

MINUTES
Cowichan Tribes Council Meeting
Cowichan Tribes Council Chambers
October 25, 2011 @ 1:00 PM

Present:

Chief Lydia Hwitsum	
Andrew Canute	Albie Charlie
Cindy Daniels	Diane Daniels
Darin George	
Charles Seymour	William Seymour
Calvin Swustus	Dora Wilson

Excused:

Wayne Charlie – Cultural

Absent:

Lloyd Bob
Howard George

Others Present:

Maureen Tommy	Harold Joe
Fred Roland	Jayne Joe
Larry George	Elizabeth Mary Alphonse
David Robbins	Darla Smith
Fred Bosma	Dianne Hinkley
Sandra Seymour	Hayley George

1. Order: 1:15 PM
Prayer: Dora Wilson
2. Adoption of Agenda
Move Specific Claims to #4
DORA WILSON MOTIONED, SECONDED BY ALBIE CHARLIE TO ADOPT THE AGENDA WITH THE CHANGE.

MOTION CARRIED.

3. Germany – Fred Roland
An Agenda request from Fred Roland, the group of students has returned and would like to do a presentation to Council.
Fred – Thank you again for this opportunity to present to Chief and Council on Wilderness International, David sends his regards he wasn't able to come to the meeting today he ended up in New Brunswick and Kai sends his greetings from Germany. Thank you again for the wonderful opportunity to have the students from Germany here. We are looking at November 22nd to do the general presentation we are inviting Chief and Council as well as the parents. We will do a presentation on the program by November we will present to the schools 14-18 years old that are eligible we will be presenting the applications for next year and the agenda for next year. This year was a great success we had a wonderful experience both in Germany and here. I would like to present the chaperone who came this year

Darla Smith, we are glad she was able to come and support the students in the program and for the students because we know the students had to adjust a lot both here and in Germany.

Darla Smith, Hayley George, Harold Joe, Mary Alphonse Jayne Joe
All spoke and thanked Council they had a wonderful experience, made new friends, spoke publicly and learned to live off the land.

Chief – I just want to take a brief opportunity to acknowledge the support from our Elder for the young people and acknowledge the two young people that are here for participating as well and the incredible support to make this happen for our kids. Cowichan Tribes has supported this and we can see some of the results in what you have shared with us, reconnecting with your territory being out on the land, being out on the water that brings so much learning in that experience and that's part of who we are as our ability to talk about how we're connected to our territory.

4. Land Claims

An Agenda request from Dianne Hinkley, the Specific Claims Committee recommends that Chief and Council approve Tl'uqtinus Claim for submission to the Specific Claims Branch of Indian Affairs.

David Robbins – Reviewed the Tl'uqtinus Claim for submission to the Specific Claims Branch of Indian Affairs

The remedy is 3 fold: Seeking compensation -

1. Return of Tl'uqtinus land which Canada currently holds
2. For current unapproved market value for the Tl'uqtinus lands
3. For the loss of use incurred and the damages suffered to the date of settling this claim

After discussion the following motion was passed:

CALVIN SWUSTUS MOTIONED, SECONDED BY ALBIE CHARLIE THAT WHEREAS THE COWICHAN TRIBES, ALSO KNOWN AS THE PRESENT-DAY COWICHAN FIRST NATION OR COWICHAN INDIAN BAND, WISHES TO SUBMIT TO THE FEDERAL CROWN A "SPECIFIC CLAIM" BASED ON FAILURE(S) IN CROWN ADMINISTRATION RELATING THE LANDS OF TL'UQTINUS ON THE LOWER FRASER RIVER.

WHEREAS THE SPECIFIC CLAIMS COMMITTEE OF THE COWICHAN TRIBES RECOMMENDS BY RESOLUTION ON OCTOBER 6, 2011, THAT AT A DULY CALLED MEETING OF OCTOBER 25, 2011, COWICHAN TRIBES CHIEF AND COUNCIL AUTHORIZE THE SUBMISSION OF THE CLAIM DOCUMENT ENTITLED "COWICHAN TRIBES TL'UQTINUS SPECIFIC CLAIM", DATED FOR REFERENCE OCTOBER 6, 2011, AS AMENDED, WITH SUPPORTING MATERIALS, TO THE FEDERAL CROWN.

BE IT RESOLVED:

- 1. THAT THE COWICHAN TRIBES HEREBY EXPRESSLY AUTHORIZE LEGAL COUNSEL DAVID M. ROBBINS, WOODWARD & COMPANY, VICTORIA, BC, TO SUBMIT TO THE FEDERAL CROWN ON BEHALF OF THE COWICHAN TRIBES THE CLAIM DOCUMENT ENTITLED "COWICHAN TRIBES TL'UQTINUS SPECIFIC CLAIM", DATED FOR REFERENCE OCTOBER 6, 2011, AS AMENDED, WITH SUPPORTING MATERIALS.**

MOTION CARRIED.

5. Adoption of Minutes

- a) October 11, 2011

DORA WILSON MOTIONED, SECONDED BY CHARLES SEYMOUR TO ADOPT THE MINUTES OF OCTOBER 25, 2011 WITH THE CORRECTIONS.

MOTION CARRIED.

6. Business Arising

October 11, 2011 Minutes

a) Attached is an e-mail from Gary Campo summary

1. The JUB Sewage Lagoon lease and Permit have been signed by all parties, except the Minister.
2. It is anticipated that the Minister will be signing very soon.
3. As a matter of Housekeeping the survey attached to the JUB lease and Permit must be approved by Cowichan.
 - a) INAC requires that Cowichan approve the survey by BCR before the survey can be registered with the Surveyor General of Canada.
4. The attached BCR will allow the survey to be registered and for the Lease and Permit to become formally put into place.

A BCR is requested.

Chief and Council discussed the request for a BCR and passed the following motion:

WILLIAM SEYMOUR MOTIONED, SECONDED BY ALBIE CHARLIE THAT WHEREAS:

A. THE SURVEYOR GENERAL BRANCH OF NATURAL RESOURCES CANADA (NRCAN) REQUIRES A BAND COUNCIL RESOLUTION THAT APPROVES THE SURVEY PLAN REQUIRED TO COMPLETE THE LEASE AND PERMIT FOR THE DISTRICT OF NORTH COWICHAN AND THE CITY OF DUNCAN TO OCCUPY A PORTION OF THE COWICHAN INDIAN RESERVE NO. 1 FOR SEWAGE LAGOON PURPOSES.

NOW THEREFORE BE IT RESOLVED:

1. **THE COWICHAN TRIBES COUNCIL APPROVES THE PLAN OF LOTS 557-1 TO 557-6 AND PERMIT AREAS OVER PARTS OF LOT 26-2-2, PLAN 76276 CLSR, LOTS 27-1, 27-4, 28-1, 41-1 AND 42-1, PLAN 57262 CLSR, LOT 28-1-2, PLAN 1549 RSBC AND LOTS 340 AND 341, PLAN 74738 CLSR, AND FIELD NOTES OF SURVEY, PREPARED BY MICHAEL J. TAYLOR, BCLS, CLS AND EXECUTED BETWEEN JULY 25 AND AUGUST 12, 2011, FOR REGISTRATION IN THE CANADA LANDS SURVEY RECORDS (ENCLOSED).**

MOTION CARRIED.

7. Sustainable Housing

a) Approval to participate in 2011/2012 Sec 95 Non-Profit Programs-4 units
An Agenda request from Fred Bosma, the Housing Committee has 2 motions for Council: - Approval to participate in the 2011/2012 Sec 95 Non-Profit Program-4 units

Set a target rent price at \$630/unit. A BCR is required.

Chief and Council discussed the 2011/12 section 95 non-profit program – 4 units and passed the following motion:

CINDY DANIELS MOTIONED, SECONDED BY CHARLES SEYMOUR THAT THE COUNCIL OF COWICHAN TRIBES DO HEREBY RESOLVE:

WHEREAS THE CHIEF AND COUNCIL OF COWICHAN TRIBES WISH TO PARTICIPATE IN THE 2011/2012 CMHS SECTION 95 NON-PROFIT RENTAL

HOUSING PROGRAM TO CONSTRUCT FOUR (4) UNITS AND COWICHAN TRIBES FIRST NATION INTENDS TO MEET THE MANDATE AND REQUIREMENTS OF THE COWICHAN INDIAN BAND HOUSING SOCIETY AND THE COWICHAN TRIBES HOUSING POLICIES.

THEREFORE BE IT RESOLVED:

1. COWICHAN TRIBES FIRST NATION

- a) CONFIRMS THAT THE LOTS SELECTED UNDER THIS PROJECT, AS LISTED BELOW, ARE COWICHAN BAND PROPERTIES FREE OF ENCUMBRANCES, ARE READY FOR CONSTRUCTION, WITH ROAD ACCESS AND ARE SERVICED BY MUNICIPAL WATER, MUNICIPAL SEWER SYSTEMS AND THAT ELECTRICAL SERVICES EXIST ADJACENT TO EACH SITE:**
- i. Lot 203, CLSR 53884**
 - ii. Lot 240, CLSR 53884**
- b) CONFIRMS THAT THE CLIENT TENANT SELECTION CRITERIA WILL CONFIRM TO THE COWICHAN TRIBES HOUSING POLICY, PREVIOUSLY ADOPTED BY CHIEF AND COUNCIL, WHICH INCLUDES**
- i. A POINT SYSTEM THAT INCLUDES THE FOLLOWING CRITERIA:**
 - 1. FAMILY SIZE VERIFICATION**
 - 2. DURATION ON HOUSING WAITING LIST**
 - 3. CREDIT VERIFICATION**
 - 4. EMPLOYMENT VERIFICATION**
 - 5. CURRENT LIVING CONDITIONS**
 - 6. CHARACTER REFERENCES AND**
 - ii. AND INTERVIEW WITH ELIGIBLE APPLICANT, AND**
 - iii. THE APPLICANT'S ABILITY TO MEET THE REQUIRED CRITERIA**
- c) APPROVES THE TARGET RETN OF \$630 FOR THE TWO DUPLEX UNITS, BASED ON THE CURRENT PRE-CONSTRUCTION ESTIMATE AND COSTING MODEL.**
- d) CONFIRMS THAT ANY PROJECT COST OVERRUNS EXCEEDING THE APPROVED BUDGET WILL BE COVERED BY COWICHAN TRIBES OWN SOURCE FUNDING.**

MOTION CARRIED.

b) CMHC Allocation 2011/2012-4 Units – Band Funding Contribution
An Agenda request from Fred Bosma, the Audit & Finance Committee recommends to approve \$200,000 towards the 2011-12 4 CMHC units. Funds to be allocated from the Capital Trust Account, see information for Council's review and approval. A BCR is required.

Chief and Council discussed the recommendation of the Audit & Finance Committee and passed the following motion:

CINDY DANIELS MOTIONED, SECONDED BY ALBIE CHARLIE THAT COWICHAN TRIBES CHIEF AND COUNCIL DOES HEREBY REQUEST THE SUM OF \$200,000 FROM OUR CAPITAL TRUST ACCOUNT IN OTTAWA FOR THE USE AND BENEFIT OF COWICHAN TRIBES.

THE MONIES WILL BE USED FOR THE BAND'S EQUITY PORTION FOR A FOUR (4) UNIT SOCIAL HOUSING PROJECT. THE ATTACHED DOCUMENTATION SHOWS THE REQUIRED BAND EQUITY PORTION AND THE CONDITIONAL APPROVAL BY CMHC FOR THE PROJECT, PLEASE FIND ATTACHED THE FOLLOWING:

- ON-RESERVE HOUSING PROGRAM SECTION 95 (NHA) APPLICATION**
- CMHC CONDITIONAL COMMITMENT OF SUBSIDY LETTER**

THE MONIES SHOULD BE SENT TO COWICHAN TRIBES, 5760 ALLENBY ROAD, DUNCAN, BRITISH COLUMBIA V9L 5J1 ATTENTION:

ADMINISTRATION

IT IS FURTHER RESOLVED THAT THE BAND COUNCIL ACCEPTS THE RESPONSIBILITY FOR THE ADMINISTRATION OF THE FUNDS AND AGREES TO FOLLOW GENERALLY ACCEPTED ACCOUNTING PRINCIPLES WITH RESPECT TO EXPENDITURE OF FUNDS.

ACCOUNT RECORD BOOKS AND RECORDS WILL BE MADE AVAILABLE AT REASONABLE TIMES TO STAFF OF ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT CANADA: AANDC, UPON THEIR REQUEST. FURTHER THE COUNCIL RESOLVES TO ARRANGE FOR AN AUDIT OF THESE FUNDS AT THE END OF THE FISCAL YEAR.

MOTION CARRIED.

8. Land & Governance

a) Land Management

An Agenda request from Larry George, the Land Management Committee recommends that Council support Lalum 'utul Smun'eem's request to proceed with the locating of the portable they wish to purchase, which will be placed next to the soccer field which is band land.

Chief and Council discussed the recommendation of the Land Management Committee and passed the following motion:

CHARLES SEYMOUR MOTIONED, SECONDED BY CALVIN SWUSTUS THAT CHIEF AND COUNCIL SUPPORT LALUM 'UTUL SMUN'EEM'S REQUEST TO PROCEED WITH THE LOCATING OF THE PORTABLE WHICH WILL BE PLACED NEXT TO THE SOCCER FIELD ON BAND LAND; SUBJECT TO A SURVEY BEING DONE.

MOTION CARRIED.

b) Lot 264-1

An Agenda request from Larry George, the Land Management Committee recommends that Council support the developer, Jacquie Leeming's residential development proposal for Lot 264-1; subject to two items listed in the Agenda request.

Chief and Council discussed the recommendation of the Land Management Committee re Lot 264-1 and passed the following motion:

DARIN GEORGE MOTIONED, SECONDED BY WILLIAM SEYMOUR THAT CHIEF AND COUNCIL SUPPORT THE DEVELOPER, JACQUIE LEEMING'S RESIDENTIAL DEVELOPMENT PROPOSAL FOR LOT 264-1, SUBJECT TO:

- 1. THE CULTURAL, HYDROLOGY AND ENVIRONMENTAL STUDIES BEING MADE AVAILABLE.**
- 2. THE DEVELOPER CONFIRMING THAT SHE WILL ENTER INTO A TAXATION SERVICE AGREEMENT WITH COWICHAN TRIBES.**

MOTION CARRIED.

9. Adjourned 4:30 PM

