

Uchucklesaht Tribe Peoples Assembly June 29, 2012

Mail in Ballots are now possible - as the Legislature has passed a law amendment allowing for the mail in ballots.

The Uchucklesaht Tribe currently has 179 people on the voters list and there are 80 people that need to vote in order for the amendments to go through on the constitution.

Unfortunately there are 18 unknown addresses.

Processes for Voting are:

1. Main In Ballot
2. In Person on Voting Day

Uchucklesaht Citizen/Enrollee Question: If we do not meet the voting requirements, then how long does the council have to run another referendum?

Answer: The legislature may hold another referendum at any time. If the mail in ballot method fails, then we could try an internet voting process. Legal had a concern about email voting but there have been companies that have offered this type of voting service.

Comment: It is important to comment on the importance of these amendments – would you please provide us an overview.

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

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. Elections that often will be expensive.

Recommended Constitutional Amendment No#03 –With a small organization – there are people with rules. The Executive needs to oversee and provide oversight to administration departments that fall within their portfolios.

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

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

Auditing procedures are changed today and it takes more time to get the work done. The extended timeline is a more realistic timeline.

Uchucklesaht Band Audit 2010-2011: (BDO Audit Representatives)

There are new auditing standards this year. The date on here is different because it has to be dated the day that council accepts the audit by resolution.

(Page 8) Long Term Investments decreased due to the forestry company situation. There is also a long term treaty loan debt.

Qualified Audit – is not a clean audit. The problem is that not all of the information was available at the time and because of the auditing standards.

There have now been improved procedures put in place at the office, so there will not and should not be an issue for the next audit.

Audit for 2010-2011 is complete.

Motion #02: Uchucklesaht Band 2010-2011 Financial Statements are adopted as presented for the year ending March 31, 2011. Moved: Joseph Ginger Secoded: Carla Halvorsen
Motion Carried (All in Favor – 11)

Uchucklesaht Tribe Government Audit (2011-2012):

The Auditors needed more time to complete the work to get this audit done. The 90 day timeframe is nearly impossible to get this work done and this is the reason that the Uchucklesaht Tribe Constitution needs to be amended.

The Uchucklesaht Tribe Government will have this completed in the next 60 days.

Chief Administrative Officer/Director of Finance and Director of Lands and Resources Annual Report:

The 2011/2012 Fiscal year saw a very busy time for the Administration of the newly formed Uchucklesaht Tribe Government. New Treaty obligations, a plan to move forward for all citizens, Uchucklesaht Tribe Government Laws and Regulations, Federal and Provincial requirements were guiding factors for the Council and Administration.

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I am very proud to say that the team of Administrative Staff was very dedicated and committed to ensuring the very best for the Government and citizens throughout the extremely busy first year of the new Government.

We are currently performing job evaluations for all employees to ensure that each employee grows in their position.

Administrative Staff participates in twice a month Executive Council meetings. These meetings deal with the day to day functions of the government, setting policy, creating regulations and implementing the Legislative Budget.

A referendum was held to seek guidance from the citizens. This referendum failed due to lack of votes. The referendum requires 50% +1 of all registered voters in favour of the changes to the Uchucklesaht Constitution and we did not even get 20% of voters out to vote.

The Maa-nulth Settlement Trust was set up by three participating Maa-nulth First Nations who have invested their portions of the Maa-nulth Treaty Settlement Funding from the Federal Government into a joint Trust. This Trust is governed over by two representatives from each participating government. This Trust invests and protects over \$10 million dollars in funds being held in trust for nations. This Trust Committee also governs over the Capital Transfer Funds for the same three Maa-nulth Nations, amounting to almost 10 million dollars. All Trustees of the Nations must participate in Quarterly investment and Trust meetings. At least one representative of each Nation must be present for any meeting to proceed. The money belonging to each of the three nations that pool their money in the trust is recorded and accounted separately.

As 2011/2012 was year one of the Maa-nulth Treaty Implementation there was a large percentage of work initiated in the Fisheries Field. Administration assisted in setting up an enforcement and monitoring protocol. Hiring of a Fisheries Technician to assist in all aspects of fishery monitoring, and enforcement during the fish season, and assisting in set up and in season monitoring of the Henderson River fish fence.

In May 2011, a program called MERRP (Maa-nulth Electronic Reporting Program) was created for tracking and reporting domestic fishing of the Maa-nulth First Nations.

Henderson Sockeye Commercial Fishery – this is a new fishery that was utilized in August 2011 out of the treaty. It was a great opportunity for Uchucklesaht Tribe Fishermen to create some revenue for themselves and the tribe. There were a few challenges as it was the first commercial fishery, but those obstacles are being worked on and improved for the commercial fishery in 2012. The Uchucklesaht Tribe and the Department of Fisheries and Oceans work closely together on this specific fishery due to the licensing and reporting requirements

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Fire Hydrants in the village of Ehtlateese are now working and maintained.

Water Testing – is being done for the village and Green Cove Store to ensure quality.

Fish Distribution System has improved this year. Henderson Sockeye allocation is low this year though.

Uchucklesaht Citizen/Enrollee Question: Is there an opportunity for our nation to trade and barter with the other MFN's so that we can get the full MFN Henderson Sockeye Allocation?

Answer: This year the plan is for the Uchucklesaht Tribe to fish the Maa-nulth First Nation Henderson Sockeye Allocation for the other Maa-nulth First Nations. Trade and Barter can be discussed for future plans.

Uchucklesaht leased out their Halibut Quota this year and made \$5.25/per pound.

Uchucklesaht Tribe also got funds for leasing their Sardine Quota.

Forestry – the numbered company is looking at logging four blocks this year in July 2012. Logs were sold in the village and those revenues will be used to fund the building of the road to the water tower area.

Low rider Boat Charters – the boat is up and running. \$100 from each charter is put into the reserve fund for future replacement of assets related to the Low rider Boat.

Six Plex Rentals – Uchucklesaht Tribe made some revenues from renting out the sixplex. There are two units outfitted with new furniture and bedding.

Tribe House Rental – some revenues were also made here by renting out the house to Rock Star as they worked on the Remote Community Electrification Project.

Henderson Lodge – has been closed down to protect the assets. The saw mill from that location was stolen some time ago and Uchucklesaht Tribe along with RCMP are working on some leads.

Uchucklesaht Citizen/Enrollee Question: Can the tribe put up a gate on the road to the lodge?

Answer: Yes, that would help. That was suggested before.

Uchucklesaht Tribe Website - is up and running. This is a great communication tool.

Shared Network – is set up for staff and council. This is also a great communication tool.

Lap top Computers –were purchased for all of council. This saves paper and is a great communication tool.

New Finance Software MAZE has been put in at the Uchucklesaht Tribe Office.

Discussions have occurred regarding moving staff into offices that better reflect an organization plan.

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Uchucklesaht Citizen/Enrollee Comment: I think it would be a great idea for all of the Maa-nulth First Nations to have one central office where they can all work together.

Uchucklesaht Citizen/Enrollee Comment: We would prefer that the offices are located on first nation lands. It would be an idea to find a complex on tribe lands.

Motion #03: Chief Administrative Officer, Director of Finance and Director of Lands and Resources report is accepted as presented.

Moved: Wilfred Cootes Jr.

Seconded: Joseph Ginger

Motion Carried (All in Favor – 11)

Qacca Settlement Trust Annual Report:

Audit completed – there were no problems.

Year ended is December 31, 2011 for this audit – it is different than that of the Uchucklesaht Tribe typical year end of March 31, 2012.

A trust is a relationship created to hold title to property for the benefit of the beneficiaries.

Beneficiaries – These are the persons or entities intended to benefit from the trust. The beneficiaries of the trust are the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, Toquaht Nation and Uchucklesaht Tribe.

The purpose of the trust is to receive and invest contributions of eligible treaty payments from the three Nations. Each Nation may contribute to the trust all or part of capital transfer and resource revenue sharing amounts paid under the treaty.

Amounts contributed to the trust are to be held, protected and nurtured for the benefit of the trust beneficiaries. Trust funds, which are tracked separately by Nation, are intended to be used for community benefits based on priorities determined by the contributing Nation's government

The primary objectives established by the trustees for the first year of operations were:

Engage a professional investment manager to invest the trust funds,

Develop an investment policy to set out the criteria for investment of the trust funds to meet the objectives of the trust and its beneficiaries,

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Implement administrative policies and procedures to ensure trust financial and administrative activities are conducted professionally and properly documented, and

Monitor the performance of the investment manager.

The objectives for the first year have been accomplished. The trustees are now looking forward to the next year for opportunities to refine and improve operations.

During 2011 the trust received contributions of capital transfers and resource revenue sharing funds from the three Nations of \$6,369,066. In the same period the trust distributed \$1,265,471 to the Nations for such purposes as treaty negotiation loan repayments.

Motion #04: Qacca Settlement Trust Annual Report and Audited Financial Statements ending December 31, 2011 are adopted as presented.

Moved: Wilfred Cootes Jr.

Seconded: Sabrina Crowley

Motion Carried (All in Favor – 11)

Costs between the three tribes are split between the three tribes based on what is invested.

Legislative Annual Report:

Our Legislature are committed to being an accountable, transparent and responsible government and will maintain the integrity of your government into the future for our grandchildren and our future generations—that means our decisions that we make financially, administratively, legally and economically need to be in the best interests of our membership and future generations.

The Legislature is committed to ensuring that the executive puts in place a positive strategic plan and communications plan to create a good future for you as membership. We are committed to ensuring that the community is a strong, healthy, and positive one and would like to ensure that the needs of the community are met.

Uchucklesaht Tribe has celebrated the achievement of the Maa-nulth Treaty on April 1, 2011 and is now operating as the Uchucklesaht Tribe Government. The Uchucklesaht Government consists of a Legislative branch, an Executive branch, and a Uchucklesaht Peoples Assembly.

Councillors completed training for their roles as councilors—there have been some training sessions that have occurred starting in April 1, 2011 and more sessions planned running into 2012. Law and Regulation Review Workshops, Audit Information Sessions, Council Rules of

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Order and Procedures Training Sessions, Council Orientation Session, Council Budget Sessions, Parliamentary Training Sessions, and Economic Development Structuring Workshops.

Members of the Uchucklesaht Council and staff worked with legal counsel to develop a list of proposed amendments and the Uchucklesaht Council enacted an order requiring a referendum to be held on **Friday June 29, 2012** to seek Uchucklesaht citizens' approval of certain non-technical or grammatical amendments to the Constitution. There are a total of five amendments that council is recommending in total.

In 2011 the Uchucklesaht Tribe Council passed a number of laws—those Laws were:

- Effective Date Procedures Act UTS1/2011
- Government Act UTS2/2011
- Council Rules of Order and Procedures Act UTS3/2011
- Integrity Act UTS4/2011
- Government Personnel Act UTS5/2011
- Financial Administration Act UTS6/2011
- Administrative Decisions Review Act UTS7/2011
- Elections Act UTS8/2011
- Referendum Act UTS9/2011
- Citizenship Act UTS10/2011
- Freedom of Information and Protection of Privacy Act UTS11/2011
- Land Act UTS12/2011
- Planning and Land Use Management Act UTS13/2011
- Resources Harvesting Act UTS14/2011
- Environmental Protection Act UTS 15/2011
- Enforcement Act UTS 16/2011
- Interpretation Act UTS 17/2011
- Government Act Amendment Act UTS 18/2011
- Real Property Tax Act UTS 19/2011
- Annual Budget Act UTS 20/2011
- Citizenship Act Amendment Act UTS 21/2011

In 2012 the Uchucklesaht Tribe Council passed the following laws—those Laws are:

- Mail-In Ballot Amendment Act UTS 22/2012
- Annual Budget Act 2012-2013 UTS23/2012

In 2011 the Uchucklesaht Tribe Council accepted the following policies— those Policies were:

- Uchucklesaht Tribe Government Human Resources Policy UTG2011_01

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· Uchucklesaht Tribe Government Council Remuneration Policy UTG2011_02

In 2011 the Uchucklesaht Tribe Council accepted in principle the following Plan: Uchucklesaht Tribe Environmental Management Plan

Uchucklesaht Tribe Legislature processes and procedures in exercising its legislative authority is set out in the Uchucklesaht Tribe Acts and Regulations. The following is a brief list of what the legislature's plans and visions are to be accomplished in the next year.

Constitutional Amendments: recommend to the enrollees to amend the Uchucklesaht Tribe Constitution to meet the needs of the Uchucklesaht Tribe.

Council Communications Plan: ensure that a detailed council communications plan adopted that will ensure effective communications processes are in place for communicating with citizens and the public.

Updated Mission & Values Statement: ensure that a mission and values statement is developed and approved with participation of the UT citizens.

Strategic Planning: monitor the progress made towards an approved strategic objective and contribute and add value to the tribe's strategic direction. Evaluate and monitor the tribes successes in achieving the goals and objectives set out.

Annual Budget Act & Multi-Year Financial Plan: review and approve any amendments that may be required of the Annual Budget Act and plan.

Economic Development Arm: review the recommendations of the executive in developing an Economic Development Arm which may include developing a Government and Fiscal Agreement. The purpose of such agreements could set out appointment processes, terms of boards, roles of stakeholders, and annual planning and financial reporting as well as profit sharing expectations.

Economic Development Act: setting out processes and procedures in the development of an economic development arm.

Official Community Plan Act: setting out details, processes and procedures specific to the needs of the Uchucklesaht Tribe through consultation with their enrollees, citizens and neighbors.

Non-Substantive Corrections to UT Acts: Council Rules of Order and Procedures Act and the Resources Harvesting Act.

Substantive Addition to UT Citizenship Act: Council will need to review the recommendations of the Executive, Citizenship & Enrolment Committee, and Elders to add the definition of being accepted into the Uchucklesaht Tribe by "Uchucklesaht Custom" (eg...traditional first nation

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custom marriages)

Duties & Powers: Attend Conferences and any other relevant forums that will assist council in developing skills to better equip them to perform their duties and exercise their powers. Also participate in orientation and development programs developed by administration from time to time.

Motion #05: Legislative Annual Report is adopted as presented.

Moved: Sabrina Crowley Seconded: Joseph Ginger

Motion Carried (All in Favor – 11)

Uchucklesaht Citizen/Enrollee Question: Is there a Uchucklesaht rep for the Area 23 Round Table Fisheries Meetings? It is important as it is a meeting discussing management of the Barclay Sound Fisheries.

Answer: The Director of Lands and Resources will be attending those meetings.

Director of Human Services Annual Report:

At the end of last June 2011 school attendance funding was provided to those students that had applied at the start of the school year in 2010. School attendance allowance was provided again this year for those families who applied.

June 22nd NTC held their grade 12 graduation ceremonies – Uchucklesaht has 4 citizen's graduating.

In May of 2012 nine applications were reviewed; and four have been approved and the final step will be approval through NTC based on the applicant meeting all necessary requirements for funding.

Child Welfare continues to be a very busy area; the Tribe to my knowledge has children in care in Port Alberni; Nanaimo; Victoria; Kamloops; and Prince George. Continue to have a contact with the different Ministry offices to discuss planning for individual children – in the past year have been involved with agencies to do with 13 children.

March of 2012 the Community held a Health Planning and Dinner with approximately 75 people participating. This was an opportunity for the community to hear where health is going through the speaker from First Nations Health – Cliff Atleo; and to hear more on the upcoming TRC events.

The month by month reports to NIHB that are send through NTC took considerable time to update; but we are now basically up to date on getting these reports out on a monthly basis.

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In the last year the big events have been Halloween (30 people attended); the community Christmas event with approximately 75 people in attendance; Health Planning Dinner with 75 people; Fun Fair with approximately 250 people participating in; TRC events; Health Fair; Games in 2011; Cedar bark gathering and prep.

Upcoming Events Planned Are:

Elders Gathering in July 10, 11, 12th in Abbotsford BC

Science camp for children 8 to 14 from July 16 to 20th held in partnership with Hupacasath and facilitated by Noreen Messer from NTC

End of July Scholarships – once school is complete NTC will notify our office of the Uchucklesaht that will be getting awards.

August 4th to 12th the Tluupich games will be taking place in Port Alberni. Preparation for this event will begin in July coordinated by our summer workers.

August 18th we are looking at having a Community picnic

In September we will be having a Cultural Heritage Fair which is presently in the planning stages – dates and places will be announced.

September we will once again be providing support for school supplies by applying to our department at the office.

Monthly School attendance allowance will be provided to grades 7 to 12 by applying.

In October we will be having our Halloween Party once again.

In November we are planning an Education/Career Fair.

Uchucklesaht Citizen/Enrollee Comment: I would like more information on how to apply for Scholarships.

Reply: I can get that information to you.

Uchucklesaht Citizen/Enrollee Question: What are the requirements to receive elders hamper?

Answer: You need to be an elder 55+ and meet the income requirements set out – there are forms you fill out.

Motion #06: Director of Human Services Annual report is adopted.

Moved: Carla Halvorsen

Seconded: Joseph Ginger

Motion Carried (All in Favor – 11)

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Executive Annual Report:

The Uchucklesaht Tribe Government Executive council are committed to ensuring that they can assist our nation in continuing towards a positive and strong path of independence and self-governance.

The Uchucklesaht Tribe has become a self-sufficient community that will continue to build upon a strong economy, alternate energy sources, and investments in business and economic initiatives and partnerships which may bring employment to our community.

The executive will provide oversight of various Uchucklesaht Tribe Operations and Departments will provide strategic direction and valuable information to council regarding the operation of laws or recommend changes to any laws that may be necessary or through passing of regulations.

It is important for the executive to ensure a vibrant and healthy nation, operations, and community that meets the needs of the Uchucklesaht Tribe People.

Uchucklesaht Tribe Executive will continue to ensure that the operations and plans of the Uchucklesaht Tribe Government are followed according to the various acts and regulations of the Uchucklesaht Tribe and will suggest any changes that may be needed to the Legislature when required.

The following is a brief list of what the executive plans and visions are to be accomplished in the next year.

Economic Development Structure: review and plan in detail with professionals the structure and needs of various regulations or laws to put in place an economic development structure which will benefit the Uchucklesaht Tribe Government.

Fisheries Strategic Planning: review and confirm plans on various agreements and plans for the fishery of the year and prepare for the following year to ensure that allocations, work and plans are put in place and implemented ahead of time in order for operations to run smoothly and within budget.

Land Use Strategic Planning: review and ensure that work is being completed with the Director of Lands and Resources and other professionals to start the land use planning to put in place an official community plan and plan for residential interests.

Non-Substantive Corrections to Uchucklesaht Tribe Regulations: Citizenship & Enrolment Regulation, Wildlife and Migratory Birds Regulation, etc...

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Creation of New Uchucklesaht Tribe Regulations and By-Laws: Noise and Nuisance By-Law, Animal By-Law, Economic Development Regulation and Fisheries Fees By-Law.

Renewals, Recommendations and Approvals of Various Agreements and Plans: NTC/UT Agreement, Pandemic Influenza Plan, Emergency Preparedness Plan, Cedar and Cypress Harvest Plan, Float Home Plan,

Budget: Ensure quarterly reports are provided by the Director of Finance so that the executive is aware that the nation is operating within the budget that has been approved by the legislature as well as updates on the status of the financial statements. Ensure that budgeting exercises are followed and make recommendations to the legislature for the next fiscal year.

Duties and Powers: Attend Conferences, Committee Meetings and any other relevant forums or workshops that will assist the executive in developing skills to better perform their duties and powers. Also participate in orientation and development programs developed by administration from time to time.

Department Overviews: Ensure that there are reports coming in per department of the operations of the nation to be sure that those departments are being consistent and following the rules of the various Uchucklesaht Tribe Government Laws, Regulations and By-Laws.

Uchucklesaht Tribe Laws, Regulations, and By Laws: Keep updated and review on a regular basis the various laws, regulations and by-laws to ensure they are followed and consistent with the needs of the nation.

Various Agreements: Keep updated and review on a regular basis the various agreements that are related to the specific portfolio that the executive holds to ensure there are informed decisions being made and those agreements are not in conflict with UT laws or regulations.

Uchucklesaht Citizen/Enrollee Question: What will the fishermen get paid per sockeye when fishing in the Henderson Commercial fishery?

Answer: \$3/per fish

Uchucklesaht Citizen/Enrollee Comment: That seems low to pay our fishermen. Why does our government need to make money on this? Why don't we just send a buyer down to the village and let our people make that revenue?

Answer: The other alternative is to have our gillnetter fish it. We can check and see if a buyer would go down there. At this time the number is 1300 Henderson Sockeye. Uchucklesaht Tribe did not make much money on that fishery last year and ended up breaking even. The buyer was

