

**Uchucklesaht Tribe Peoples Assembly
& Nomination Meeting
November 14, 2011
Port Alberni Lawn Bowling Hall
4255 Wallace Street - Port Alberni, BC**

Attendance:

Chief Councillor Charlie Cootes	Sharon Styan Sr.	Warren Robinson
Eli Mina – Chair	Chris Cenname	Lorraine Cootes
Carla Halvorsen	Sabrina Crowley	Clifford Charles
Ellen Gonzales	Charles K. Cootes	Dorothy Cootes
Gina Laing	Kit Spence – Chief Electoral Officer	
Cam Cootes	Scott Coulson- Chief Administrative Officer	
Pam Watts	Darren Atkinson – Leith Wheeler & Co.	
Wilfred Cootes Jr.	Tina Halvorsen	Jayleen Sam
Sharon Martin	Patsy Baader	Jane Jeffrey
Susan Cootes	Tom Rush	

Recording Audio/Video: Mike Watts of Nuu-chah-nulth Tribal Council

Call to Order: Eli Mina

Prayer: Chief Councillor Charlie Cootes

Introductions – and review of Uchucklesaht Peoples Assembly Procedures: Eli Mina

Adoption of Agenda:

Addition to Agenda – Future of the Low rider (No Opposition indicated by members to the addition) Addition will be discussed after 8) Economic Development – Green Cove Store

Agenda Item 9 has been made a timed item for 1:30pm (No Opposition indicated by members to the addition)

Agreement has been made that there will an All Candidates Forum starting at 6:00pm after the Peoples Assembly (No Opposition indicated by members)

Approval of Agenda: Uchucklesaht Tribe Members approves the agenda of the day with the additions of Future of the Low rider which will occur after agenda item 8) and will have a timed item Nominations Meeting (All in Favour) **Agenda Approved**

Constitution Amendments:

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Problems will arise in a transitional government – it has been found that the constitution will need to be amended.

Chief Electoral Officer Kit Spence goes through the amendments with the Uchucklesaht Eligible Voters.

Recommended Constitutional Amendment #01 – 1.1 (c) and 1.1 (d) in Constitution

- Deleting “a Uchucklesaht Citizen” and replacing with “an individual of Uchucklesaht Decent” in 1.1 (c)
- Deleting “is a descendent of a Uchucklesaht Citizen” and replacing with “is of Uchucklesaht descent” in 1.1 (d)

Comments from Membership:

The Citizenship and Enrolment Committee has used birth certificates to verify member’s connections to the Uchucklesaht Tribe – the certificates list whom the person’s mother and father are.

Uchucklesaht has a Citizenship and Enrolment Committee and Charles K. Cootes is the chair of that committee.

INAC People have been enrolled as well as treaty citizens & enrollees

There are no requirements of a blood quantum that is needed to establish genealogy.

Recommended Constitutional Amendment #02 – 2.5 in Constitution

- Deleting “on a staggered basis as defined in the Uchucklesaht election law” in 2.5

Comments from Chief Electoral Officer:

This process is used in the U.S. staggered election process

It is very costly to vote every two years

Elections held every four years is more cost effective.

Recommended Constitutional Amendment #03 – 2.22 in Constitution

- Delete all of 2.2
- Replace 2.2 with “Members of the Executive shall have the power to oversee the enforcement of Uchucklesaht laws, the management of Uchucklesaht affairs, Uchucklesaht financial administration and the operations of the Uchucklesaht

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government within the areas of their respective portfolios and in accordance with Uchucklesaht laws”

Chief Electoral Officer Comment:

The Executive does not complete the day to day administration work – they will oversee the departments.

Recommended Constitutional Amendment #04 – 2.23 in Constitution

- Deleting “Subject to instructions given by the Uchucklesaht Council” and replacing with “Upon and subject to direction of the chief councillor”

Chief Electoral Officer Comment:

It is the Organization that needs that ultimate figure.

Uchucklesaht Citizen/Enrollee Question:

- For what matters?
- What about other levels of government?

Answer:

This is when you’re out there as a group – it is the Chief that notes what each person’s area of responsibility is - he is like the Captain of the boat.

Uchucklesaht Citizen/Enrollee Comment:

- I don’t agree and I would like council to give direction.

Response to Comment:

- This is speaking about external relations, not internal relations.

Uchucklesaht Citizen/Enrollee Comment:

- We need to tidy up our government structure – knowledge is spreading now – one person is not the figurehead.
- When it is not that positions place to speak – then executive members are the spokespersons - though responsibility would rely on CAO and not council.

Comment:

- The CAO is administrative and the Chief Councillor or Council is political.

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- Chief Councillor doesn't have the decision – he gives direction as to who is responsible for representing at that time.

Recommended Constitutional Amendment #05 – 5.3 in Constitution

- Deleting 90 days and replacing it with 150 days.

Comments:

This area is amended due to a conflict in accounting – accounting needed more time to complete the work.

Date of Next Constitution Informational Meeting (Thursday December 29, 2011):

Constitutional Information Meeting has been set for December 29, 2011

Date of Referendum to Vote on Constitution (Saturday January 28, 2011):

Next People's Assembly & Election Day is December 29, 2011 from 8:00 AM – 6:00 PM

Date for Referendum to vote on constitution is Saturday January 28, 2011 at the Port Alberni Lawn bowling Hall.

Leith Wheeler Update to Membership: 10:30am

Qacca Settlement Trust (Dan Legg Presentation on relation of the trust to the Leith Wheeler Update)

All of the Maa-nulth nations wanted a formation of a Qacca Settlement Trust and the Maa-nulth Treaty made a provision for the trust. A decision for the trust was made by the nations and in the end three of the five nations formed the Qacca Settlement Trust.

The three nations that formed the Qacca Settlement Trust are Toquaht, Ky/Checklesah, and Uchucklesaht Tribes.

Attendance: Uchucklesaht Tribe Citizen/Enrollee Wilfred Cootes Jr. joins the meeting

There are capital transfer funds and resource revenues payments that will be made to the Maa-nulth Nations for a period of over 25 years.

There is a separation of assets – money in the trust at arm's length from the nations of which is preserved for specific uses.

Own Source Revenues - due to provisions, were a benefit to move it into the trust.

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The Maa-nulth First Nations money is being protected. Individual Maa-nulth First Nation council members decided to protect that money by putting it into a trust pre-treaty.

Resolutions from the nations were passed on March 23, 2011

From November 2011 to March 2011 discussions occurred regarding the trust and agreement.

Over 10 years, all transfers will amount to just under 5 million and it is estimated that 2.5 million will be generated over 5 years with growth.

Uchucklesaht Citizen/Enrollee Comment:

- So, there is money and it was taken away from us.

Reply:

- Income in the trust will be generated and will help nations to build on programs and services. Income in that trust must first be generated.
- Treaty is comprehensive with self-governance, land (tsl), and cash (capital and resource revenue payments)
- All programs and services are continued and funded separately.
- MFN's decided to invest funds to generate revenue and supplement programs and services and build on economy
- The nation's hands were tied once before –the nations didn't own land, etc... but now, hands are not tied.
- The idea is that you don't want short term benefits – this trust is like a savings account

Uchucklesaht Citizen/Enrollee Question:

- Does INAC pay for health services?

Reply:

- Services and Programs with INAC continue.
- Trust funds can be used for anything in the community like a new boat, etc... there are more options in the trust as well.

The trustees for the Uchucklesaht Tribe are Chief Administrative Officer Scott Coulson and Secretary Treasurer Executive Member Carla Halvorsen.

Uchucklesaht Citizen/Enrollee Comment:

- INAC services – health, INAC won't cover my Epi-pens (double Epi-pens) Could Uchucklesaht Tribe pay for any medical items that INAC won't cover?

Reply:

- That is up to the nation, this could be budget item.

The Trust is a relationship. There is a settlor, trustees, a beneficiary, and there was property in the form of coins that were transferred to the trustees to start the trust.

The settlor was Gary Yabsley.

Uchucklesaht Citizen/Enrollee Comment:

- Who are the beneficiaries? Are we as individuals beneficiaries?

Reply:

- Individuals are not beneficiaries – the nation is the beneficiary.

Uchucklesaht Citizen/Enrollee Comment:

- Who is holding trust?

Reply:

- There are Trustee powers over the funds – Case law, common law, and trust law are involved. Trustees must follow trust agreement and engage and/or discharge an investment manager, engage experts, etc.....

Attendance: Uchucklesaht Tribe Citizen/Enrollee Tina Halvorsen joins meeting

Trustee takes on great responsibility and liability. There are assets held in trust for the beneficiary.

Reporting Obligations to Council and Community are:

- 1) Quarterly statements
- 2) Annual audited financial statements
- 3) Annual written report on the trust
- 4) Meeting minutes provided to council
- 5) Attendance at least one People's Assembly per year to present an annual report

As soon as quarterly report is completed and accepted - then the trustees can report on that.

Trustee procedures – trustees went through Request for Proposals to seek investment managers and had responses from top firms in BC and Can.

Leith Wheeler was selected.

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Risk and return was determined.

The nations received capital transfer payments – put that into the trust bank account once it was opened and then trustees sent funds to Leith Wheeler.

Trustees get monthly and quarterly reports from Leith Wheeler - most funds have been transferred to Leith Wheeler.

Uchucklesaht Citizen/Enrolee Question:

- Is the trust insured in case things go wrong?

Answer:

- No, there is no insurance for investments. Investment Guarantees supported by government have low returns.

(Darren Atkinson speaks to Leith Wheeler relationship to the Settlement Trust)

The biggest market is in BC and the Settlement Trust must be able to grow and accumulate over time.

We need to allow funds to grow over time and must take some risk to gain revenue.

The decision or risk was a mix of 50% bonds and 50% in stocks that would be invested.

Qacca Settlement Trust Return 3rd Quarter – 4.3%, April 30 – 4.1%

Market value – beginning quarter \$986,039

Book Value \$988,600

Uchucklesaht Citizen/Enrolee Question:

- What stocks are we invested in?

Answer:

- We pooled funds. It is a diversified portfolio. You will have access to these funds at any time.
- You can use bond portion if you do need funds.

Uchucklesaht Citizen/Enrolee Question:

- How do you monitor world markets?

Answer:

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- The world market changes often but based on news flow from Europe - we are not in European financials which has been hit very hard.
- Access to funds can liquidate bonds and so on.

Time frames for nations to give notice if the nations would like to take funds out of that trust are set out in the agreement.

(Dan Legg Comments)

Our company also manages the Implementation Funds – which provides ongoing income for administration and operational income to the nations.

We need to protect money from inflation and provide income to nations.

(Darren Atkinson Comments)

Plus 1.2% returns – (since May 13, 2011 positive return) on the Implementation Funds.

(Dan Legg Comment)

Investment policy covers return expectations and trustees are keeping great records and area doing great – council gets materials, contracts, minutes, etc... - are all first class.

Lunch Break 12:00pm-1:00pm

Fisheries Presentation during Lunch Break: Presenters are Sabrina Crowley, Tina Halvorsen, and Jim Lane.

During July and September of 2011, the Henderson River Fence was operating and swims were conducted within the River in the Henderson Lake area.

Attendance – Uchucklesaht Citizens/Enrollees Jayleen Sam, Sharon Martin, Patsy Baader join the meeting

In 2011 for Henderson Sockeye, there was a 45,000 estimated return of the salmon – moderate harvest is 35%.

We need information as to what has been caught and we have been taking DNA sampling on a weekly basis

Counters this year – captured 17,135 and salmon escaped into the lake are a total of 22,735 fish

Swim surveys started in September. Coho into Clemens Creek were anywhere between 5000 and 6000 and therefore you could probably take 1000 – 1500 pieces safely.

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In the last swim, we saw Chinook – there were anywhere between 200 and 300 salmon in Clemens Creek.

We see the following as benefits for the Uchucklesaht Community in relation to Monitoring and protecting the salmon in Uchucklesaht Tribe Territory:

- Re-installation of fence
- Catch monitoring
- Crab and prawn surveys
- Gear counting

Uchucklesaht Citizen/Enrollee Question:

Infection of wild farm salmon on fish farm activity – is there impact on our stocks?

Fisheries Reply:

- Positive identification is not determined – there are different results in bath tests.

Uchucklesaht Citizen/Enrollee Question:

- Can our salmon get infected?

Fisheries Reply:

- We have never had an infected Henderson Salmon.

We see the following as benefits for the Uchucklesaht Community in relation to Monitoring and protecting the salmon in Uchucklesaht Tribe Territory:

- Fisheries technicians are good but we need the technicians down there more often.
- Communications has improved – so that is good (with internet, etc...)
- NTC has Uchucklesaht people grasping those opportunities to work in fisheries in their territory
- We need technicians down there to complete the calibrations – so people can care for the fence and check.
- More opening they have in the fence the better the for of the migration

The Salmon Counting Fence is more cheaply made as opposed to a fence that is a million dollars.

Uchucklesaht Citizen/Enrollee Question:

- Do you have connections with West Coast Aquatic?

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Fisheries Reply:

- Yes, but they are a separate organization.

Attendance: Uchucklesaht Citizen/Enrollee Jane Jeffery and Susan Cootes join the meeting

Economic Development – Green Cove Store 1:00pm

(Chief Administrative Officer Scott Coulson presents)

Green Cove Area is about (39.2 Ha) and there is 3500m of water front.

Land Development Plan & Strategy Study has been completed for the area.

Business Plan – Phase 1 – Financial Plan has been planned.

An upgraded road could provide access to the site in the future, but there is only marine access right now.

Floats & Marina – the plan is to use the oyster harvest rafts and convert those into wharves to save money.

Gas Bar & Store – the plan is to install a diesel tank, upgrade gasoline tank, and sell propane from the store as well.

Cabin – Rental Units are planned in order to generate extra revenue.

Total Funding needed would total \$203,724.

A Project Management Team would be put in place.

Summer time is the actual busy season for this Green Cove Store.

Council analyzed the first set of data – and decided to close store until May of 2012 and bring the information regarding the Green Cove Store to the Peoples Assembly.

What Council wants is an Economic Development Wing to be developed to take on the economic development of the tribe.

The store is closed but we do have someone there to protect those assets for now.

Uchucklesaht Tribe Citizen/Enrollee Concerns:

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- There are float homes on Limestone Island (Boats are anchored permanently in the harbor there as well), are people are still residing in those places? What can we do about the float homes in the area?

Reply:

- We have to look into legal rights – we are looking into the answer regarding float homes in the area.

Uchucklesaht Tribe Citizen/Enrollee Question:

- What about slips for moorage & RV sites for tribe members? Can our members get moorage areas and RV sites.....and at a discounted rate? Members would like access.

Reply:

- Yes, that is something that council could look at in the future.

Uchucklesaht Tribe Citizen/Enrollee Question:

- Can we use our own funds to borrow money for the Green Cove Store?

Reply:

- Yes, Uchucklesaht Tribe can.

Uchucklesaht Tribe Citizen/Enrollee Comment:

- Is there room to save money – we can save money in some areas in this report. We don't have to accept everything.

Reply:

- There is a lot of room for cost cutting in the report and the names attached to the management team are not set yet either.

Uchucklesaht Tribe Citizen/Enrollee Comment:

- This feasibility study relates to the Green Cove as a whole. I want the economic development structure set up first.

Uchucklesaht Tribe Citizen/Enrollee Question:

- How much income does Green Cove make every year, why didn't it make money before?

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Answer:

- In the past the Green Cove Store was being supplemented by tribe and the store only just started to make money on its own.

Uchucklesaht Citizen/Enrollee Question:

- Why would accept putting money towards this if we just cut out the Low-rider?

Answer:

- Because Green Cove Store could generate revenue for the nation.
- There are revenues for economic development that the nation has received.
- What we wanted here today were comments from the membership.

Uchucklesaht Tribe Citizen/Enrollee Comments:

There are other businesses in our nation that have failed like forestry and the shellfish operation.

Yes, and you need to try again – pick yourself up and try again.

Uchucklesaht Tribe Citizen/Enrollee Question:

- There were rumors about the Green Cove Store – money was missing and once put into accounts then they disappeared. Is this true?

Response:

- No money is missing.
- Bank accounts are reconciled and this rumor had nothing to do with closing the store.

Uchucklesaht Tribe Citizen/Enrollee Question:

- Is there a process to replace Jack Woods as the manager?

Response:

- I am not aware of anyone that has been contacted to continue that position – Jack is not continuing the position at this time. The Executive would make a decision of who would manage the store.

Uchucklesaht Tribe Citizen/Enrollee Comment:

- I don't want Executive to manage the Green Cove Store – we need an Economic Development Board to run the store.

Nomination Meeting:

Kit Spence – Chief Electoral Officer provides introduces Nigel Aiken – his Deputy.

In the Constitution & Elections Act – there has been pointed out an inconsistency.

Councillor at Large

(6 (a)(ii) Elections Act – required that all citizens/enrollees vote for the Councillor at Large but the constitution says that there will be one member of council where only unaffiliated people vote for the Councillor at Large, and there is no one that is eligible to vote for the Councillor at Large.

Action #03: In the future, the Uchucklesaht Tribe might consider amending the constitution or act to reflect any changes to the Councillor at Large. We could just eliminate the position – or changes the requirements.

This year there will be no Councillor at Large Position.

Question: What if there are individuals married into our nation and then are divorced....would they then be unaffiliated?

Reply: This year we don't have Councillor at Large position and there are no unaffiliated people.

Nomination Forms must be filled out - You may not nominate more than one person

Declaration of Eligibility of Candidate - All candidates that have provided criminal record checks have until November 24, 2011 to give that.

Nominations have been received:

- Chief Councillor Charlie Cootes
 - o Chief Councillor Position
 - o Seconded: Jane Jeffery
- Charles K. Cootes
 - o Chief Councillor Position
 - o Seconded: Camilla Cootes
- Warren Robinson
 - o Chief Councillor Position
 - o Seconded: Patsy Baader
- Carla Halvorsen
 - o Robinson Councillor

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- Seconded: Tina Halvorsen
- Pam Watts
 - Cootes_2 Councillor
 - Seconded: Clifford Charles
- Rob Cootes
 - Cootes_1 Councillor
 - Seconded: Cam Cootes
- Wilf Cootes
 - Cootes_1 Councillor
 - Seconded: Lorraine Cootes

Future of the Low rider:

The boat will run twice per month right now – any added trips will have notice to membership.

Attendance: Uchucklesaht Tribe Citizen/Enrollee Thomas Rush joins the meeting

Runs for Low rider boat is important and especially as the tribe grows larger.

- It was not an easy decision to stop daily boat runs – nations have same issues that we do. We have instead issued gas coupons to pay for students to get to school.
- Shall we claim boat an essential service?
- Low rider is for sale at this time.
- School District #70 no longer pays for the boat – there were not enough students traveling in order to cover any costs.
- The plan is to sell the Low rider and purchase a smaller boat which would be more cost efficient.

Uchucklesaht Citizen/Enrollee Concerns:

Not having a boat effects our health, travel, and implications to travel. My grand-daughter is special needs and it is hard on her health, it is also financially draining.

We also need better hydro, the garbage piles up, repairs to equipment in the village is needed and the wharf is falling apart. I feel that our people are being neglected.

Traveling effects our health – council needs to be able to travel down into the village as well to spend time in our village.

We used to get elder hampers, home makers, and more health services in the village – now that is all gone.

You need to consider the Low rider an essential service.

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We need to give people incentive to move down into the village – the village is the heart of Uchucklesaht. It's too hard – difficult to get to and from the village right now.

We need to work on the village – we need to take proper care and respect our people that live in the village.

Kildonan is an isolated area and it is difficult to get services and survive down in the village.

The boat is the only link to civilization. Our people are being forced out of our community because that link is gone.

We also need the boat in the case of emergencies. It takes too long for coast guards or emergency vehicles to get down there.

Cost saving measures could be exercised in order to save the Low rider.

Transportation to meetings, getting groceries, getting to our health appointments, and making it to various activities is important to us.

In general – I support at least a twice per week trip to Port Alberni

People in village need that service. Boat should be running for members to get to Port Alberni

I would like to re-establish a link from Kildonan to Port Alberni

We need to look at options of purchasing smaller boat to save money.

It is your choice to get government to advocate for you. Get the Low rider to be deemed an essential service

There are Economic Development Funds that our nation could use to put towards the Low rider Boat.

Let's look at other solutions – like up the fares – demand from your leadership that Lowrider is deemed on essential services.

Necessity of Low rider is important– we needed administration to adjust rates of the boat to accommodate the fuel intake of the boat.

Motion #01: Uchucklesaht Tribe Council be advised to reconsider its decision to discontinue the Low rider and consider making it an essential service.

Moved: Gina Laing Seconded: Dorothy Cootes

(All in favour – 12)

Motion Carried

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Uchucklesaht Tribe Citizen/Enrollee Comments:

The Uchucklesaht Tribe should advertise the boat and get people in the harbour to want to use the boat. Let's look for solutions.

I liked being heard – and feel rights as a human were being neglected.

We would like honorariums for the people who attend our meetings to be paid – we need to address that issue.

Membership was paid honorariums at the time due to negotiating and the work putting in the treaty negotiation process.

Not sure why that honorarium stopped.

Procedures and laws must be followed – past members built this foundation.

Henayas was a thriving community at one time – used to be big happy community.

We need to look at the lodge, green cove store, low rider, etc....

It is good to have a great vision – the more you talk about it, the more likely it will happen.

All recommendations will be put forward to the Uchucklesaht Tribe Council at a future date.

We need to manage money well in order for better services and programs. I hope the community will support our management and be patient.

This year happens to be bad year for investments but I'm glad the community has something to work towards.

We have a tough budget – it makes us look bad, but we don't want to put ourselves in debt any further.

We need to do what it takes to create revenue out of money we have. We need to find out how to make the Low rider profitable. We can juggle money around in the budget to make sure service can continue in the future.

If we have no money years from now – that is not good. We need to manage our money well. We need to look at budgeting very well next year.

Adjourn Meeting:

There being no further business, the meeting was adjourned at 3:40pm.

MEETING ADJOURNED