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ANCIENT SPIRIT, MODERN MINE

## PUBLIC NOTICE of PEOPLE'S ASSEMBLY

(Government Act, s. 80)

January 9, 2019

To all Huu-ay-aht Citizens:

**PUBLIC NOTICE** is hereby given that:

The annual People's Assembly will be held at 10:00 a.m. on February 9, 2019 and continuing at 10:00 a.m. on February 10, 2019, at the Best Western Barclay, 4277 Stamps Avenue Port Alberni, BC. There will be satellite locations at the following locations to allow for participation by citizens who are unable to travel to Port Alberni:

- Anacla: Anacla Government Office, 170 Nookemus Road, Anacla, BC
- Nanaimo: Coast Bastion Hotel, 11 Bastion Street, Nanaimo, BC
- Victoria: Delta Hotel, 100 Harbour Road, Victoria, BC
- Vancouver: Hilton Vancouver Metrotown, 6083 McKay Avenue, Burnaby, BC

The Proposed Agenda, including all proposed motions, and the proposed *Financial Administration Act Amendment Act, 2019* are attached.



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## 2019 PEOPLE'S ASSEMBLY

February 9-10, Port Alberni, BC

### 2019 Session of the People's Assembly

will commence with opening ceremonies at

**10:00 a.m. on February 9, 2019**

and will continue at

**10:00 a.m. on February 10, 2019**

at the **Best Western Barclay 4277 Stamps Avenue Port Alberni, BC**

#### Along with our Satellite locations:

**Anacla: Anacla Government Office, 170 Nookemus Road, Anacla, BC**

**Nanaimo: Coast Bastion Hotel, 11 Bastion Street, Nanaimo, BC**

**Victoria: Delta Hotel, 100 Harbour Road, Victoria, BC**

**Vancouver: Hilton Vancouver Metrotown, 6083 McKay Avenue, Burnaby, BC**

### Proposed Agenda

1. Adoption of Agenda
2. Executive Council Report on 2017 Citizen Motions
3. Presentation of Huu-ay-aht First Nations Annual Report (including audited financial statements and committee reports)
4. Appointment of Auditor  
Motion: In accordance with the Financial Administration Act s. 34, The People's Assembly hereby appoints BDO Canada LLP as auditor for the period of April 1, 2018 to March 31, 2019
5. Tribunal Annual Report
6. Appointment of alternate Tribunal Member  
Motion: The People's Assembly hereby appoints Harry Brossault as an alternate member of the Huu-ay-aht Tribunal, in accordance with the *Tribunal Act* s. 3(3).
7. Major Projects Update (in camera)
  - a. Kwispaa LNG Project Update
  - b. Sarita Run of the River Project Update
  - c. Port Alberni Mainline Road Update
  - d. Western Forest Products Update



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### 8. Proposed legislative amendments to the *Financial Administration Act*

Motion: The People's Assembly hereby approves the amendments to *the Financial Administration Act* as set out in the attached draft *Financial Administration Act Amendment Act, 2019*.

### 9. Approval of 200,000 Cubic Metre Non-Replaceable Forest License

Motion: The People's Assembly hereby approves the granting of a non-renewable forest licence to HFN Forestry LP or other entity approved by Executive Council for the harvest of up to 200,000 cubic metres of timber from treaty lands, on terms acceptable to Executive Council and authorized in accordance with all applicable laws.

### 10. Approval of a Regulation for the Purposes of the TFL 44 Transaction (in camera)

Motion: The People's Assembly hereby approves the *TFL 44 Special Investment Body Regulation*.

### 11. Huu-ay-aht Group of Businesses Report

### 12. Social Service Panel Report Implementation Update

### 13. Citizen Motions

#### i. Increase in Post- Secondary Living Allowance (Sherri Cook)

Motion: The People's Assembly hereby recommends that Executive Council directs the Huu-ay-aht administration to investigate and study the possibility of increasing the post-secondary living allowance provided to Huu-ay-aht students by at least \$250 per month; and that Executive Council considers the matter of approving a minimum \$250 increase in monthly funding for all Huu-ay-aht post-secondary students, effective no later than August 2019, as part of the 2018-2019 budgeting process.

#### ii. Increase in Textbook Allowance for Post- Secondary Students (Sherri Cook)

Motion: The People's Assembly hereby recommends that Executive Council directs the Huu-ay-aht administration to investigate allowing Post-Secondary students to claim technology as part of their regular textbook budget; and that Executive Council considers the matter of increasing students' "textbook" allowance to \$900/school year, effective no later than August 2019 as part of the 2018-2019 budgeting process.

#### iii. Pay for Huu-ay-aht Employees Running for Office (Sherri Cook)

Motion: The People's Assembly hereby recommends that Executive Council address the matter of rectifying the inequity between elected officials running for re-election and Huu-ay-aht employees who wish to stand for elected office by either: a) ceasing to provide remuneration for elected officials running for re-election during the campaign period; or b) rescinding the policy of requiring Huu-ay-aht employees



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## 2019 PEOPLE'S ASSEMBLY

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running for office to take unpaid leave during the campaign period, so that a solution is in place before April 30, 2019.

iv. Amendments to the Huu-ay-aht Constitution (Duane Nookemis)

Motion: The People's Assembly hereby recommends that Executive Council directs the Huu-ay-aht administration to undertake a study of the Huu-ay-aht Constitution with the goal of finding ways to make the government structure more accountable and cost efficient through Constitutional amendments; and further, that Executive Council directs that the study referred to in the previous paragraph be informed by community engagement and questionnaires mailed out to citizens and that it be completed prior to the next election.

v. Government Member Remuneration and Expenses (Duane Nookemis)

Motion: The People's Assembly hereby recommends that Executive Council make public the remuneration paid to members of Executive Council and Hāwiih Council and the expenses paid by the government for each Councillor.

vi. Elders Firewood Policy (Brittany Johnson)

Motion: The People's Assembly hereby recommends that: 1) Executive Council create a policy regarding the provision of firewood to Elders (the "Elders Firewood Policy"); and 2) the Elders Firewood Policy include a requirement that the firewood to be stacked and accessible to Elders and that, where needed, infrastructure be put in place to keep the wood dry.

14. Adjournment



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**FINANCIAL ADMINISTRATION ACT  
AMENDMENT ACT, 2019**

**Approved by Executive Council  
on October 1, 2018**

**For Approval by the  
People's Assembly**

*The Huu-ay-aht Legislature enacts this law to amend the  
Financial Administration Act*

## REGISTRY OF LAWS CERTIFICATION

I certify that the *Financial Administration Act Amendment Act, 2019* was passed by Executive Council on:

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**Chief Councillor, Robert Dennis**

I certify that the *Financial Administration Act Amendment Act, 2019* is enacted as law on:

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**Ta'yii Hawilth, Derek Peters**

I certify that the *Financial Administration Act Amendment Act, 2019* came into force on:

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**Coraleah Bauer, Law Clerk**

## *Financial Administration Act Amendment Act, 2019*

### *Contents*

- 1 Amendments
- 2 Consolidation
- 3 Commencement

#### **Amendments**

**1** The *Financial Administration Act*, HFNA 7/2011 is amended by:

(a) *In section 3, adding the following definition:*

“**Huu-ay-aht special investment body**” means:

- (a) a Huu-ay-aht body prescribed by Executive Council under s. 62.1(1), and;
- (b) a Huu-ay-aht body held or controlled, whether directly or indirectly, by a Huu-ay-aht special investment body prescribed by Executive Council under s. 62.1(1).

(b) *Following section 62, adding the following new section:*

#### **“Huu-ay-aht Special Investment Body**

- 62.1** (1) Executive Council may prescribe a Huu-ay-aht body as a Huu-ay-aht special investment body and any conditions respecting that body following:
- (a) consultation with the Hāwīiḥ Council; and
  - (b) consideration of a recommendation by the Finance Committee.
- (2) A regulation under subsection (1) must be approved by the People’s Assembly before coming into force.
- (3) The Finance Committee may only make a recommendation to Executive Council in respect of prescribing a Huu-ay-aht special investment body under subsection (1) after it has reviewed a report in respect of the special investment body that includes the following:
- (a) an assessment of the potential investment opportunity as compared to other potential investment opportunities in terms of likely return on investment, risks and sustainability;
  - (b) a description of the purpose of the nature of the potential investment opportunity, including a description of the interests or investments to be held or controlled by such body;
  - (c) the capital required to invest in the potential investment opportunity and the planned source of that capital;
  - (d) a description of the corporate structure for the potential investment opportunity or how the potential investment

- opportunity will otherwise be managed including associated costs and reporting requirements for such body;
- (e) an assessment of the possible risks facing the potential investment opportunity and possible action that should be taken to mitigate those risks;
  - (f) an outline of financial performance or other benefits from the potential investment opportunity, including employment and training targets, for the first 5 years;
  - (g) a description of any other requirements necessary to begin or complete the potential investment opportunity.
- (4) Executive Council may authorize the use of money in a fund other than the Invested Wealth Fund for the purposes of investing in a Huu-ay-aht special investment body.
- (5) The Executive Director may designate an individual to approve the payment of funds for the purposes of an investment authorized under subsection (4).
- (6) Government and other Huu-ay-aht bodies may borrow money for the purposes of investing in a Huu-ay-aht special investment body if the borrowing, including:
- (a) the maximum amount to be borrowed;
  - (b) the purpose of the borrowing;
  - (c) the security for the borrowing;
  - (d) the term of the borrowing; and
  - (e) the source of money to repay the borrowing
- is specifically set out in a regulation.
- (7) Government and Huu-ay-aht bodies may guarantee the debt of a Huu-ay-aht body if the borrowing in respect of which the debt is incurred is set out in a regulation under subsection (6).
- (8) A regulation under subsection (6) must be approved by the People's Assembly before coming into force.
- (9) A regulation approved by the People's Assembly under subsection (6) may provide that the indebtedness associated with some or all of the funds borrowed in accordance with the regulation will not count towards the aggregate amount specified under section 69(6).
- (10) Despite the *Government Act*, s. 89(2), Executive Council may direct that the report in respect of a regulation presented for approval of the People's Assembly under subsection (1) or (6) need not be provided to citizens at least 14 days in advance of consideration of the matter and may instead be provided to citizens at the session of the People's Assembly at which the matter is being considered.



- (c) *In section 69(6), adding “, except as permitted under any regulation enacted under s. 62.1(9)”.*
- (d) *In section 93, adding the following subsections:*
  - “(h) prescribing a Huu-ay-aht special investment body in accordance with s. 62.1(1); and
  - (g) respecting borrowing for the purposes of investing in a Huu-ay-aht special investment body in accordance with s. 62.1(6)”.

**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 *Financial Administration Act*, HFNA 7/2011 to include the amendments contained in this act.