

EXECUTIVE COUNCIL MEETING
Friday, September 27, 2013
10 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

MINUTES OF THE MEETING

1. CALL TO ORDER

The meeting was called to order at 10:20 am. It noted for the record that as Executive Council was unable to conclude all the business on the Agenda, the meeting ended on Friday, September 27, 2013 at 4:40 pm (4:06 pm to 4:40 pm was “in camera”) and resumed on Wednesday, October 2, 2013 at 12:30 pm in Anacla.

2. AGENDA

MOTION:

THEREFORE BE IT RESOLVED THAT:

1. In the circumstances it is reasonably justified to remove the Agenda item from the Agenda for September 27, 2013 Executive Council meeting;
2. Executive Council approves the Agenda for the September 27, 2013 Executive Council meeting as amended.

**Adopted by Consensus
Resolution #2013-150**

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 Matter be delivered in writing four working days in advance of consideration.

**Adopted by Consensus
Resolution #2013-151**

3. REVIEW OF PREVIOUS MINUTES

The Minutes of the August 27, 2013 Executive Council Meetings were included in the materials for review. Tom requested that instead of redacting “in camera” session that it just be noted that the meeting went “in camera” with no redaction.

4. EXECUTIVE COUNCIL REPORT

The meeting went “in camera” at 10:37 am until 11:02 am.

There was discussion regarding the following emerging issues that were brought up under Sheila’s portfolio report:

- The Citizen Development Committee has not been supported properly
- USMA protocol agreement
- Social Services Jurisdiction plan has not been implemented
- There is no funding for Citizen Development Officer

James confirmed that the administration is not staffing any vacant positions until the organizational review is complete in approximately six to eight weeks.

MOTION:

BE IT RESOLVED to approve the action plan for the implementation of social services jurisdiction set out in the report entitled “Implementation of Huu-ay-aht Social Services Jurisdiction” dated February 12, 2013 and further to authorize and direct the Executive Director to implement this resolution by February 28, 2014.

Adopted by Consensus
Resolution #2013-155

5. EXECUTIVE DIRECTOR REPORT

James reviewed the Executive Director report. He advised that we have not received any interest in the Acting Speaker position.

There was discussion around expansion options for the Cemetery. James to report back to Executive Council on expansion options and possible next steps.

Action: James Edwards

MOTION:

BE IT RESOLVED THAT EXECUTIVE COUNCIL:

1. approves the increase of the Corporate RBC AVION VISA limit from \$5000 to \$10,000; and

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2. directs the Executive Director to process the necessary documents to affect the change.

Adopted by Consensus
Resolution #2013-157

MOTION:

BE IT RESOLVED THAT Executive Council directs the Executive Director to develop a focus group, including terms of references and timelines, and to conduct the scope development for planning, marketing and integration initiatives related to the Economic Development Plan.

Adopted by Consensus
Resolution #2013-158

MOTION:

BE IT RESOLVED THAT EXECUTIVE COUNCIL:

1. recognizes a joint eldercare/childcare facility in upper Anacla as a potential development and places it on the HFN approved infrastructure list in Stage A;
2. directs the Executive Director to undertake such research and activities necessary to determine if the project should move to Stage B – feasibility.

Adopted by Consensus
Resolution #2013-159

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 #2013-167

6. FINANCIAL REPORT

James reviewed the Financial Report and highlighted the following:

- There is approximately \$5,000,000 in the general operating account
- There is approximately \$6,700,000 in the Invested Wealth (creates money for ongoing operations)
- There is approximately \$1,300,000 in the HUU-AY-AHT Settlement Trust (used for capital planning and economic development – park the money we receive now and spend later; One time money is not used to fund ongoing expenses)

There will be a Special Executive Council meeting in November for the Mid-year Financial Review.

Action: James Edwards

MOTION:

THEREFORE BE IT RESOLVED that Executive Council accepts the Financial Reports at July 31, 2013 as presented.

Adopted by Consensus
Resolution #2013-160

7. HDC UPDATE

There was no HDC update provided.

8. NEW BUSINESS

(a) Cutting Permit Regulation – Forest License Agreement

Cindy Stern joined the meeting via conference call. James and Cindy reviewed the highlights of the briefing note.

MOTION:

BE IT RESOLVED that Executive Council sets the stumpage / rent rate for the proposed Forest License Agreement at \$5 per cubic meter plus 20% of all profit.

Adopted by Consensus
Resolution #2013-152

MOTION:

BE IT RESOLVED that Executive Council sets the waste and residue fee at \$5 per cubic meter for saw logs grade and better and \$0.25 per cubic meter for pulp grade for the proposed Forest License Agreement.

Adopted by Consensus
Resolution #2013-153

James advised that the process for enacting the Forest License regulation has been rushed, however we have complied with our laws and notices were posted publicly.

MOTION:

THEREFORE BE IT RESOLVED THAT:

1. Executive Council believes that a delay is not in the best interest of Huu-ay-aht and waive the requirement under section 100(4) of the *Government Act* that the proposed regulation may be introduced and voted on at the same meeting of Executive Council;
2. The Law Clerk is hereby authorized approve non-substantive amendments resulting from final legal review and copy editing of the proposed regulations;
3. The proposed regulation is hereby introduced and passed as amended; and

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4. The proposed regulations, unless another date is specified in the proposed regulation, brings the proposed regulations into force on the date of their enactment.

Adopted by Consensus
Resolution #2013-154

(b) Finance Committee Membership

Jack Cook reviewed the Briefing Note.

MOTION:

BE IT RESOLVED that Executive Council appoints Molly Clappis to the Finance Committee effective immediately.

Adopted by Consensus
Resolution #2013-156

(c) HFN Children Status

Jack Cook reviewed the Briefing Note.

MOTION:

BE IT RESOLVED that Executive Council directs the Executive Director to prepare a report on the costs associated with payments to Bill C31 and Bill C3 children and legal risks associated with opening up old band council resolutions.

Adopted by Consensus
Resolution #2013-161

(d) Trans Mountain Pipeline Project Presentation – 11:30 am

Ellen Frisch, Aboriginal Engagement Trans Mountain Expansion Project, Michael Davies, Senior Director, Marine Development for Kinder Morgan Canada, Randy Neufeld, Senior Business Analyst, Western Canada Marine Response Corporation joined the meeting to make their presentation.

It was noted that there are a lot of archeological sites along the beaches and that there were maps available that highlight them.

(e) Amended Foreshore Agreement

Tom Happynook reviewed the briefing note.

MOTION:

BE IT RESOLVED THAT EXECUTIVE COUNCIL that Executive Council approve the Amended Foreshore Agreement with changes to Section 3.11 as detailed in email dated September 27, 2013

(f) Letter of Expectation

Compliance and Enforcement Branch of the Ministry of Forest, Land and Natural Resource Operation

Tom Happynook reviewed the briefing note.

MOTION:

BE IT RESOLVED that Executive Council:

1. approves the Letter of Expectation between Maa-nulth First Nations and The Compliance and Enforcement Branch of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) as presented; and
2. directs Chief Councillor, Jeff Cook to sign the Letter of Expectation on behalf of Huu-ay-aht First Nations.

Adopted by Consensus
Resolution #2013-163

Ministry of Environment Conservation Officers Service

Tom Happynook reviewed the briefing note.

MOTION:

BE IT RESOLVED that Executive Council:

1. approves the Letter of Expectation between Maa-nulth First Nations and Ministry of Environment, Conservation Officers Service (COS) as presented; and
2. directs Chief Councillor, Jeff Cook to sign the Letter of Expectation on behalf of Huu-ay-aht First Nations.

Adopted by Consensus
Resolution #2013-164

(g) Ottawa Trust – Duplicate Distribution

Jack Cook reviewed the Briefing Note.

MOTION:

BE IT RESOLVED THAT EXECUTIVE COUNCIL:

1. approves that the Five Thousand dollar (\$5,000.00) in duplicate distribution plus interest for twelve (12) years ten (10) months held in the Ottawa Trust Revenue

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- Account be distributed to Huu-ay-aht First Nations and put in the General Operating Budget; and
2. directs the Executive Director to advise the government to conduct the research regarding other possible duplicate distributions.

**Adopted by Consensus
Resolution #2013-165**

(h) People's Assembly

Charlie Clappis reviewed the Briefing Note from the People's Assembly Planning Committee.

MOTION:

BE IT RESOLVED THAT Executive Council approves the People's Assembly Statement, Mission and Vision as amended.

**Adopted by Consensus
Resolution #2013-166**

There being no further business the meeting adjourned at 3:35 pm.