

# Council Meeting

Thursday February 12<sup>th</sup>, 2026  
Meeting by Zoom  
**AGENDA**

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<https://us02web.zoom.us/j/82363151931?pwd=0XMrEat6fAfXmU5J9M5WyVjBEEb8cL.1>

**Meeting ID:** 823 6315 1931

**Passcode:** 586127

**Start time:** 4:00 p.m.

**Guest:** Kristine Brown, Donna Monteith

Convening the meeting

Adoption of Agenda

Approval of minutes from December 17<sup>th</sup>, 2025 <sup>2</sup>

**STARTS CM00728**

**REGULAR BUSINESS**

**1) PETITIONS, DELEGATIONS & PRESENTATIONS**

**2) REQUEST FOR DECISION AND LEGISLATION**

**a) Request for Decision**

**i) Intro and 1<sup>st</sup> Reading of Miscellaneous Amendments Act No. 3**

**(1) BN dated January 21, 2026 <sup>5</sup>**

**(2) Draft Act <sup>8</sup>**

*THAT the Miscellaneous Amendments Act No. 3 be introduced to the Council for first reading.*

*THAT Council resolve to waive the requirement for 24 hours between first and second reading regarding the Miscellaneous Amendments Act No. 3.*

*THAT the Council resolve to adopt in principle the Miscellaneous Amendments Act No. 3 and it be referred to the committee of the whole for detailed consideration.*

**3) INFORMATION FOR RECEIPT**

**4) CORRESPONDANCE FOR RECEIPT**

**5) QUARTERLY DEPARTMENT REPORTS**

**6) REPORTS & DRAFT MINUTES**

**7) LATE ADDITIONS**

**Additions/deletions**

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Adjourn meeting



as Schedule A to this Resolution (the “Borrowing Act”) authorizing the Toquaht Nation to obtain a loan from BMO for up to \$16,914,288 (the “Loan”) to finance the construction of the new Government building at Secret Beach.

- B. As partial security for the Loan, BMO has requested a Toquaht Nation Council Resolution authorizing facilities 1-2 listed on page 2 of Schedule B “Letter of Agreement-Amendment & Restatement” dated November 17, 2025. Facility 1 will convert to facility 2 on October 31, 2027 or upon completion of the project, whichever is earlier.
- C. As additional security for the Loan, BMO has requested a Toquaht Nation Council Resolution acknowledging the pre-existing facilities 3-7 listed on page 2 of Schedule B “Letter of Agreement – Amendment & Restatement” dated November 17, 2025.

**THEREFORE:**

1. The Toquaht Nation is authorized to enter into and fulfil its obligations under the loan documents, as defined in the Borrowing Act (the “Loan Documents”). Any two members of the Executive are authorized on behalf of the Toquaht Nation to execute the Loan Documents and to execute any further documents and take any further actions as may be required to give effect to the Loan Documents.
2. The Toquaht Nation is authorized to draw down the Loan proceeds in accordance with Page 3 of the Letter of Agreement-Amendment & Restatement approved by any two members of the Executive.
3. The Toquaht Nation acknowledges the pre-existing facilities 3-7 listed on page 2 of Schedule B “Letter of Agreement – Amendment & Restatement” dated November 17, 2025.

YES: 5

NO: 0

Motion Carried

**c) Request for Decision**

- i) 3<sup>rd</sup> Reading of the Annual Budget Act 2025-2026 Amendment Act  
**(1) Receive recommendation from the Peoples’s Assembly**

**December 6<sup>th</sup>, 2025, People’s Assembly**

**MOVED: Noreen Frank**

**SECONDED: Asma-na-hi Antoine**

THAT the People recommend that Toquaht Nation Government’s *Annual Budget Act 2025-2026 Amendment Act* be approved.





**STRICTLY PRIVILEGED AND CONFIDENTIAL**  
**MEMORANDUM**

**TO:** Toquaht Legislature  
**FROM:** Tegan Heywood  
**DATE:** January 21, 2026  
**FILE:** 18-0573-000  
**RE:** Miscellaneous Amendments Act No. 3

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**(A) Introduction**

Legal counsel has conducted a review of Toquaht legislation with a view to identifying amendments needed to address minor inconsistencies and errors. This review is now complete and amendments have been prepared as follows:

1. a draft Miscellaneous Amendments Act No. 3, which, if enacted by the Legislature, will amend various Toquaht Acts;
2. a draft Miscellaneous Amendments Regulation, which, if enacted by the Executive, will amend various Toquaht regulations; and
3. a draft Law Clerk Order, which, if enacted, will make typographical and grammatical corrections to Toquaht laws and regulations.

This briefing note provides an overview of the draft Miscellaneous Amendments Act No. 3 (the “**Draft Act**”).

**(B) Overview of Draft Act**

The Draft Act makes miscellaneous amendments to 11 Toquaht laws. Most of these amendments are minor, technical and non-substantive in nature. A small number are substantive. For convenience, draft amendments that are substantive in nature are indicated below as “(*substantive amendment*)”.

The sections below provide an overview of the draft amendments.

*(1) Administration of Justice Act*

Draft amendments:

- add definitions for debt certificate, enforcement officer, external enforcement officer and fine portion;
- removing the application of the Youth Justice Act (British Columbia) and any references to that act;  
*(substantive amendment)*
- revising the timing to deliver a copy of a violation ticket to the director of operations from “immediately” to “as soon as practicable”; and
- minor corrections to improve technicality, clarity and consistency.

*(2) Application of Laws to Foreshore Act*

Draft amendment makes a minor technical correction.

*(3) Building and Development Authorization Act*

Draft amendment makes a minor technical correction.

*(4) Citizenship Act*

Draft amendments make minor corrections to improve clarity and consistency.

*(5) Council Rules of Order and Procedure Act*

Draft amendments make minor technical corrections.

*(6) Emergency Preparedness Act*

Draft amendments make minor corrections to improve technicality, clarity and consistency.

*(7) Environmental Protection Act*

Draft amendment removes a duplicated reference.

*(8) Land Act*

Draft amendment makes a minor technical correction.

*(9) Planning and Land Use Management Act*

Draft amendment repeals an unused definition.

*(10) Referendum Act*

Draft amendment makes a minor technical correction.

*(11) Trespass and Community Safety Act*

Draft amendment makes a minor revision to align with the *Administration of Justice Act* (Toquaht Nation).

**TOQUAHT NATION GOVERNMENT**

**MISCELLANEOUS AMENDMENTS ACT  
NO. 3**

**TNS 1/2026**



This law enacted on \_\_\_\_\_, 2026

Signed \_\_\_\_\_  
Anne Mack, taayii ḥawil of the Toquaht Nation

DEPOSITED IN THE REGISTRY OF LAWS
ON ____/____/____
_____ Signature of Law Clerk

**TOQUAHT NATION GOVERNMENT  
MISCELLANEOUS AMENDMENTS ACT NO. 3 TNS ♦/2026**

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TOQUAHT NATION GOVERNMENT  
MISCELLANEOUS AMENDMENTS ACT NO. 3 TNS ◆/2026

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**TOQUAHT NATION GOVERNMENT  
MISCELLANEOUS AMENDMENTS ACT NO. 3 TNS ◆/2026**

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TOQUAHT NATION GOVERNMENT  
MISCELLANEOUS AMENDMENTS ACT NO. 3 TNS ◆/2026

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## PART 1 - INTRODUCTORY PROVISIONS

### Short title

**1.1** This Act may be cited as the Miscellaneous Amendments Act No. 3 (Toquaht Nation).

### Executive oversight

**1.2** The chairperson of Council is responsible for the executive oversight of this Act.

### Authority and application

- 1.3** (a) This Act is enacted under
- (i) 13.11.1 of Chapter 13 of the Maa-nulth Treaty, and
  - (ii) sections 2.7 and 3.3(b) of the Constitution.
- (b) This Act applies to miscellaneous Toquaht Nation legislation.

**TOQUAHT NATION GOVERNMENT  
MISCELLANEOUS AMENDMENTS ACT NO. 3 TNS ◆/2026**

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## PART 2 - ADMINISTRATION OF JUSTICE ACT

### Administration of Justice Act amendments

**2.1** The Administration of Justice Act (Toquaht Nation) is amended as follows:

- (a) section 1.4 is amended by adding the following definitions in alphabetical order:
  - ““debt certificate” has the meaning given to it in the Interpretation Act;”;
  - ““enforcement officer” has the meaning given to it in the Interpretation Act;”;
  - ““external enforcement officer” has the meaning given to it in the Interpretation Act;”;
  - and
  - ““fine portion” means the ticketed amount, excluding any fees, surcharges, levies or costs;”;
- (b) section 2.3 is amended by adding a heading to this section with the words “Offence by an employee or agent”;
- (c) by repealing section 10.3(b);
- (d) by repealing section 10.3(c);
- (e) section 10.3(d) is amended by adding the words “unless evidence to the contrary is shown” after the words “age of the person”;
- (f) section 10.5(a)(vi) is amended by striking out the word “information” and substituting “violation ticket”;
- (g) section 10.9(a) is amended by striking out the words “must be immediately delivered to the director of operations” and substituting “must be delivered to the director of operations as soon as practicable”;
- (h) section 11.5(a) is amended by striking out the word “shall” and substituting “will”; and
- (i) by repealing section 11.6 and replacing it with the following:

**“Young persons**

**11.6** An information may not be laid in respect of an individual alleged to have committed an offence when the individual was less than 12 years of age.”.

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### **PART 3 - APPLICATION OF LAWS TO FORESHORE ACT**

#### **Application of Laws to Foreshore Act amendments**

- 3.1** The Application of Laws to Foreshore Act (Toquaht Nation) is amended as follows:
- (a) section 3.2(a)(ii) is amended by striking out the words “resident in the” and substituting “resident on”.

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## PART 4 - BUILDING AND DEVELOPMENT AUTHORIZATION ACT

### Building and Development Authorization Act amendments

**4.1** The Building and Development Authorization Act (Toquaht Nation) is amended as follows:

- (a) section 4.4(a) is amended by striking out the words “all gates equipped” and substituting “all gates must be equipped”.

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## PART 5 - CITIZENSHIP ACT

### Citizenship Act amendments

**5.1** The Citizenship Act (Toquaht Nation) is amended as follows:

- (a) section 8.3(b)(iii) is amended by striking out the words “notice of renunciation” and substituting “renunciation notice”;
- (b) section 8.5(b)(i) is amended by striking out the words “Enrolment Committee” and substituting “Citizenship and Enrolment Committee”; and
- (c) section 8.6(b)(iii) is amended by striking out the words “notice of renunciation” and substituting “renunciation notice”.

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## **PART 6 - COUNCIL RULES OF ORDER AND PROCEDURE ACT**

### **Council Rules of Order and Procedure Act amendments**

- 6.1** The Council Rules of Order and Procedure Act (Toquaht Nation) is amended as follows:
- (a) section 7.3 is amended by striking out the words “otherwise permitted” and substituting “otherwise not permitted”; and
  - (b) section 16.2(a) is amended by striking out the words “the Legislature” and substituting “Council”.

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## PART 7 - EMERGENCY PREPAREDNESS ACT

### Emergency Preparedness Act amendments

**7.1** The Emergency Preparedness Act (Toquaht Nation) is amended as follows:

- (a) section 3.2(c)(i) is amended by striking out the words “[Alberni-Clayoquot/Strathcona Regional District] and the [District of Ucluelet/City of Port Alberni]” and substituting “Alberni-Clayoquot Regional District and the District of Ucluelet”;
- (b) section 3.4(a)(xii) is amended by striking out the words “state of emergency” and substituting “Toquaht emergency declaration”; and
- (c) by repealing section 3.7(a)(ii) and replacing it with the following:

“that person must pay to the Toquaht Nation, the amount specified in the demand, within the time period specified in the demand.”.

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## **PART 8 - ENVIRONMENTAL PROTECTION ACT**

### **Environmental Protection Act amendments**

**8.1** The Environmental Protection Act (Toquaht Nation) is amended as follows:

- (a) section 7.2(a) is amended by striking out the words “sections 7.8, 7.8 and 11.1” and substituting “sections 7.8 and 11.1”.

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## PART 9 - LAND ACT

### Land Act amendments

**9.1** The Land Act (Toquaht Nation) is amended as follows:

(a) by repealing section 7.13(l) and replacing it with the following:

“If a covenantee or assignee is a corporation that has been dissolved and subsequently restored into existence, the covenant continues to be enforceable by the restored corporation from the date of its restoration.”.

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## **PART 10 - PLANNING AND LAND USE MANAGEMENT ACT**

### **Planning and Land Use Management Act amendments**

**10.1** The Planning and Land Use Management Act (Toquaht Nation) is amended as follows:

- (a) section 1.4 is amended by repealing the definition of “panel”.

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## PART 11 - REFERENDUM ACT

### Referendum Act amendments

**11.1** The Referendum Act (Toquaht Nation) is amended as follows:

- (a) section 6.1(a)(i) is amended by striking out the word “must” and substituting “may”.

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## **PART 12 - TRESPASS AND COMMUNITY SAFETY ACT**

### **Trespass and Community Safety Act amendments**

**12.1** The Trespass and Community Safety Act (Toquaht Nation) is amended as follows:

- (a) section 6.4(b) is amended by striking out the words “peace officer” and substituting “enforcement officer”.

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## **PART 13 - GENERAL PROVISIONS**

### **Commencement**

**13.1** This Act comes into force on the date it is enacted.