

**EXECUTIVE COUNCIL MEETING**  
Thursday, September 25, 2014  
ANACLA GOVERNMENT OFFICE

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

**Conference Call:** John Jack, James Edwards

**Absent:** Derek Peters

**Resource:** Deborah Smith, Deputy Law Clerk

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**MINUTES OF THE MEETING**

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**1. CALL TO ORDER**

The meeting was called to order at 10:10 am. James Edwards ended participation in the meeting via conference call at 11:34 am and John Jack at 11:45 am.

**2. AGENDA**

MOTION:

THEREFORE BE IT RESOLVED THAT EXECUTIVE COUNCIL approves the Agenda for the September 25, 2014 regular meeting of Executive Council as amended.

Adopted by Consensus  
Resolution #2014-240

**3. MINUTES OF PREVIOUS MEETING**

The minutes of the August 28, 2014 Executive Council meetings were included in the package for review.

**4. EXECUTIVE COUNCIL REPORT**

John Jack apologized for not having completed his report. Sheila Charles advised that she had emailed her report.

**5. EXECUTIVE DIRECTOR REPORT**

James Edwards review the report of Executive Director.

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### ***Governance & Fiscal Agreement***

James reviewed the report to Executive Council regarding the Governance and Fiscal Agreement.

MOTION:

THEREFORE BE IT RESOLVED that Executive council directs the Law Clerk, with the assistance of Legal Counsel, to prepare an updated version of the Governance and Fiscal Agreement for consideration by Executive Council and, once approved, execution by both parties.

**Adopted by Consensus  
Resolution #2014-241**

### ***New Relationship Trust***

James reviewed the briefing note.

MOTION:

THEREFORE BE IT RESOLVED THAT Executive Council supports the Direct Support 2014-2015 Governance Capacity Initiatives application for an Education Assessment and Streaming Program as presented and to be submitted to New Relationship Trust.

**Adopted by Consensus  
Resolution #2014-242**

THEREFORE BE IT RESOLVED that Executive Council:

- 1) approves the cost of \$6,530 for the Education Assessment and Streaming Program as it relates to the Direct Support 2014-2015 Governance Capacity Initiatives application; and
- 2) directs that the cost be allocated to Contingency and New Programs.

**Adopted by Consensus  
Resolution #2014-243**

### ***Amendments to Human Resources Policy Regulation***

James reviewed the Report to Executive Council on the amendments to the Human Resources Policy Regulation.

MOTION:

THEREFORE BE IT RESOLVED THAT EXECUTIVE COUNCIL:

- 1) Pursuant to section 97 of the *Government Act*, the Law Clerk is hereby instructed to draft a regulation with the purpose and objective of amending the Human Resources Policy Regulation (the "Proposed Regulation"), which is authorized under s.84 of the Financial Administration Act, to include performance-based incentives, including mid-year bonuses and annual increases as well as a general review of the entire policy;

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- 2) The reason for the Proposed Regulation is that Executive Council believes it is in the best interests of the HUU-AY-AHT to provide performance-based incentives for the HUU-AY-AHT Administration as a mechanism to reward staff;
  - 3) The Finance Committee will be responsible for overseeing the development of the Proposed Regulation making recommendations with respect to any consultation with the Ha'wiih Council and HUU-AY-AHT citizens and the timeline for consideration of the Proposed Regulation.

Adopted by Consensus  
Resolution #2014-244

MOTION:

BE IT RESOLVED THAT:

- 1) Pursuant to section 93 of the *Government Act*, the Law Clerk is hereby instructed to draft legislation with the purpose and objective of amending the *Financial Administration Act* to allow Executive Council to adopt a Human Resources Policy by resolution.
- 2) The reason for the proposed legislation is to allow for Executive Council to adopt amendments to the Human Resources Policy in a more effective and efficient manner;
- 3) The Finance Committee will be responsible for overseeing the development of the proposed legislation and for determining the plan and timetable for consultation with the Ha'wiih Council;
- 4) The proposed legislation should be prepared within a timeframe that allows for its substantive elements to be approved in principle by the Finance Committee and Executive Council and presented to HUU-AY-AHT citizens for consultation and approval at the 2014 People's Assembly.

Adopted by Consensus  
Resolution #2014-245

#### ***Socio-Economical Assessment – MNP Contract***

James reviewed the contract.

MOTION:

BE IT RESOLVED THAT EXECUTIVE COUNCIL approves the contract for Meyers Norris Penny for economic analysis services for a fixed rate of \$20,000 and directs the Executive Director, James Edwards to sign the contract on behalf of HUU-AY-AHT First Nations.

Adopted by Consensus  
Resolution #2014-246

## **6. FINANCIAL REPORT**

- a) Financial Report

Tom Happynook reviewed the Financial Statements to August 31, 2014

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MOTION:

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

Adopted by Consensus  
Resolution #2014-247

## **7. HDC UPDATE**

There was no HDC update; deferred to September 30, 2014.

## **8. IN CAMERA SESSION**

### **a) Port Alberni Pawaats Building**

The meeting went “In camera” from 10:28 am until 11:45 am to discuss a confidential business transaction.

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;
2. Executive Council hereby waives the requirement(s) that the reports regarding the Substantive Matters be delivered in writing and four working days in advance of consideration; and
3. Executive Council will go “in camera” to review and discuss the report on the Substantive Matter.

Adopted by Consensus  
Resolution #2014-248

### **b) PAGO Office Building**

The meeting went “In camera” from 10:28 am until 11:45 am to discuss a confidential business transaction.

## **9. NEW BUSINESS**

### **a) People’s Assembly**

Charlie Clappis provided an update on the plans for the upcoming People’s Assembly.

### **b) Budget Act 2014 Consolidation Regulation 2014:**

Deferred to September 30, 2014

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**c) Economic Development Plan**

John Jack reviewed the Economic Development plan before he left the meeting.

MOTION:

THEREFORE BE IT RESOLVED THAT EXECUTIVE COUNCIL approves the Economic Development Plan for presentation to the Huu-ay-aht Legislature on September 30, 2014.

**Adopted by Consensus  
Resolution #2014-253**

**d) Law & Policy Committee**

John Jack reviewed the materials before he left the meeting.

MOTION:

Be it resolved that:

- 1) Pursuant to section 93 of the *Government Act*, the Law Clerk is hereby instructed to draft legislation with the purpose and objective of amending the *Tribunal Act* and, if necessary, the *Freedom of Information and Protection of Privacy Act* so that officers from the Conservation Officer Services of the Ministry of Environment (“MOE”) and the Resource Officers of the Ministry of Forest, Lands and Natural Resource Operations (“FLNRO”) against whom complaints are made in respect of the performance of their duties on Huu-ay-aht land first proceed through those Ministries’ own public complaints processes.
- 2) The reason for the proposed legislation is to give effect to the agreements with the MOE and FLNRO in respect of complaints processes for their offices as set out in the Letters of Expectation between the Maa-nulth First Nations and the respective Ministries commencing on April 1, 2014.
- 3) The Law and Policy Development Committee will be responsible for overseeing the development of the proposed legislation and for determining the plan and timetable for consultation with the Ha’wiih Council.
- 4) The proposed legislation should be prepared within a timeframe that allows for its substantive elements to be approved in principle by the Law and Policy Development Committee and Executive Council and presented to Huu-ay-aht citizens for consultation and approval at the 2014 People’s Assembly.

**Adopted by Consensus  
Resolution #2014-254**

MOTION:

Be it resolved that:

- 1) Pursuant to section 97 of the *Government Act*, the Law Clerk is hereby instructed to draft a regulation with the purpose and objective of directing and empowering the Law Clerk to correct and consolidate all Huu-ay-aht Legislation (the “proposed regulation”) consistent with the recommendations of and the Law and Policy Development Committee.

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- 2) The reason for the proposed regulation is to make minor corrections to HUU-ay-aht legislation, to avoid out-of-date versions of a HUU-ay-aht legislation from being relied upon and to make HUU-ay-aht legislation easier to understand.
  - 3) The Law and Policy Development Committee will be responsible for overseeing the development of the proposed regulation.
  - 4) The proposed regulation is authorized under sections 105 and 108 of the *Government Act*.
  - 5) The proposed regulation should be presented to Executive Council in a timeframe that is appropriate to allow a consolidated version of legislation to be available as soon as reasonably practicable following the 2014 People's Assembly (at which legislative amendments will be considered).
  - 6) Executive Council hereby directs that in the absence of a contrary intention all future drafting instructions concerning amendments to existing legislation shall be read as including a direction to the Law Clerk to prepare a regulation to incorporate the amendments into the existing legislation and prepare a consolidation of the existing legislation for the reasons set out above, as authorized under sections 105 and 108 of the *Government Act*.

**Adopted by Consensus  
Resolution #2014-255**

MOTION:

Be it resolved that:

- 1) Pursuant to section 93 of the *Government Act*, the Law Clerk is hereby instructed to draft legislation with the purpose and objective of amending the *Government Act* to: a) allow for the designation of someone other than the Executive Director as the Law Clerk and b) shorten the length some or all of the notice and report deadline requirements set out in the Act, consistent with the recommendations of and the Law and Policy Development Committee.
- 2) The reason for the proposed legislation is to: a) allow for the responsibility for the Law Clerk's duties to rest with the person to whom those duties are assigned and to reduce the powers, duties and functions associated with the Executive Director's role and b) create more realistic deadlines for notice and report deadlines, while still maintaining the principles of transparent governance that takes into account the best available information.
- 3) The Law and Policy Development Committee will be responsible for overseeing the development of the proposed regulation and for determining the plan and timetable for consultation with the Ha'wiih Council.
- 4) The proposed legislation should be prepared within a timeframe that allows for its substantive elements to be approved in principle by the Law and Policy Development Committee and Executive Council and presented to HUU-ay-aht citizens for consultation and approval at the 2014 People's Assembly.

**Adopted by Consensus  
Resolution #2014-256**

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MOTION:

Be it resolved that:

- 1) Pursuant to section 93 of the *Government Act*, the Law Clerk is hereby instructed to draft legislation with the purpose and objective amending the *Offence and Law Enforcement Act* so that fees and penalties levied under the Act are enforceable as court judgments.
- 2) The reason for the proposed legislation is to enhance Hui-ay-aht's ability to collect fines and penalties levied under the *Offence and Law Enforcement Act*.
- 3) The Law and Policy Development Committee will be responsible for overseeing the development of the proposed regulation and for determining the plan and timetable for consultation with the Ha'wiih Council.
- 4) The proposed legislation should be prepared within a timeframe that allows for its substantive elements to be approved in principle by the Law and Policy Development Committee and Executive Council and presented to Hui-ay-aht citizens for consultation and approval at the 2014 People's Assembly.

**Adopted by Consensus  
Resolution #2014-257**

MOTION:

Be it resolved that:

- 1) The proposed regulation is hereby presented to Executive Council; and
- 2) The proposed regulation is hereby approved.

**Adopted by Consensus  
Resolution #2014-258**

There being no further business, the meeting adjourned at 2:00 pm.