



huu ay aht

ANCIENT SPIRIT, MODERN MIND

**RULE OF PRACTICE AND PROCEDURE
FOR EXECUTIVE COUNCIL:
EXERCISE OF DISCRETION
JUSTIFICATION FORMS**

**Pursuant to Resolution No. EC181004-15
of Executive Council**

Provisions of the *Government Act*, HFNA 3/2011 relevant to the enactment of this Rule of Practice and Procedure: sections 44, 46, 50(2), 56.

RULE OF PRACTICE AND PROCEDURE
FOR EXECUTIVE COUNCIL: EXERCISE OF DISCRETION JUSTIFICATION FORMS

RULE 2

***Rule of Practice and Procedure for Executive Council:
Exercise of Discretion Justification Forms***

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Definition

- 1** In this Rule, “**late addition**” means the addition of a substantive matter to the proposed agenda of a meeting of Executive Council at any time after public notice of that meeting has been given.

Direction for a Special Meeting Must be Accompanied by Form

- 2** (1) If a Councillor directs the Chief Councillor to call a special meeting under the *Government Act*, s. 44(3), such direction must be accompanied by a completed copy of the form attached as Schedule A.
- (2) If the Chief Councillor decides to call a special meeting in accordance with the *Government Act*, s. 44(1)(b) for which the Law Clerk is required to reduce the notice period for the meeting to less than 14 days, the Chief Councillor will provide the Law Clerk with a completed copy of the form attached as Schedule A.

Requests for Late Additions Must be Accompanied by Form

- 3** (1) Executive Council will only consider a late addition if it is supported by a completed copy of the form attached as Schedule B.
- (2) A person seeking a late addition must submit a completed copy of the form attached as Schedule B to the Law Clerk.

Public Notice of Requests for Late Additions

- 4** (1) When practicable, the Law Clerk must give public notice of a form submitted in accordance with subsection 3(2).

- (2) Executive Council will take into account the timing of any public notice given in accordance with subsection (1) in determining whether the late addition is reasonably justified under the *Government Act*, s. 46.

Request to Waive Report Requirements Must be Accompanied by Form

- 5 (1) Executive Council will only consider waiving report requirements under the *Government Act*, s. 56(4) if the waiver is supported by a completed copy of the form attached as Schedule C.
- (2) A person seeking a *Government Act*, s. 56(4) waiver must submit a completed copy of the form attached as Schedule C to the Law Clerk.



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Executive Council Rule 2, Schedule A

CALLING A SPECIAL MEETING

Where a Councillor reasonably believes that there is an emergency requiring an Executive Council meeting, or that a delay until the next regular meeting of Executive Council is not in the best interests of Huu-ay-aht, the Councillor may direct the Chief Councillor to call a special meeting. The Chief Councillor must advise the Chief Councillor of the date, time, location, and proposed agenda to be included in the notice for the special meeting (*Government Act, s. 44(3)-(4)*).

The purpose of this form is to direct the Chief Councillor to call a special meeting of Executive Council and to provide a basis for the Chief Councillor to call a special meeting in accordance with s. 44 of the Government Act.

Matter(s) *List the agenda item(s) for the proposed special meeting*

Blank space for listing agenda items.

Reasons *Provide details of the emergency or reason why a delay until the next regular meeting of Executive Council is not in the best interests of the Huu-ay-aht for each agenda item listed above*

Blank space for providing reasons for the emergency.

Date, Time, and Location of Proposed Meeting

Applicant

Date: _____

Time: _____

Location: _____

Name of Councillor

Date



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Executive Council Rule 2, Schedule B

ADDING AGENDA ITEM

Executive Council may change the proposed agenda for a meeting if the change is reasonably justified (*Government Act, s. 46*).

The purpose of this form is to provide a basis for Executive Council to decide if the matter should be added to the agenda.

Date of Meeting

Date: _____

Agenda Item Requested *Provide a brief description of agenda item to be added*

Reasons *Provide details of the justification for adding this item to the agenda*

Public Notice *To be completed by the Law Clerk*

Date public notice, if any, was given of the proposed late addition to the agenda:

_____ Date

Applicant

_____ Name

_____ Date



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Executive Council Rule 2, Schedule C
**WAIVING REPORT
REQUIREMENTS**

In an emergency, or in special circumstances where Executive Council reasonably believes that a delay in consideration of a matter is not in the best interests of the Huu-ay-aht, Executive Council may waive the requirement that a report be in writing, or waive or reduce the requirement that the report be provided at least four days in advance of consideration (*Government Act, s. 56(4)*).

The purpose of this form is to provide a basis for waiving the report requirements set out in s. 56 of the Government Act.

Matter *Provide the description of this matter on the proposed agenda and the date of the meeting*

Blank space for describing the matter.

Meeting Date: _____

Circumstances *Provide details of the emergency or special circumstances that Executive Council should rely upon to justify that a delay in consideration of this matter is not in the best interests of the Huu-ay-aht*

Large blank space for detailing circumstances.

Type of Report *Choose one of the following options*

Applicant

The report for this matter will be/was provided:

Verbally at the meeting by: _____
Name

In writing, on: _____
Date

OR

No report was provided.

Name

Date