportation. The van has been repaired to the best of our ability however it is at end of its' serviceable life. It is not inspected or certified as a school bus. School District 70 will fund a portion of transportation costs.

Executive Council is requesting that the Finance Committee review the motion from the People's Assembly regarding the School Bus and provide an option analysis for Executive Council.

Action: Finance Committee

MOTION:

1. Pursuant to section 90 of the *Government Act*, the Law Clerk is hereby instructed to draft an Act with the purpose and objective of amending section 39(2)(a) of the *Government Act* to allow for the Speaker to be a non-Huu-ay-aht Citizen when no Huu-ay-aht Citizen meeting the requirements of that section is available (the "proposed act").
2. The reason for the proposed act is that the majority of the Huu-ay-aht Citizens present after quorum was lost at the Peoples' Assembly recommended the proposed amendment because of difficulties recruiting a Speaker;

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3. The Law and Policy Development Committee, once established will be responsible for overseeing the development of the proposed act.
 4. The proposed act will be considered at the Spring 2014 sessions of the Huu-ay-aht Legislature.
 5. If passed by the Legislature, the proposed act will then be presented for approval at the next People's Assembly.

**Adopted by Consensus
Resolution #2014-006**

MOTION:

BE IT RESOLVED THAT:

- (a) the Law and Policy Development Committee (the "Committee") is hereby established;
- (b) under section 58(1)(b) of the *Government Act* the Committee will be responsible for overseeing and consulting in respect of the development of proposed legislation and policies as assigned by Executive Council;
- (c) the Committee will make a recommendation to Executive Council with respect to further elements of its Terms of Reference;
- (d) the Committee will consist of John Jack, Charlie Clappis and Derek Peters.

**Adopted by Consensus
Resolution #2014-007**

Implementation of Social Services Jurisdiction: Executive Council has already held the administration accountable and reinforced the motion. Results will be seen by the end of February 2014.

Detailed Audit of Tides & Trails: There will be a detailed audit during the regular audit period that will ensure they are in compliance with *Economic Development Act*.

Minority Percentage of Non-Huu-ay-aht: the Economic Development Act exists to separate business from government. The mandate is for HFN companies to generate income.

Citizenship Act: Executive Council requires detailed information on the demographics of spouses. This decision needs to be based on statistical information not emotional. Executive Council is forwarding this to the Citizenship Committee for an evidence based recommendation.

Action: Citizenship Committee

People's Assembly: Survey results indicate that the People's Assembly is important enough that citizens would pay their own way. Providing a payment to citizens to attend would quadruple the cost of the People's Assembly. We need to review the costs.

(e) MOE & FLNRO Letters of Expectation

Tom Happynook reviewed the information provided.

MOTION:

BE IT RESOLVED that Executive Council:

1. approves the Enforcement Advisory Committee Terms of Reference substantially in the form presented;
2. directs the Executive Director to appoint a primary and alternate member to the Enforcement Advisory Committee; and
3. approves the MOE/COS and FLNRO/RO Letters of Expectation substantially in the form presented and directs the Chief Councillor, Jeff Cook to sign on behalf of Huu-ay-aht First Nations.

**Adopted by Consensus
Resolution #2014-008**

(f) Drafting Instructions for Acts & Regulations

Melinda Skeels reviewed the briefing note.

MOTION:

BE IT RESOLVED THAT Executive Council instructs the Law Clerk to draft legislation in accordance with the drafting instructions set out in the memo and the appendices dated January 9, 2014 and briefing note entitled drafting Instructions for Legislative Session and reflecting the amendment to the drafting instructions #3 for the Land Tax Regulation to the Law and Policy Development Committee.

**Adopted by Consensus
Resolution #2014-009**

(g) IR 1 & IR9 Specific Claims

James Edwards reviewed the briefing note.

MOTION:

NOW THEREFORE BE IT RESOLVED the Executive Council hereby directs:

- 1) That Ratcliff & Company LLP is authorized to prepare and submit a funding application to RNFU and/or TARR to support research, preparation and other work related to the Claim in the 2014-15 fiscal year on behalf of Huu-ay-aht First Nations;
- 2) That TARR may apply on behalf of the Huu-ay-aht First Nations to RNFU for contribution funding for research, preparation and other work related to the Claim and may TARR and/or RNFU may provide that funding to Ratcliff & Company LLP, in trust for preparation of the Claim;

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- 3) That Ratcliff & Company LLP is authorized to correspond and communicate with TARR and/or the Government of Canada or any other aboriginal or non-aboriginal funding organization for the purpose of securing and administering funding for the Claim on behalf of the Huu-ay-aht First Nations; and
 - 4) That Ratcliff & Company LLP, Aaron Blake Evans and Alec Orr-Ewing are each authorized to access and make copies of all documents and records in the possession of the Government of Canada or the Government of British Columbia and their respective Crown agencies or other third parties, which may be requested by them from time to time for the purpose of researching and preparing the Claim;
 - 5) That any documents or records collected for the Claim shall remain the property of the Huu-ay-aht First Nations.

**Adopted by Consensus
Resolution #2014-003**

(h) Tribunal Applications

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 #2014-011**

The meeting went in camera from 2:56 pm until 3:55 pm to discuss Tribunal Applications.

MOTION:

BE IT RESOLVED that Executive Council hereby:

1. authorizes and directs Melinda Skeels and Ratcliff and Co. LLP to prepare and respond to the Applications at the Huu-ay-aht Tribunal and empowers Chief Councillor Jeff Cook to provide instructions in respect of this matter; and
2. confirms that it has at previous meetings reviewed the Decisions that are the subject matter of the following Applications: 2014-002, 2014-003, 2014-005, 2014-006, 2014-007 and has determined that no disciplinary action against the Executive Director is necessary or appropriate in respect of the subject-matter of any of those Applications.

**Adopted by Vote
Resolution #2014-012**

There being no further business, the meeting adjourned at 4:03 pm.