

**MINUTES**  
Cowichan Tribes Council Meeting  
Cowichan Tribes Council Chambers  
October 11, 2011 @ 1:00 PM  
Confidential

Present:

Chief Lydia Hwitsum	
Andrew Canute	Albie Charlie
Cindy Daniels	Charles Seymour
William Seymour	Dora Wilson

Excused:

Lloyd Bob – Cultural  
Wayne Charlie – Cultural  
Diane Daniels – Sick  
Darin George – Workshop  
Howard George – Working  
Calvin Swustus - Workshop

Others present:

Maureen Tommy  
Gary Campo  
Charlene La Fortune  
Patti Williams  
Shelly Thorne  
Norman Thorne  
Sandra Seymour, Council Secretary

1. Order: 1:08 PM  
Prayer: Albie Charlie
  
2. Adoption of Agenda  
# 10 – Table GM Evaluation for full Council
  - Ceremony Burning – Next agenda this was brought to Lands to find a place
  - Education Employees place to talk**CINDY DANIELS MOTIONED, SECONDED BY ALBIE CHARLIE TO ADOPT THE AGENDA WITH THE CHANGES/ADDITIONS.**  
**MOTION CARRIED.**
  
3. Adoption of Minutes
  - a) September 27, 2011**DORA WILSON MOTIONED, SECONDED BY WILLIAM SEYMOUR TO ADOPT THE MINUTES OF SEPTEMBER 27, 2011 AS CIRCULATED.**  
**MOTION CARRIED.**
  
4. Business Arising  
August 4, 2011 Council Meeting – JUB Lease  
Attached is a copy of the  
1. JUB Lease

Gary – Update I came on August 4<sup>th</sup> I received instructions from Council on what to try and achieve in the negotiations, those were achieved the documents are finalized. The land owners have signed off on two documents it's now up to Council to approve them from there it goes to the City of Duncan and the District of North Cowichan. I'm told by their lawyer that they're ready to sign them and approve them then it goes to the Minister for approval later this week. I'm advised by the Department of Justice that we've met all their requirements INAC's requirements so it shouldn't be long for the Minister to sign. It's just a matter of executing the two documents. We require 4 originals of each so there is a lot of signing if it's approved by Council, I have the lease here ignore the yellow stickys those are signature blocks for the City of Duncan and the District of North Cowichan to sign, the red stickys are for the Chief to sign, the blue stickys are BCR's where Council will have to sign if approved.

Chief – By way of background just to note that we had this originally on the August 4<sup>th</sup> agenda just wanting to acknowledge the amount of effort that has gone into this. The CP holders have a vested interest are fully apprised and brought on board in terms of agreement with the lease and comments. I will turn to Council for direction as you have had a copy of the lease and read it if there are any questions or clarifications with respect to the lease.

Chief and Council discussed the District of North Cowichan and City of Duncan lease.

After discussion the following motion was passed:

**DORA WILSON MOTIONED, SECONDED BY ALBIE CHARLIE THAT THE DISTRICT OF NORTH COWICHAN AND THE CITY OF DUNCAN (THE "TENANT") WANT TO LEASE CERTAIN LANDS IN COWICHAN INDIAN RESERVE NO. 1 PURSUANT TO THE LEASE (THE "LEASE") TO WHICH THIS RESOLUTION IS ATTACHED.**

**WE HAVE BEEN PROVIDED WITH AN UNEXECUTED FORM OF LEASE TO BE ENTERED INTO BETWEEN CANADA, THE LANDHOLDERS, AND THE TENANT.**

**WE WERE ADVISED BY ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT TO GET INDEPENDENT LEGAL ADVICE BEFORE SIGNING THIS CONSENT, SO DO NOT RELY ON CANADA FOR ADVICE ABOUT THE LEASE OR THIS CONSENT.**

**BE IT RESOLVED THAT THE CHIEF AND COUNCIL, ON BEHALF OF THE COWICHAN TRIBES:**

- 1. IS ENTITLED TO RECEIVE, FOR ITS OWN USE 10% OF THE LEASE RENT REFERENCED IN SUBSECTION 3.2.3 AND RETAIN 10% OF THE EFFLUENT PROFIT REFERENCED IN SUBSECTION 3.10.2 AND 10% OF THE PENALTIES REFERENCED IN SUBSECTION 2.5.9 WITH THE BALANCE OF THE LEASE RENT REFERENCED IN SECTION 3.2.3 DISTRIBUTED BY THE SUPERINTENDENT TO THE LANDHOLDERS, AND THE BALANCE OF THE EFFLUENT PROFIT REFERENCED IN SUBSECTION 3.10.2 AND THE PENALTIES REFERENCED IN SUBSECTION 2.5.9 DISTRIBUTED BY COWICHAN TRIBES TO THE LANDHOLDERS.**
- 2. CONSENTS TO AND HAS NO CONCERNS WITH THE EXECUTION OF THE LEASE.**
- 3. AUTHORIZES CHIEF LYDIA HWITSUM TO EXECUTE THE LEASE, ON BEHALF OF COWICHAN TRIBES.**
- 4. IS PARTY TO THE LEASE FOR THE PURPOSE OF GIVING EFFECT TO CERTAIN PROVISIONS AS SET OUT WITHIN THE LEASE.**

## **MOTION CARRIED.**

### 2. The Permit

Gary – The Permit is for the area where the dykes are and the footprint of the dyke is going to expand and increase it slightly so they are going to raise the dyke for more protection. The rent they're going to pay under that is much more than market value but they will pay it the term is for 49 years unless it's required to keep protecting the lagoon or the community. Cowichan's consent is required to either remove or keep it. All of the landowners have signed it, I have been advised this morning that the Joint Utility Board may still be able to access the provincial government this year they have asked to get authorization to get their equipment on the ground immediately to start improvements on the dyke so they can hopefully fend off the rain this year. So if Council approves it and wants to sign the BCR I am looking for a verbal commitment that I will send to their lawyer that they're allowed to come onto the reserve and start construction on the dyke.

Chief and Council discussed the permit and passed the following motion:

**WILLIAM SEYMOUR MOTIONED, SECONDED BY DORA WILSON THAT THE DISTRICT OF NORTH COWICHAN AND THE CITY OF DUNCAN (THE "PERMITTEE") WANTS TO USE AND OCCUPY CERTAIN LANDS IN COWICHAN INDIAN RESERVE NO. 1 PURSUANT TO THE PERMIT TO WHICH THIS RESOLUTION IS ATTACHED.**

**WE HAVE BEEN PROVIDED WITH AN UNEXECUTED FORM OF THE PERMIT TO BE ENTERED INTO BETWEEN THE MINISTER AND THE PERMITTEE. WE WERE ADVISED BY ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT CANADA TO GET INDEPENDENT LEGAL ADVICE ABOUT THE PERMIT OR THIS CONSENT.**

**BE IT RESOLVED THAT THE CHIEF AND COUNCIL, ON BEHALF OF THE COWICHAN TRIBES:**

- 1. IS ENTITLED TO RECEIVE, FOR ITS OWN USE, 10% OF THE PREPAID FEES, WITH THE BALANCE OF THE PREPAID FEES DISTRIBUTED BY THE SUPERINTENDENT TO THE LANDHOLDERS.**
- 2. CONSENTS TO THE EXECUTION OF THE PERMIT UNDER SUBSECTION 28(2) OF THE INDIAN ACT.**
- 3. AUTHORIZES CHIEF LYDIA HWITSUM TO EXECUTE THE PERMIT ON BEHALF OF COWICHAN TRIBES.**
- 4. IS A PARTY TO THE PERMIT FOR THE PURPOSE OF GIVING EFFECT TO CERTAIN PROVISIONS AS SET OUT WITHIN THE PERMIT.**

## **MOTION CARRIED.**

### 5. Citizen's request

#### **IN CAMERA**

a) Patti Williams

1. Administrative matters

b) Charlene La Fortune

The Agenda request, topics are:

1. Lelum'uylh Update from Chief and Council
2. Contract with Mrs. Modeste
3. Update on Items spoken at the May 11, 2011 Meeting
4. Confidentiality issues

6. Old Business

**NIL**

7. Finance & Audit Committee

The Agenda request from Kim Dibb, the Audit & Finance Committee recommends that Cowichan Tribes provide financing up to \$500K, at the prevailing interest rate plus 1%, to the Joint Venture Chances Cowichan to complete the balance of capital improvements either by lending our own funds or by obtaining financing through a bank loan.

Chief and Council discussed the recommendation of the Audit & Finance Committee that Cowichan Tribes provide financing up to \$500,000, at the prevailing interest rate plus 1%, to the Joint Venture Chances Cowichan to complete the balance of capital improvements. The following motion was passed:

**WILLIAM SEYMOUR MOTIONED, SECONDED BY ALBIE CHARLIE THAT COWICHAN TRIBES PROVIDE THE FINANCING UP TO \$500,000 AT THE PREVAILING INTEREST RATE PLUS 1%, TO THE JOINT VENTURE CHANCES COWICHAN TO COMPLETE THE BALANCE OF CAPITAL IMPROVEMENTS EITHER BY LENDING OUR OWN FUNDS OR BY OBTAINING FINANCING THROUGH A BANK LOAN.**

**MOTION CARRIED.**

8. Lands & Governance

The Agenda request from Larry George, a proposal is being submitted to AANC for BC Capacity Initiative funding in the amount of \$75,000 for Comprehensive Community Planning stage 2. A BCR is required in support of the proposal. Chief and Council discussed the proposal to AANC for BC Capacity Initiative funding in the amount of \$75,000, the following motion was passed:

**DORA WILSON MOTIONED, SECONDED BY CINDY DANIELS THAT COWICHAN TRIBES CHIEF AND COUNCIL SUPPORT THE APPLICATION TO ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT CANADA FOR FUNDING FROM THE BC CAPACITY INITIATIVE IN THE AMOUNT OF \$75,000 FOR THE COMPREHENSIVE COMMUNITY PLANNING PHASE 2 FOR FISCAL YEAR 2012-2013.**

**MOTION CARRIED.**

IN CAMERA

9. Update – General Manager

Attached is a Council Agenda request from Maureen Tommy who will be providing an update to Chief and Council.

[Action – General Manager look at possible sites for Cultural burning.]

10. General Manager Evaluation

**THIS ITEM IS TABLED FOR A FULL COUNCIL MEETING.**

11. Other Business

Lands & Governance

Maureen informed Council that Kevin Blaney from Sliammon has been hired through a contract on a short term basis to do John Keating's job.

## Human Resources

Dean Crawford will be here on October 21<sup>st</sup> from 1 – 2 PM to deal with HR issues.

12. Adjourned 4:30 PM