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FINANCIAL ADMINISTRATION LAW,

2022

[April 1, 2019 Standards]

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Council of ᑭᓄᓂᓂ enacts as follows:

PART I - Citation

Citation

1. This Law may be cited as the *ᑭᓄᓂᓂ Financial Administration Law, 2022*.

PART II - Interpretation and Application

Definitions

2. (1) Unless the context indicates the contrary, in this Law,

"ᑭᓄᓂᓂ" means ᑭᓄᓂᓂ as scheduled to the Act (formerly St. Mary's Indian Band);

"ᑭᓄᓂᓂᓂᓂ" means members of ᑭᓄᓂᓂ;

"ᑭᓄᓂᓂ's financial assets" means all money and other financial assets of ᑭᓄᓂᓂ;

"ᑭᓄᓂᓂ's lands" means all reserves of ᑭᓄᓂᓂ within the meaning of the Indian Act;

"ᑭᓄᓂᓂ law" means any law, including any by-law or code, of ᑭᓄᓂᓂ made by Council or the membership of ᑭᓄᓂᓂ;

"ᑭᓄᓂᓂ's records" means all records of ᑭᓄᓂᓂ respecting its governance, management, operations and financial administration;

"Act" means the *First Nations Fiscal Management Act*;

"annual financial statements" means the annual financial statements of ᑭᓄᓂᓂ referred to in Division 5 of Part IV;

"auditor" means the auditor of ᑭᓄᓂᓂ appointed under section 56;

"borrowing member" means a first nation that is a borrowing member under the Act;

"budget" means the annual budget of ᑭᓄᓂᓂ that has been approved by Council;

"Chief Administrative Officer" means the person appointed Chief Administrative Officer under section 17;

"code" means a code adopted by ᑭᓄᓂᓂ under the *First Nations Land Management Act*;

"Council" means the ᑭᓄᓂᓂ Council;

"Councillor" means a member of the ᑭᓄᓂᓂ Council and is inclusive of Nasuᑭᓂ (Chief);

"dependent" means, in relation to an individual,

(a) the individual's spouse,

- (b) a person under the age of majority in respect of whom the individual or the individual's spouse is a parent or acting in a parental capacity,
- (c) a person in respect of whom the individual or the individual's spouse is acting as guardian, or
- (d) a person, other than an employee, who is financially dependent upon the individual or the individual's spouse;

"Director of Finance" means Director of Finance appointed by Council under section 18;

"emergency expenditure" means an expenditure of an exceptional nature which was not anticipated in the annual budget, is not expressly prohibited by or under this Law or another ?aqam law and which cannot, without serious prejudice to the best interests of ?aqam, be postponed to allow for a budget amendment;

"Finance and Audit Committee" means the Finance and Audit Committee established under section 11;

"financial administration" means the management, supervision, control and direction of all matters relating to the ?aqam financial affairs;

"financial competency" means the ability to read and understand financial statements that present accounting issues reasonably expected to be raised by the ?aqam financial statements;

"financial institution" means the First Nations Finance Authority, a bank, credit union or caisse populaire;

"financial records" means all records respecting the financial administration of ?aqam, including the minutes of meetings of Council and the Finance and Audit Committee;

"First Nations Finance Authority" means the First Nations Finance Authority established under the Act;

"First Nations Tax Commission standards" means the standards established from time to time by the Commission under the Act;

"fiscal year" means the fiscal year of ?aqam set out in section 24;

"FMB" means the First Nations Financial Management Board established under the Act;

"FMB standards" means the standards established from time to time by the FMB under the Act;

"GAAP" means generally accepted accounting principles of the Chartered Professional Accountants of Canada, as revised or replaced from time to time;

"Ka knitwi·tiyała" means "our thinking" also known as "?aqam's strategic plan" referred to in Section 24;

"local revenue account" means an account with a financial institution into which local revenues are deposited separately from other moneys of ?aqam;

"local revenue law" means a local revenue law made by ?aqam under the Act;

“local revenues” means money raised under a local revenue law;

“multi-year financial plan” means the plan referred to in section 26;

“Nasu?kin” means Chief;

“officer” means the Chief Administrative Officer, Director of Finance, tax administrator and any other employee of ?aqam designated by Council as an officer;

“other revenues” means other revenues as defined in section 3 of the *Financing Secured by Other Revenues Regulations* made under the Act;

“record” means anything on which information is recorded or stored by any means whether graphic, electronic, mechanical or otherwise;

“representative agent” means a person who is authorized by ?aqam to act for and under the control of ?aqam through employment or by contract;

“special purpose report” means a report described in section 55;

“spouse” (?akinma?ka?nam) means a person who is married to another person whether by traditional, religious or civil ceremony, or had entered into a ka?atitnam (marriage) that is voidable or void, in good faith on the part of the person relying on this clause to assert any right under the ?aqam Matrimonial Real Property Law;

“standards” means the standards established from time to time under the Act;

“tax administrator” means the person appointed tax administrator under section 19 or the ?aqam local revenue laws.

(2) Except as otherwise provided in this Law, words and expressions used in this Law have the same meanings as in the Act.

(3) Unless a word or expression is defined under subsection (1) or (2) or another provision of this Law, the definitions in the *Interpretation Act* apply.

(4) All references to named enactments in this Law are to enactments of the Government of Canada.

Interpretation

3.(1) In this Law, the following rules of interpretation apply:

(a) words in the singular include the plural, and words in the plural include the singular;

(b) words importing female persons include male persons and corporations and words importing male persons include female persons and corporations;

(c) if a word or expression is defined, other parts of speech and grammatical forms of the same word or expressions have corresponding meanings;

(d) the expression “must” is to be construed as imperative, and the expression “may” is to be construed as permissive;

(e) unless the context indicates otherwise, “including” means “including, but not limited to”, and “includes” means “includes, but not limited to”; and

(f) a reference to an enactment includes any amendment or replacement of it and every regulation made under it.

(2) This Law must be considered as always speaking and where a matter or thing is expressed in the present tense, it must be applied to the circumstances as they arise, so that effect may be given to this Law according to its true spirit, intent and meaning.

(3) Words in this Law referring to an officer, by name of office or otherwise, also apply to any person designated by Council to act in the officer’s place or to any person assigned or delegated to act in the officer’s place under this Law.

Calculation of Time

4. In this Law, time must be calculated in accordance with the following rules:

(a) where the time limited for taking an action ends or falls on a holiday, the action may be taken on the next day that is not a holiday;

(b) where there is a reference to a number of days, not expressed as “clear days”, between two events, in calculating that number of days the day on which the first event happens is excluded and the day on which the second event happens is included;

(c) where a time is expressed to begin or end at, on or within a specified day, or to continue to or until a specified day, the time includes that day;

(d) where a time is expressed to begin after or to be from a specified day, the time does not include that day; and

(e) where anything is to be done within a time after, from, of or before a specified day, the time does not include that day.

Conflict of Laws

5.(1) If there is a conflict between this Law and another ʔaḡam law, other than a code or a local revenue law, this Law prevails.

(2) If there is a conflict between this Law and the Act, the Act prevails.

(3) If there is a conflict between this Law and a local revenue law, the local revenue law prevails.

Scope and Application

6. This Law applies to the financial administration of ʔaḡam.

PART III - Administration

DIVISION 1 - Council

Responsibilities of Council

7.(1) ?aqam Council is responsible for all matters relating to the financial administration of ?aqam whether or not they have been assigned or delegated to an officer, employee, committee, contractor or representative agent by or under this Law.

(2) Subject to paragraph 5(1)(f) of the Act, this Law and any other applicable ?aqam law, Council may delegate to any of its officers, employees, committees, contractors or representative agents any of its functions under this Law except the following:

- (a) the approval of Council policies;
- (b) the appointment of members, chair and vice-chair of the Finance and Audit Committee;
- (c) the approval of budgets and financial statements of ?aqam; and
- (d) the approval of borrowing for ?aqam;
- (e) the approval of new capital projects; and
- (f) the approval of the acquisition or disposition of tangible capital assets.

(3) ?aqam Council may obtain advice, assistance and training in order to achieve financial competency in relation to decision-making under this Law.

Council Policies and Procedures

8.(1) Subject to subsection (2), Council may establish policies and procedures respecting any matter relating to the financial administration of ?aqam.

(2) Council must establish policies and procedures respecting the acquisition, management and safeguarding of ?aqam assets.

(3) Council must not establish any policies and procedures relating to the financial administration of ?aqam that are inconsistent with this Law, the Act, or GAAP – except as permitted in subsection 55(2) of this Law.

(4) Council must ensure that all human resources policies and procedures are designed and implemented to facilitate effective internal financial administration controls.

(5) Council must ensure that all procedures made under this Law are

- (a) consistent with, and made under the authority of, a policy approved by Council, and
- (b) approved by Council or the Chief Administrative Officer.

(6) Council must document all First Nation policies and procedures referred to in this Law and make them available to any person who is required to act in accordance with them or who may be directly affected by them.

Reporting of Remuneration, Expenses and Contracts

9.(1) In this section,

"entity" means a corporation or a partnership, a joint venture or any other unincorporated association or organization, the financial transactions of which are consolidated in the annual financial statements of ?aqam in accordance with GAAP;

"expenses" includes the costs of transportation, accommodation, meals, hospitality and incidental expenses; and

"remuneration" means any salaries, wages, commissions, bonuses, fees, honoraria and dividends and any other monetary and non-monetary benefits.

(2) Subject to applicable provincial and federal privacy laws, annually the Director of Finance must prepare a report separately listing the remuneration paid and expenses reimbursed by ?aqam, and by any entity, to each Councillor whether such amounts are paid to Councillor while acting in that capacity or in any other capacity:

(3) the total amount of remuneration, expenses and benefits, including coverage under policies for insurance or medical, dental or related services, paid or provided by ?aqam to a Councillor and to each of the dependents of Councillor;

(4) any contracts between ?aqam and a Councillor and between ?aqam and a dependent of Councillor for the supply of goods or services, including a general description of the nature of the contracts;

(5) the total amount of remuneration, expenses and benefits, including coverage under policies for insurance or medical, dental or related services, paid or provided by ?aqam to the Chief Administrative Officer and to each of the dependents of the Chief Administrative Officer;

(6) any contracts between ?aqam and the Chief Administrative Officer and between ?aqam and a dependent of the Chief Administrative Officer for the supply of goods or services, including a general description of the nature of the contracts;

(7) the total amount of remuneration, expenses and benefits, including coverage under policies for insurance or medical, dental or related services, paid or provided by ?aqam to the Director of Finance and to each of the dependents of the Director of Finance; and

(8) any contracts between ?aqam and the Director of Finance and between ?aqam and a dependent of the Director of Finance for the supply of goods or services, including a general description of the nature of the contracts.

(9) Subsection (1) does not require the reporting of remuneration, expenses or benefits received

(a) in common by all members of ?aqam;

(b) under a program or service universally accessible to all members of ʔaḡam on published terms and conditions; or

(c) from a trust arrangement according to the terms of the trust.

(10) If the Director of Finance becomes aware of any information contained in a report completed under this section which may indicate a contravention of this Law, the Director of Finance must report this information to Council.

DIVISION 2 - Finance and Audit Committee

Interpretation

10. In this Division, "Committee" means the Finance and Audit Committee.

Committee Established

11.(1) The Committee of ʔaḡam is established to provide Council with advice and recommendations in order to support Council's decision-making process respecting the financial administration of ʔaḡam.

(2) Council must appoint not less than three (3) members of the Committee, a majority of whom must have financial competency and all of whom must have independence.

(3) For purposes of this section, an individual is considered to be independent if the individual does not have a direct or indirect financial relationship with the ʔaḡam government that could, in the opinion of Council, reasonably interfere with the exercise of independent judgment as a member of the Committee.

(4) ʔaḡam Council must establish policies and procedures

(a) Setting criteria to determine if an individual is eligible to be a member of the Committee and is independent,

(b) requiring confirmation, before appointment, that each potential member of the Committee is eligible to be a member and is independent, and

(c) requiring each member of the Committee annually to sign a statement confirming that the member continues to meet the criteria referred to in paragraph (a).

(5) If the Committee consists of

(a) three (3) members, at least two (2) of the Committee members must be a councillor, and

(b) four (4) or more members, at least two (2) of the Committee members must be councillors.

(6) Subject to subsection (7), the Committee members must be appointed to hold office for staggered terms of not less than thirty-six (36) consecutive months, Councillors as Committee members will have terms concurrent with their Council terms, unless Council portfolios are altered.

(7) A Committee member may be removed from office by Council if

- (a) the member misses three (3) consecutively scheduled meetings of the Committee, or
- (b) the chair of the Committee recommends removal.

(8) If a committee member is removed from office, resigns or dies before the member's term of office expires, Council must as soon as practicable appoint a new Committee member to hold office for the remainder of the first member's term of office.

Chairperson and Vice-chair

12. (1) Council must appoint a chairperson and a vice-chair of the Committee, one of whom must be a Councillor.

(2) If Council appoints a Councillor as chairperson of the Committee;

- (a) Council must send to the chair notices and agendas of all Council meetings;
- (b) on request of the chair, council must provide the chair with any materials or information provided to Council respecting matters before it; and
- (c) the chair may attend and speak at Council meetings.

Committee Procedures

13.(1) The quorum of the Committee is fifty percent (50%) of the total number of Committee members, including at least one (1) Councillor.

(2) Where quorum is impossible to obtain due to conflict of interest or exclusion of a member from a meeting, the decision must be referred to a quorum of Council.

(3) Except where a Committee member is not permitted to participate in a decision because of a conflict of interest, every Committee member has one (1) vote in all Committee decisions.

(4) In the event of a tie vote in the Committee, the chair of the Committee may cast a second tiebreaking vote, unless they are in a position of a conflict, in which case a quorum of Council must cast the second tiebreaking vote.

(5) Subject to subsection (5), the Chief Administrative Officer and the Director of Finance must be notified of all Committee meetings and, subject to reasonable exceptions, must attend those meetings.

(6) The Chief Administrative Officer or the Director of Finance may be excluded from all or any part of a Committee meeting by a recorded vote if

- (a) the subject matter relates to a confidential personnel or performance issue respecting the Chief Administrative Officer or the Director of Finance, or
- (b) it is a meeting with the auditor.

(7) The Committee must meet

(a) at least once every quarter in each fiscal year as necessary to conduct the business of the Committee, and

(b) as soon as practicable after it receives the audited annual financial statements and report from the auditor and may meet in conjunction with a duly convened Chief and Council meeting.

(8) The Committee must make minutes available to Council and report to Council on substantial matters of each Committee meeting as soon as practicable after each meeting.

(9) Subject to this Law and any directions given by Council, the Committee may make rules for the conduct of its meetings.

(10) After consultation with the Director of Finance, the Committee may retain a consultant to assist in the performance of any of its responsibilities.

Financial Planning Responsibilities

14.(1) The Committee must carry out the following activities in respect of the financial administration of ʔaḍam:

(a) Annually review and recommend to Council for approval a Ka kniwi-tiyala (strategic plan), unless a current Ka kniwi-tiyala is in place as per section 25(1)(b) which has already been reviewed and recommended to Council for approval, and a multi-year financial plan;

(b) review draft annual budgets and recommend them to Council for approval;

(c) on an ongoing basis, monitor the financial performance of ʔaḍam against the budget and report any significant variations to Council;

(d) review the quarterly financial statements and recommend them to Council for approval;

(e) review and make recommendations to Council on the audited annual financial statements, including the audited annual financial statements respecting the local revenue account and any special purpose reports;

(f) carry out any other activities specified by Council that are not contrary to the Act or inconsistent with the Committee's duties specified in this Law; and

(g) perform any other duties of the Committee under this Law.

(2) The Committee may make a report or recommendations to Council on any matter respecting the financial administration of ʔaḍam that is not otherwise specified to be its responsibility under this Law.

Financial Audit and Committee Responsibilities

15. The Committee must carry out the following audit and oversight activities in respect of the financial administration of ʔaḍam:

(a) make recommendations to Council on the selection, engagement and performance of an auditor;

- (b) receive assurances on the independence of a proposed or appointed auditor;
- (c) review and make recommendations to Council on the planning, conduct and results of audit activities;
- (d) periodically review and make recommendations to Council on policies and procedures on reimbursable expenses and perquisites of Councillors, officers and employees of ?aqam;
- (e) monitor financial reporting risks and risk of fraud and the effectiveness of mitigating controls for those risks taking into consideration the cost of implementing those controls;
- (f) conduct a review of this Law under section 80 and, where appropriate, recommend amendments to Council; and
- (g) periodically review and make recommendations to Council on the terms of reference of the Committee.

Council Assigned Responsibilities

16. Subject to paragraph 14(1)(e), Council may assign to the Committee or another committee of Council any other matter respecting the financial administration of ?aqam.

DIVISION 3 - Officers and Employees

Chief Administrative Officer

17.(1) Council must appoint a person a Chief Administrative Officer of ?aqam and may set the terms and conditions of that appointment.

(2) Reporting to Council, the Chief Administrative Officer is responsible for leading the planning, organization, implementation and evaluation of the overall management of all day-to-day operations of ?aqam, including the following duties:

- (a) to prepare and recommend to Council for approval, descriptions of the powers, duties and functions of all employees of ?aqam;
- (b) to oversee, supervise and direct the activities of all officers and employees of ?aqam;
- (c) to oversee and administer the contracts of ?aqam;
- (d) to dismiss the employees of ?aqam, other than the Director of Finance, in accordance with human resource policies and procedures;
- (e) to identify, assess, monitor and report on financial reporting risks and risk of fraud;
- (f) to monitor and report on the effectiveness of mitigating controls for the risks referred to in paragraph (d) taking into consideration the cost of implementing those controls;
- (g) to perform any other duties of the Chief Administrative Officer under this Law; and
- (h) to carry out any other activities specified by Council that are not contrary to the Act or inconsistent with the Chief Administrative Officer's duties specified in this Law.

(3) The Chief Administrative Officer may assign the performance of any of the Chief Administrative Officer's duties or functions (except the approval of procedures made under this Law)

- (a) to an officer or employee of ?aqam, and
- (b) with the approval of Council, to a contractor or representative agent of ?aqam.

(4) Any assignment of duties or functions under subsection (3) does not relieve the Chief Administrative Officer of the responsibility to ensure that these duties or functions are carried out properly.

Director of Finance

18.(1) Council must appoint a person as Director of Finance of ?aqam and may set the terms and conditions of that appointment.

(2) Reporting to the Chief Administrative Officer, the Director of Finance is responsible for the day-to-day management of the systems of the financial administration of ?aqam, including the following duties:

- (a) to ensure the financial administration systems, policies, procedures and internal controls are appropriately designed and operating effectively;
- (b) to administer and maintain ?aqam's Chart of Accounts;
- (c) to prepare the draft annual budgets and, with advice and input from the tax administrator, to prepare any draft amendments to the component of the budget respecting ?aqam's local revenues;
- (d) to prepare the monthly financial information required in section 51, the quarterly financial statements required in section 52 and the draft annual financial statements required in sections 53 and 54;
- (e) to prepare the financial components of reports to Council and of the multi-year financial plan;
- (f) to actively monitor compliance with any agreements and funding arrangements entered into by ?aqam;
- (g) to administer and supervise the preparation and maintenance of financial records and the financial administration reporting systems;
- (h) to actively monitor compliance with the Act, this Law, any other applicable First Nation law, applicable standards and any policies and procedures respecting the financial administration of ?aqam ;
- (i) to evaluate the financial administration systems of ?aqam and recommend improvements;
- (j) to develop and recommend procedures for the safeguarding of assets and to ensure approved procedures are followed;

(k) to develop and recommend procedures to Council for identifying and mitigating financial reporting and risk of fraud and to ensure approved procedures are followed;

(l) to perform any other duties of the Director of Finance under this Law; and

(m) to carry out any other activities specified by the Chief Administrative Officer that are not contrary to the Act or inconsistent with the Director of Finance's duties under this Law.

(3) With the approval of the Chief Administrative Officer, the Director of Finance may assign the performance of any of the duties or functions of the Director of Finance to any officer, employee, contractor or representative agent of Ḥaqām, but this assignment does not relieve the Director of Finance of the responsibility to ensure that these duties or functions are carried out properly.

Tax Administrator

19.(1) Council must appoint a person as tax administrator of Ḥaqām and may set the terms and conditions of that appointment.

(2) Reporting to the Director of Finance, the tax administrator is responsible for performing the tax administrator's duties or functions under Ḥaqām's local revenue laws, the Act and this Law.

(3) In addition to any duties or functions under Ḥaqām's local revenue laws and the Act, the tax administrator is responsible for the following:

(a) to manage local revenues and the local revenue account on a day-to-day basis;

(b) to recommend to the Chief Administrative Officer the draft and amended budgets for the component of the budget respecting local revenues;

(c) to recommend to the Chief Administrative Officer the local revenues components of the multi-year financial plan;

(d) on request, to provide advice to the Chief Administrative Officer, Director of Finance, Finance and Audit Committee and Council respecting local revenues matters;

(e) to monitor compliance with the Act, Ḥaqām's local revenue laws and this Law in the administration of local revenues and the local revenue account; and

(f) to perform any other duties of the tax administrator under this Law.

(4) With the approval of the Chief Administrative Officer, the tax administrator may assign the performance of any of the duties or functions of the tax administrator to any officer, employee, contractor or representative agent of Ḥaqām, but this assignment does not relieve the tax administrator of the responsibility to ensure that these duties or functions are carried out properly.

Organizational Structure

20.(1) Council must establish and maintain a current organization chart for the governance, management and administrative systems of Ḥaqām.

(2) The organization chart under subsection (1) must include the following information:

- (a) all governance, management and administrative systems of ?aqam;
 - (b) the organization of the systems described in paragraph (a), including the linkages between them;
 - (c) the specific roles and responsibilities of each level of the organization of the systems described in paragraph (a); and
 - (d) all governance, management and administrative positions at each level of the organization of the systems described in paragraph (a), including
 - (i) the membership on Council, Finance and Audit Committee and all other committees of Council and ?aqam,
 - (ii) the Chief Administrative Officer, the Director of Finance, the tax administrator and other officers of ?aqam, and
 - (iii) the principal lines of authority and the responsibility between Council, the committees referred to in subparagraph (i) and the officers referred to in subparagraph (ii).
- (3) On request, the Chief Administrative Officer must provide a copy of the organization chart under subsection (1) to a councillor, a member of a committee referred to in subparagraph (2)(d)(i), an officer, employee or contractor or representative agent of ?aqam and a member of ?aqam.
- (4) In the course of discharging his or her responsibilities under this Law, the Chief Administrative Officer must recommend to Council for approval and implementation human resource policies and procedures that facilitate effective internal financial administration controls.
- (5) Council must take all reasonable steps to ensure that ?aqam hires or retains qualified and competent personnel to carry out the financial administration activities of ?aqam.

DIVISION 4 - Conduct Expectations

Policy/Procedure for Conflicts of Interest

21.(1) Council must establish policies and procedures for the avoidance, mitigation and disclosure of actual or potential conflicts of interest by councillors, officers, employees, committee members, contractors and representative agents.

- (2) The policies and procedures referred to in subsection (1) must provide for the following:
- (a) defining private interests that could result in a conflict of interest;
 - (b) keeping records of all disclosures and declarations made relating to actual or potential conflicts of interest;
 - (c) specifying restrictions on the acceptance of gifts and benefits that might reasonably be seen to have been offered in order to influence the making of a decision;

(d) prohibiting any person who has a conflict of interest from attempting to influence a decision or from participating in the making of a decision respecting the matter in which the person has a conflict of interest; and

(e) specifying how any undisclosed or any alleged but not admitted conflicts of interest of councillors are to be addressed.

Conduct of Councillors

22.(1) When exercising a power, duty or responsibility relating to the financial administration of ?aqam, a councillor must

(a) comply with this Law, the Act, any other applicable ?aqam law, policies, procedures and any applicable standards,

(b) act honestly, in good faith and in the best interests of ?aqam,

(c) exercise the care, diligence and skill that a reasonably prudent individual would exercise in comparable circumstances, and

(d) avoid conflicts of interest and comply with the applicable policy and procedure made under section 21.

(2) Annually a councillor must file with the Director of Finance a written disclosure of his or her private interests which could result in a conflict of interest.

(3) If a Councillor believes he or she has a conflict of interest, the Councillor must disclose the circumstances to Council in writing as soon as practicable and comply with the requirements of the policies and procedures established under section 21 regarding conflicts of interest, including any required annual disclosures of private interests as set out in section 21(2).

(4) The Council must make policies or procedures in respect of the independent investigation of an alleged contravention of this section by a Councillor.

(5) The Council must make policies or procedures in respect of disciplinary action to be taken against a Councillor under this section and may take disciplinary action against a Councillor who has contravened this section according to the policy and procedures.

Conduct of Officers, Employees, Contractors, etc.

23.(1) This section applies to

(a) an officer, employee, contractor and representative agent of ?aqam,

(b) a person acting under the delegated authority of Council or ?aqam, and

(c) a member of a committee of Council or ?aqam who is not a councillor.

(2) If a person is exercising a power, duty or responsibility relating to the financial administration of ?aqam, that person must

(a) comply with this Law, the Act, any other applicable First Nation law and any applicable standards,

(b) comply with all policies and procedures of ʔaᑭam, and

(c) avoid conflicts of interest and comply with ʔaᑭam's Code of Conduct policy and procedure made under section 21, including required disclosure of potential conflicts of interest.

(3) If an officer, employee, committee member, contractor or representative agent believes he or she has a conflict of interest, that person must disclose the circumstances in writing as soon as practicable to the Chief Administrative Officer or, in the case of the Chief Administrative Officer, to the chair of the Finance and Audit Committee.

(4) Council must incorporate the relevant provisions of this section into the following:

(a) the terms of employment or appointment of every officer or employee of ʔaᑭam;

(b) the terms of every contract of a contractor of ʔaᑭam;

(c) the terms of appointment of every member of a committee who is not a councillor; and

(d) the terms of appointment of every representative agent of ʔaᑭam.

(5) If a person contravenes a provision of this subsection, the following actions may be taken:

(a) an officer or employee may be disciplined, including dismissal;

(b) a contractor's contract may be terminated;

(c) the appointment of a member of a committee may be revoked;

(d) the appointment of a representative agent may be revoked; or

(e) Council may use any legal means available to it to remedy the situation.

PART IV - Financial Management

DIVISION 1 - Financial Plans and Annual Budgets

Fiscal Year

24. The fiscal year of ʔaᑭam is April 1 to March 31 of the following year.

Ka kniᑭwi-tiyaᑭa (Strategic Plan)

25.(1) Council must

(a) approve a Ka kniᑭwi-tiyaᑭa that sets out the long-term vision for ʔaᑭam and its members;
and

(b) review the Ka kniwi·tiyaḷa on a regular, periodic basis and revise and recommend for approval as necessary

(2) Council must take the Ka kniwi·tiyaḷa into account when making financial decisions which will impact members of Ḥaḳam or Ḥaḳam's financial assets.

Multi-year Financial Plan

26.(1) The multi-year financial plan referred to in this section is to be used by Ḥaḳam for the purpose of informing its financial decision-making in a manner that is consistent with and supports the vision of the Ka kniwi·tiyaḷa (strategic plan).

(2) The multi-year financial plan must comply with the following:

(a) have a planning period of five (5) years comprised of the current fiscal year and the four (4) succeeding fiscal years;

(b) be based on the projections of revenues, expenditures and transfers between accounts;

(c) set out projected revenues, segregated by significant category;

(d) set out projected expenditures, segregated by significant category; and

(e) indicate whether in any of the five (5) years of the plan a deficit or surplus is expected from the projection of revenues and expenditures for that year.

(3) On or before March 31st of each year, the Director of Finance must prepare and submit to the Finance and Audit Committee for review a draft multi-year financial plan for the next fiscal year.

(4) On or before March 31st of each year, the Finance and Audit Committee must review the draft multi-year financial plan prepared by the Director of Finance and recommend a multi-year financial plan to Council for approval.

(5) No later than March 31st of each year, Council must approve a multi-year financial plan for the next fiscal year.

Annual Budget

27.(1) The annual budget must encompass all the operations for which Ḥaḳam is responsible and must identify

(a) anticipated revenues, segregated by significant category, with estimates of the amount of revenue from each category;

(b) anticipated expenditures, segregated by significant category, with estimates of the amount of expenditure for each category; and

(c) any anticipated annual and accumulated surplus or annual and accumulated deficit and the application of year-end surplus.

(2) On or before March 31st of each year, the Director of Finance must prepare and submit to the Finance and Audit Committee for review a draft annual budget for the next fiscal year.

(3) On or before March 31st of each year, the Finance and Audit Committee must review the draft annual budget prepared by the Director of Finance and recommend an annual budget to Council for approval.

(4) On or before March 31st of each year, Council must review and approve the budget for the next fiscal year.

(5) On or June 30 of each year, the Director of Finance must prepare and submit to the Finance and Audit Committee for review a draft amendment of the component of the budget respecting ?aqam 's local revenues.

(6) On or before June 30 of each year, the Finance and Audit Committee must review the draft amendment of the component of the budget respecting ?aqam 's local revenues and recommend an amendment to the budget to Council for approval.

(7) No later than July 15 of each year, Council must approve the amendment of the component of the budget respecting ?aqam 's local revenues.

Additional Requirements for Budget Deficits

28. If a draft annual budget contains a proposed deficit, Council must ensure that

- (a) no portion of the proposed deficit originates in or relates to local revenues,
- (b) the multi-year financial plan demonstrates how and when the deficit will be addressed and how it will be serviced beginning the year following the year the deficit was incurred, and
- (c) the deficit does not cause ?aqam to default on existing financial and legal obligations.

Amendments to Budgets

29.(1) Council must approve any change to the budget.

(2) Subject to subsection 27(7) and any emergency expenditure referred to in paragraph 35(c), unless there is a substantial and unforeseen change in the forecasted revenues or expenses of ?aqam or in the expenditure priorities of Council, Council must not approve a change to the annual budget of ?aqam.

Local Revenues Budget Requirements

30. Despite any other provisions of this Law, any part of a budget relating to local revenues must be prepared, approved and amended in accordance with applicable provisions of the Act and of the First Nations Tax Commission standards.

Policy for First Nation Information or Involvement

31. (1) ?aqam Council must establish policies and procedures respecting the means by which members of ?aqam must be informed about or involved in consideration of

(g) fiscal year-end surpluses.

DIVISION 3 - Borrowing

Policies/Procedures for Borrowing

36.(1) Council must establish policies and procedures respecting the incurring of debt, granting security, debt management and use of borrowed funds by ?aqam.

(2) Council may approve the borrowing of money by ?aqam in accordance with the policies and procedures of ?aqam and this Law.

Borrowing Member Requirements

37.(1) This section applies if ?aqam is a borrowing member.

(2) If ?aqam has obtained long-term financing secured by property taxes from the First Nations Finance Authority, ?aqam must not subsequently obtain long-term financing secured by property tax revenues from any other person.

(3) ?aqam may only obtain long-term financing from First Nations Finance Authority as permitted under its local revenue law and the Act.

(4) Money borrowed under subsection (2) may only be used for the purposes permitted under the Act.

(5) Money borrowed by ?aqam from First Nations Finance Authority that is secured by other revenues may only be used for the purposes set out in section 4 of the *Financing Secured by Other Revenues Regulations* made under the Act.

Borrowing for New Capital Projects

38. Council must establish policies and procedures respecting the means by which members of ?aqam must be informed about or involved in consideration of borrowing for new capital projects described in Part V.

Execution of Security Documents

39.(1) Subject to subsection (2), a security granted by ?aqam must be signed by a councillor designated by Council and by either the Chief Administrative Officer or the Director of Finance.

(2) A security granted by ?aqam in respect of local revenues must be signed by a councillor designated by Council and by the tax administrator.

DIVISION 4 - Risk Management

Management of Business Activity

40.(1) If ?aqam intends to carry out for-profit activities, Council must establish policies and procedures respecting the limitation or management of the risks associated with ?aqam carrying on those activities.

(2) Council may approve ?ađam carrying on for-profit activities in accordance with the policies and procedures established by Council.

Guarantees and Indemnities

41.(1) ?ađam must not give a guarantee unless Council has considered the report of the Director of Finance under subsection (2).

(2) Before Council authorizes a guarantee under subsection (1), the Director of Finance must prepare a report for Council identifying any risks associated with giving the guarantee and assessing the ability of ?ađam to honour the guarantee should it be required to do so.

(3) ?ađam must not give an indemnity unless it is

(a) authorized under section 76,

(b) necessary and incidental to and included in another agreement to which ?ađam is a party, or

(c) in relation to a security granted by ?ađam that is authorized under this Law or another First Nation law.

(4) Subject to a resolution described in section 76, Council must make policies and procedures respecting guarantees and indemnities as follows:

(a) specifying circumstances under which an indemnity may be given without Council approval;

(b) designating the persons who may give an indemnity on behalf of ?ađam and specifying the maximum amount of any indemnity which may be given by them;

(c) specifying any terms or conditions under which a guarantee or indemnity may be given; and

(d) specifying the records to be maintained of all guarantees and indemnities given by ?ađam.

Investments

42.(1) ?ađam may invest ?ađam's financial assets under the conditions set out in this Law or in another First Nation law.

(2) If ?ađam intends to invest ?ađam's financial assets, Council must first approve an investment management strategy.

(3) Council must establish policies and procedures respecting the development, approval and periodic review of an investment management strategy for ?ađam's financial assets.

(4) If ?ađam is authorized to invest ?ađam's financial assets, Council may authorize the Director of Finance to invest ?ađam's financial assets

(a) as specifically approved by Council, or

(b) in accordance with the investment management strategy approved by Council under subsection (2).

(2) Council may purchase and maintain insurance for the benefit of a councillor or an officer or their personal representatives against any liability arising from that person being or having been a councillor or an officer.

Risk of Fraud

47. Council must establish policy and procedures for the identification and assessment of the risk of fraud in ?aqam.

Operational Controls

48. Council must establish policies and procedures respecting the establishment and implementation of an effective system of internal controls that ensures the orderly and efficient conduct of ?aqam's operations.

DIVISION 5 - Financial Reporting

GAAP

49. All accounting practices of ?aqam must comply with GAAP.

Separate Accounting

50.(1) The Director of Finance must account for local revenues of ?aqam separately from other moneys of ?aqam.

(2) If ?aqam has a loan from the First Nations Finance Authority that is secured by other revenues, the Director of Finance must

- (a) account for all other revenues of ?aqam separately from other moneys of ?aqam, and
- (b) provide the First Nations Finance Authority or the FMB, on its request, with accounting information respecting the other revenues.

Monthly Financial Information

51.(1) The Director of Finance must prepare monthly financial information respecting the financial affairs of ?aqam in the form and with the content approved by Council on the recommendation of the Finance and Audit Committee.

(2) The Director of Finance must provide the financial information in subsection (1) to the Chief Administrative Officer within a reasonable period of time following the end of the month for which the information was prepared.

Quarterly Financial Statements

52.(1) At the end of each quarter of the fiscal year, the Director of Finance must prepare financial statements for ?aqam for that quarter in the form and with the content approved by Council on the recommendation of the Finance and Audit Committee.

(2) The Director of Finance must provide the quarterly financial statements in subsection (1) to Council and the Finance and Audit Committee not more than forty-five (45) days after the end of the quarter of the fiscal year for which they were prepared.

(3) The quarterly financial statements in subsection (1) must be

(a) reviewed by the Finance and Audit Committee and recommended to Council for approval, and

(b) reviewed and approved by Council.

Annual Financial Statements

53.(1) This section does not apply to the annual financial statements respecting local revenues referred to in section 54.

(2) At the end of each fiscal year the Director of Finance must prepare the annual financial statements of ?aqam for that fiscal year in accordance with GAAP.

(3) The annual financial statements must be prepared in a form approved by Council on the recommendation of the Finance and Audit Committee.

(4) The annual financial statements must include all the financial information of ?aqam for the fiscal year.

(5) The Director of Finance must provide draft annual financial statements to the Finance and Audit Committee for review within a reasonable period of time following the end of the fiscal year for which they were prepared.

(6) The Finance and Audit Committee must present draft annual financial statements to Council for review within a reasonable period of time following the end of the fiscal year for which they were prepared.

(7) For purposes of this section, a reasonable period of time means a period of time which will allow the annual financial statements to be audited within the time required in subsection 58(1).

Local Revenues Annual Financial Statements

54.(1) The Director of Finance must prepare, at least once each calendar year, separate annual financial statements respecting ?aqam's local revenues in accordance with the FMB's *Local Revenue Financial Reporting Standards*.

(2) Council must establish policies and procedures respecting the annual preparation, review, audit and approval of the annual financial statements referred to in subsection (1) including any required deadlines for completing these activities.

(3) The policies and procedures referred to in subsection (2) must be consistent with any requirements of the FMB's *Local Revenue Financial Reporting Standards*.

(4) The provisions of this Law, including this section, respecting separate annual financial statements for local revenues do not apply if FMB's *Local Revenue Financial Reporting Standards*

permit ?aqam to report on its local revenues in its audited annual financial statements as a distinct segment of the activities that appear in those statements and ?aqam chooses to report on its local revenues in that manner.

Special Purpose Reports

55.(1) The Director of Finance must prepare the following special purpose reports:

- (a) a report setting out all payments made to honour guarantees and indemnities for that fiscal year;
- (b) a report setting out the information required in section 9;
- (c) a report setting out all debts or obligations forgiven by ?aqam; and
- (d) any other report required under the Act or an agreement.

(2) The Director of Finance may prepare special purpose reports on the basis of accounting other than GAAP if necessary to comply with any reporting obligations ?aqam has under an agreement.

Appointment of Auditor

56.(1) ?aqam must appoint an auditor for each fiscal year to hold office until the later of

- (a) the end of Council meeting when the audited annual financial statements for that fiscal year are being considered, or
- (b) the date the auditor's successor is appointed.

(2) The terms and conditions of the appointment of the auditor must be set out in an engagement letter approved by the Finance and Audit Committee and must include the content required by the Canadian generally accepted auditing standards.

(3) To be eligible for appointment as the auditor of ?aqam, an auditor must

- (a) be independent of ?aqam, its related bodies, councillors and officers and members, and
- (b) be a public accounting firm or public accountant
 - (i) in good standing with the Chartered Professional Accountants of Canada its respective counterpart in the province or territory in which the public accounting firm or public accountant is practicing, and
 - (ii) licensed or otherwise authorized to practice public accounting in the province or territory in which the majority of the reserve lands of ?aqam are located.

(4) If the auditor ceases to be independent, the auditor must as soon as practicable after becoming aware of the circumstances

- (a) advise ?aqam in writing of the circumstances, and

(b) eliminate the circumstances that resulted in loss of independence or resign as the auditor.

Auditor's Authority

57.(1) To conduct an audit of the annual financial statements of ?aqam, the auditor must be given access to

(a) all records of ?aqam for examination or inspection and given copies of these records on request, and

(b) any councillor, officer, employee, contractor or representative agent of ?aqam to ask any questions or request any information.

(2) On request of the auditor, every person referred to in paragraph (1)(b) must

(a) make available all records referred to in paragraph (1)(a) that are in that person's care or control, and

(b) provide the auditor with full information and explanation about the affairs of ?aqam as necessary for the performance of the auditor's duties.

(3) The auditor must be given notice of

(a) every meeting of the Finance and Audit Committee, and

(b) Council meeting where the annual audit, including the annual financial statements, will be considered and approved.

(4) Subject to subsection (6), the auditor may attend any meeting for which they must be given notice under this section or to which the auditor has been invited and must be given the opportunity to be heard at those meetings on issues that concern the auditor as auditor of ?aqam.

(5) The auditor may communicate with the Finance and Audit Committee, as the auditor considers appropriate, to discuss any subject that the auditor recommends be considered by the Committee.

(6) The auditor may be excluded from all or any part of a meeting of the Finance and Audit Committee or Council by a recorded vote if the subject matter relates to the retaining or dismissal of the auditor.

Assurance Requirements

58.(1) The auditor must provide an audit report on the annual financial statements referred to in section 53 not more than one hundred and twenty (120) days after the fiscal-year end.

(2) The separate annual financial statements respecting local revenues referred to in section 54 must be audited by the auditor at least once every calendar year.

(3) The auditor must conduct the audit of the annual financial statements referred to in both sections 53 and 54 in accordance with Canadian generally accepted auditing standards.

(4) The auditor must provide an audit report or a review engagement report on the special purpose reports referred to in section 55.

Review of Audited Annual Financial Statements

59.(1) This section does not apply to the annual financial statements respecting local revenues referred to in section 54.

(2) The audited annual financial statements must be provided to the Finance and Audit Committee for its review and consideration within a reasonable period of time after the fiscal year-end for which the statements were prepared.

(3) Council must review and approve the audited annual financial statements not more than one hundred and twenty (120) days after the end of the fiscal year for which the statements were prepared.

Access to Annual Financial Statements

60.(1) Before the annual financial statements referred to in both sections 53 and 54 may be published or distributed, they must

- (a) be approved by Council,
- (b) be signed by
 - (i) the Nasu?kin of ?aqam or Council chair,
 - (ii) the Chair of the Finance and Audit Committee, and
 - (iii) the Director of Finance, and
- (c) include the auditor's audit report of the annual financial statements.

(2) The audited annual financial statements referred to in section 53 must be available for inspection by members of ?aqam at the principal administrative offices of ?aqam during normal business hours.

(3) The following documents must be available for inspection by any person referred to in subsection 14(2) of the Act at the principal administrative offices of ?aqam during normal business hours:

- (a) the audited annual financial statements respecting local revenues referred to in section 54;
or
- (b) the audited annual financial statements referred to in section 53 if those statements include a report on local revenues as a distinct segment of the activities that appear in those statements.

Annual Report

61.(1) No later than one hundred and eighty (180) days after the end of each fiscal year, Council must publish an annual report on the operations and financial performance of ?aqam for the previous fiscal year.

- (2) The annual report referred to in subsection (1) must include
- (a) a description of the services and operations of ?aqam, and
 - (b) a progress report on any established objectives and performance measures of ?aqam.
- (3) The annual report referred to in subsection (1) must include or incorporate by reference
- (a) the audited annual financial statements referred to in sections 53 and 54 for the previous year, and
 - (b) any special purpose reports referred to in section 55, including the auditor's report.
- (4) The Chief Administrative Officer must provide the annual report referred to in subsection (1)
- (a) to a member of ?aqam as soon as practicable after a request is made by the member, and
 - (b) to the First Nations Finance Authority as soon as practicable after the report's publication, if ?aqam is a borrowing member.
- (5) Council must establish policies and procedures respecting an accessible process and remedy available to members of ?aqam who have requested but have not been provided with the annual report of ?aqam or access to the audited annual financial statements and special purpose reports incorporated by reference in the annual report.

DIVISION 6 - Information and Information Technology

Ownership of Records

62. Council must establish policies and procedures to ensure that all records that are produced by or on behalf of ?aqam or kept, used or received by any person on behalf of ?aqam are the property of ?aqam.

Record Keeping

63. Council must establish policies and procedures respecting

- (a) the preparation, maintenance, security, storage, access to and disposal of records of ?aqam, and
- (b) the confidentiality, control and release of First Nation information that is in the possession of ?aqam, Council, councillors, committee members, employees, contractors or representative agents of ?aqam.

Account Records

64.(1) The tax administrator must prepare, maintain, store and keep secure a complete set of all records respecting the local revenue system of ?aqam, including all records referred to in section 5 of the *Revenue Management Implementation Regulations*.

(2) If ʔaᑭam has a loan from the First Nations Finance Authority that is secured by other revenues, the Director of Finance must prepare, maintain, store and keep secure a complete set of all records respecting other revenues of ʔaᑭam, including all records referred to in section 5 of the *Revenue Management Implementation Regulations* as amended by the *Financing Secured by Other Revenues Regulations*.

Information Technology

65. Council must establish policies and procedures respecting information technology used by ʔaᑭam in its operations to ensure the integrity of ʔaᑭam's financial administration system and its database.

PART V - Tangible Capital Assets

Definitions

66. In this Part,

"First Nation tangible capital assets" means all non-financial assets of ʔaᑭam having physical substance that

- (a) are held for use in the production or supply of goods and services, for rental to others, for administrative purposes or for the development, construction, maintenance or repair of other tangible capital assets,
- (b) have useful economic lives extending beyond an accounting period,
- (c) are to be used on a continuing basis, and
- (d) are not for sale in the ordinary course of operations;

"life-cycle management program" means the program of inspection, planning, maintenance, replacement and oversight for First Nation tangible capital assets as described in section 69; and

"tangible capital asset project" means the acquisition, construction, repair or replacement of a First Nation tangible capital asset, but does not include routine maintenance.

Council General Duties

67. Council must take reasonable steps to ensure ʔaᑭam tangible capital assets are

- (a) recorded in an assets register,
- (b) adequately safeguarded,
- (c) maintained in accordance with a life-cycle management program described in this Part, and
- (d) planned, financed, managed and constructed to acceptable community standards.

Tangible Capital Assets Reserve Fund

68. Council must establish and manage a tangible capital assets reserve fund to be applied for the purpose of funding expenditures for tangible capital asset projects carried out under this Part.

Life-cycle Management Program

69.(1) Council must establish a life-cycle management program for ᐱᐱᐱ tangible capital assets which includes the following:

- (a) the development, maintenance and updating of an asset register for ᐱᐱᐱ tangible capital assets;
- (b) the regular, periodic inspection of ᐱᐱᐱ tangible capital assets;
- (c) for routine maintenance of ᐱᐱᐱ tangible capital assets, preparation of the following:
 - (i) a plan for annual scheduling of required maintenance for the next fiscal year;
 - (ii) short and long-term forecasting of estimated costs; and
 - (iii) a budget for required annual maintenance for the next fiscal year; and
- (d) for tangible capital asset projects, preparation of the following:
 - (i) a plan for annual scheduling of projects for the next fiscal year; and
 - (ii) short and long-term forecasting of estimated costs of projects; and
- (e) the annual review by the Finance and Audit Committee of the proposed scheduling and budgets for routine maintenance and tangible capital asset projects.

(2) Council must establish policies and procedures respecting

- (a) a life-cycle management program for ᐱᐱᐱ tangible capital assets, and
- (b) tangible capital asset projects.

Tangible Capital Asset Projects Management

70.(1) Council must establish policies and procedures respecting procurement, contract and risk management and administration of tangible capital asset projects.

(2) All tangible capital asset projects must be managed in accordance with the policies and procedures referred to in subsection (1).

Policy for Information or Involvement of ᐱᐱᐱ Band Members

71. Council must establish policies and procedures respecting the means by which ᐱᐱᐱ Band members must be informed about or involved in consideration of tangible capital asset projects.

PART VI - Reporting Breaches

Reports of Breaches and Financial Irregularities, etc.

72.(1) Subject to subsections (2) and (3), if any person has reason to believe that

- (a) an expenditure, liability or other transaction of ᑭᐱᑭᐱᐱ is not authorized by or under this Law or another First Nation law,
- (b) there has been a theft, misappropriation or other misuse or irregularity in the funds, accounts, assets, liabilities and financial obligations of ᑭᐱᑭᐱᐱ,
- (c) a provision of this Law has been contravened, or
- (d) a person has failed to comply with applicable policies and procedures referred to in section 21,

the person may disclose the circumstances to the chair of the Finance and Audit Committee.

(2) If a councillor becomes aware of any circumstances described under subsection (1), Councillor must report them to the chair of the Finance and Audit Committee.

(3) If an officer, employee, contractor or representative agent of ᑭᐱᑭᐱᐱ becomes aware of any circumstances described under subsection (1), the officer, employee, contractor or representative agent, as the case may be, must report them to the Chief Administrative Officer or the chair of the Finance and Audit Committee.

Inquiry into Report

73.(1) If a report is made to the Chief Administrative Officer under subsection 72(3), the Chief Administrative Officer must inquire into the circumstances reported and report the findings to the Finance and Audit Committee as soon as practicable.

(2) If a report is made to the chair of the Finance and Audit Committee under section 72, the chair must inquire into the circumstances reported and report the findings to the Finance and Audit Committee as soon as practicable.

(3) The Finance and Audit Committee may make a further inquiry into any findings reported to it under this section but, in any event, must make a report to Council respecting any circumstances reported to the Committee under this section, including the Committee's recommendations, if any.

Protection of Parties

74.(1) All reasonable steps must be taken by the Chief Administrative Officer, the members of the Finance and Audit Committee and Councillors to ensure that the identity of the person who makes a report under section 72 is kept confidential to the extent practicable in all the circumstances.

(2) A person who makes a report in good faith under section 72 must not be subjected to any form of reprisal by ?a?am or by a councillor, officer, employee, contractor or representative agent of ?a?am as a result of making that report.

(3) The Chief Administrative Officer and the chair of the Finance and Audit Committee must take all necessary steps to ensure that subsection (2) is not contravened and must report any contravention or suspected contravention to Council.

(4) Council must establish policies and procedures

(a) for the recording and safeguarding of reports made under section 72 and any records prepared during the inquiry or investigation into those reports;

(b) for the inquiry or investigation into reports made under section 72; and

(c) concerning the fair treatment of a person against whom a report has been made under section 72.

Liability for Improper Use of Money

75.(1) A councillor who votes for a resolution authorizing an amount to be expended, invested or used contrary to this Law or ?a?am's local revenue law is personally liable to ?a?am for that amount.

(2) Subsection (1) does not apply if Councillor relied on information provided by an officer or employee of ?a?am and the officer or employee was guilty of dishonesty, gross negligence or malicious or willful misconduct when providing the information.

(3) An amount owed to ?a?am under subsection (1) may be recovered for ?a?am by ?a?am , a member of ?a?am or a person who holds a security under a borrowing made by ?a?am .

(4) It is a good defence to any action brought against an officer or employee of ?a?am for unauthorized expenditure, investment or use of ?a?am's financial assets if it is proved that the officer or employee gave a written and signed warning to Council that in his or her opinion, the expenditure, investment or use would be unlawful.

Indemnification against Proceedings

76.(1) In this section:

"indemnify" means pay amounts required or incurred to

(a) defend an action or prosecution brought against a person in connection with the exercise or intended exercise of the person's powers or the performance or intended performance of the person's duties or functions, or

(b) satisfy a judgment, award or penalty imposed in an action or prosecution referred to in paragraph (a);

"First Nation official" means a current or former councillor, officer or employee of ?a?am.

(2) Subject to subsection (3), Council may by resolution indemnify or provide for the indemnification of a named First Nation official, a category of First Nation official or all First Nation officials in accordance with the terms specified in the resolution.

(3) Council may not pay a fine that is imposed as a result of a First Nation official's conviction for an offence unless the offence is a strict or absolute liability offence.

PART VII - Miscellaneous

FMB Standards

77.(1) If ?a?am is a borrowing member or has a certificate issued by the FMB under subsection 50(3) of the Act, ?a?am must comply with all the applicable FMB standards.

(2) If Council becomes aware that ?a?am is not complying with a FMB standard referred to in subsection (1), Council must as soon as practicable take the required actions to bring ?a?am into compliance with the FMB standard.

Delegated Authority for Local Revenues

78.(1) This section applies to ?a?am only if it is

- (a) making local revenue laws under subsection 5(1) of the Act, or
- (b) using its local revenues to secure a loan from the First Nations Finance Authority.

(2) Without limiting section 53 of the Act, if the FMB gives notice to ?a?am under section 53 of the Act that third-party management of ?a?am's local revenues is required, Council of ?a?am delegates to the FMB

- (a) the powers and authorities described in subsection 53(2) of the Act, and
- (b) any other of Council's powers required to give effect to third-party management of ?a?am's local revenues and local revenue account under the Act.

Delegated Authority for Other Revenues

79.(1) This section applies to ?a?am only if it is using its other revenues to secure a loan from the First Nations Finance Authority.

(2) Without limiting section 53 of the Act as adapted by the *Financing Secured by Other Revenues Regulations*, if the FMB gives notice to ?a?am under section 53 of the Act that third-party management of ?a?am's other revenues is required, Council of ?a?am delegates to the FMB

- (a) the powers and authorities described in subsection 53(2) of the Act as adapted by the *Financing Secured by Other Revenues Regulations*, and
- (b) any other of Council's powers required to give effect to third-party management of ?a?am's other revenues under the Act.

Periodic Review and Changes of Law

80.(1) On a regular, periodic basis established by a policy of Council, the Finance and Audit Committee must conduct a review of this Law

- (a) to determine if it facilitates effective and sound financial administration of ʔaḳam; and
- (b) to identify any amendments to this Law that may better serve this objective.

(2) Council must establish policies and procedures respecting the means by which members of ʔaḳam must be informed about or involved in consideration of proposed amendments of this Law.

(3) If ʔaḳam is a borrowing member, it may only repeal this Law if it replaces it at the same time with another financial administration law which has been reviewed by the FMB and issued a compliance approval under section 9 of the Act.

(4) Any amendment of this Law must be reviewed by the FMB and issued a compliance approval under section 9 of the Act.


Repeal

81. The *ʔaḳam Financial Administration Law, 2017* is repealed.

Coming into Force

82. This Law comes into force on the day after it is approved by the FMB under section 9 of the Act.

THIS LAW IS HEREBY DULY ENACTED by Council on the 20th day of June 2022, at Cranbrook, in the Province of British Columbia at a duly called and conducted Council meeting at which the required quorum of three (3) members of Council was present throughout.



Chief Joe Pierre Jr.



Councillor Jason Andrew



Councillor Vickie Thomas



Councillor Juliet Birdstone



Councillor Sancira Williams-Jimmy