

Inaugural Council Mtg. of New Term

Wednesday October 18th, 2023

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AGENDA

Start time: 11:00 a.m.

Guest: Angela Polifroni & administration staff, open to citizens

Convening the Inaugural meeting of the new Council term

Chief Anne Mack must preside until a chairperson has been appointed

Adoption of Agenda

Approval of minutes from September 25, 2023

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STARTS CM00627

REGULAR BUSINESS

1) WELCOMING & OPENING STATEMENT FROM CHIEF ANNE

- a) Honouring the previous term's Council members

2) SWEARING IN CEREMONY

- a) Swearing-in of the members of Council and signing of a confidentiality agreement.

See separate Oath of Office and Confidentiality Agreements

pg 6-7

- b) Signing of Form DCS-1 Disclosure Statement

- i) "immediate family" means, when used in reference to a Toquaht official,
 - (1) the Toquaht official's spouse, or
 - (2) a son or daughter of the Toquaht official or the Toquaht official's spouse who
 - (a) has not attained the age of eighteen, or
 - (b) has attained the age of eighteen but is primarily dependent on the Toquaht official or the Toquaht official's spouse for financial support;
- ii) "Toquaht government representative" means
 - (1) a member of Council, or
 - (2) a member of the Executive;

See separate DCS-1 form

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3) REQUEST FOR DECISION AND LEGISLATION

- a) **Request for Decision**

- i) Choose of a chairperson and an alternate chairperson from the members of Council.

ToR on pg 13

THAT _____ be appointed as chairperson with executive oversight of all acts that apply.

THAT _____ be appointed alternate chairperson.

b) Request for Decision

i) Determine the Executive Portfolios

- (1) Finance portfolio ToR on pg 16
- (2) Community Services Portfolio ToR on pg 19
- (3) Lands, Public Works & Environmental Protection Portfolio ToR on pg 22
- (4) Resources Harvesting Portfolio ToR on pg 25

THAT _____ be appointed to hold the Finance Portfolio.

THAT _____ be appointed to hold the Community Services Portfolio.

THAT _____ be appointed to hold the Lands, Public Works and Environmental Protections Portfolio.

and

THAT _____ be appointed to hold the Natural Resources Portfolio.

c) Request for Decision

i) Dissolve Intergovernmental Relations Portfolio

THAT Council resolve to rescind the Intergovernmental Relations Portfolio.

d) Request for Decision

i) Committee appointments

(1) Citizenship & Enrolment Committee

(a) Anne Mack required as ex officio

- (i)** List of current members Lisa Morgan, Naomi Mack, Gale Johnsen
- (ii)** Naomi Mack has indicated she would like to be considered.

THAT Council appoints _____, _____ and _____ to the Citizenship & Enrolment Committee.

(2) Economic Development Committee

(a) List of required members: Anne Mack, Exec holding Lands portfolio, Ec Dev officer

(b) List of current members Ken Matthews, Gale Johnsen, Peggy Hartman

THAT Council appoint Anne Mack, David Johnsen, Rick Shafer (in capacity of the economic development officer, non-voting), _____ (as chair), _____, _____, & _____ to the Economic Development Committee.

(3) Finance Committee

(a) One seat is up for re-appointment: Rebecca Hurwitz (indicated interest to remain)

THAT Council appoint Rebecca Hurwitz to the Finance Committee for a four-year term up for re-appointment in 2027.

(4) Treaty Implementation Committee

(a) The treaty implementation committee is composed of

- (i) the Tyee Ha'wilth,
- (ii) no fewer than one other member of Council and not more than two other members of Council, and
- (iii) not more than three other individuals appointed by Council upon recommendation of the Tyee Ha'wilth

(b) List of current members

(i) Kirsten Johnsen, Gary Johnsen, Anne Mack,

THAT Council appoints _____, as chairperson, Anne Mack and _____ to the Implementation Committee

e) Request for Decision

i) Maa-nulth Treaty Society and Member Delegate

THAT Toquaht Council appoints _____ as Director, _____ as the Alternate and _____ as Member Delegate.

f) Request for Decision

i) Nuuchah-nulth Tribal Council

THAT Toquaht Council appoints _____ as Director and _____ as the alternate Director to the Nuuchah-nulth Tribal Council Society board.

AND FURTHER

THAT Toquaht Council appoints _____ as a member of the Nuu-chah-nulth Tribal Council Society.

g) Request for Decision

- i) Alberni-Clayoquot Regional District

THAT Toquaht Council appoints _____ as Director and _____, as alternate, on the Alberni-Clayoquot Regional District Board.

h) Request for Decision

- i) Hayu Fishing Ltd.

THAT Toquaht Council appoints _____ as Director on the Hayu Fishing Partnership Ltd. Board.

i) Request for Decision

- i) Schedule for Regular Council Meetings

(1) The regular schedule is based on the reporting requirements set out in the Financial Administration Act

(a) November 15th, 2023

(b) January 24th 2023

(c) May 22nd, 2023

(d) There will be Special Council meetings set up for enactment of various legislation throughout the year

(2) Discussion on time of day meetings to occur

THAT Toquaht Meetings of Council be set _____

Additions/deletions

-
-

Adjourn meeting

Toquaht Special Council Meeting

September 25, 2023

Video Conference

DRAFT Meeting Minutes

Call In: Anne Mack, Kirsten Johnsen, Naomi Mack, Kevin Mack

Absent: Noah Plonka

Guest: Angela Polifroni

Chair: Kirsten Johnsen

Recorder: Naomi Mack

Quorum was present throughout the meeting

Convened 6:05pm

Agenda adopted by consensus

- Add discussion around responsibilities Kevin can take on

Minutes from September 6, 2023 approved by consensus

1) REQUEST FOR DECISION AND LEGISLATION

a) Request for Decision

i) Goods and Services Tax Act Repeal Act

CM00626 MOVED: Anne Mack

SECONDED: Naomi Mack

THAT Council resolve the recommendation from the finance committee and resolve to enact the Goods and Services Tax Act Repeal Act in the form now laid before the Council as TNS 4/2023 of the Toquaht Nation.

And Whereas

The Act to be brought into force by Executive resolution.

YES: 4

NO: 0

Motion Carried

2) LATE ADDITIONS

Adjourned 6:15pm

Minutes prepared by

Chairperson

Law Clerk

Date

TOQUAHT NATION GOVERNMENT

Oath of Office

I, _____, do solemnly affirm that:

- I am qualified to hold the office of Member of Council for the Toquaht Nation to which I have been elected;
- I have complied with the provisions of the Toquaht Constitution in relation to my election to this office;
- I will abide by all rules related to conflicts of interest under the Integrity Act;
- I will carry out my duties with integrity;
- I will be accountable for the decisions that I make, and the actions that I take, in the course of my duties;
- I will be respectful of others;
- I will demonstrate leadership and collaboration;
- I will perform the duties of my office in accordance with the four guiding principles
 - hišukma c̓awaak
 - qwaaʔaʕin c̓awaak
 - ʔuuʔatuk
 - ʔiisaak

I so swear

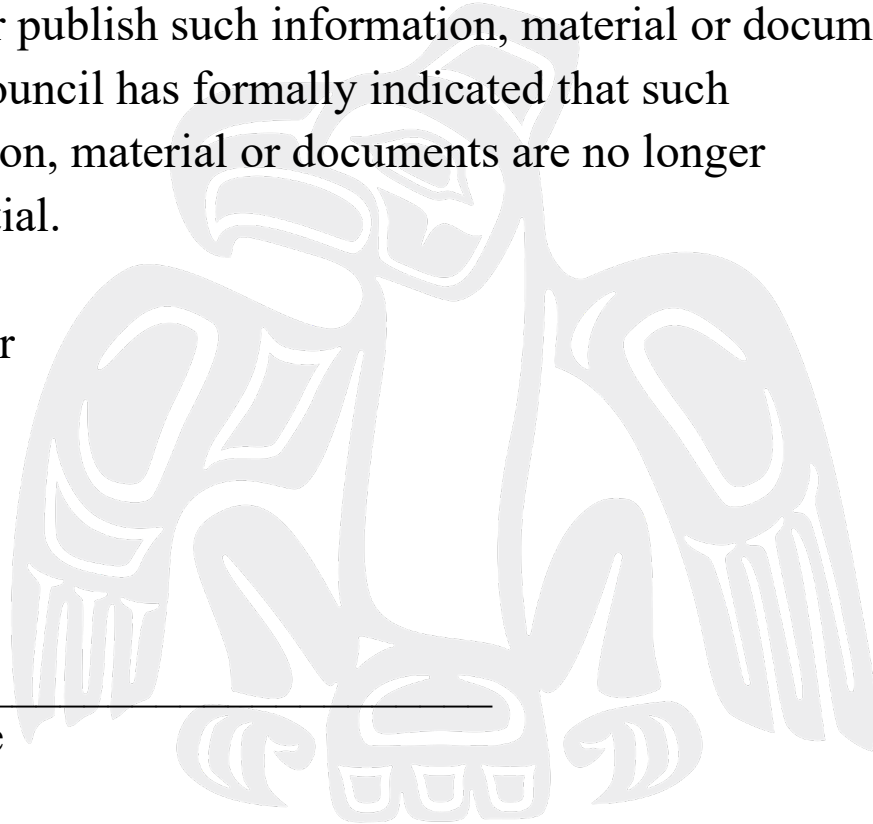
Signature

TOQUAHT NATION GOVERNMENT
OATH OF CONFIDENTIALITY
Schedule 1 of the Government Act

I, _____, will treat as confidential all information, material and documents provided to me in my role as a member of Council and will not disclose, release or publish such information, material or documents unless Council has formally indicated that such information, material or documents are no longer confidential.

I so swear

Signature



TOQUAHT NATION

**Integrity Act
Department of Community Services
Form DCS-1**

**Date received:**

*(for Department of
Community Services use
only)*

**DISCLOSURE STATEMENT –
PRIVATE INTERESTS**

A. PERSONAL INFORMATION

**Name of Toquaht government representative
making this disclosure statement:**

Name of spouse:

Names of sons and daughters:

Names of parents:

Names of siblings:

DEFINITIONS:

“immediate family” has the meaning given to that term in the Integrity Act;

“spouse” has the meaning given to that term in the Interpretation Act; and

“Toquaht government representative” has the meaning given to that term in the Interpretation Act.

B. FOR-PROFIT CORPORATIONS, PARTNERSHIPS, PROPRIETORSHIPS and OTHER BUSINESS ENTITIES in which the Toquaht government representative or his or her immediate family has an interest

Name of Toquaht government representative or immediate family member holding the interest:	Name of entity:	Extent of the interest: (%)

(Note: please attach additional pages if required)

C. NOT-FOR-PROFIT ORGANIZATIONS OR CHARITIES in which the Toquaht government representative or his or her immediate family holds a membership

Name of Toquaht government representative or immediate family member holding the membership:	Name of entity:

(Note: please attach additional pages if required)

D. For-profit corporations, not-for-profit organizations or charities of which the Toquaht government representative or his or her immediate family is a DIRECTOR, an OFFICER or BOTH

Name of Toquaht government representative or immediate family member holding the position:	Name of entity:	Position(s) held:

(Note: please attach additional pages if required)

DECLARATION:

I hereby swear or affirm that the information in this public disclosure statement is accurate and complete to the best of my knowledge.

Signature

Date



TOQUAHT NATION CHAIRPERSON TERMS OF REFERENCE

Background – the role of the Executive

The Toquaht Nation Constitution (the “**Constitution**”) establishes the Executive, made up of the chairperson of Council and any member of Council designated to hold an Executive portfolio, as a core branch of the Toquaht Nation (“**Toquaht**”) government. The Executive is directly accountable to the Council and exercises a blend of legislative and executive powers of government.

The authority of members of the Executive is governed by the Constitution and Toquaht laws, including the Government Act, TNS 2/2011 (“**Government Act**”) and the Council Rules of Order and Procedure Act, TNS 3/2011 (“**Council Rules of Order and Procedure Act**”).

Members of the Executive are individually and collectively responsible for carrying out three main functions:

- (1) Oversight of laws and government departments: Each member of the Executive is responsible for overseeing the Toquaht enactments within their portfolio. An important principle in Toquaht’s government structure is the separation of Executive *oversight* from government *administration*. The Executive is not authorized to become involved in the day-to-day operations of administration.
- (2) Delegated regulation-making powers: An important role of the Executive is to exercise regulation-making powers delegated to the Executive under Toquaht enactments.
- (3) Representing Toquaht: The Constitution and the Council Rules of Order and Procedure Act provide that, subject to the direction of the Council, members of the Executive have the authority and responsibility to represent Toquaht in intergovernmental relations within their respective portfolios. Several laws also empower the Executive to represent and bind Toquaht on matters relating to those laws by entering into agreements on its behalf.

TOQUAHT NATION
CHAIRPERSON TERMS OF REFERENCE

Purpose

- 1.1** The purpose of these terms of reference is to set out the mandate, duties and powers of the chairperson.

Mandate, duties and powers

- 1.2** The mandate, duties and powers of the chairperson include:
- (a) providing oversight of the laws listed in Schedule “A” and any regulations enacted under those laws (together, the “Enactments”), including:
 - (i) initiating or reviewing any proposed amendments to the Enactments; and
 - (ii) overseeing the administration, application and enforcement of the Enactments, including overseeing any government departments established under the Enactments (the “Departments”) and any policies or reports prepared by the Departments; and
 - (iii) reporting to the Council on any matters respecting the Enactments, or departments established under the Enactments, that require the attention of the Council within its law-making authority;
 - (b) Through the Director of Operations, liaising between any Departments and the Executive or the Council;
 - (c) participating in any committees to which the chairperson is appointed in accordance with Toquaht laws;
 - (d) representing Toquaht Nation in intergovernmental relations in areas related to the Enactments, in accordance with section 2.17 of the Constitution;
 - (e) carrying out any other duties and exercising any other powers assigned to the chairperson under Toquaht laws; and
 - (f) as a member of the Executive, carrying out the mandate and duties and exercising the powers of the Executive as a whole set out in Part B of Chapter 2 of the Constitution, Part 14 of the Council Rules of Order and Procedure Act and Part 3 of the Government Act.
- 1.3** For greater certainty, the chairperson does not have the duty or power to participate directly in the day-to-day administration of any Departments except in accordance with Toquaht laws.

SCHEDULE “A”

The chairperson is responsible for the executive oversight of the following Toquaht laws and regulations:

1. Effective Date Procedures Act, TNS 1/2011
2. Government Act, TNS 2/2011
3. Council Rules of Order and Procedure Act, TNS 3/2011
 - a. Executive Rules of Order and Procedure Regulation, TNR 3/2011
4. Administrative Decisions Review Act, TNS 7/2011
 - a. Review Board Forms and Fees Regulation, TNR 5/2014
5. Referendum Act, TNS 9/2011
6. Enforcement Act, TNS 16/2011
 - a. Compliance Notice and Ticket Regulation, TNR 2/2014
 - b. Enforcement Standards Regulation, TNR 4/2014
7. Interpretation Act, TNS 17/2011
8. Elections Act, TNS 1/2014
9. Public Order, Peace and Safety Act, TNS 2/2014
10. Application of Laws to Foreshore Act, TNS 6/2014
11. Trespass and Community Safety Act, TNS 4/2019
12. Emergency Preparedness Act, TNS 5/2020

Note that “executive oversight” is defined in the Interpretation Act, TNS 17/2011 as follows:

“executive oversight” means, within the context of a member of the Executive, the overseeing of the administration, application or enforcement of a particular Toquaht enactment by that member of the Executive in accordance with the terms of reference established by the Executive from time to time;



**TOQUAHT NATION
FINANCE EXECUTIVE PORTFOLIO
TERMS OF REFERENCE**

Background – the role of the Executive

The Toquaht Nation Constitution (the “**Constitution**”) establishes the Executive, made up of the chairperson of Council and any member of Council designated to hold an Executive portfolio, as a core branch of the Toquaht Nation (“**Toquaht**”) government. The Executive is directly accountable to the Council and exercises a blend of legislative and executive powers of government.

The authority of members of the Executive is governed by the Constitution and Toquaht laws, including the Government Act, TNS 2/2011 (“**Government Act**”) and the Council Rules of Order and Procedure Act, TNS 3/2011 (“**Council Rules of Order and Procedure Act**”).

Members of the Executive are individually and collectively responsible for carrying out three main functions:

- (1) Oversight of laws and government departments: Each member of the Executive is responsible for overseeing the Toquaht enactments within their portfolio. An important principle in Toquaht’s government structure is the separation of Executive *oversight* from government *administration*. The Executive is not authorized to become involved in the day-to-day operations of administration.
- (2) Delegated regulation-making powers: An important role of the Executive is to exercise regulation-making powers delegated to the Executive under Toquaht enactments.
- (3) Representing Toquaht: The Constitution and the Council Rules of Order and Procedure Act provide that, subject to the direction of the Council, members of the Executive have the authority and responsibility to represent Toquaht in intergovernmental relations within their respective portfolios. Several laws also empower the Executive to represent and bind Toquaht on matters relating to those laws by entering into agreements on its behalf.

**TOQUAHT NATION
FINANCE EXECUTIVE PORTFOLIO
TERMS OF REFERENCE**

Purpose

- 1.1** The purpose of these terms of reference is to set out the mandate, duties and powers of the finance executive portfolio established under section 14.1 of the Council Rules of Order and Procedure Act.

Mandate, duties and powers

- 1.2** The mandate, duties and powers of the finance portfolio holder include:
- (a) providing oversight of the laws listed in Schedule “A” and any regulations enacted under those laws (together, the “Enactments”), including:
 - (i) initiating or reviewing any proposed amendments to the Enactments; and
 - (ii) overseeing the administration, application and enforcement of the Enactments, including overseeing the department of finance and any other government departments established under the Enactments (the “Departments”) and any policies or reports prepared by the Departments; and
 - (iii) reporting to the Council on any matters respecting the Enactments, or departments established under the Enactments, that require the attention of the Council within its law-making authority;
 - (b) Through the Director of Operations, liaising between the Departments and the Executive or the Council;
 - (c) chairing the finance committee in accordance with the Financial Administration Act, TNS 6/2011;
 - (d) participating in any other committees to which the finance portfolio holder is appointed in accordance with Toquaht laws;
 - (e) representing Toquaht Nation in intergovernmental relations in the area of finance, in accordance with section 2.17 of the Constitution;
 - (f) carrying out any other duties and exercising any other powers assigned to that portfolio holder under Toquaht laws; and
 - (g) as a member of the Executive, carrying out the mandate and duties and exercising the powers of the Executive as a whole set out in Part B of Chapter 2 of the Constitution, Part 14 of the Council Rules of Order and Procedure Act and Part 3 of the Government Act.
- 1.3** For greater certainty, the finance portfolio holder does not have the duty or power to participate directly in the day-to-day administration of the Departments except in accordance with Toquaht laws.

SCHEDULE “A”

The finance portfolio holder is responsible for the executive oversight of the following Toquaht laws:

1. Financial Administration Act, TNS 6/2011
 - a. Expenditures Regulation, TNR 4/2011
 - b. Banking Signatories Regulation, TNR 1/2018
 - c. BMO Housing Loan Guarantee Regulation No. 1, TNR 1/2020
2. Real Property Tax Act, TNS 18/2011
 - a. Annual Rates Regulation, TNR 1/2023 (is enacted annually)
3. Goods and Services Tax Act, TNS 1/2020 [Repeal Act in process]
4. Island Timberlands Land Purchase Borrowing Act, TNS 6/2020
5. Five-Year Financial Plan Act (updated annually)
6. Annual Budget Act (updated annually)

The finance portfolio holder is responsible to sit as chairperson on the standing committee on finance.

Note that “executive oversight” is defined in the Interpretation Act, TNS 17/2011 as follows:

“executive oversight” means, within the context of a member of the Executive, the overseeing of the administration, application or enforcement of a particular Toquaht enactment by that member of the Executive in accordance with the terms of reference established by the Executive from time to time;



**TOQUAHT NATION
COMMUNITY SERVICES EXECUTIVE PORTFOLIO
TERMS OF REFERENCE**

Background – the role of the Executive

The Toquaht Nation Constitution (the “**Constitution**”) establishes the Executive, made up of the chairperson of Council and any member of Council designated to hold an Executive portfolio, as a core branch of the Toquaht Nation (“**Toquaht**”) government. The Executive is directly accountable to the Council and exercises a blend of legislative and executive powers of government.

The authority of members of the Executive is governed by the Constitution and Toquaht laws, including the Government Act, TNS 2/2011 (“**Government Act**”) and the Council Rules of Order and Procedure Act, TNS 3/2011 (“**Council Rules of Order and Procedure Act**”).

Members of the Executive are individually and collectively responsible for carrying out three main functions:

- (1) Oversight of laws and government departments: Each member of the Executive is responsible for overseeing the Toquaht enactments within their portfolio. An important principle in Toquaht’s government structure is the separation of Executive *oversight* from government *administration*. The Executive is not authorized to become involved in the day-to-day operations of administration.
- (2) Delegated regulation-making powers: An important role of the Executive is to exercise regulation-making powers delegated to the Executive under Toquaht enactments.
- (3) Representing Toquaht: The Constitution and the Council Rules of Order and Procedure Act provide that, subject to the direction of the Council, members of the Executive have the authority and responsibility to represent Toquaht in intergovernmental relations within their respective portfolios. Several laws also empower the Executive to represent and bind Toquaht on matters relating to those laws by entering into agreements on its behalf.

TOQUAHT NATION
COMMUNITY SERVICES EXECUTIVE PORTFOLIO
TERMS OF REFERENCE

Purpose

- 1.1** The purpose of these terms of reference is to set out the mandate, duties and powers of the community services executive portfolio established under section 14.1 of the Council Rules of Order and Procedure Act.

Mandate, duties and powers

- 1.2** The mandate, duties and powers of the community services portfolio holder include:
- (a) providing oversight of the laws listed in Schedule “A” and any regulations enacted under those laws (together, the “Enactments”), including:
 - (i) initiating or reviewing any proposed amendments to the Enactments; and
 - (ii) overseeing the administration, application and enforcement of the Enactments, including overseeing the department of community services and any other government departments established under the Enactments (the “Departments”) and any policies or reports prepared by the Departments; and
 - (iii) reporting to the Council on any matters respecting the Enactments, or departments established under the Enactments, that require the attention of the Council within its law-making authority;
 - (b) Through the Director of Operations, liaising between the Departments and the Executive or the Council;
 - (c) participating in any committees to which the community services portfolio holder is appointed in accordance with Toquaht laws;
 - (d) representing Toquaht Nation in intergovernmental relations in the area of community services, in accordance with section 2.17 of the Constitution;
 - (e) carrying out any other duties and exercising any other powers assigned to that portfolio holder under Toquaht laws; and
 - (f) as a member of the Executive, carrying out the mandate and duties and exercising the powers of the Executive as a whole set out in Part B of Chapter 2 of the Constitution, Part 14 of the Council Rules of Order and Procedure Act and Part 3 of the Government Act.
- 1.3** For greater certainty, the community services portfolio holder does not have the duty or power to participate directly in the day-to-day administration of the Departments except in accordance with Toquaht laws.

SCHEDULE “A”

The community services portfolio holder is responsible for the executive oversight of the following Toquaht laws and regulations:

1. Integrity Act, TNS 4/2011
2. Government Personnel Act, TNS 5/2011
3. Citizenship Act, TNS 10/2011
 - a. Citizenship and Enrolment Forms Regulation, TNR 2/2011
4. Freedom of Information and Protection of Privacy Act, TNS 11/2011
 - a. Disclosure Forms Regulation, TNR 2/2011

Note that “executive oversight” is defined in the Interpretation Act, TNS 17/2011 as follows:

“executive oversight” means, within the context of a member of the Executive, the overseeing of the administration, application or enforcement of a particular Toquaht enactment by that member of the Executive in accordance with the terms of reference established by the Executive from time to time;



TOQUAHT NATION
LANDS, PUBLIC WORKS AND ENVIRONMENTAL PROTECTION
EXECUTIVE PORTFOLIO TERMS OF REFERENCE

Background – the role of the Executive

The Toquaht Nation Constitution (the “**Constitution**”) establishes the Executive, made up of the chairperson of Council and any member of Council designated to hold an Executive portfolio, as a core branch of the Toquaht Nation (“**Toquaht**”) government. The Executive is directly accountable to the Council and exercises a blend of legislative and executive powers of government.

The authority of members of the Executive is governed by the Constitution and Toquaht laws, including the Government Act, TNS 2/2011 (“**Government Act**”) and the Council Rules of Order and Procedure Act, TNS 3/2011 (“**Council Rules of Order and Procedure Act**”).

Members of the Executive are individually and collectively responsible for carrying out three main functions:

- (1) Oversight of laws and government departments: Each member of the Executive is responsible for overseeing the Toquaht enactments within their portfolio. An important principle in Toquaht’s government structure is the separation of Executive *oversight* from government *administration*. The Executive is not authorized to become involved in the day-to-day operations of administration.
- (2) Delegated regulation-making powers: An important role of the Executive is to exercise regulation-making powers delegated to the Executive under Toquaht enactments.
- (3) Representing Toquaht: The Constitution and the Council Rules of Order and Procedure Act provide that, subject to the direction of the Council, members of the Executive have the authority and responsibility to represent Toquaht in intergovernmental relations within their respective portfolios. Several laws also empower the Executive to represent and bind Toquaht on matters relating to those laws by entering into agreements on its behalf.

TOQUAHT NATION
LANDS, PUBLIC WORKS AND ENVIRONMENTAL PROTECTION
EXECUTIVE PORTFOLIO TERMS OF REFERENCE

Purpose

- 1.1** The purpose of these terms of reference is to set out the mandate, duties and powers of the lands, public works and environmental protection executive portfolio established under section 14.1 of the Council Rules of Order and Procedure Act.

Mandate, duties and powers

- 1.2** The mandate, duties and powers of the lands, public works and environmental protection portfolio holder include:
- (a) providing oversight of the laws listed in Schedule “A” and any regulations enacted under those laws (together, the “Enactments”), including:
 - (i) initiating or reviewing any proposed amendments to the Enactments; and
 - (ii) overseeing the administration, application and enforcement of the Enactments, including overseeing the department of lands, public works and environmental protection and any other government departments established under the Enactments (the “Departments”) and any policies or reports prepared by the Departments; and
 - (iii) reporting to the Council on any matters respecting the Enactments, or departments established under the Enactments, that require the attention of the Council within its law-making authority;
 - (b) Through the Director of Operations, liaising between the Departments and the Executive or the Council;
 - (c) participating as the chair of the economic development committee in accordance with the Economic Development Act, TNS 3/2012;
 - (d) participating in any other committees to which the lands, public works and environmental protection portfolio holder is appointed in accordance with Toquaht laws;
 - (e) representing Toquaht Nation in intergovernmental relations in the area of lands, public works and environmental protection, in accordance with section 2.17 of the Constitution;
 - (f) carrying out any other duties and exercising any other powers assigned to that portfolio holder under Toquaht laws; and
 - (g) as a member of the Executive, carrying out the mandate and duties and exercising the powers of the Executive as a whole set out in Part B of Chapter 2 of the Constitution, Part 14 of the Council Rules of Order and Procedure Act and Part 3 of the Government Act.

- 1.3** For greater certainty, the lands, public works and environmental protection portfolio holder does not have the duty or power to participate directly in the day-to-day administration of the Departments except in accordance with Toquaht laws.

SCHEDULE “A”

The lands, public works and environmental protection portfolio holder is responsible for the executive oversight of the following Toquaht laws:

1. Land Act, TNS 12/2011
 - a. Lands Registry Forms Regulation TNR 6/2011
 - b. Toquaht Titled Lands Transfer Regulation, TNR 5/2016
2. Planning and Land Use Management Act, TNS 13/2011
3. Environmental Protection Act, TNS 15/2011
 - a. Wood Waste Disposal Regulation, TNR 1/2016
 - b. Site Profile Regulation, TNR 2/2018
4. Economic Development Act, TNS 3/2012
 - a. Governance and Fiscal Agreement Regulation TNR 1/2012
5. Building and Development Authorization Act, TNS 2/2013
 - a. Building Forms Regulation, TNR 1/2013
6. Business Licensing Act, TNS 9/2014
 - a. Business Licensing Regulation TNR 6/2014
7. Official Community Plan Act, TNS 1/2016
8. Macoah Zoning and Structures Act, TNS 3/2018
9. Public Works and Services Act, TNS 4/2018
10. Housing Act, TNS 1/2019
 - a. Housing Regulation, TNR 4/2019

The lands, public works and environmental protection portfolio holder is responsible to sit as chairperson on the standing committee on economic development.

Note that “executive oversight” is defined in the Interpretation Act, TNS 17/2011 as follows:

“executive oversight” means, within the context of a member of the Executive, the overseeing of the administration, application or enforcement of a particular Toquaht enactment by that member of the Executive in accordance with the terms of reference established by the Executive from time to time;



**TOQUAHT NATION
RESOURCE HARVESTING EXECUTIVE PORTFOLIO
TERMS OF REFERENCE**

Background – the role of the Executive

The Toquaht Nation Constitution (the “**Constitution**”) establishes the Executive, made up of the chairperson of Council and any member of Council designated to hold an Executive portfolio, as a core branch of the Toquaht Nation (“**Toquaht**”) government. The Executive is directly accountable to the Council and exercises a blend of legislative and executive powers of government.

The authority of members of the Executive is governed by the Constitution and Toquaht laws, including the Government Act, TNS 2/2011 (“**Government Act**”) and the Council Rules of Order and Procedure Act, TNS 3/2011 (“**Council Rules of Order and Procedure Act**”).

Members of the Executive are individually and collectively responsible for carrying out three main functions:

- (1) Oversight of laws and government departments: Each member of the Executive is responsible for overseeing the Toquaht enactments within their portfolio. An important principle in Toquaht’s government structure is the separation of Executive *oversight* from government *administration*. The Executive is not authorized to become involved in the day-to-day operations of administration.
- (2) Delegated regulation-making powers: An important role of the Executive is to exercise regulation-making powers delegated to the Executive under Toquaht enactments.
- (3) Representing Toquaht: The Constitution and the Council Rules of Order and Procedure Act provide that, subject to the direction of the Council, members of the Executive have the authority and responsibility to represent Toquaht in intergovernmental relations within their respective portfolios. Several laws also empower the Executive to represent and bind Toquaht on matters relating to those laws by entering into agreements on its behalf.

TOQUAHT NATION
RESOURCE HARVESTING EXECUTIVE PORTFOLIO
TERMS OF REFERENCE

Purpose

- 1.1** The purpose of these terms of reference is to set out the mandate, duties and powers of the resource harvesting executive portfolio established under section 14.1 of the Council Rules of Order and Procedure Act.

Mandate, duties and powers

- 1.2** The mandate, duties and powers of the resource harvesting portfolio holder include:
- (a) providing oversight of the laws listed in Schedule “A” and any regulations enacted under those laws (together, the “**Enactments**”), including:
 - (i) initiating or reviewing any proposed amendments to the Enactments;
 - (ii) overseeing the administration, application and enforcement of the Enactments, including overseeing any government departments established under the Enactments (the “**Departments**”) and any policies or reports prepared by the Departments; and
 - (iii) reporting to the Council on any matters respecting the Enactments, or departments established under the Enactments, that require the attention of the Council within its law-making authority;
 - (b) Through the Director of Operations, liaising between any Departments and the Executive or the Council;
 - (c) chairing any committees to which the resource harvesting portfolio holder is appointed in accordance with Toquaht laws;
 - (d) representing Toquaht Nation in intergovernmental relations in the area of natural resources harvesting, in accordance with section 2.17 of the Constitution;
 - (e) carrying out any other duties and exercising any other powers assigned to that portfolio holder under Toquaht laws; and
 - (f) as a member of the Executive, carrying out the mandate and duties and exercising the powers of the Executive as a whole set out in Part B of Chapter 2 of the Constitution, Part 14 of the Council Rules of Order and Procedure Act and Part 3 of the Government Act.

- 1.3 For greater certainty, the resource harvesting portfolio holder does not have the duty or power to participate directly in the day-to-day administration of any Departments except in accordance with Toquaht laws.

SCHEDULE "A"

The resource harvesting portfolio holder is responsible for the executive oversight of the following Toquaht laws:

1. Resources Harvesting Act, TNS 14/2011
 - a. Fisheries Regulation, TNR 5/2011
 - b. Wildlife and Migratory Birds Regulation, TNR 7/2011

The resource harvesting portfolio holder is responsible to sit as chairperson on the Toquaht Nation fish & wildlife committee.

Note that "executive oversight" is defined in the Interpretation Act, TNS 17/2011 as follows:

"executive oversight" means, within the context of a member of the Executive, the overseeing of the administration, application or enforcement of a particular Toquaht enactment by that member of the Executive in accordance with the terms of reference established by the Executive from time to time;