

YUULU?IL?ATH? GOVERNMENT

Enacted under the Committee Act section 1.3(b)

**EXECUTIVE COMMITTEE
REGULATION**

YFNR 57/2023



This regulation enacted on May 2, 2023

Signed

A handwritten signature in black ink, appearing to read "Charles McCarthy". The signature is written in a cursive style and is positioned above a horizontal line.

Charles McCarthy, President of the
Yuulu?il?ath? Government

DEPOSITED IN THE
REGISTRY OF LAWS AND
OFFICIAL RECORDS

ON 4/MAY/2023

A handwritten signature in black ink, appearing to read "Hamilton". The signature is written in a cursive style and is positioned above the text "Signature of Law Clerk".

Signature of Law Clerk

TABLE OF CONTENTS

PART 1 - INTRODUCTORY PROVISIONS..... 5

 Short title..... 5

 Application..... 5

 Definitions..... 5

PART 2 - COMMITTEES OF THE EXECUTIVE 7

 Committees of the Executive..... 7

PART 3 - COMMITTEE OF THE EXECUTIVE RULES 9

 Application..... 9

 Role..... 9

 Appointments..... 9

 Term..... 9

 Chair..... 10

 Committee meetings..... 10

 Quorum..... 10

 Voting..... 11

 Committee meeting record..... 11

 Committee guests..... 11

 Reporting..... 12

 Review of terms of reference..... 12

PART 4 - GENERAL PROVISIONS..... 13

 Commencement..... 13

PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This regulation may be cited as the Executive Committee Regulation, YFNR 57/2023.

Application

1.2 This regulation applies to committees of the Executive.

Definitions

1.3 In this regulation,

“Act” means the Committee Act, YFNS 81/2023;

“chair” means the chairperson of a committee of the Executive;

“committee meeting” means a meeting of a committee of the Executive;

“committee member” means a person appointed and holding office as a member of a committee of the Executive in accordance with this regulation;

“quorum” means the minimum number of committee members necessary to convene an official meeting of that committee;

“Yuulu?il?ath elder” means a Yuulu?il?ath citizen who is at least 65 years of age.

PART 2 - COMMITTEES OF THE EXECUTIVE

Committees of the Executive

- 2.1 (a) The Executive may establish, continue or dissolve committees of the Executive.
- (b) Any resolution of the Executive establishing or continuing a committee of the Executive must include terms of reference for that committee that identify that committee's mandate, composition, duties, powers and frequency of meetings.

PART 3 - COMMITTEE OF THE EXECUTIVE RULES

Application

- 3.1 The rules set out in this Part apply to all committees of the Executive and, for certainty, prevail to the extent of a conflict with a committee of the Executive's terms of reference.

Role

- 3.2 (a) Each committee of the Executive may
- (i) make periodic recommendations to the Executive in relation to the subject on which that committee was created to advise and make recommendations, and
 - (ii) exercise any decision-making powers delegated to the committee of the Executive by the Executive.
- (b) The Executive must take into consideration, but will not be bound by, recommendations made under paragraph (a)(i).

Appointments

- 3.3 (a) The President may recommend the appointment of a committee member to the Executive.
- (b) The Executive must, by resolution, appoint committee members at the first meeting of the Executive held after each regular election.
- (c) The Executive must use best efforts to fill vacancies in the membership of a committee of the Executive as they arise.

Term

- 3.4 (a) A committee member who is a member of the Executive holds office as a committee member as long as that committee member holds the relevant portfolio or holds office as a member of the Executive, as the case may be.
- (b) Subject to subsection (c), a committee member who is not a member of the Executive holds office until the first meeting of the Executive held after the next regular election.
- (c) A committee member who is not a member of the Executive may, at any time, resign in writing or be removed by the Executive, by resolution.

Chair

- 3.5** (a) A committee member who is a member of the Executive must act as chair for that committee.
- (b) The chair may delegate the performance of any of the chair's duties or the exercise of any of the chair's powers to another committee member or a Yuulu?il?ath government employee.
- (c) Despite the delegation of any duties or powers under subsection (b), the chair remains responsible for ensuring that the chair's duties are performed properly and the chair's powers are exercised appropriately.

Committee meetings

- 3.6** (a) The chair or any two committee members may call a committee meeting.
- (b) Subject to subsection (c), the following information must be delivered in accordance with Yuulu?il?ath law or by email to each committee member at least 48 hours prior to the time fixed for that meeting:
- (i) notice of the time, date and location of the meeting; and
- (ii) a meeting agenda.
- (c) A committee member may in any manner waive notice of a meeting, and attendance at a meeting is a waiver of notice of the meeting.
- (d) Despite subsection (c), a committee member who attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called does not waive notice of that meeting.
- (e) If the chair is not present at a committee meeting, the committee members present may choose one of the committee members present to act as chair of the meeting.
- (f) A committee member may attend and participate in a committee meeting by telephone, videoconference or any other manner that permits all persons participating in the meeting to communicate adequately with each other.

Quorum

- 3.7** (a) A committee meeting requires a quorum of
- (i) two committee members, or
- (ii) 50% of committee members,

whichever is greater.

- (b) For certainty, subject to subsection (a), a vacancy in the membership of a committee of the Executive does not invalidate committee meetings or impair the right of the committee members to act.

Voting

- 3.8**
- (a) A committee of the Executive must attempt to reach decisions by consensus, but if consensus is not possible, questions arising at a committee meeting must be determined by a majority of votes of the committee members present.
 - (b) For certainty, each committee member has the right to
 - (i) attend committee meetings,
 - (ii) make motions,
 - (iii) speak in debate of motions, and
 - (iv) vote on motions.
 - (c) An act or thing done by a majority of the committee members present at a meeting, if the members present constitute a quorum, is deemed to have been done by that committee of the Executive.

Committee meeting record

- 3.9**
- (a) The chair must ensure that a record of each committee meeting is prepared and given in a timely fashion to each committee member and to the law clerk.
 - (b) A meeting record for each committee of the Executive must be maintained by the law clerk and made available to any member of the Executive upon request.

Committee guests

- 3.10**
- (a) The chair may invite any member of the Executive or, in consultation with the director of operations, such Yuulu?il?ath public employees or consultants of the Yuulu?il?ath First Nation as the chair considers desirable to provide information to the committee of the Executive or attend committee meetings.
 - (b) Despite subsection (a), the President may attend any committee meeting.

Reporting

- 3.11** If requested by the Executive, a committee of the Executive must provide an oral or written report to the Executive.

Review of terms of reference

- 3.12** Each committee of the Executive must review its terms of reference periodically and may make recommendations for changes to the Executive.

PART 5 - GENERAL PROVISIONS

Commencement

5.1 This regulation comes into force on the date this Act is enacted.

Consequential amendments

- 5.2 (a) The Executive Rules of Order and Procedure, YFNR 3/2011 is amended as follows:
- (i) section 1.1 is amended by
 - (A) striking the words “These regulations” and substituting “This regulation”, and
 - (B) adding the words “, YFNR 3/2011” after the words “Executive Rules of Order and Procedure Regulation”;
 - (ii) section 1.2(b) is amended by adding the word “and” after the word “Executive,”
 - (iii) section 1.3 is amended by
 - (A) adding a comma after the word “regulation”, and
 - (B) adding the following definition:
 - ““committee of the Executive” has the meaning given to that term in the Committee Act;”
 - (iv) section 3.5(b) is amended by adding the words “of the Executive” after the words “terms of reference of a committee”;
 - (v) section 5.1(a) is amended by adding the following sections after subsection (vi):
 - “(vi.1) subject to the Committee Act, determine the procedure by which appointments to a committee of the Executive will be made or other matters relating to a committee of the Executive if moved while no question is pending;
 - (vi.2) discharge a committee of the Executive from its work;”
 - (vi) section 5.1(a)(ix) is amended by striking the word “to”;

- (vii) section 5.1(c) is amended by striking every occurrence of the word “committee” and substituting “committee of the Executive”;
 - (viii) by repealing section 5.2(a) and substituting the following:
 - “A main motion must be introduced by
 - (i) a member of the Executive, or
 - (ii) a committee of the Executive recommending the motion.”
 - (ix) section 5.3(d) is amended by striking the word “and”;
 - (x) section 6.4(e) is amended by adding the words “of the Executive” after the word “committee”;
 - (xi) section 6.9 is amended by adding the words “of the Executive” after every occurrence of the word “committee”;
 - (xii) section 6.9(a) is amended by striking the words “of the Legislature”;
 - (xiii) section 6.9(b) is amended by deleting the word “standing”; and
 - (xiv) section 9.2(a)(iii) is amended by adding the words “of the Executive” after every occurrence of the word “committee”;
- (b) The Wildlife and Migratory Birds Regulation, YFNR 7/2011 is amended by repealing section 4.6(c)(ii).