

Uchucklesaht Tribe Peoples Assembly March 23, 2013

Uchucklesaht Tribe People's Assembly

March 23, 2013

Lawn Bowling Hall

Port Alberni, BC

Attendance:

Chief Councillor Charlie Cootes
Cheryl Cottrell
Iris Sam
Thomas Rush
James Cootes
Martin Sam
Scott Coulson

Phyllis Halvorsen
Sabrina Crowley
Ryan Rush
Wilfred Cootes Jr.
Jayleen Sam
Erica Laing

Carla Halvorsen
Lorraine Cootes
Mellissa Rush
Dorothy Cootes
Gina Laing
Leland Sam

Guests: BDO Auditor Millissa and Chief Electoral Officer Kit Spence

Call to Order: Scott Coulson

Prayer: Chief Councillor Charlie Cootes

Adoption of Agenda:

Motion #01: Agenda adopted for the day.

Moved: Thomas Rush

Seconded: Phyllis Halvorsen

Motion Carried. (All in Favour-14) **Agenda Approved.**

Motion #02: Uchucklesaht Tribe Peoples Assembly agrees to break for 30 minutes.

Moved: Thomas Rush

Seconded: James Cootes

Motion Carried. (All in Favor – 15)

Uchucklesaht Tribe Audit 2011-2012: (Presented by BDO Auditor)

There has been a qualified opinion on this audit. Statements have been reviewed and approved by the legislative council in October 2012.

There has been a change in policy and it picks up the changes in Enterprise Ltd. now. The first year of the Fiscal Year Financing Funding is also captured in the statements.

(PG 24) Note 17: The Green Cove Store direct costs are captured.

Question: What is Amortization?

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Answer: It comes out of the capital assets and is recognized as an expense in the current year. It is not an actual expense, it is not cash. (Example given: Buildings as assets)

Motion #03: Uchucklesaht Tribe Peoples Assembly agrees to accept the Audit for 2011-2012.

Moved: Thomas Rush

Seconded: Phyllis Halvorsen

Motion Carried (All in Favor – 15)

Uchucklesaht Tribe Draft Budget 2013-2014:

The Three Year Financial Plan starting 2013/2014 is reviewed with Citizens/Enrollees.

Uchucklesaht Tribe Budget is in a surplus. This is a good budget.

Administration – cut in the legal budget, expenses are going down. Rent is increased this year because UT will be moving into another administration building and there is hope to have a larger office space. There was a decrease in wages in this department and director's wages have been placed in the proper departments.

Question: Will staff spend time in Kildonan and use the new building down there?

Answer: Yes, each department will spend time in the village.

Question: Is there a way to save on storage costs and saving space by using less paper?

Answer: Yes, MAZE is a new system in place and it will help the nation by keeping information in the system but you still have to keep some hard copy files. We are working towards going paperless.

Chief and Council – UT is seeing cost savings in this department due to going paperless. The council are using their laptops to access documents on a network that has been made available to them. New to this department is the addition of funds for the Administrative Decisions Review Board – this is an outside body that reviews and makes decisions on various complaints regarding decisions/laws.

Question: Travel seems so low here? Is there enough allocated?

Answer: Yes, we thought of cutting the travel but we feel we will need it this year. Mileage cost numbers here should cover travel.

Elections – funds are put here for elections and the referendum. There is a plan for the referendum this year on the constitution – the cost estimated for that is \$40,000

Membership –

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Question: Why cut the funeral costs?

Answer: This cost was not in last year's budget either. It was removed quite some time ago.

Motion #04: Uchucklesaht Tribe Peoples Assembly recommends to the legislature that they reinstitute the Funerals lined item under the Membership Department to the way it was before.

Moved: Iris Sam

Seconded: Dorothy Cootes

Motion Carried. (All in Favour – 15)

Citizenship & Enrolment – funds are allocated here for the committee work.

Question: Who sits on this committee?

Answer: The registrar, an elder, and a councillor.

Education – UT has increased education just in case our nation needs it.

Uchucklesaht Marine Transportation –

Question: Has council looked a ways to increase the revenue for the boat charters and also advertise?

Answer: Yes, council has also increased travel rates and put \$100 from each charter away to pay for engines for when they wear out. This will be pushed over to the Economic Development Arm soon.

Comment: Running the boat all the time takes a large toll on the motors.

Question: Are you thinking of alternate skippers? Also, do we need to look at trading in those motors for new motors before the warranties run out?

Answer: Yes, but you will not have any savings if you trade the motors in within the first year.

Question: Why are we paying a moorage for the other boat, the skiff to be parked at the Harbor Quay? UT could save money by parking it in their yard/parking lot and then just launching the boat anytime they needed it.

Answer: UT has staff that needs to be able to use the boat on short notice.

FNESC – this is where funds are located for the Christmas Party and also Community and Parental Engagement Functions.

Health –

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Question: I am having problems in my age to access ways to get wood and supplies to my home in the village for heat and there is only services available for the elders aged 55+. Is there anything in this budget for a vehicle for people in the village to access that are not yet at the elder's age?

Answer: Yes, there are funds in the budget that is located in Village Operations.

Motion #05: Uchucklesaht Tribe Peoples Assembly recommends to the legislature that they ensure that the Elders Age Requirement be moved back down to the age of 50 years, the way it was before instead of the age of 55 years – the age it was changed to.

Moved: Phyllis Halvorsen

Seconded: Iris Sam

Motion Carried. (All in Favour – 15)

Question: Where do funds go that are not used in a department?

Answer: Any funds not used go into a surplus and then council determines what to use it for in the next fiscal year – you move it to where you need it.

Question: Where is the lined item for janitor work? The health clinic in the village is very run down and needs cleaning. It needs to be cleaned properly.

Answer: Uchucklesaht spends clean-up costs out of the Maintenance Department. UT just hired a cleaner in the last two weeks to clean the clinic.

Social Development –

Question: What are isolation benefits?

Answer: Each resident who lives in the village gets two free trips to Port Alberni each month on the boat to complete their shopping, errands and medical appointments. Also covered under this department are the two runs the boat makes in the summer time to Port Alberni and then back to Kildonan to the village.

Motion #06: Uchucklesaht Tribe Peoples Assembly agrees to break for lunch for 1 hour.

Moved: Thomas Rush

Seconded: Phyllis Halvorsen

Motion Carried (All in Favor – 15)

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Culture and Heritage – a proposal writer will be hired to put together proposals for Uchucklesaht Tribe through this department. UT has hired on a cedar weaver who will also teach language classes.

Question: There was a program at the college to teach language – could UT access that class?

Answer: That cost would come out of this department – but UT has hired on Geraldine to teach language classes.

Village Operations & Maintenance –

Comment: Under Capital Purchases (Equipment) funds have been put aside to buy a village ATV for all residents to use to transport their wood and groceries.

Concern: We need it to be able to also get down to the wharf and make it through the snow. When we shop, there are usually about 10 boxes of groceries, and so space on the ATV would be good too. We need something that will work in our village.

Comment: The internet is really bad in the village as well; will UT be fixing the internet access?

Reply: UT has filed a complaint about that and the plan for next year is to get a new system in place.

Comment: It would be nice to get an update on the Water Project; can we include that in a future newsletter?

Reply: Yes, details for that project can be included in a newsletter.

Mobile Homes – working on bringing in contractors to upgrade current furnaces in the buildings.

Treaty Right Fisheries – this year NSDC will continue to provide some boxes of sardines. There are two totes of roe herring that have been ordered as well.

Director of Lands and Resources Monty Horton will be holding Planning and Information Sessions on Land Planning and Fisheries. Bring all your concerns there for the planning of those topics.

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Shellfish Operations –

Question: Will UT put a representative on the Clam Commercial License Board?

Answer: The Director of Lands and Resources would sit on that board. He will look into the details of that board.

Henderson Lodge – looking for someone to be the caretaker for the Henderson Lodge.

Comment: It would be a good idea to put in a fence for now or a forest contractor might be able to help in blocking that area off to the lodge for now? We need to protect our lodge.

Reply: Yes, we will get someone to look after the lodge and keep it in good condition.

Implementation Activities (One Time) –

Question: I heard that our people would be getting cash settlements – is that true?

Answer: No, that is not true.

Housing/Capital –

Question: Will our nation get a road into the village this year?

Comment: Uchucklesaht Tribe is working on road plans.

Comment: I would like for all families to get a cash bonus or Christmas bonus – we should look at that option.

Reply: Right now we are at a balanced budget which is good, but if that happened, then they would have to find those funds somewhere.

Fisheries –

Comment – We have lost our traditional way of doing things. We are ignoring the traditional part of who we are. Licenses and fees are not our way – there is a big paper trail.

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Comment – Fisheries Training is expensive and it is good for our members and staff to have. I would suggest we increase that cost for next year and review that cost every 3-4 years. This is an essential skill to have for working in our waters and rivers.

Comment – Our nations need to account for everything harvested and should report all species to the office.

Motion #07: Uchucklesaht Tribe Peoples Assembly recommends to the legislature that the Uchucklesaht Tribe examine options for a Christmas Cash Bonus to Enrollees of the Uchucklesaht Tribe as a gift.

Moved: Iris Sam

Seconded: Gina Laing

Motion Carried. (All in Favour – 15)

Motion #08: Uchucklesaht Tribe Peoples Assembly agrees to take a 15 minute break.

Moved: Thomas Rush

Seconded: Martin Sam

Motion Carried (All in Favour – 15)

Motion #09: Uchucklesaht Tribe Peoples Assembly accepts the Uchucklesaht Tribe Annual Budget of 2013-2014 and three year financial plan as may be amended.

Moved: Sabrina Crowley

Seconded: Phyllis Halvorsen

Motion Carried. (All in Favour – 15)

Date and Location of Next Peoples Assembly:

Motion #10: Uchucklesaht Tribe Peoples Assembly agrees that the next Peoples Assembly be held on June 28, 2013 in Port Alberni.

Moved: Wilfred Cootes Jr.

Seconded: James Cootes

Motion Carried. (All in Favour – 15)

Constitutional Referendum Information Session:

Chief Electoral Officer Kit Spence goes over all materials regarding proposed amendments to the Uchucklesaht Tribe Constitution and also date of the Referendum, which will be June 28, 2013.

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PROPOSED AMENDMENT NO. 1

1.1 An individual is entitled to be an Uchucklesaht citizen if that individual:

(a) is enrolled under the Maa-nulth Treaty;

(b) was registered on the Uchucklesaht Indian Band List as of the day immediately preceding the Effective Date of the Maa-nulth Treaty;

(c) has been adopted as a child by a ~~Uchucklesaht citizen~~ an individual of Uchucklesaht descent an individual of Uchucklesaht descent under Canadian law, the Maa-nulth Treaty or in accordance with Nuuchah-nulth custom;

(d) is ~~a descendent of a Uchucklesaht~~ of Uchucklesaht descent; or

(e) meets any additional criteria established under Uchucklesaht citizenship laws.

Explanation

This amendment clarifies the citizenship definition to ensure that, in future, the tribe continues to consist primarily of people who are directly descended from the original members of the tribe. The previous wording might have allowed a dilution of that citizenship over time through adoption.

PROPOSED AMENDMENT NO. 2

2.5 Except for the four Ha'wiih, the Uchucklesaht Council shall hold office for a term of four years ~~on a staggered basis as defined in the Uchucklesaht election law.~~

Explanation

While the original expectation was that half the Council would be elected every two years for a four-year term in order to maintain some continuity and experience on Council, the reality of the elections is that it is very difficult to get enough candidates and voters to come out for an election every four years. The Ha'wiih provide continuity and have elections for all positions every four years should result in better participation than staggered elections.

PROPOSED AMENDMENT NO. 3

2.22 ~~Members of the Executive~~ ~~The Uchucklesaht Executive~~ shall have the power and duty ~~for~~ to oversee the enforcement of Uchucklesaht laws, the management of Uchucklesaht affairs, Uchucklesaht financial administration and the operations of the Uchucklesaht government within the areas of their respective portfolios and in accordance with Uchucklesaht laws.

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Explanation

This amendment clarifies that the role of the Members of the Executive is to **oversee**, not to actually implement the laws, management and administration. It is the responsibility of the administration to do the day-to-day work, while it is the role of the Executive to oversee and provide direction to the Administration on **what** is to be done while the Administration determines **how** it is to be done.

PROPOSED AMENDMENT NO. 4

2.23 ~~Subject to the instructions given by the Uchucklesaht Council~~ Upon and subject to the direction of the Chief Councillor, members of the Executive, within the areas of their respective portfolios, shall be responsible for representing the Uchucklesaht government in intergovernmental relations, including relations with other First Nations.

Explanation

This amendment refers specifically and only to **intergovernmental relations** where the members of the Executive are meeting with government representatives or with other First Nations. The Executive members are responsible for the specific portfolio responsibilities, but, when they are in meetings with government and other First Nations, they must take direction from the Chief Councillor to ensure that the Tribe speaks with a single voice.

PROPOSED AMENDMENT NO. 5

5.3 The annual audited financial statements for the Uchucklesaht Tribe, including the annual audited financial statements for any corporate entity owned, in whole or in part, by the Uchucklesaht Tribe, shall be made available for review by Uchucklesaht citizens and presented at a Uchucklesaht People's Assembly each year within 150 ~~90~~ days of the fiscal year end.

Explanation

Under the current clause in the Constitution, the Tribe's auditors must produce audited financial statements within 3 months (90 days) of the year-end. As the Tribe's affairs become more complex and as the rules governing accounting have become more difficult, it is impossible for the auditors to do their job in 90 days and this amendment extends the time frame to 150 days or 5 months.

PROPOSED AMENDMENT NO. 6

9.4 This Constitution may only be amended with the approval of at least 50% ~~30%~~ plus one of the Uchucklesaht eligible voters at the time of the referendum described in paragraph 9.4.

Explanation

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Under the current clause in the Constitution 50% +1 of eligible voters must vote in favour of a constitutional amendment in order for it to be approved. This has proved to be an impossible requirement to meet for a number of reasons. After the first attempt to amend the Constitution failed due to a lack of turnout, the voting rules were changed to allow mail in ballots. While this improved the turnout, there were still not enough votes to meet the 50%+1 requirement in the Constitution. Many members of the tribe are not living in or near Port Alberni and, even with the mail-in ballot, most people are not that interested in constitutional issues. A threshold of 30% +1 is still a substantial requirement and will ensure that Council and others will not be able to easily change the Constitution

Adjourn:

Motion #11: Uchucklesaht Tribe Peoples Assembly agrees to adjourn the meeting of the day.

Moved: Iris Sam

Seconded: Phyllis Halvorsen

Motion Carried (All in Favor – 15)

MEETING ADJOURNED