



huu ay aht

ANCIENT SPIRIT, MODERN MIND

September 6, 2017

People's Assembly September 30, 2017

Dear Huu-ay-aht Citizens,

I hope that you have had a great summer. Enclosed you will find the draft agenda for the People's Assembly on September 30, 2017 as well as items that require Briefing Notes and Motions to date.

Sincerely,

Virginia Shrimpton
Law Clerk
lawclerk@huuayaht.org



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2017 PEOPLE'S ASSEMBLY

September 30, 2017
Port Alberni, BC

The 2017 People's Assembly
will commence with opening ceremonies at
9:00 a.m. on September 30, 2017
at the **Barclay Hotel, 4277 Stamp Avenue, Port Alberni**

Proposed Agenda

1. Adoption of Agenda
2. Huu-ay-aht Group of Businesses Report
3. Executive Council Report on 2016 Citizen Motions
4. Presentation of Huu-ay-aht First Nations Annual Report (including audited financial statements and committee reports)
5. Appointment of Auditor
 - Motion: "In accordance with the *Financial Administration Act*, s. 34, the People's Assembly hereby appoints [a firm to be recommended by Executive Council and the Finance Committee] as auditor for the period of April 1, 2017 – March 31, 2018".
6. Presentation of Tribunal Annual Report
7. "Our Journey, Our Choice, Our Future" Presentation
8. Approval of Legislative Amendments
 - a. *Tribunal Act*
 - Motion: "The People's Assembly hereby approves the proposed amendments to the *Tribunal Act* set out in the draft *Tribunal Act Amendment Act*."
 - b. *Financial Administration Act*
 - Motion: "The People's Assembly hereby approves amendments to the *Financial Administration Act* and related acts as reasonably necessary to meet the standards set by the First Nations Financial Management Board for certification to become a borrowing member of the First Nations Finance Authority".
9. Approval of disposition of Land for the Sarita LNG Project (30 minutes)*
 - Motion: "The People's Assembly hereby approves the granting of the Required Interests in the Required Huu-ay-aht Lands to Sarita LNG for the purposes of the Sarita LNG Project."

**Please note that a motion will be brought in accordance with Section 81 of the Government Act to remove this item from the proposed People's Assembly Agenda.*

10. Sarita Run of River Project Update

11. Update regarding Numukamis IR 1 Logging Specific Claim

12. Citizen Motions

i. \$5,000 Distribution for Elders (Judy Johnson)

Motion: "The People's Assembly hereby recommends to Executive Council that all citizens each receive \$5000 from the Huu-ay-aht Nation on their 50th birthday; and that all citizens who have turned 50 since April 1, 2011 receive \$5000 from the Huu-ay-aht Nation."

ii. Time Limit for Response to People's Assembly Recommendations (Brittany Johnson)

Motion: "The People's Assembly hereby recommends that Executive Council commit to publicly responding to recommendations of the People's Assembly at least three months prior to the next regular People's Assembly."

iii. Transportation for Anacla Paawats (Clara Clappis)

Motion: "The People's Assembly hereby recommends to Executive Council that a vehicle suitable for transporting all of the students be provided to the Anacla Paawats program to be used both for program activities and in case of emergency."

iv. Childcare Subsidy for Citizens (Holly Johnson)

Motion: "The People's Assembly hereby recommends to Executive Council that the Huu-ay-aht government provide top-up funding to citizens who reside outside of the Anacla and Port Alberni areas and receive childcare funding from the federal government to make up the difference between the actual cost of childcare and the federal funding provided."

v. Banishment for Sexual Assault Convictions (Holly Johnson)

Motion: "The People's Assembly hereby recommends to Executive Council that anyone who has been convicted of offences of a sexual nature, such as sexual assault, not be allowed on Treaty Lands."

vi. Annual Distributions (Holly Johnson)

Motion: "The People's Assembly hereby recommends to Executive Council that the Huu-ay-aht government make an annual distribution to citizens in an amount to be determined by Executive Council."

vii. Trust Funds for Huu-ay-aht Children (Holly Johnson)

Motion: "The People's Assembly hereby recommends to Executive Council that the Huu-ay-aht government invest \$5,000 in an interest-bearing trust for each child born to a citizen, to be paid out on the child's 19th birthday."



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ANCIENT SPIRIT, MODERN MIND

**REPORT TO THE PEOPLE'S ASSEMBLY
OF EXECUTIVE COUNCIL**

**Amendments to the
*Tribunal Act***

**FOR CONSIDERATION AT THE
2017 PEOPLE'S ASSEMBLY**

September 30, 2017

Prepared by: Melinda Skeels, Legal Counsel
on behalf of Executive Council

Date: August 31, 2017

ISSUE

Introduction of the *Tribunal Act Amendment Act, 2017* (the “proposed act”).

DISCUSSION

The position of vice-chair of the Hui-ay-aht tribunal has been vacant since November 5, 2015.

The tribunal chair is of the view that the requirement that the vice-chair of the tribunal have at least 20 years’ experience in the legal profession is making it difficult to fill the position and has recommended that the *Tribunal Act* be amended to reduce the required years of practice for the chair and vice-chair from 20 years to 10 years.

On June 7, 2017, Executive Council gave the Law Clerk instructions to draft an act with the purpose of amending the *Tribunal Act* to reduce the requirement for experience for the chair and vice-chair consistent with the chair’s recommendations.

Legal counsel has drafted the proposed act in accordance with the drafting instructions given by Executive Council, a draft of which is attached.

The Hāwiih Council has indicated its support for the proposed act.

Before amendments to the Tribunal Act may be brought into force, People’s Assembly approval is required.

OPTIONS & IMPLICATIONS

The People’s Assembly may approve or not approve the proposed amendments to the *Tribunal Act*.

Until the proposed amendments are made to the *Tribunal Act*, no one may be considered for the position of chair or vice-chair of the tribunal who does not have at least 20 years of legal experience and the challenges encountered by the chair in attempting to fill the position of vice-chair are likely to continue.

RECOMMENDATION

It is recommended that the People’s Assembly approve the proposed amendments. A proposed motion is attached.



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**DRAFT TRIBUNAL ACT
AMENDMENT ACT
FOR PEOPLE'S ASSEMBLY REVIEW**

The Huu-ay-aht Legislature enacts this law to amend
the *Tribunal Act*, HFNA 13/2011.

REGISTRY OF LAWS CERTIFICATION

I certify that the *Tribunal Act Amendment Act* was passed by Executive Council on:

Chief Councillor, Robert Dennis

I certify that the *Tribunal Act Amendment Act* is enacted as law on:

Ta'yii Hawilth, Derek Peters

I certify that the *Tribunal Act Amendment Act* came into force on:

Law Clerk

Draft Tribunal Act Amendment Act

Contents

- 1 Amendment
- 2 Commencement
- 3 Consolidation

Amendment

- 1 *The Tribunal Act, HFNA 13/2011, is amended in subsection 5(2) by striking out “20” substituting “10”.*

Commencement

- 2 This act comes into force on the date of its enactment by the Legislature.

Consolidation

- 3 The Law Clerk is directed to consolidate the *Tribunal Act*, HFNA 13/2011 to include the amendments contained in this act.



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TRIBUNAL ACT

BLACKLINE
Showing proposed
amendments for review at the
2017 People's Assembly

The Huu-ay-aht Legislature enacts this law to establish an independent tribunal to provide for effective Huu-ay-aht dispute resolution.

...

Eligibility and qualifications

- 5** (1) An individual appointed to the tribunal under section 3 must have
- (a) demonstrable ability and experience to carefully and impartially deliberate and make decisions on points of fact and law, and
 - (b) demonstrable ability to provide clear and precise reasons for decisions.
- (2) The chair and vice-chair of the tribunal must each have at least **20 10** years of experience as a practising lawyer or judge.



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WRITTEN MOTION of the PEOPLE'S ASSEMBLY

(Government Act, s. 86)

For ease of reference, this motion may be referred to as:

Motion Regarding Amendments to the *Tribunal Act*

Whereas:

- a) The position of tribunal vice-chair has been vacant since November 5, 2015;
- b) The tribunal chair is of the view that the requirement that the vice-chair have at least 20 years' experience is making it difficult to fill the position;
- c) The tribunal chair recommends that the *Tribunal Act* be amended to reduce the required years of practice for the chair and vice-chair from 20 years to 10 years;
- d) Executive Council given drafting instructions to the Law Clerk to prepare an act to amend the *Tribunal Act* in accordance with the chair's recommendation;
- e) Legal Counsel, on behalf of the Law Clerk, has prepared the attached draft *Tribunal Act Amendment Act*; and
- f) People Assembly approval is required for any amendments to the *Tribunal Act*.

Be it resolved that the People's Assembly hereby:

- 1) Approves the amendments to the *Tribunal Act* set out in the attached draft *Tribunal Act Amendment Act*.

Appendices attached to Motion:

Written report prepared by Melinda Skeels, Legal Counsel (on behalf of Executive Council).

The following documents:

- Draft *Tribunal Act Amendment Act*

Introduced by:

Date: September 30, 2017

DATE OF PEOPLE'S ASSEMBLY

Administrative Requirements

The draft *Tribunal Act Amendment Act* will be introduced at the next session of the Legislature.



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ANCIENT SPIRIT, MODERN MIND

**REPORT TO THE PEOPLE'S ASSEMBLY
OF EXECUTIVE COUNCIL**

**Amendments to the
*Financial Administration Act***

**FOR CONSIDERATION AT THE
2017 PEOPLE'S ASSEMBLY**

September 30, 2017

Prepared by: Melinda Skeels, Legal Counsel and
Paul Rokeby-Thomas, Chief Financial Officer
on behalf of Executive Council

Date: August 31, 2017

ISSUE

Approval of amendments to the *Financial Administration Act*, and any associated acts, required for the Huu-ay-aht to obtain certification from the First Nations Financial Management Branch (FNFMB).

BACKGROUND

The First Nations Finance Authority provides First Nations with access to long-term, low-cost capital through a pooled borrowing program offered to its borrowing members. At present, modern-day treaty First Nations do not have access to this program, but it is anticipated that they will be able to become borrowing members within the next year.

In order to participate in the borrowing program, Huu-ay-aht must obtain compliance approval from the First Nations Financial Management Branch (FNFMB) with respect to its financial administration law. The FNFMB sets out Financial Administration Law Standards that must be complied with in order to achieve certification.

The standards are intended to support the adoption of sound practices regarding a First Nation's financial administration. The mandatory standards they set out are intended to enable a first nation to carry out its financial administration in a manner that substantially accords with sound financial administration practices of governments in Canada. They are a comprehensive set of standards that have been written to ensure they do not conflict with the First Nations Tax Commission and First Nations Finance Authority rules and standards.

Huu-ay-aht's *Financial Administration Act* was drafted with similar sound practices in mind. However, in some cases these are achieved through slightly different means in current Huu-ay-aht legislation. Because of the intricate, complicated nature of financial administration law, meeting the exact standards set by the FNFMB will require amendments to the *Financial Administration Act* and, potentially, minor amendments to other related legislation. The resulting legislation will require accountability, transparency and sound fiscal management just as the current *Financial Administration Act* does, but some of the specific language and the exact mechanics of how this is achieved will vary.

Pooled borrowing is a common practice used by governments to gain access to debt that bears an interest rate lower than the market prime rate that is typically the basis for commercial loans. Governments typically use this lower cost debt to fund major, long lived infrastructure projects where the savings of 1-2% on debt service can reach hundreds of thousands of dollars a year.

OPTIONS & IMPLICATIONS

The People's Assembly may approve the proposed amendments or it may choose not to.

Without FNFMB certification, Huu-ay-aht will not be able to participate in the pooled borrowing fund, even once arrangements have been made for treaty First Nations to do so.

This pooled program is intended to provide a less expensive and longer term borrowing option than Huu-ay-aht could obtain on its own from a financial institution. Therefore, without certification, Huu-ay-aht's cost of lending will be higher.

RECOMMENDATION

It is recommended that the People's Assembly approve the proposed amendments. A proposed motion is attached.



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ANCIENT SPIRIT, MODERN MINE

WRITTEN MOTION of the PEOPLE'S ASSEMBLY

(Government Act, s. 86)

For ease of reference, this motion may be referred to as:

Motion Regarding Amendments to the *Financial Administration Act*

Whereas:

- a) In order to participate in the First Nations Finance Authority pooled borrowing program, compliance approval of the Nation's financial administration law is required from the First Nations Financial Management Branch (FNFMB);
- b) Achieving compliance approval with respect to Huu-ay-aht's financial administration law from FNFMB will require amendments to the *Financial Administration Act*;
- c) Executive Council has given drafting instructions for an act to make the necessary amendments to the *Financial Administration Act*; and
- d) Amendments to the *Financial Administration Act* must be approved by the People's Assembly before they may be brought into force.

Be it resolved that the People's Assembly hereby:

- 1) Approves amendments to the *Financial Administration Act* and related acts as reasonably necessary to meet the standards set by the First Nations Financial Management Board for certification to become a borrowing member of the First Nations Finance Authority.

Appendices attached to Motion:

Written report prepared by Melinda Skeels, Legal Counsel, and Paul Rokeby-Thomas, CFO, (on behalf of Executive Council).

Introduced by:

Date: September 30, 2017

DATE OF PEOPLE'S ASSEMBLY

Administrative Requirements

The Law Clerk, with the assistance of legal counsel, will work to prepare the proposed amendments in accordance Executive Council's drafting instructions and in consultation with the FNFMB.

Huu-ay-aht First Nations
Report to the People's Assembly

Title: \$5,000 Distribution for Elders

Type of Decision: APPROVAL

Submitted by: Paul Rokeby-Thomas

Date: August 30, 2017

For presentation at meeting scheduled for: September 30, 2017

Background

Judy Johnson has put forward the following motion:

Whereas:

- a) Prior to the treaty coming into force citizens each received a \$5,000 distribution on their 50th birthday;
- b) After effective date of the treaty, citizens stopped receiving this distribution; and
- c) This matter has been brought forward by citizens at previous People's Assemblies, but Executive Council has not taken action in response.

Be it resolved that the People's Assembly hereby recommends that Executive Council:

- 1) That all citizens each receive \$5,000 from the Huu-ay-aht Nation on their 50th birthday; and
- 2) That all citizens who have turned 50 since April 1, 2011 receive \$5,000 from the Huu-ay-aht Nation.

Discussion

The Federal Government has a program that is administered by INAC to make Per Capita Distributions (PCDs). The intention of PCDs is "to distribute per capita to the members of the band an amount not exceeding fifty per cent of the capital moneys of the band derived from the sale of surrendered lands".

Surrendered lands means a reserve or part of a reserve or any interest therein, the legal title to which remains vested in the Crown, that has been released or surrendered by a Band for whose use and benefit was set apart.

Funds for PCDs are held and administered solely by INAC.

At the effective date, April 1, 2011, Huu-ay-aht ceased to have surrendered lands. As all reserve lands became treaty settlement lands we were no longer eligible for PCDs as the use and benefit of the lands would now flow directly to Huu-ay-aht.

Per the latest citizenship list there are 38 Citizens who turned 50 between the effective date and present. To create a similar program, run by the Huu-ay-aht Government, the initial cost to setup the program would be \$190,000 to cover all Citizens who turned 50 after the effective date.

Based on the current demographics the following amounts will be needed for the remainder of 2017 and the next 5 years to 1972:

Year	Citizens turning 50	Distribution Expense
Remainder of 2017	3	\$15,000
2018	6	\$30,000
2019	11	\$55,000
2020	8	\$40,000
2021	7	\$35,000
2022	16	\$80,000

Options

The People's Assembly may choose to:

- Approve the motion and make the proposed recommendation to Executive Council; or
- Amend the motion to make a different recommendation(s) to Executive Council; or
- Not approve the motion;

If the proposed recommendation is made, Executive Council is required to consider the recommendation at its first regular meeting following the People's Assembly (*Government Act*, s. 84(2)). If Executive Council chooses to adopt the proposed recommendation, it must, as soon as practicable, take the steps necessary and within the competence of government, to implement the recommendation (*Government Act*, s. 8(3)).



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ANCIENT SPIRIT, MODERN MINE

WRITTEN MOTION of the PEOPLE'S ASSEMBLY

(Government Act, s. 86)

For ease of reference, this motion may be referred to as:

Motion Regarding \$5,000 Distribution for Elders

Whereas:

- a) Prior to the treaty coming into force, citizens each received a \$5,000 distribution on their 50th birthday;
- b) After effective date of the treaty, citizens stopped receiving this distribution; and
- c) This matter has been brought forward by citizens at previous People's Assemblies, but Executive Council has not taken action in response.

Be it resolved that the People's Assembly hereby recommends to Executive Council that:

- 1) That all citizens each receive \$5,000 from the Huu-ay-aht Nation on their 50th birthday; and
- 2) That all citizens who have turned 50 since April 1, 2011 receive \$5,000 from the Huu-ay-aht Nation.

Appendices attached to Motion:

Written report prepared by Paul Rokeby-Thomas.

The following documents:

- Report to People's Assembly: \$5,000 Distribution for Elders.

Introduced by: Judy Johnson

Date:

_____ DATE OF PEOPLE'S ASSEMBLY

Administrative Requirements

Executive Council will consider this recommendation at its first meeting following the People's Assembly.

Huu-ay-aht First Nations
Report to the People's Assembly

Title: Time Limit for Response to People's Assembly Recommendations

Type of Decision: APPROVAL

Submitted by: Coraleah Johnson on behalf of Brittany Johnson

Date: August 30, 2017

For presentation at meeting scheduled for September 30, 2017

Background

A citizen has brought forward a motion to the People's Assembly recommending that Executive Council commit to responding to citizen motions three months prior to the People's Assembly

Issue

Does Executive Council wish to commit to respond to citizen motions at least three months prior to the next regular People's Assembly?

Discussion

Citizens have brought forward motions in the previous year and there hasn't been any follow-up correspondence from council or administration regarding the resolutions that were passed. The citizen who brought forward the motion is concerned that without knowing the status of these motions, citizens aren't in a position to bring follow up motions to the next People's Assembly.

Options

Option 1- Commit to providing a response with respect to all citizen's motions passed by the People's Assembly at least three months prior to the next regular People's Assembly.

Option 2- To not make this commitment.

.Recommendation

To approve option 1. A proposed motion is attached.

Outcomes

If the proposed motion is passed, notice should be given to Brittany Johnson and a direction should be given to the Executive Director to ensure that all citizen motions are responded to within the timeframe set out.



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ANCIENT SPIRIT, MODERN MINE

WRITTEN MOTION of the PEOPLE'S ASSEMBLY

(Government Act, s. 86)

For ease of reference, this motion may be referred to as:

Motion Regarding Time Limit for Response to People's Assembly Recommendations

Whereas:

- a) Executive Council is obligated to consider recommendations of the People's Assembly at its first meeting after the People's Assembly at which they were made;
- b) There is no legal requirement for when, if or how Executive Council will report back to citizens in respect of its consideration of recommendation of the People's Assembly;
- c) Without knowing what action has been taken in respect of recommendations made by citizens at one People's Assembly, it is difficult for citizens to propose any relevant follow-up motions for the next People's Assembly.

Be it resolved that the People's Assembly hereby recommends:

- 1) That Executive Council commit to publicly responding to recommendations of the People's Assembly at least three months prior to the next regular People's Assembly.

Appendices attached to Motion:

Written report prepared by Coraleah Johnson on behalf of Brittany Johnson.

The following documents:

- Report to the People's Assembly: Time Limit for Response to People's Assembly Recommendations.

Introduced by: Brittany Johnson

Date: _____
DATE OF PEOPLE'S ASSEMBLY

Administrative Requirements

Executive Council will consider this recommendation at its first meeting following the People's Assembly.

Huu-ay-aht First Nations
Report to the People's Assembly

Title: Transportation for Anacla Paawats

Type of Decision: APPROVAL

Submitted by: Kathy Waddell

Date: August 30, 2017

For presentation at meeting scheduled for: September 30, 2017

Background/Discussion

HFN does not have a vehicle that can accommodate the Anacla Paawats children. There is a school bus in Anacla but it is used for the school aged children and because they require car and booster seats, a school bus is not appropriate for their safety. The lack of a suitable vehicle for the Anacla Paawats prevents the children from going on field trips. Additionally, this is a safety issue because the program building is located in the tsunami zone.

Issue(s)

The Anacla Paawats does not have a vehicle to provide safe transportation to the children attending the program.

Discussion

The Community Services department has \$35,000 in this year's capital budget for a vehicle in Anacla. Additionally, there is another \$35,000 for an emergency vehicle (used ambulance or emergency transport unit). HFN can likely negotiate to purchase both vehicles for under \$70,000. The Ford Transit starts at \$31,000. Used ambulance are listed for \$16,000 – 30,000.

Options

- 1. Approve the motion**
- 2. Do not support the motion**



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ANCIENT SPIRIT, MODERN MINE

WRITTEN MOTION of the PEOPLE'S ASSEMBLY

(Government Act, s. 86)

For ease of reference, this motion may be referred to as:

Motion Regarding Transportation for Anacla Paawats

Whereas:

- a) The Anacla Paawats does not have a vehicle to provide transportation to children attending the program;
- b) The lack of a vehicle limits the ability of children at the Anacla Paawats to go on field trips; and
- c) The Paawats building is in a Tsunami zone.

Be it resolved that the People's Assembly hereby:

- 1) Direct that a vehicle suitable for transporting all of the students be provided to the Anacla Paawats program to be used both for program activities and in case of emergency.

Appendices attached to Motion:

Written report prepared by Kathy Waddell.

The following documents:

- Report to the People's Assembly: Transportation for Anacla Paawats.

Introduced by: Clara Clappis

Date:

DATE OF PEOPLE'S ASSEMBLY

Administrative Requirements

Executive Council will consider this recommendation at its first meeting following the People's Assembly.

Huu-ay-aht First Nations
Report to the People's Assembly

Title: Child Care Subsidy for Citizens

Type of Decision: APPROVAL

Submitted by: Kathy Waddell

Date: August 30, 2017

For presentation at meeting scheduled for: September 30, 2017

Background/Discussion

Paawats is a licensed early learning program that offers child care and preschool. There are two Paawats programs available to citizens. One is located on Treaty Settlement Lands in Anacla and the other is located near the government office in Port Alberni. There are 121 Huu-ay-aht children under the age of 12 years old who may potentially require child care outside of their home. These children could all benefit from a early learning program. We cannot limit this program to only people living outside Anacla and Port Alberni for a couple reasons.

1. As a treaty nation we must ensure that all programs and services are equally available to all citizens (Huu-ay-aht Constitution Act <https://huyuayaht.files.wordpress.com/2014/12/constitution-act-2011-official-consolidation.pdf>, section 6.1.c).
2. With so few child care spots available through the existing programs, there are many times when parents must access other early learning programs (HFN Child care spaces: 8 Anacla, 12 Port Alberni)
3. Families must choose the early learning program that best suits their family's needs and philosophies, and therefore may choose another early learning centre.

Families living in BC can apply to the BC government for child care subsidy. BC Child Care subsidy eligibility is assessed on family income. Therefore the more income your family has, the less subsidy you can receive from BC government. Another consideration is that the "Canada Child Benefit program is intended to help prevent and reduce the depth of child poverty, support parents as they move into the labour market and reduce overlap and duplication of government programs" (<https://www.canada.ca/en/employment-social-development/programs/child-benefit.html>).

Canada child benefit (CCB) as follows:

- \$6,400 per year (\$533.33 per month) for each eligible child under the age of six
- \$5,400 per year (\$450.00 per month) for each eligible child aged 6 to 17

As with the BC government, the rates for how much your family will receive decrease with the more income your family is able to bring in. Another consideration is that most often parents only qualify for child care subsidy (BC) if they are working or attending school. Children whose parents are not working will not have the opportunity to benefit from an early learning program.

In the UNICEF Convention on the Rights of the Child, Article 28 states: "All children have the right to good quality education and should be encouraged to go to school to the highest level they can." Article 26 states: "Children have the right to help from the government if they are poor or in need."

http://www.unicef.ca/sites/default/files/legacy/imce_uploads/DISCOVER/OUR%20WORK/ADVOCACY/DOMESTIC/CHILDREN%27S%20RIGHTS/uni812rightsdoc_en.pdf

From the BC Government's research paper discussing early learning from 2009, "a growing body of research shows that quality early learning programs can have a range of benefits for children. These include improvements in reading, writing, math, creativity, social development, work habits, motor skills, and performance on standardized tests." This motion is in line with Huu-ay-aht's strategic plan to develop citizen capacity to each person's best potential. Also by embracing ʔuuʔaʔuk, and fostering growth and capacity building in our citizens, we will ensure the success of our people, families, and Nation for generations to come.

Issue(s)

There are Paawats programs in Anacla and Port Alberni, where early learning programming is provided to Huu-ay-aht citizens; and some citizens are eligible for assistance from the provincial government for child care expenses, but this does not cover the full cost of child care for those who do not live near Anacla or Port Alberni. Additionally, many parents do not qualify for early learning programs such as preschool.

Discussion

If Huu-ay-aht First Nations government were to subsidize child care for every Huu-ay-aht child, the Nation would need to identify approximately \$60,500 - 121,000 per month which is \$726,000 - 1,452,000 per year.

Options

- 1. Approve the motion**
- 2. Amend the motion to offer child care subsidy maximums**
- 3. Do not support the motion**



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WRITTEN MOTION of the PEOPLE'S ASSEMBLY

(Government Act, s. 86)

For ease of reference, this motion may be referred to as:

Motion Regarding Childcare Subsidy for Citizens

Whereas:

- a) There are Paawats programs in Anacla and Port Alberni, where childcare is provided to Huu-ay-aht citizens;
- b) Some Citizens are eligible for assistance from the federal government for childcare expenses, but this does not cover the full cost of childcare for those who do not live near Anacla or Port Alberni

Be it resolved that the People's Assembly hereby recommends to Executive Council that:

- 1) the Huu-ay-aht government provide top-up funding to citizens who reside outside of the Anacla and Port Alberni areas and receive childcare funding from the federal government to make up the difference between the actual cost of childcare and the federal funding provided.

Appendices attached to Motion:

Written report prepared by Kathy Waddell.

The following documents:

- Report to the People's Assembly: Child Care Subsidy for Citizens.

Introduced by: Holly Johnson

Date:

DATE OF PEOPLE'S ASSEMBLY

Administrative Requirements

Executive Council will consider this recommendation at its first meeting following the People's Assembly.



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ANCIENT SPIRIT, MODERN MIND

**REPORT TO THE PEOPLE'S ASSEMBLY
OF EXECUTIVE COUNCIL**

**Banishment of Individuals who have Been
Convicted of Sexual Offences**

**FOR CONSIDERATION AT THE
2017 PEOPLE'S ASSEMBLY**

September 30, 2017

Prepared by: Melinda Skeels
on behalf of Executive Council

Date: August 31, 2017

ISSUE

Banishment of individuals who have been convicted of sexual offences.

BACKGROUND

The citizen who put forward this motion voiced concern about individuals who have been convicted of assaulting community members or others and then return to the community to live on HUU-AY-AHT Lands. She would like the community to be a safe place for all citizens, especially children, and has suggested that Executive Council could make the community safer by banning individuals convicted of sexual offences from treaty lands.

DISCUSSION

Many First Nations have sought to banish individuals from their communities for various reasons. Often, when faced with resistance, these measures have not been upheld by the courts. Entering into the Maa-nulth First Nations Final Agreement has put the HUU-AY-AHT in a stronger position than many other First Nations to create and implement legal measures aimed at banishing individuals who may pose a threat to the community. Nonetheless, careful research and consideration would need to be taken before implementing any law or other measure intended to banish individuals from HUU-AY-AHT Lands. It will be important to strike an appropriate balance between community safety and the rights of citizens in the HUU-AY-AHT government's exercise of authority.

One of the recommendations of the Social Services Panel in the report it released on May 31, 2017 was to implement a strong anti-violence program. The measures proposed in this citizen motion, or something similar, could be considered as part of the research that has been recommended by the panel to implement that program.

OPTIONS

The People's Assembly may choose to pass this motion making a recommendation to Executive Council, with or without amendments, or it may choose not to pass the motion. If the motion is passed, Executive Council will consider it at its next meeting following the People's Assembly. If the motion is not passed, Executive Council may nonetheless decide to take into account any discussion at the People's Assembly around this issue as it moves forward to implement the report of the Social Services Panel, including working towards implementing an anti-violence program.

RECOMMENDATION

If the proposed motion is passed and Executive Council chooses to move forward with implementing the recommendation, it will be important to get input from community members, Councillors, the HAWIIH Council and legal counsel with respect to the best way to craft the measures so that they are culturally appropriate, meet the needs of citizens and are legally defensible.



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ANCIENT SPIRIT, MODERN MINE

WRITTEN MOTION of the PEOPLE'S ASSEMBLY

(Government Act, s. 86)

For ease of reference, this motion may be referred to as:

Motion Regarding Banishment for Sexual Assault Convictions

Whereas:

- a) In the past, there have been people living in our community who community members were aware had been conviction of sexually assault; and
- b) We live in a small community and we want all our Citizens to be safe.

Be it resolved that the People's Assembly hereby recommends to Executive Council that:

- 1) anyone who has been convicted of offences of a sexual nature, such as sexual assault, not be allowed on Treaty Lands.

Appendices attached to Motion:

Written report prepared by Melinda Skeels, Legal Counsel.

The following documents:

- Report to the People's Assembly: Banishment of Individuals who have been Convicted of Sexual Offences.

Introduced by: Holly Johnson

Date: _____
DATE OF PEOPLE'S ASSEMBLY

Administrative Requirements

Executive Council will consider this recommendation at its first meeting following the People's Assembly.

Huu-ay-aht First Nations
Report to the People's Assembly

Title: Annual Distributions

Type of Decision: APPROVAL

Submitted by: Paul Rokeby-Thomas

Date: August 30, 2017

For presentation at meeting scheduled for: September 30, 2017

Background

Holly Johnson has put forward the following motion:

Whereas:

- a) The Huu-ay-aht Government no longer makes annual distributions to citizens; and
- b) Citizens should be sharing in some of the wealth of our Nation.

Be it resolved that the People's Assembly hereby recommends that Executive Council:

- 1) The Huu-ay-aht Government make an annual distribution to citizens in an amount to be determined by Executive Council

Discussion

In the past, the government has made varying levels of distributions to its Citizens. These have ranged from no distribution, to distributions other than cash, to cash distributions of \$250. These distributions typically take place in December each year. The last Citizen distribution was made in December 2016 for \$250 per Citizen and a total cost of \$187,500.

With approximately 750 Citizens, the Nation would have the following expenses for the related distributions:

Distribution to Citizens	Overall Cost
\$50	\$37,500
\$100	\$75,000
\$250	\$187,500

Distribution to Citizens	Overall Cost
\$500	\$375,000
\$1,000	\$750,000

Options

The People’s Assembly may choose to:

- Approve the motion and make the proposed recommendation to Executive Council; or
- Amend the motion to make a different recommendation(s) to Executive Council; or
- Not approve the motion;

If the proposed recommendation is made, Executive Council is required to consider the recommendation at its first regular meeting following the People’s Assembly (*Government Act*, s. 84(2)). If Executive Council chooses to adopt the proposed recommendation, it must, as soon as practicable, take the steps necessary and within the competence of government, to implement the recommendation (*Government Act*, s. 8(3)).



huu ay aht

ANCIENT SPIRIT, MODERN MINE

WRITTEN MOTION of the PEOPLE'S ASSEMBLY

(Government Act, s. 86)

For ease of reference, this motion may be referred to as:

Motion Regarding Annual Distributions

Whereas:

- a) The Huu-ay-aht government no longer makes annual distributions to citizens; and
- b) Citizens should be sharing in some of the wealth of our Nation.

Be it resolved that the People's Assembly hereby recommends to Executive Council that:

- 1) the Huu-ay-aht government make an annual distribution to citizens in an amount to be determined by Executive Council.

Appendices attached to Motion:

Written report prepared by Paul Rokeby-Thomas.

The following documents:

- Report to the People's Assembly: Annual Distributions.

Introduced by: Holly Johnson

Date:

DATE OF PEOPLE'S ASSEMBLY

Administrative Requirements

Executive Council will consider this recommendation at its first meeting following the People's Assembly.

Huu-ay-aht First Nations
Report to the People's Assembly

Title: Trust Funds for Huu-ay-aht Children

Type of Decision: APPROVAL

Submitted by: Paul Rokeby-Thomas

Date: August 30, 2017

For presentation at meeting scheduled for: September 30, 2017

Background

Holly Johnson has put forward the following motion:

Whereas:

- a) The Huu-ay-aht Government used to set up trust funds for children who were born to members, which those children would receive when they became adults.
- b) This program has not existed for some time.

Be it resolved that the People's Assembly hereby recommends that Executive Council:

- 1) The Huu-ay-aht Government invest \$5,000 in an interest-bearing trust for each child born to a citizen, to be paid out on the child's 19th birthday.

Discussion

The Federal Government has a program that is administered by INAC to make Per Capita Distributions (PCDs). The intention of PCDs is "to distribute per capita to the members of the band an amount not exceeding fifty per cent of the capital moneys of the band derived from the sale of surrendered lands".

Surrendered lands means a reserve or part of a reserve or any interest therein, the legal title to which remains vested in the Crown, that has been released or surrendered by a Band for whose use and benefit was set apart.

Funds for PCDs are held and administered solely by INAC.

At the effective date, April 1, 2011, Huu-ay-aht ceased to have surrendered lands. As all reserve lands became treaty settlement lands we were no longer eligible for PCDs as the use and benefit of the lands would now flow directly to Huu-ay-aht.

Per the latest citizenship list there are 46 Citizens born between the effective date and present. To create a similar program, run by the HUU-ay-aht Government, the initial cost to setup the program would be \$230,000 to cover all Citizens born after the effective date.

Based on past population growth we should conservatively budget for 15 new citizens a year for an annual expense of \$75,000 to run the program on an annual basis.

Options

The People's Assembly may choose to:

- Approve the motion and make the proposed recommendation to Executive Council; or
- Amend the motion to make a different recommendation(s) to Executive Council; or
- Not approve the motion;

If the proposed recommendation is made, Executive Council is required to consider the recommendation at its first regular meeting following the People's Assembly (*Government Act*, s. 84(2)). If Executive Council chooses to adopt the proposed recommendation, it must, as soon as practicable, take the steps necessary and within the competence of government, to implement the recommendation (*Government Act*, s. 8(3)).



huu ay aht

ANCIENT SPIRIT, MODERN MINE

WRITTEN MOTION of the PEOPLE'S ASSEMBLY

(Government Act, s. 86)

For ease of reference, this motion may be referred to as:

Motion Regarding Trust Funds for Huu-ay-aht Children

Whereas:

- a) The Huu-ay-aht government used to set up trust funds for children who were born to members, which those children would receive when they become adults.
- b) This program has not existed for some time.

Be it resolved that the People's Assembly hereby recommends to Executive Council that:

- 1) the Huu-ay-aht government invest \$5000 in an interest-bearing trust for each child born to a citizen, to be paid out on the child's 19th birthday.

Appendices attached to Motion:

Written report prepared by Paul Rokeby-Thomas.

The following documents:

- Report to the People's Assembly: Trust Funds for Huu-ay-aht Children.

Introduced by: Holly Johnson

Date:

DATE OF PEOPLE'S ASSEMBLY

Administrative Requirements

Executive Council will consider this recommendation at its first meeting following the People's Assembly.