

Uchucklesaht Tribe Peoples Assembly December 29, 2011

Uchucklesaht Tribe People's Assembly December 29, 2011 Lawn Bowling Hall Port Alberni, BC

Attendance:

Carla Halvorsen	Lauren Smith	Paul Rush	Adam Cootes
Steve Rush	Charlie Cootes Sr.	James Robinson	Lorraine Cootes
Rob Cootes	Wilf Cootes Jr.	Charles K. Cootes	Wes Robinson
Jayleen Sam	Cheryl Cottrell	Warren Robinson	Martin Sam
Meagan Cootes	John Cootes	Mitchell Cootes	Wilf Cootes Sr.
Parisa Thompson	April Thompson	Sheyenne Thompson	Rowena Cootes
Gina Laing	Emmalily Thompson	Dorothy Cootes	Chris Baader
James Cootes	Thomas Rush	Aaron Cootes	Jane Jeffrey
Ellen Robinson	Vicky Robinson	Sabrina Halvorsen	Joe Ginger
Chris Watts	Pam Watts	Dakota Cootes	Leland Sam
Erica Laing	Brianna Lambert	Carla Robinson	Angela Jeffrey
William Jeffrey	Billy Joe Robinson	Mike Watts	Vic Pearson
Scott Coulson	Kit Spence	Nigel Atkin	Deanna Samuel
Rick Shafer			

Call to Order: Vic Pearson

Prayer: Steve Rush

Permission given by citizens/enrollees for Shayne Morrow of Ha-shilth-sa to view the Uchucklesaht People's Assembly.

Approval of Agenda:

Motion #01: (No concerns) Agenda Adopted as Presented.

Moved: Warren Robinson Seconded: Carla Halvorsen **Motion Carried.** (All in Favour)

Agenda Approved.

Constitutional Amendments: (Presented by Kit Spence – Chief Electoral Officer)

Notice of Referendum Vote has been circulated to all Citizens/Enrollees and posted on the Uchucklesaht Website. Advance voting will be held January 20, 2012 at the Uchucklesaht Tribe Office and the vote will be January 28, 2012 at the Port Alberni Lawn Bowling Hall.

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The votes must be completed in person. There is a conflict in the Uchucklesaht Tribe Elections Act and the Constitution – but the Constitution prevails.

The Constitution says it must be 50% + 1 of the eligible voters who vote on the Constitutional Amendments. Getting half of 170 people to vote will be a challenge.

New Council might possibly want to amend the Elections Act to include mail in ballots or amend the Constitution.

Recommended Constitutional Amendment No#01 – deleting “a Uchucklesaht citizen” replace with “an individual of Uchucklesaht descent”

(No concerns or comments on amendment given)

Recommended Constitutional Amendment No#02 – deleting “on a staggered basis as defined in the Uchucklesaht election law” in paragraph 2.5

Uchucklesaht needs continuity on election of Councillors but you have a small Council. It makes sense to renew Council every four years instead of every two years.

(No concerns or comments on amendment given)

Recommended Constitutional Amendment No#03 – deleting all of 2.2 and replacing 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 government within the areas of their respective portfolios and in accordance with Uchucklesaht Laws”

With a small organization – there are people with rules. The Executive needs to oversee and provide direction to administration and you don’t actually complete the administration work – this is specific to executive members – employees are responsible for day to day of administration but not the executive.

Recommended Constitutional Amendment No#04 – delete “subject to instructions given by the Uchucklesaht Council” and replacing with “upon and subject to the direction of the Chief Councillor” in paragraph 2.23

Uchucklesaht Citizen/Enrollee Question:

When the Chief Councillor has authority to make decisions on the fly – he needs to consult with community first – it seems the Chief Councillor may be given too much power here.

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Answer:

At some point, there has to be one voice – and people should take direction from someone. There needs to be a balance and you need a Chief Councillor. It's the people who elect the Chief Councillor and if they are not happy with his directions, they will most likely not re-elect that person.

Uchucklesaht Citizen/Enrollee Question:

If we didn't want a certain Chief Councillor in place because he dictates too much, then can we get rid of him – or do we need to wait four years to re-elect someone else?

Answer:

The election act sets out procedures.

Uchucklesaht Citizen/Enrollee Question:

There are going to be other Uchucklesaht government representatives that will attend and speak at meetings – where would they get instructions before meeting with another level of government?

Answer:

If you met with another level of government – if you are sent out to those meetings- then the Executive has responsibility for their specific portfolio and will need to discuss issues before attending that meeting and get direction either from council or the chief councillor.

Uchucklesaht Citizen/Enrollee Comment:

I would recommend deleting "upon and" so it only reads "subject to" in this particular amendment to the constitution.

Answer:

That is up to your council to make that change for proposed amendments – the other thing is that you might not have enough people in to vote on that constitutional amendment on January 28th, 2012.

Recommended Constitutional Amendment No#05 – recommend deleting 90 days and replacing with 150 days instead.

This timeline needs to be changed in order to provide more time for accounting work to be done.

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(No concerns or comments on amendment given)

Date of Referendum to Vote on Constitution:

The date of the vote at the Referendum on the Constitution will be on January 28, 2012 at the Port Alberni Lawn Bowling Hall.

Annual Audit & Operating Budget: (Scott Coulson – Director of Finance presents)

Uchucklesaht Tribe Band Audit – we hope to have this done by the end of January 2012. We had difficulty finding information due to change of administration and government transitions. The last CAO placed information in areas where new CAO could not find or access the information.

There is also an audit in the meeting kits for the Maa-nulth Accounts – because of rules for transfers we had to switch gears to get audit done on those accounts. These numbers came in before Christmas and went before the Executive Government.

There was a transfer of funds and there was overspending on treaty in 2010 – Government wanted to make sure all funds were accounted for – they were.

First Nations Negotiation Support Agreement – financial statements March 31, 2011. Account to be audited before December 23, 2011. We needed to ensure nations spent all of their money and the nations did.

1.9 million Must be paid in the next 20 years – the first payment was made in Settlement funds and will be reflected in next year's financial statements.

Budget document – Scott has been administering.

Uchucklesaht Citizen/Enrollee Question:

Is there a breakdown of interest coming in for the Settlement Trust?

Answer:

Trustees are Carla and I – we had a presentation at last People's Assembly regarding the Settlement Trust. Once we have quarterly reports from Leith Wheeler – Uchucklesaht Tribe can provide the quarterly statements at any time – they will be available for the public scrutiny by the nations.

Budget year is almost finished. January, February and March is left in that budget. The new council must set a new budget for the next fiscal year.

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Budget has been available to public since May of 2011.

Uchucklesaht Citizen/Enrollee Comment:

Looking at this for the first time – I want a separate meeting to go over this budget in detail.

Answer:

We have 3 months left in that budget. The next budget will be presented at next People's Assembly. There is a lot of information in here. If there are items you want in the next fiscal year budget, and then pass on that information to the councillors.

Uchucklesaht Citizen/Enrollee Comment:

I would like a summary per department in the budget today.

Answer:

Yes, we can review the budget department by department.

Department 100 Administration:

Audit, CAO costs, Professionals for variety of services, legal, etc...

Department 150 – Chief & Council:

Honorarium & meetings – supplies, training, contract wages – Rebecca Miller for remuneration report, etc...

Department 170 – Membership:

Department 190 – Discretionary Funds:

Contingency funds, etc...

Department 200 – Education:

NTC Services, Director of HR Wages, Student Allowances

Department 205 – School Boat:

Council cut items in this department. The Low rider boat is reinstated until January 20, 2012 when funds will run out. Though, new Council in January needs to search for funds to keep boat running as essential service if they so wish. In the meantime, the executive allowed for the boat to keep running until January 2012 since there were funds available to run the boat in the existing budget. The boat is very expensive to run; the fuel cost is the biggest budget item for

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the Low rider Charter boat. The Executive agreed to increase passenger fares and charter fees. School District# 70 only pays \$20 per day to transport children to school. We tried to cut expenses as much as possible to operate this boat. The motors on this boat are at the end of their life and that is something that the new council will also have to consider when making a decision on the operations of the boat.

Department 215 – FNEC:

Events – Christmas party, etc...

Department 250 – Maintenance:

260 liters per day are spent to provide electricity for the village. Two new generators will be in place in the New Year. 1.5 million was used to put in new power – it won't cost Uchucklesaht Tribe anything. The Remote Community Electrification project will put in the new power for Uchucklesaht Tribe – BC Hydro will hook up smart meters.

Uchucklesaht Citizen/Enrollee Question:

When will BC Hydro start work?

Answer:

January 9, 2012. Contractors will start the road first – distribution system is next.

We have a service provider list that was provided to the BC Hydro bidders. Most workers needed to run machinery.

Department 275 – Housing/ Capital:

Housing, Capital, etc...

Department 304 – Rural Electrification:

BC Hydro – RCE Project (1.5 million) – New Power to the Village of Ehtlateese.

Department 345 – Water Sampling:

Uchucklesaht gets funding from Health Canada to complete water sampling in the village. Our nation did have a boil water advisory this year and we had Tony from INAC come in to clean the system up.

Department 356 – Implementation Funds: - Invested

Department 357 – Enrolment:

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Uchucklesaht Citizenship and Enrolment Committee work.

Department 358 – Implementation Activities – One Time:

Included are the one time Maa-nulth common costs.

Department 410 – Shellfish Operations:

Shellfish Operations was cut right down. There are no shellfish operations operating at this time.

Department 420 – Henderson Lodge:

Funds cut right down; Lodge is closed and not operating.

Department 501 – Social Development:

Health Benefits, Social Assistance, Etc...

Motion #02: Uchucklesaht Peoples Assembly agrees to break for 10 minutes.

Moved: Tom Rush Seconded: Carla Halvorsen **Motion Carried** (All in Favour)

Department 502 – Medical Travel:

We provide Patient Travel off reserve through NTC – Uchucklesaht pays for those NTC services. Uchucklesaht Tribe only does Patient Travel from Treaty Settlement Lands.

Department 503 – Child Welfare:

Rent, Workshops, Etc...

Department 504 – Health:

Block funding of \$105,000 for health services from Government.

Uchucklesaht pays NTC for health services.

Uchucklesaht Citizen/Enrollee Question:

Elders Hamper – can I ask now to bring this back? I would like that re-instate in the next fiscal year's budget.

Answer:

Yes, give that information to the Council members. At one time we received that funding from INAC for the hampers but we do not receive that funding anymore.

Department 505 – Family Violence & Residential Healing:

Supplies, Travel, Workshops.

Department 600 – Employment Development:

In this department UT received FNEC funding – used for wages – working with NTC on employment initiatives.

Department 710 – Economic Development:

Need to use these funds to create an Economic Development wing for the Uchucklesaht Tribe.

Department 733 – Forestry:

Admin, Honorarium, Wages, WCB, etc...

Department 920 – Emergency Response Planning:

Consultant Work, Supplies, Meeting, Travel, etc...

Department 990 – Administration Building:

Consultant, Supplies, Travel.

Department 305 – Social Housing: (Six-plex)

Wiring Upgrades, Insurance, Mortgage, etc...

Official Community Land Use Plan & Land Code: (Rick Shafer presentation)

INAC comprehensive community plan – MFN's attended workshop regarding comprehensive community plans.

The Maa-nulth Treaty refers to plans as "Official Community Plans".

The Uchucklesaht Tribe must designate lands according to communities' wishes – residential, public, etc...

Zoning lands and creating by-laws (size of lots) is important.

Comp. Community Plan Handbook – INAC is distributed to membership.

Uchucklesaht Tribe Land Act & Uchucklesaht Tribe Planning and Land Use Management Act are important to review before completing the work necessary.

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Maa-nulth First Nation Lands – Page 163 MFN Treaty 13.14.6. & 13.14.7 – notes the need to the plans to be in place before development.

Uchucklesaht Tribe needs a plan in place before developing and Uchucklesaht Tribe has 10 years to put plan in place.

2008 Uchucklesaht Land Use Plan - There will be a public process to develop this community plan. There will be a schedule of events for the community before the work begins.

Residential Interests - (Briefing note speaks to your laws as to what the process is)

Uchucklesaht Tribe must identify all infrastructures and create lots. There must be a massage of boundaries for existing homes and a need to identify the boundaries for new homes.

Lands will be registered in the Uchucklesaht Tribe Land Registry.

Building permits and inspections must be set – the treaty requires you meet or exceed province building codes. You need to develop processes for building and plumbing permits.

There is a lot of work that needs to be done to get these land use and Official Community Plans in place.

Citizen/Enrollee Question:

Surveys and existing lots and homes are located in the village – how will tribe carve these out?

Houses were just put wherever before – where roads are... how will the tribe carve it up and develop?

Does owner have to do this survey work knowing an interest was there before treaty?

Answer:

Those are questions for lawyers and council. Residential interests have to do with the dirt.

Surveying should be done in a cost effective way and the tribe needs to look at doing surveying collectively. All lots are not the same size; roads must be best fit as well, so look at best fits and look at long term objectives.

Citizen/Enrollee Comments:

Uchucklesaht Tribe used to be a large population. Lots used to not have records – today's people have documents. We have traditional lands – and we have a lot more lands to play with now. Creating lots, water, hydro, now people need to work together.

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We were given small, very small areas – they said we didn't need as large of lots as Canadian Farmers since we fished and hunted our food.

Land Use and Economic Development are important– late Sampson Robinson went hunting and found gold in the past – if there is gold in our territories – then maybe we should look into getting benefits of that. We need to protect our resources.

Water – benefits fishing rights – protect our water, protect our lands.

Election Results:

The election results will be presented this afternoon with the counting of the ballots. Chief Electoral Officer Kit Spence will present the results.

Location of Election and Results will be here at the Port Alberni Lawn Bowling Hall after 6:00pm.

Motion #03: The Uchucklesaht Peoples' Assembly agrees that in event of tie vote – Kit Spence will have authority to chair the process needed to resolve that possible tie vote.

Moved: Rob K. Cootes Seconded: Pam Watts **Motion Carried** (All in Favour)

Adjourn Meeting:

There being no further business, the meeting was adjourned at 12:00pm.

MEETING ADJOURNED