

'Namgis First Nation Council Meeting
January 22, 2020 **9:30am** **Council Chambers**

Council: John Macko, Jerry Alfred; Dixon Taylor; Ernest Alfred; Stanley Hunt;

Regrets: Don Svanvik; Robert Mountain; Victor Isaac; Kelly Speck; Vickie Brotchie

Staff: Senior Administrator Verna Ambers; Assistant Administrator Jamie Hill; Recording Secretary Gina Wadhams

Prayer	Dixon Taylor
Agenda	2020-Jan-22 (01): DIXON TAYLOR/ERNEST ALFRED That we approve the agenda with the additions. CARRIED
Governance Policy Discussion	Robin Henry & Lynn Anderson join meeting (10am) <ul style="list-style-type: none"> • Top jobs contracted out? <i>Councillor will talk to Verna one-on-one regarding this matter</i> • Shortage of education funds? <i>Administration will look into this. Post Secondary (PSSE) added to February 5th, 2020 Council agenda</i> <p>2020-Jan-22 (02): STANLEY HUNT/JERRY ALFRED That we accept the Governance Policy in draft form. CARRIED</p> <ul style="list-style-type: none"> • <i>Council to review Governance Policy and provide feedback to Robin Henry by next week</i> Robin Henry and Lynn Anderson depart meeting (10:15am)
Minutes Approval <i>January 8th, 2020</i> Business Arising Forestry Fishing Disaster Fund Boat Purchase	2020-Jan-22 (03): DIXON TAYLOR/ERNEST ALFRED That we approve the regular minutes of January 8 th , 2020. CARRIED No word from BC Cabinet Nothing has been raised anywhere Concern with size of boat purchased – too small. <i>Jamie Hill will bring back information – add to the February 5th, 2020 Council agenda</i>
In-Camera	2020-Jan-22 (04): JOHN MACKO/DIXON TAYLOR That we go In-Camera. CARRIED 2020-Jan-22 (05): DIXON TAYLOR/JOHN MACKO That we go out of In-Camera. CARRIED
BCR/Strategic Forestry Funding Discussion DDT Spraying: Sue Gov.	2020-Jan-22 (06): JERRY ALFRED/DIXON TAYLOR That we approve signing the Band Council Resolution: Council authorizes Chief Don Svanvik to sign the attached Strategic Forestry Funding Agreement (#TP20SLM056) in the amount of \$250,000 for Phase 2 Nimpkish River Project Report, detailing specific projects that were undertaken within the Nimpkish River watershed that complement the Phase 1 work (i.e. hydrological assessments, monitoring activities, and/or data collection and a summary of specific findings and/or recommendations by January 31, 2021. CARRIED BCSRIF Restoration – ‘Namgis First Nation funds go to our river/Nimpkish watershed Work on suing government (1958). Affidavits should be taken. Research gathered.
BCR/FMB	2020-Jan-22 (07): JERRY ALFRED/DIXON TAYLOR That we approve signing the Band Council Resolution: WHEREAS: A. ‘Namgis First Nation is named in the Schedule to the First Nations Fiscal Management Act (“the Act”);

- B. Council of 'Namgis First Nation has enacted the 'Namgis First Nation Financial Administration Law, 2018 and the First Nations Finance Management Board ("the FMB") has issued a compliance approval for that Law under section 9 of the Act; and
- C. Council of 'Namgis First Nation wishes to request the FMB to review the "Namgis First Nation's financial performance and to issue the 'Namgis First Nation a Financial Performance Certificate under section 50 (3) of the Act.

NOW THEREFORE BE IT RESOLVED that Council, for and on behalf of the 'Namgis First Nation, hereby:

1. confirms that the 'Namgis First Nation
 - a. has enacted and brought into force the '*Namgis First Nation Financial Administration Law, 2018*' ("the Law") for which the FMB has issued a compliance approval under section 9 of the Act,
 - b. has not repealed the Law, and
 - c. has not amended or repealed and replaced the Law without requesting the FMB to review the amending or replacement law and issue a compliance approval under section 9 of the Act;
2. directs and authorizes Lynn Anderson, Comptroller, and/or Jamie Hill, Administrator, on behalf of the 'Namgis First Nation to do the following:
 - a. to seek the informal assistance of the FMB as available and appropriate in order to receive a Financial Performance Certificate from the FMB;
 - b. to request the FMB to conduct a formal review of the 'Namgis First Nation's financial performance to determine if the 'Namgis First Nation is, at the time of the review, in compliance with the FMB's *Financial Performance Standards* and to issue a Financial Performance Certificate to the 'Namgis First Nation under section 50(3) of the Act;
 - c. to communicate with and provide all requested documents and information to the person authorized by the FMB to conduct the review of the 'Namgis First Nation's financial performance on behalf of the FMB ("the reviewer") as required under the FMB's *Financial Performance Certification Procedures*;
 - d. to disclose to the reviewer any events subsequent to the date of the last audited annual financial statements of the 'Namgis First Nation that would materially impact any information provided by or on behalf of the 'Namgis First Nation for purposes of the review of the 'Namgis First Nation's financial performance or to confirm to the reviewer that there are no subsequent events, as the case may be; and
 - e. to verify and confirm that any normalization adjustment described in Standard 8.0 of the *Financial Performance Standards* that the FMB has advised is being proposed for consideration by the FMB in the financial performance review is based upon information provided by or on behalf of the 'Namgis First Nation that is correct, is not misleading and does not omit any material information;
3. directs and authorizes all councillors, officers and employees of the 'Namgis First Nation to cooperate, as required in the FMB's *Financial Performance Certification Procedures*, with the reviewer when conducting the review of the 'Namgis First Nation's financial performance;
4. authorizes McIntosh Norton and Williams to communicate with the FMB and to cooperate, as required in the FMB's *Financial Performance Certification Procedures*, with the reviewer when conducting the review of the 'Namgis First Nation's financial performance;

	<p>5. authorizes all contractors, agents or advisors of the ‘N̄amgis First Nation to provide information to the reviewer respecting the ‘N̄amgis First Nation’s dealings with them as they relate to matters arising in the review of the ‘N̄amgis First Nation’s financial performance;</p> <p>6. confirms that the Council of the ‘N̄amgis First Nation commits</p> <p>a. to take all necessary actions to implement the ‘N̄amgis First Nation’s financial management system in accordance with the requirements of the ‘N̄amgis First Nation’s financial administration law that has been approved by the FMB under section 9 of the Act and the FMB’s <i>Financial Management System Standards</i>, and</p> <p>b. to request and obtain a Financial Management System Certificate for the ‘N̄amgis First Nation from the FMB before the ‘N̄amgis First Nation passes a borrowing law for a second loan from the First Nations Finance Authority and, in any event, not later than 36 months after the ‘N̄amgis First Nation receives proceeds for the first time from a debenture or equivalent financial instrument issued by the First Nations Finance Authority under the terms of a Borrowing Law and a Security Issuing Council Resolution;</p> <p>7. confirms and agrees that the ‘N̄amgis First Nation will indemnify, defend and hold harmless the FMB, its directors, officers and employees and every person acting on behalf of or under the direction of the FMB, its directors, officers or employees from any damages, costs, claims or causes of action arising from the conduct of a review of financial performance under the <i>Financial Performance Certification Procedures</i>, from the reporting and consideration of the results of the review, from the giving of an opinion respecting the review and from the issuance or revocation of a <i>Financial Performance Certificate</i> unless these damages, costs, claims or causes of action result from gross negligence or bad faith; and</p> <p>8. confirms that this resolution was approved at a duly called and conducted Council meeting of the ‘N̄amgis First Nation at which the required quorum of councillors was present throughout and that the required number of councillors approved the resolution at the meeting. CARRIED</p>
Gaming Revenue	<i>Gaming Revenue Regulations: provide to Council – add to February Council agenda</i>
AA No. 6	<p>2020-Jan-22 (08): JOHN MACKO/JERRY ALFRED</p> <p>That we approve signing Amending Agreement No.6 in the amount of \$29,993.34. This is to support ‘N̄amgis First Nation, Kwikwasut’inuxw Haxwa’ mis First Nation and Dzawada’enuxw First Nation to conduct a regional EOC Refresher Training and Exercise, gaining confidence to effectively operate an EOC in a collaborative way during an emergency event. CARRIED</p>
Lands Management Release Capital Monies	<p>Megan Whonnock joins meeting</p> <p>2020-Jan-22 (09): DIXON TAYLOR/ERNEST ALFRED</p> <p>That we approve signing the Band Council Resolution:</p> <p>WHEREAS ‘N̄amgis First Nation exercise self-government over its lands in accordance with the Framework Agreement on First Nation Land Management.</p> <p>WHEREAS ‘N̄amgis First Nation Council wishes to have its capital monies transferred to the First Nation in accordance with amendments made to the Framework Agreement, December 13, 2018.</p> <p>WHEREAS Clause 12.7 of the Framework Agreement which states “A first Nation has the right, in accordance with its land code, to receive and use all monies acquired by or on behalf of the First Nation under its land code.”</p>

<p>Approval of Forms</p>	<p>THEREFORE 'Namgis First Nation has on January 22, 2020 signed this Band Council Resolution and requests that Canada transfers the capital monies collected, received or held before the date of amendment to the Framework, or from time to time thereafter belonging to 'Namgis First Nation without delay. CARRIED</p> <p>2020-Jan-22 (10): JOHN MACKO/DIXON TAYLOR That we approve signing the Band Council Resolution: WHEREAS the 'Namgis First Nation entered into the Framework Agreement on First Nation Land Management with Canada on May 4, 2016 (the "Framework Agreement")</p> <p>HEREAS the 'Namgis First Nation developed a Land Code as contemplated by the Framework Agreement the "Land Code") and presented it to the membership of 'Namgis First Nation for ratification on February 2, 2019 in accordance with the First Nations Land Management Act.</p> <p>WHEREAS the Land Code came into force on April 1, 2019;</p> <p>WHEREAS it is necessary for the effective administration of the Land Code to prescribe Forms for use in the registration and instruments dealing with or effecting 'Namgis First Nation Lands;</p> <p>WHEREAS the 'Namgis First Nation Lands Office pursuant to the Land Code has the responsibility to prepare Forms of instruments for use in registering interests in 'Namgis First Nation Lands and for use in registering instruments which affect or purport to effect 'Namgis First Nation Lands;</p> <p>WHEREAS the 'Namgis First Nation Lands Office has prepared Forms for approval by Council;</p> <p>Be it hereby resolved and agreed that:</p> <p>The following Forms: Form 'NAMGIS-01 General Instrument Form 'NAMGIS-02 Mortgage Form 'NAMGIS-03 Other Registrable Instruments Form 'NAMGIS-04 Schedule Form 'NAMGIS-05 Execution Continued Fee Schedule CARRIED</p> <p>~~~~~</p> <p><i>Jamie Hill will locate and provide copy of Land Use Plan to Council</i></p> <p><i>Member Fees: New Schedule/BCR to be brought forward to February meeting Bring caveat for February meeting.</i></p> <p><i>Land Code documents – Administration to distribute to Council</i></p>
<p>Finance Committee Hygiene Chair</p>	<p>2020-Jan-22 (11): JERRY ALFRED/STANLEY HUNT That we approve an expenditure for \$10,180 for a new hygiene chair for the dental office and to help cover the cost, a transfer of \$10,000 from Health Administration Dept #51. CARRIED</p>

Electrical/New Office	2020-Jan-22 (12): JERRY ALFRED/DIXON TAYLOR That we approve Kane Gordon Electrical for the office building on Front Street and that a transfer of \$8,650 from Economic Development, Dept #81 be made to cover cost. CARRIED
Kuterra	2020-Jan-22 (13): JERRY ALFRED/DIXON TAYLOR That we approve the payment of the interest owing to the Greater Vancouver Community Foundation from the Kuterra Ltd. demand Loan for \$85,882.88. The payment to come from Dept. #161, a contribution on behalf of Kuterra Ltd. CARRIED
Bank-Signers	2020-Jan-22 (14): STANLEY HUNT/DIXON TAYLOR CARRIED That we appoint new signing authorities: Councillors Gerald Alfred and Victoria Brotchie to sign bank transactions and that Brian Wadhams be removed from the bank account signatories.
FNFMB	2020-Jan-22 (15): STANLEY HUNT/DIXON TAYLOR That we provide authorization for 'Namgis First Nation to request the First Nations Financial Management Board (FNFMB) to issue a financial performance certificate by way of signatures on the FNFMB Council Resolution. CARRIED
Cigarette Increase	2020-Jan-22 (16): JERRY ALFRED/ERNEST ALFRED CARRIED That we approve the increase of a cigarette carton sale price from \$90.00 a carton to \$100.00 a carton and an increase of the tin tobacco sale price from \$70.00 to \$80.00 effective April 1, 2020. <i>Question on gas prices. Gas is not making money. It is breaking even. Gas auto flow – request for this to be put back on.</i>
Chief Councillor Election	2020-Jan-22 (17): JERRY ALFRED/STANLEY HUNT That we appoint the following for Election of Chief Councillor in May 2020: Electoral Officer: Jamie Taylor Deputy Electoral Officer: Elsie Carter Appeal Board Members: Lyle McNish; Lyn Hawley and M.A. (Ali) Lopez CARRIED
Nimpkish River	2020-Jan-22 (18): JERRY ALFRED/DIXON TAYLOR CARRIED That Council requests Administration to begin process regarding DDT/Nimpkish River. <i>Research work in files by Researcher Diane Alfred – pull together.</i>
IMAWG Nominations	2020-Jan-22 (19): JERRY ALFRED/ERNEST ALFRED That we nominate John Macko for the IMAWG delegate. CARRIED 1-Abstain
Golf Carts	2020-Jan-22 (20): DIXON TAYLOR/JERRY ALFRED CARRIED That we support the golf cart proposal from Larry Hill.
Travel/Indian Registration	Councillor Stanley Hunt and Membership Clerk DeeDee Alfred to attend. <i>Administration will gather information/provide briefing note for Stanley Hunt for meeting.</i>
Travel/FNEC	2020-Jan-22 (21): JERRY ALFRED/STANLEY HUNT CARRIED Travel is approved for Dixon Taylor and Ernest Alfred to FNEC on February 27 th , 2020.
Travel/BCAFN	TABLED
Evolugen	<i>February 19th, 2020 Council agenda</i>
Recognition and Reconciliation of Rights Policy	TABLED – February 5th, 2020 Council agenda
Travel/Vancouver Island Minerals	2020-Jan-22 (22): JOHN MACKO/JERRY ALFRED CARRIED Travel is approved for Ernest Alfred and Robert Mountain for February 18 th , 2020 in Port McNeill.

	<p><i>Letter to be sent from Natural Resources Department stating that they need to contact us. CC letter to Fort Rupert.</i></p> <p><i>Request briefing note from Brian Svanvik for Council</i></p>
Cigarette/Gas	<p><i>INFO – Ministry of Finance is launching an engagement process with on-reserve retailers who sell tax-exempt tobacco and fuel.</i></p>

 Chief Don Svanvik

 Date