

MINUTES
Cowichan Tribes Council Meeting
Cowichan Tribes Council Chambers
May 24, 2011 @ 7:00 PM
Confidential

Present:

Andrew Canute
Cindy Daniels
Darin George
Charles Seymour
Calvin Swustus

Albie Charlie
Diane Daniels

William Seymour
Dora Wilson

Excused:

Chief Lydia Hwitsum – Meeting First Nations Health Council – Vancouver
Lloyd Bob – Cultural
Wayne Charlie – Cultural

Absent:

Howard George

Others present:

Maureen Tommy
Jessica George
Eamon Gaunt
Patti Williams
Fred Roland
Fred Bosma
Larry George
Jenn George
Stacy Page
Sandra Seymour, Council Secretary

Ruby Peter
Bernadette Sam
Susan Johnny
Arlene Daniels

1. Order-7:02 PM
Prayer-Albie Charlie
Maureen Tommy chaired meeting
2. Adoption of Agenda
Changes to Agenda
#7 Elders Advisory s/b Housing Committee
#8 Amount of \$75,000 s/b \$7,000

MOTION 1
TO ADOPT THE AGENDA WITH THE CHANGES.

MOTION CARRIED.

3. Adoption of Minutes – May 11, 2011

Diane- on page 7 of 12. In regards to the treaty discussion and it's lengthy. It doesn't say who moved and who seconded it? Is that correct?

Sam- the motion is on page 5 and there was discussion after that and then it was carried.

MOTION 2

TO ADOPT THE MINUTES OF MAY 11, 2011 AS CIRCULATED.

MOTION CARRIED.

4. Citizen Request

- a) **“IN CAMERA”** matters regarding community member(s)
Concerns regarding the KDC Manager, and KMJ

COUNCIL would like an update on

- The 24k that was given to KDC for their HR Policy. How was it spent and what did they come up with.
- KMJ - report on where business is standing, employees came to Council last May re Bev Martin, look at previous references and complaints of KMJ
- Request all the minutes of KDC Board
- KDC Board follow up on previous employees of KMJ
- KDC Board report back on the update of HR policy of KDC
- Dora will bring concerns to the KDC Board meeting.

MOTION 3

TO FOLLOW UP ON MAY PRESENTATION OF PREVIOUS EMPLOYEES AND FOLLOW UP ON THE HUMAN RESOURCE POLICY OF KHOWUTZUN DEVELOPMENT CORPORATION.

1 ABSTAINED – DORA WILSON

MOTION CARRIED.

5. Old Business

Cowichan Tribes Treaty

- a) Addition to Reserve Letter to Saanich Nations

This item was tabled at the April 26, 2011 meeting. Eamon Gaunt will be in attendance to brief Council.

Eamon – Briefs Council on the Addition to Reserve Letter to Saanich Nations.

Council discussed the Addition to Reserve Letter to Saanich Nations and passed the following motion:

MOTION 4

THAT COWICHAN TRIBES COUNCIL SUPPORTS THE ADDITION OF THE RESERVE LANDS TO THE SAANICH NATIONS AND AUTHORIZE CHIEF HWITSUM TO SIGN THE LETTER.

MOTION CARRIED.

6. Wilderness International

An Agenda request from Fred Roland, he will do a presentation and update to Council on the Wilderness International.

Ron George – Thanks Chief and Council for allowing us to come here and give a brief presentation on Wilderness International. I can only say that in accompanying our young people to Germany was quite the experience within itself of travelling and being there and seeing another country, their food was really different. I would like to introduce Kai who in the past little while has always committed himself and dedicated himself to this I want to call it a world view of the environment. He really

wants to bring that out and show our young people with their eyes what we're doing in this community.

Kai – Thank you very much, I am very thankful to be in front of you today just like I was last summer to be able to visit you in Cowichan. It will be wonderful for the Cowichan Tribes to host it again. We have 9 students and 8 of them have returned from last year, they put their heart into it, it is a wonderful program. They take their experiences back to the schools we've just added a lot more to the international schools. Gives a review of what the project does within the schools. Germany students will be here to visit the community in August.

The parents thanked Council for the support, they all spoke about their child how they learned about leadership, learned about culture, learned about other countries culture, learned to work together as a team. They lived on the land, slept under the stars, foraged for their own food, the experiences were huge the things we don't get to offer our children. Became more confident, learned to respect elders.

7. Sustainable Housing

An Agenda request from Fred Bosma, the Sustainable Housing Committee is recommending that Council authorize the Chief to sign a letter to Harvey Alphonse. Also attached is a copy of the SHD Committee minutes See attached information. Council discussed the request from the Sustainable Housing Committee and passed the following motion:

MOTION 5

TO AUTHORIZE CHIEF LYDIA HWITSUM TO SIGN A LETTER ADDRESSED TO HARVEY ALPHONSE STATING A BLANKET DENIAL OF LIABILITY FOR IVY AND TONY WILLIAMS, RON ALPHONSE AND MAUREEN THOMAS.

MOTION CARRIED.

8. Lands & Governance

a) Proposal to Professional & Institutional Program - \$7,000

An Agenda request from Larry George, together with a copy of a proposal for Professional & Institutional Development Program application for capacity building for Governance Election Code and GIS for \$7,000. A BCR is required.

Council discussed the request for a BCR for the application to INAC for funding in the amount of \$7,000 and passed the following motion:

MOTION 6

THAT COWICHAN TRIBES CHIEF AND COUNCIL SUPPORT THE APPLICATION TO INDIAN AND NORTHERN AFFAIRS CANADA FOR FUNDING IN THE AMOUNT OF \$7,000 FROM THE PROFESSIONAL INSTITUTIONAL DEVELOPMENT PROGRAM FOR CAPACITY BUILDING FOR THE GOVERNANCE ELECTION CODE AND GIS FOR FISCAL YEAR 2011-12.

[Action – Larry ensure that Council receives a copy of the completed proposal.]

MOTION CARRIED.

b) Property Assessment & Taxation Bylaw

An Agenda request from Larry George, requesting that Chief and Council review and approve the Property Assessment and Taxation bylaw Board of Appeal Candidates.

Larry - I've come here to discuss a process that our department follows. The BC assessment can not resolve the appeals. They are requesting a meeting with Cowichan Tribes to look at the issue in more detail, if the appeal should be accepted or rejected. Cowichan Tribes need to appoint a board of appeal, three members - one with some legal training, one with some experience of land appraisal and one with experience with these kinds of boards. 2 of the 3 members have agreed to stay on and one couldn't stay on because they couldn't commit and wasn't happy with the compensation.

I'm here to present the 3 names and give notice that Cowichan Tribes will set a meeting with the BC Assessment, which was put together by Canada Safeway, Duncan Mall and Gulf Pacific.

Allison Taylor from 466 Trans Canada highway
Steven Cosa 2720 Buckingham road Duncan BC
John Berikoff #17 Duncan BC

Those names are recommendations for the board of appeal members for property taxation bylaw. We have also attached the structure of the board.

Requesting that Council approve the appointment of the three and the secretary.

William declares conflict as one of the locatees.

Chuck just in following being that William is my father, I declare conflict, both leave the room.

MOTION 7

THAT COWICHAN TRIBES CHIEF AND COUNCIL APPROVE THE APPOINTMENT OF THE THREE BOARD OF REVISION CANDIDATES AND SECRETARY WHO WILL HOLD THIS POSITION FOR A 2 YEAR TERM.

MOTION CARRIED.

9. Membership

An Agenda request from Diane Daniels, the Membership Committee is recommending that Council approve:

- a) Approval Cowichan Tribes Membership
 - b) Transfers into Membership
- 2 BCR's are required

Council discussed the approval into Cowichan Tribes Membership and the Transfer into Membership the following motions were passed:

MOTION 8

TO APPROVE THE FOLLOWING COWICHAN TRIBES MEMBERSHIP:

**NAME: ARLIS GEORGE RIVER
PETER-MUELLER
BIRTHDATE: AUGUST 26, 2004
REGISTRY NO: 3948**

**NAME: CEDRIC BRANDON
ANDERSON COPPER
BIRTHDATE: AUGUST 31, 2009
REGISTRY NO: 4407**

**NAME: RICARDO GABERIAL CURTIS
ALECK
BIRTHDATE: APRIL 20, 2010
REGISTRY NO: 4435**

**NAME: NATALEE CHARLOTTE MATTIE
CHARLIE
BIRTHDATE: AUGUST 11, 2010
REGISTRY NO: 4427**

NAME: KEISHA CAROLE CHUDY

NAME: NICOLE KIMORA DOUGLAS

BIRTHDATE: SEPT 7, 2006
REGISTRY NO: 4434

BIRTHDATE: JAN 20, 2010
REGISTRY NO: 4443

NAME: JASON MAX LENARD HENRY-SAMUEL
BIRTHDATE: JULY 5, 2010
REGISTRY NO: 4426

NAME: PATRICK JEREMY SETH JIM
BIRTHDATE: OCT 6, 2009
REGISTRY NO: 4439

NAME: JOHNNY ABRAHAM RICE
BIRTHDATE: JAN 9, 2010
REGISTRY NO: 4453

NAME: MARCUS EVAN JONATHON JONES
BIRTHDATE: AUG 23, 2010
REGISTRY NO: 4452

NAME: JULIEN ALEXANDER DANIEL KEATS-HARRY
BIRTHDATE: FEB 18, 2010
REGISTRY NO: 4441

NAME: GLEN ANDREW TOM
BIRTHDATE: OCT 25, 2010
REGISTRY NO: 4449

NAME: ARNAZ DAKOTA BRANDON MARKUS JOE
BIRTHDATE: FEB 7, 2007
REGISTRY NO: 4103

NAME: JILLIAN SEMIAH WEASEL HEAD
BIRTHDATE: APRIL 13, 2010
REGISTRY NO: 4437

NAME: CHARLIZE IRENE ELIZABETH JOE
BIRTHDATE: DEC 19, 2009
REGISTRY NO: 4417

NAME: GILBERT ETHAN LEWIS
BIRTHDATE: SEPT 20, 1997
REGISTRY NO: 2258-02

NAME: ERICA JEAN CHARLIE
BIRTHDATE: JAN 25, 1987
REGISTRY NO: 800-05

1 ABSTAINED – CALVIN SWUSTUS

MOTION CARRIED.

MOTION 9
TO GIVE NOTICE TO THE REGISTRAR:

NAME: CARL BENJAMIN JOE
BIRTHDATE: APRIL 16, 1978
REGISTRY NO: MAMALIKULIA-QWEQWA'SOT'EM 6290033701

NAME: CAROLYN DAWN SAMPSON
BIRTHDATE: SEPT 15, 1964
REGISTRY NO: TSARTLIP 6530031001

ARE APPROVED FOR TRANSFER INTO THE MEMBERSHIP OF COWICHAN BAND TO REQUEST THAT DEPARTMENT RECORDS BE AMENDED TO REFLECT THEIR ADDITION TO OUR REGISTRY GROUP.

MOTION CARRIED.

10. Human Resource
An Agenda request from Stephanie Peter, the Human Resource Committee endorses the research project proposed by Cowichan Tribes band member and University of Victoria graduate student, Lea Joe. The committee requests that Chief and Council endorse the research project. A BCR is required. Council discussed the request by the Human Resource Committee to endorse the research project. The following motion was passed:

MOTION 10
THAT COWICHAN TRIBES FULLY SUPPORTS COWICHAN TRIBES MEMBER AND UNIVERSITY OF VICOTRIA GRADUATE STUDENT, LEA JOE, TO

CONDUCT A RESEARCH PROJECT ON ALTERNATIVE DISPUTE RESOLUTION PROCESSES. THIS RESEARCH WILL BE USED TO DEVELOP AN ALTERNATIVE DISPUTE RESOLUTION PROCESS FOR COWICHAN TRIBES EMPLOYEES AND WILL SUPPLEMENT THE COMPLAINT PROCESS OUTLINED IN THE HUMAN RESOURCE POLICY. THIS RESEARCH PROJECT WILL PARTIALLY FULFILL THE DEGREE REQUIREMENTS OF THE MASTERS OF ARTS IN DISPUTE RESOLUTION.

THIS RESEARCH WILL BE REVIEWED BY THE ETHICAL REVIEW BOARD OF THE UNIVERSITY OF VICTORIA AND WILL ADHERE TO THE UNIVERSITY OF VICTORIA ETHIC'S POLICY AND GUIDELINES. DURING THIS PROCESS THE MATERIALS GATHERED THROUGH INTERVIEWS WILL BE KEPT STRICTLY CONFIDENTIAL AND WILL BE DESTROYED WITHIN ONE MONTH OF COMPLETING THIS DOCUMENT. NO HARM SHALL BE BROUGHT TO THE RESEARCH PARTICIPANTS.

MOTION CARRIED.

11. Aboriginal Success by 6 in the Cowichan Valley
Attached is a memo from Ada Mawson, Aboriginal Childcare Officer of CSETS requesting a name to sit on the Aboriginal Success by 6 Committee.
Council discussed the memo from Ada Mawson requesting a name to sit on the Aboriginal Success by 6 Committee and passed the following motion:

MOTION 11

THAT THE REQUEST TO APPOINT SOMEONE TO SIT ON THE ABORIGINAL SUCCESS BY 6 COMMITTEE BE POSTED IN THE NEWSLETTER TO SEE IF ANY COMMUNITY MEMBERS ARE INTERESTED.

MOTION CARRIED.

12. Project Management Office Update
A memo from Jenn George reporting on:
- a) Cowichan Tribes Waste & Wastewater Utility Project
 - b) Cowichan Tribes Energy Projects
 - c) Draft MOU
 - d) Terasen LNG Investment Opportunity
 - e) Communications
 - f) Project Management Office 2011/12 Work Plan
- Jenn – Thanks Council for allowing her to give an update to Council on the items stated above, she has a binder if Council would like to review the projects listed.

Council discussed the update with Jenn George.

IN CAMERA

13. Financial Update
An Agenda request from Kim Dibb, together with the draft minutes.
Finance and Audit Committee recommendations are:
- a) Draft Finance & Audit Committee Minutes – May 18
 - b) Revised Property Tax Budget
 - c) Lands Assistant/Proposal Writer and continuation of the Clean Up Project
- Council discussed the Lands Assistant/Proposal Writer and the continuation of the Clean up Project and passed the following motion:

MOTION 12

THAT THE FOLLOWING AMOUNTS ARE APPROVED OUT OF THE TOBACCO TAX BUDGET:

\$49,955 FOR THE ASSISTANT PROPOSAL WRITER

\$12,713 FOR THE CLEAN UP PROGRAM

MOTION CARRIED.

d) Increase to Credit Card Limit

Council discussed the increase to the credit card limit and passed the following motion:

MOTION 13

THAT COWICHAN TRIBES COUNCIL HEREBY AUTHORIZE THE INCREASE IN THE CREDIT CARD LIMIT TO \$30,000 FOR THE BAND'S CORPORATE MASTERCARD THROUGH THE BANK OF MONTREAL.

MOTION CARRIED.

e) Forestry Agreement Revenue Recommendations

Council discussed the recommendations for the Forestry Agreement Revenue: Concerns:

- That this would be a one time amount to help with the deficit, the funds should be used towards the community projects.
- Evaluation of Education Program and Quw'utsun Syuw'entst Le'lum
- Council would like to see evaluations of the Education Manager
- Council requests a report on what has taken place with Education Manager
- Scrutinize his work, if he can't do it should let General Manager know.
- Recommend to reactivate the Education Committee
- Recommend to suspend the Education Manager until review is done.

The following motion was passed:

MOTION 14

THAT THE FOLLOWING AMOUNTS ARE APPROVED OUT OF THE FORESTRY REVENUE:

\$200,000 ALLOCATED TO QUW'UTSUN SMUN'EEM

\$200,000 ALLOCATED TO LE'LUM'UY'LH

\$100,000 ALLOCATED TO KOKSILAH NURSERY DEFICIT

AND THAT THE REMAINDER BE USED TOWARDS COMMUNITY PROJECTS.

1 DECLARED CONFLICT

3 AGAINST

4 FOR

MOTION CARRIED.

f) Relevant program statements

g) Credit Card Policy

Page 1, #5 Change Comptroller to General Manager

MOTION 15

TO APPROVE THE CREDIT CARD POLICY WITH THE ONE CHANGE.

MOTION CARRIED.

h) Band Member and Employee Debts Policy

Page 2, #7 will be recovered at 100% change to "will be 100% recovered"

Page 3, 8A excluding payments for children change to “excluding payments to spouse and children”

MOTION 16

TO APPROVE THE BAND MEMBER AND EMPLOYEE DEBTS POLICY WITH THE RECOMMENDED CHANGES.

MOTION CARRIED.

i) Loans and Advances Policy

Council discussed the Loans and Advances Policy, the following motion was passed:

MOTION 17

TO RESCIND THE PREVIOUS MOTION MADE MAY 26, 2009 RE APPROVAL OF THE LOANS AND ADVANCES POLICY.

MOTION CARRIED.

CONSENSUS OF COUNCIL THAT THE COUNCIL HONORARIA BE ISSUED AT THE LAST MEETING OF EVERY MONTH.

END OF IN CAMERA

13. Other Business

School District

Charles informed Council that the School District is wanting to reduce the Members of the School Board. Recommending that a letter be sent by the General Manager to consult fact to face with Chief and Council once the letter is received from the School Board.

Sewer – Boys Road Sub

Maureen – Concerns regarding the Boys Road Sewer it is a Health Emergency.

William – Met with INAC 2 weeks ago went over Boys Road new design for the sewer, need to finish the design stage. INAC said next year they will look at funding Cowichan Tribes.

Andrew – There is a lot of diapers, towels, toys etcetera found in the sewer that causes the back up. Need to put it in newsletter that parents watch their young children to make sure they do not flush these items down the toilet.

14. Adjourned 11:30 PM