

HAISLA NATION
FINANCIAL ADMINISTRATION LAW,
2022

[April 1, 2019 Standards]

I CERTIFY THIS TO BE A TRUE COPY
OF THE ORIGINAL DOCUMENT

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Date March 7, 2023

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WHEREAS:

A. Pursuant to section 9 of the *First Nations Fiscal Management Act*, the Council of a first nation may make laws respecting the financial administration of the first nation for the following purposes;

- a. the appropriation and expenditure of moneys of the Haisla Nation to defray the Haisla Nation expenses; and
- b. the appointment of officials to conduct the business of Council;

B. The Council of Haisla Nation considers it to be in the best interests of the First Nation to make a law for such purposes;

C. The Council of Haisla Nation wishes to repeal and replace *Haisla Nation Financial Administration By-Law, 2020*

NOW THEREFORE the Council of Haisla Nation enacts as follows:

PART I - Citation

Citation

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

PART II - Interpretation and Application

Definitions

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

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

"alternative arrangement" means an alternative arrangement for the management of Haisla Nation funds as described in section 7 of this Law;

"annual financial statements" means the annual financial statements of Haisla Nation referred to in Division 6 of Part IV;

"appropriation" means an allocation of money under a budget to the purposes for which it may be used;

"auditor" means the auditor of Haisla Nation appointed under section 83;

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

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

"capital works" means major physical assets owned or controlled by the Haisla Nation, including roads, bridges, utilities, water supply and septic systems, ditches and water spillways, buildings, waste control facilities, land, landscaping and fencing;

"chief administrative officer" means the person appointed under section 18;

"code" means a code adopted by Haisla Nation under the *First Nations Oil and Gas and Moneys Management Act* or a land code adopted by Haisla Nation under the *First Nations Land Management Act*;

"Council" means the Council of Haisla Nation;

"Chief Councillor" means the person appointed or elected to act as the chair of the Council;

"councillor" means a member of the Council of Haisla Nation and includes the Chief Councillor of Haisla Nation;

"department" means an administrative division or agency of the Haisla Nation government as established from time to time and includes internal organizational units of the Haisla Nation administration;

"director of finance" means the person appointed under section 19;

"Election Code" means the Haisla Nation Custom Election Code, as amended from time to time;

"employee" includes, for the purposes of this Law, any contractors with the Haisla Nation who administer, manage or control Haisla Nation Funds;

"Executive Committee" means the Executive Committee established under section 12;

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

"financial competency" means the ability to read and understand financial statements that present accounting issues reasonably expected to be raised by the First Nation's 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 the First Nation, including the minutes of meetings of the 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 Haisla Nation 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;

"funding agreement" means any written contract between the Haisla Nation and another party or parties, pursuant to which money is to be paid to the Haisla Nation;

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

"general account" means any account in a financial institution in the name of the Haisla Nation and established under section 33(1);

"Government transfer funds" means funds transferred by the government of Canada to the Haisla Nation pursuant to funding agreements for the provision of programs and services;

"Haisla Nation" means Haisla Nation as scheduled to the Act;

"Haisla Nation's financial assets" means all moneys and other financial assets of the Haisla Nation which are received and managed by the Council, or its designate, for the use and benefit of the Haisla Nation, including all revenues, grants, contributions, loans, earning from business enterprises and, unless otherwise indicated in this Law, includes tax funds, and excluding:

- (a) money received by the Haisla Nation on behalf of an individual, corporate entity, society or partnership; or
- (b) money managed or controlled by a trust;

"Haisla Nation's lands" means all reserves of the Haisla Nation within the meaning of the *Indian Act*;

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

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

"investment account" means an account in the name of the Haisla Nation established for the purpose of receiving Haisla Nation Funds for investment purposes;

"investment manager" means a firm or individual engaged by the Haisla Nation under section 63;

"investment policy" means the investment policy statements of the Haisla Nation, as amended from time to time, and approved by the Council under subsection 62(1);

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

"local revenue law" means a local revenue law made by Haisla Nation 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;

"officer" means the chief administrative officer, director of finance, tax administrator and any other employee of the First Nation designated by the 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;

"related body" means:

- (a) any agency of the Haisla Nation,
- (b) any corporation in which the Haisla Nation has a material or controlling interest,
- (c) any partnership in which the Haisla Nation or another related body of the Haisla Nation is a partner with a material or controlling interest, or
- (d) a trust of the Haisla Nation;

"resolution" means a recorded decision of the Council at a duly held Council meeting in accordance with paragraph 2(3)(b) of the Act;

"special purpose report" means a report described in section 82;

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

"strategic plan" means the plan referred to in section 25;

"tax administrator" means the person appointed tax administrator under section 20 or the First Nation's local revenue laws;

"variance analysis" means a description of the reasons for the differences, if any, between the budget and the Haisla Nation's actual annual revenues and expenditures.

(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 the 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.

Posting of Public Notice

4.(1) If a public notice must be posted under this Law, the public notice is properly posted if a written notice is placed in a conspicuous and accessible place for public viewing in the principal administrative offices of the Haisla Nation.

(2) Unless expressly provided otherwise, if a public notice of a meeting must be posted under this Law the notice must be posted at least fifteen (15) days before the date of the meeting.

Calculation of Time

5.(1) 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

6.(1) If there is a conflict between this Law and another Haisla Nation 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

7.(1) This Law applies to the financial administration of Haisla Nation and for greater certainty, this law:

- (a) governs the management and control of Haisla Nation financial assets,
- (b) the administrative organization of the Haisla Nation to manage and control Haisla Nation financial assets, and
- (c) applies to the Council, the Executive Committee and to all departments in receipt of Haisla Nation funds.

(2) This law applies to an alternative arrangement, approved by the Council by resolution, for the management of money received under a funding agreement according to the terms and conditions of that funding agreement.

PART III - Administration

DIVISION 1 - Council

Responsibilities of Council

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

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

- (a) the approval of Council policies;
- (b) the appointment of members, the chair and the vice-chair of the Executive Committee;
- (c) the approval of budgets and financial statements of Haisla Nation; and
- (d) the approval of borrowing of Haisla Nation.

Council Policies and Procedures

9.(1) Subject to subsection (2), the Council may establish policies and procedures respecting any matter relating to the financial administration of Haisla Nation.

(2) The Council must establish policies and procedures respecting the acquisition, management and safeguarding of Haisla Nation assets.

(3) The Council must not establish any policies and procedures relating to the financial administration of Haisla Nation that are inconsistent with this Law, the Act, or GAAP – except as permitted in subsection 82(2) of this Law.

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

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

(a) consistent with, and made under the authority of, a policy approved by the Council, and

(b) approved by the Council or the Chief Administrative Officer.

(6) The Council must document all its 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 and Expenses

10.(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 Haisla Nation 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) Annually the director of finance must prepare a report separately listing the remuneration paid and expenses reimbursed by Haisla Nation, and by any entity, to each councillor whether such amounts are paid to the councillor while acting in that capacity or in any other capacity.

DIVISION 2 - Executive Committee

Interpretation

11. In this Division, “Committee” means the Executive Committee.

Committee Established

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

(2) The Council must appoint, by resolution,

(a) not less than three (3) voting members of the Committee of which three (3) must be councillors, and

(b) not less than two (2) non-voting members of the Committee;

(3) A majority of the voting members of the Committee must have financial competency and all voting members must be independent.

(4) 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 Haisla Nation government that could, in the opinion of Council, reasonably interfere with the exercise of independent judgment as a member of the Committee.

(5) The 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).

(6) Subject to subsection (8), the Committee members must be appointed to hold office for staggered terms of not less than three (3) complete fiscal years.

(7) A voting Committee member may be removed from office

(a) by the chair of the Committee, if the member misses three (3) consecutively scheduled meetings of the Committee;

(b) by the Council, if the chair of the Committee recommends removal, or on its own resolution.

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

Chair and Vice-chair

13. (1) The Council must appoint a chair and a vice-chair of the Committee, both of whom must be a councillor.

(2) A person may be appointed chair of the Committee for a term not to exceed four years and may be appointed for consecutive terms.

(3) The chair of the Committee must perform the following duties:

- (a) supervise and direct the work of the Committee;
- (b) undertake administrative duties as necessary to oversee and implement the work of the Committee; and
- (c) preside at meetings of the Committee.

Committee Procedures

14.(1) The quorum of the Committee is fifty percent (50%) of the total number of Committee members.

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

(3) In the event of a tie vote in the Committee, the chair of the Committee may cast a second tiebreaking vote.

(4) 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.

(5) 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 chief administrative officer or the director of finance, or
- (b) it is a meeting with the auditor.

(6) 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 practical after it receives the audited annual financial statements and report from the auditor.

(7) The Committee must provide minutes of its meetings to the Council and report to the Council on the substance of each Committee meeting as soon as practicable after each meeting.

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

(9) After consultation with the chief administrative officer, the Committee may retain a consultant to assist in the performance of any of its responsibilities.

Financial Planning Responsibilities

15.(1) The Committee must carry out the following activities in respect of the financial administration of Haisla Nation:

- (a) annually, at a time requested by Council, develop and recommend to the Council for approval a strategic plan and a multi-year financial plan;
- (b) review draft annual budgets and recommend them to the Council for approval;
- (c) on an ongoing basis, monitor the financial performance of Haisla Nation against the budget and provide a variance analysis to the Council;
- (d) review and present to the Council the quarterly financial statements, variance analyses and any other financial reports prepared by the Finance Manager and recommend them to the Council for approval;
- (e) review and make recommendations to the Council on the audited annual financial statements, including the audited annual financial statements respecting Haisla Nation's local revenue and any special purpose reports;
- (f) present and recommend to the Council for approval all new and amended investment policies and amendments to those policies;
- (g) consider the advice of the investment manager in the context of the investment policy of the Haisla Nation and report to the Council as necessary;
- (h) present and recommend to the Council for approval all new and amended financial management policies;
- (i) carry out any other activities specified by the Council that are not contrary to the Act or inconsistent with the Committee's duties specified in this Law; and
- (j) perform any other duties of the Committee under this Law.

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

Audit Responsibilities

16. The Committee must carry out the following audit activities in respect of the financial administration of Haisla Nation:

- (a) make recommendations to the 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 the Council on the planning, conduct and results of audit activities;
- (d) review and make recommendations to the Council on the audited annual financial statements, including the audited annual financial statements respecting the local revenue account and any special purpose reports;
- (e) periodically review and make recommendations to the Council on policies and procedures on reimbursable expenses and perquisites of the councillors, officers and employees of Haisla Nation;
- (f) approve the response to an auditor management letter and present the response to the Council for consideration;
- (g) monitor financial reporting risks and fraud risks and the effectiveness of mitigating controls for those risks taking into consideration the cost of implementing those controls;
- (h) conduct a review of this Law under section 115 and, where appropriate, recommend amendments to the Council; and
- (i) periodically review and make recommendations to the Council on the terms of reference of the Committee.

Council Assigned Responsibilities

17. Subject to paragraph 15(1)(e), the Council may assign to the Committee or another committee of the Council the following activities in respect of the financial administration of Haisla Nation:

- (a) to develop, and recommend to the Council for approval, performance measurements and goals designed to confirm that management activities, including financial management, occur as planned;
- (b) to prepare, and recommend to the Council for approval, cash management plans;
- (c) to review and report to the Council on the financial content of any Haisla Nation reports;
- (d) to review, monitor and report to the Council on the appropriateness of the Haisla Nation's accounting and financial reporting systems, policies and practices;
- (e) to review, and recommend to the Council for approval, any proposed significant changes in the Haisla Nation's accounting or financial reporting systems, or policies and procedures;

- (f) to monitor the collection and receipt of the Haisla Nation's financial assets, including debts owed to the Haisla Nation;
- (g) to review and report to the Council on the Haisla Nation's risk management policies and control and information systems and, where appropriate, recommend improvements to the Council;
- (h) to review the adequacy of security of information, information systems and recovery plans and, where appropriate, recommend improvements to the Council;
- (i) to monitor compliance with the legal obligations of the Haisla Nation, including legislative, regulatory and contractual obligations, and report to the Council;
- (j) to review and report to the Council on the adequacy of financial administration personnel and resources;
- (k) to review, monitor and report to the Council on the adequacy and appropriateness of the Haisla Nation's insurance coverage respecting significant Haisla Nation risks; and
- (l) to review, monitor and report to the Council on material litigation and its impact on financial administration and reporting.

DIVISION 3 - Officers and Employees

Chief Administrative Officer

18.(1) The Council must appoint a person as chief administrative officer of Haisla Nation and may set the terms and conditions of that appointment.

(2) Reporting to the Council, the chief administrative officer is responsible for leading the planning, organization, implementation and evaluation of the overall management of all the day-to-day operations of Haisla Nation, including the following duties:

- (a) to develop and recommend to the Council for approval, human resources policies and procedures for the hiring, management and dismissal of officers and employees of the Haisla Nation;
- (b) to prepare and recommend to the Council for approval, descriptions of the powers, duties and functions of all employees of Haisla Nation;
- (c) to hire the employees of the Haisla Nation, as the chief administrative officer considers necessary, and to set the terms and conditions of their employment;
- (d) to oversee, supervise and direct the activities of all officers and employees of Haisla Nation;
- (e) to oversee and administer the contracts of Haisla Nation;

- (f) to prepare, recommend to the Council and maintain and revise as necessary the organization chart referred to in section 21;
- (g) to identify, assess, monitor and report on financial reporting risks and fraud risks;
- (h) to monitor and report on the effectiveness of mitigating controls for the risks referred to in paragraph (g) taking into consideration the cost of implementing those controls;
- (i) to assist the Executive Committee in carrying out its duties and functions;
- (j) to perform any other duties of the chief administrative officer under this Law; and
- (k) to carry out any other activities specified by the 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 Haisla Nation, and
- (b) with the approval of the Council, to a contractor or agent of Haisla Nation.

(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.

(5) If the position of chief administrative officer is vacant,

- (a) the director of finance must perform the duties of the chief administrative officer until the position is filled, and
- (b) if the director of finance is unable to perform the duties of the chief administrative officer, the Council must appoint an acting chief administrative officer or an interim committee of department managers to perform the chief administrative officer's duties until the position is filled.

Director of Finance

19.(1) The Council must appoint a person as director of finance of Haisla Nation 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 the First Nation, 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 all charts of accounts of Haisla Nation;
- (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 Haisla Nation's local revenues;
- (d) to prepare the monthly financial information required in section 78, the quarterly financial statements required in section 79 including any variance analyses and the draft annual financial statements required in sections 80 and 81;
- (e) to prepare the financial components of reports to the Council and of the multi-year financial plan; referred to in subsection 15(1);
- (f) to actively monitor compliance with any agreements and funding arrangements entered into by Haisla Nation;
- (g) to administer and supervise the preparation and maintenance of financial records and the financial administration reporting systems;
- (h) to administer and supervise the maintenance of the records of all receipts and expenditures of the Haisla Nation to facilitate the annual audit;
- (i) to actively monitor compliance with the Act, this law, any other applicable Haisla Nation law, applicable standards and any policies and procedures of the Council respecting the financial administration of Haisla Nation;
- (j) to prepare or provide any documentation and financial information required by the Council or the Executive Committee to discharge its responsibilities;
- (k) to evaluate the financial administration systems of Haisla Nation and recommend improvements;
- (l) to develop and recommend procedures for the safeguarding of assets and to ensure approved procedures are followed;
- (m) to develop and recommend procedures to the Council for identifying and mitigating financial reporting and fraud risks and to ensure approved procedures are followed;
- (n) to perform any other duties of the director of finance under this law; and
- (o) 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 Council, the director of finance may assign the performance of any of the director of finance's duties or functions

- (a) to an officer or employee of the Haisla Nation; and

(b) with the approval of the Council, to a contractor or agent of Haisla Nation.

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

(5) If the position of director of finance is vacant,

(a) the chief administrative officer must perform the duties of the director of finance until the position is filled, and

(b) if the chief administrative officer is unable to perform the duties of the director of finance, the Council must appoint an acting director of finance or an interim committee of department managers to perform the director of finance's duties until the position is filled.

Tax Administrator

20.(1) If Haisla Nation is collecting local revenues, the Council must appoint a person as tax administrator of Haisla Nation and may set the terms and conditions of that appointment.

(2) Reporting to the chief administrative officer, the tax administrator is responsible for performing the tax administrator's duties or functions under Haisla Nation's local revenue laws, the Act and this Law.

(3) In addition to any duties or functions under Haisla Nation'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 director of finance the draft and amended budgets for the component of the annual budget respecting local revenues;

(c) to recommend to the director of finance the local revenues components of the multi-year financial plan;

(d) on request, to provide advice to the chief administrative officer, director of finance, Executive Committee, and the Council respecting local revenues matters;

(e) to monitor compliance with the Act, Haisla Nation'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 agent of Haisla Nation, 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

21.(1) The Council must establish and maintain a current organization chart for the governance, management and administrative systems of Haisla Nation.

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

- (a) all governance, management and administrative systems of Haisla Nation;
- (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 the Council, Executive Committee and all other committees of the Council and Haisla Nation,
 - (ii) the chief administrative officer, the director of finance, the tax administrator and other officers of Haisla Nation, and
 - (iii) the principal lines of authority and the responsibility between the 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 agent of Haisla Nation and a member of Haisla Nation.

(4) In the course of discharging his or her responsibilities under this Law, the chief administrative officer must recommend to the Council for approval and implementation human resource policies and procedures that facilitate effective internal financial administration controls.

(5) The Council must take all reasonable steps to ensure that Haisla Nation hires or retains qualified and competent personnel to carry out the financial administration activities of Haisla Nation.

DIVISION 4 - Conduct Expectations

Conduct of Councillors

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

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

- (b) act honestly, in good faith and in the best interests of Haisla Nation,
- (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 requirements of the SCHEDULE: Avoiding and Mitigating Conflicts of Interest including required annual disclosures of private interests.

(2) If it has been determined under this Law or by a court of competent jurisdiction that a councillor has contravened this section, then in addition to any of the remedies set out in the Schedule: Avoiding and Mitigating Conflicts of Interest, the contravention will be noted in the council minutes and, if council determines it appropriate, must be posted in a public notice setting out the details of the determination for a period of not less than thirty-one (31) days.

Conduct of Officers, Employees, Contractors, etc.

23.(1) This section applies to

- (a) an officer, employee, contractor and agent of Haisla Nation,
- (b) a person acting under the delegated authority of the Council or Haisla Nation, and
- (c) a member of a committee of the Council or Haisla Nation who is not a councillor.

(2) If a person is exercising a power, duty or responsibility relating to the financial administration of Haisla Nation, 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 Haisla Nation, and
- (c) avoid conflicts of interest and comply with any the applicable requirements of the SCHEDULE: Avoiding and Mitigating Conflicts of Interest, including required disclosure of potential conflicts of interest.

(3) The 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 Haisla Nation;
- (b) the terms of every contract of a contractor of Haisla Nation;
- (c) the terms of appointment of every member of the Executive committee and any other committee who is not a councillor; and
- (d) the terms of appointment of every agent of Haisla Nation.

(4) If a person contravenes subsection (2), 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 an agent may be revoked; and
- (e) the 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 Haisla Nation is April 1 to March 31 of the following year.

Strategic Plan

25.(1) The Council must

- (a) approve a strategic plan that sets out the long-term vision for Haisla Nation and its members; and
- (b) review the strategic plan on a regular, periodic basis and revise it as necessary

(2) The Council must take the strategic plan into account when making financial decisions which will impact members of Haisla Nation or Haisla Nation's financial assets.

Multi-year Financial Plan

26.(1) The multi-year financial plan referred to in this section is to be used by Haisla Nation for the purpose of informing its financial decision-making in a manner that is consistent with and supports the vision of the 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;
- (e) in respect of transfers between accounts, set out the amounts from the tangible capital asset reserve account;

- (f) show all categories of restricted cash; and
- (g) 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 January 31 of each year, the director of finance must prepare and submit to the Executive Committee for review a draft multi-year financial plan for the next fiscal year.

(4) On or before February 15 of each year, the Executive Committee must review the draft multi-year financial plan prepared by the director of finance and recommend a multi-year financial plan to the Council for approval.

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

Content of Annual Budget

27.(1) The annual budget must encompass all the operations for which Haisla Nation 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) The revenue category of moneys derived from the Haisla Nation's lands must be shown separately in the annual budget from other revenues and must include a sub-category for revenues from natural resources obtained from the Haisla Nation's lands.

(3) In subsection (2), "natural resources" means any material on or under the Haisla Nation's lands in their natural state which when extracted has economic value.

(4) The annual budget may include a contingency fund for expenditures to supplement the operational needs of the Haisla Nation if the appropriation in the annual budget for such expenditures is found to be insufficient.

Budget and Planning Process Schedule

28.(1) Each department manager must prepare the department's draft annual budget for the operation of the department (including any proposed amendments) and submit it to the director of finance by January 1 of each year.

(2) On or before January 31 of each year, the director of finance must consolidate the annual budget of the departments received under subsection (1) and prepare and submit to the Executive Committee for review a draft consolidated annual budget and a draft multi-year financial plan for the next fiscal year.

(3) On or before February 15 of each year, the Executive Committee must review

(a) the draft annual budget and, if satisfied, may recommend an annual budget to the Council for approval; and

(b) The draft multi-year financial plan and recommend a multi-year financial plan to the Council.

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

(5) On or before June 15 of each year, the director of finance must prepare and submit to the Executive Committee for review a draft amendment of the component of the annual budget respecting local revenues.

(6) On or before June 30 of each year, the Executive Committee must review the draft amendment of the component of the annual budget respecting the local revenues and recommend an amendment to the annual budget to the Council for approval.

(7) No later than July 15 of each year, the Council by resolution, must approve the amendment of the component of the annual budget respecting local revenues.

Additional Requirements for Budget Deficits

29. If a draft annual budget contains a proposed deficit, the Council must consider if the deficit is advisable and must ensure that

(a) no portion of the proposed deficit originates in or relates to local revenues,

(b) the multi-year financial plan of the Haisla Nation demonstrates how and when the deficit will be addressed and how it will be serviced, and

(c) the deficit does not have a negative impact on the credit worthiness of Haisla Nation.

Amendments to Annual Budgets

30.(1) Executive Committee may prepare and recommend an amendment of the annual budget for approval by the Council.

(2) Subject to sections 28(7) and 39, and any emergency expenditure referred to in section 46(c), unless there is a substantial and unforeseen change in the forecasted revenues or expenses of Haisla Nation, or in the expenditure priorities of the council, the annual budget of Haisla Nation must not be changed without the approval, by resolution, of the Council.

Local Revenues Budget Requirements

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

Policy for Haisla Nation Information or Involvement

32.(1) The Council must establish policies and procedures respecting the means by which members of Haisla Nation must be involved in consideration of

- (a) the proposed annual budget, including
 - (i) any budget deficits, and
 - (ii) any component of the annual budget respecting Haisla Nation's local revenues.

(2) The director of finance must make the annual budget, including any component of the annual budget respecting any budget deficits, tax funds and extraordinary expenditures, available for inspection by a member of the Haisla Nation during regular working hours at the Haisla Nation administrative office and on written request, the director of finance must provide a member with a copy of the annual budget including any component.

(3) The Council must establish policies and procedures respecting the means by which members of Haisla Nation must be informed about or involved in consideration of the

- (a) strategic plan;
- (b) the multi-year financial plan;
- (c) budget deficits; and
- (d) extraordinary expenditures.

DIVISION 2 - Financial Institution Accounts

Financial Institution Accounts

33.(1) No account may be opened for the receipt and deposit of money of the Haisla Nation unless the account is

- (a) in the name of the Haisla Nation;
- (b) opened in a financial institution;
- (c) authorized by the Council; and
- (d) opened by the director of finance.

(2) Haisla Nation must establish the following separate accounts in a financial institution:

- (a) a separate local revenue account in a financial institution for money from local revenues;
- (b) one or more general accounts for money from any sources other than those described in paragraphs (a) to (f);

- (c) a trust account if the Haisla Nation has money held in trust;
- (d) an investment account for funds available for investment as authorized under the investment policy;
- (e) a land and resources account for money from revenues from the Haisla Nation's lands; and
- (f) a tangible capital asset reserve account for money set aside for purposes of section 98.

(3) Haisla Nation may establish any other accounts not referred to in subsection (2) as may be necessary and appropriate to manage Haisla Nation's financial assets.

Accounts Management

34.(1) The director of finance must ensure the safekeeping of all money received by the Haisla Nation and maintain a numbered receipt book for the money.

(2) The director of finance must

- (a) stamp all cheques immediately upon receipt with a stamp that designates the cheques for deposit into general accounts described in section 33;
- (b) cause all cheques to be deposited into the general account within five (5) days of receipt; and
- (c) promptly issue a receipt in the correct amount to the payor.

(3) Subject to section 33, the director of finance may distribute Haisla Nation financial assets among more than one general account if the director of finance considers it administratively prudent to do so.

(4) The director of finance must not authorize payment of money from an account described in section 33 unless the payment relates to the subject matter for which the account was established and is otherwise authorized or permitted under this law.

DIVISION 3 - Expenditures

Prohibited Expenditures

35.(1) Money or financial assets in a trust account must not be used for a purpose other than permitted under the terms of the trust.

(2) Money in a local revenue account must not be used for any purpose other than that authorized in an expenditure law and the annual budget.

(3) Money in a tangible capital asset reserve account must not be used for any purpose other than that described in Part V.

(4) Money or financial assets in a local revenue account must not be used for any purpose other than that authorized in a local revenue law or as permitted under section 13.1 of the Act.

Prohibited Agreements

36. The Haisla Nation must not enter into an agreement or undertaking that requires the Haisla Nation to expend money that is not authorized by or that contravenes this law or the Act.

Conditions for General Account Expenditures

37.(1) Before authorizing any expenditure from a general account, other than emergency expenditures under section 39 and loans under sections 65 and 66, the responsible officer or employee must ensure that the following conditions are met:

- (a) the funds for the expenditure are included in an appropriation in the annual budget; and
- (b) the expenditure has been approved in the budget in effect at the time of the expenditure.

(2) Notwithstanding subsection (1), an expenditure that was not an approved appropriation in the annual budget may be made from a contingency fund if the expenditure is for a purpose for which the contingency fund was approved and is made in accordance with section 38.

Use of Contingency Fund

38.(1) The Council may establish a contingency fund in the annual budget to make funds available to the Haisla Nation to supplement the operational needs of the Haisla Nation if the appropriation in the annual budget for a reasonably necessary operational expense was insufficient for those purposes.

(2) The chief administrative officer may authorize expenditures from a contingency fund in accordance with subsection 37(2) and this section.

(3) Within ten (10) business days of authorizing an expenditure under subsection (2), the chief administrative officer must report the expenditure to the director of finance and the Executive Committee.

(4) A report under subsection (3) must include the following:

- (a) the amount of the expenditure;
- (b) the name of the department that requested the expenditure;
- (c) a copy of the department's request if it was in writing;
- (d) the purpose for the expenditure and use of the funds;
- (e) any reporting obligations of the department receiving the funds that the chief administrative officer attached as a condition of receiving the funds; and

- (f) the remaining balance of the contingency fund from which the expenditure was made.

(5) The director of finance must monitor the balance of the contingency fund and annually submit recommendations to the Executive Committee during the annual budget process for an appropriate appropriation to the contingency fund.

Conditions for Emergency Expenditures

39.(1) In this section, "emergency" means a present or imminent event that requires the Council or officers to respond and act promptly to protect the wellbeing, health, or safety of a Haisla Nation member or to limit damage to Haisla Nation property.

(2) In an emergency, any two (2) individuals holding the following positions may jointly authorize or make expenditures from the general account that do not meet the conditions in section 38 and which are not expressly prohibited by or under this law or another Haisla Nation law:

- (a) a councillor;
- (b) a member of the Executive Committee;
- (c) the chief administrative officer; and
- (d) the director of finance.

(3) The two (2) individuals who jointly authorized or made an expenditure under subsection (2) must record and report the reason for the expenditure to the Council within a reasonable time following the end of the emergency.

(4) For clarity, this section does not authorize an expenditure of local revenues.

Conditions for Local Revenue Expenditures

40. The Council may, by resolution, authorize an expenditure of tax funds if the expenditure was authorized in the annual budget and an expenditure law.

Appropriations

41.(1) An amount that is appropriated in a budget must not be expended for any purpose other than that described in the appropriation.

(2) The total amount expended by the Haisla Nation in relation to an appropriation must not exceed the amount specified in the budget for the Haisla Nation for that appropriation unless insufficient funds were approved for the appropriation in the budget, then the Executive Committee or the Council may authorize the expenditure by giving prior written approval.

(3) Every person who is responsible for managing an appropriation must establish and maintain a current record of commitments chargeable to that appropriation.

Policy for Spending and Authorized Signatories

42. The Council may approve a policy on spending and authorized signatories that is not inconsistent with this law and includes the following:

- (a) the process for and individuals that the Council may designate to approve and sign purchase orders, work orders, or cheques, and to make an expenditure from Haisla Nation financial assets;
- (b) the positions within the Haisla Nation that may or must approve any expenditure; and
- (c) the process for setting, removing, and monitoring spending levels authorized by the Council for positions within Haisla Nation.

Invoicing

43. The director of finance must ensure that an invoice is rendered by a payee, in a timely manner, for all work, goods or services that are to be paid for by the Haisla Nation.

Purchase and Work Orders

44. An individual designated under a Haisla Nation policy referred to in section 42 may sign a purchase order or work order up to the amount specified as his or her spending authority so long as the expenditure has been approved by the Council as part of the annual budget.

Cheques

45. Cheques issued by the Haisla Nation must be signed by two individuals authorized to sign cheques on behalf of the Haisla Nation under a Haisla Nation policy referred to in section 42.

Required Policies and Procedures

46. The Council must establish policies and procedures respecting the following matters:

- (a) effective management and control of all Haisla Nation cash, funds and revenues, including internal controls for financial institution accounts and asset management;
- (b) effective management of all Haisla Nation expenditures, including internal controls for financial institution accounts and the procurement of goods and services;
- (c) expenditures for an emergency purpose which was not anticipated in the budget but which is not expressly prohibited by or under this Law or another Haisla Nation law;
- (d) management of advances, holdbacks, deposits and refunds;
- (e) collection and charging of interest;
- (f) writing off and extinguishing debts; and
- (g) fiscal year-end surpluses.

DIVISION 4 - Borrowing

Limitations on Borrowing

47.(1) In this Division, "borrow" includes obtain credit or grant security.

(2) Except as specifically authorized in this law, Haisla Nation must not borrow money, obtain credit or grant security.

(3) Subject to this law, if the Haisla Nation is authorized in this law to borrow money or grant security, the Council may authorize the director of finance to borrow money or grant security in the name of the Haisla Nation

(a) as specifically approved by the Council; or

(b) in accordance with the policies and procedures made by the Council.

Borrowing and Credit Powers of the Council

48.(1) The Council may, by resolution, borrow money on behalf of the Haisla Nation.

(2) Before passing a resolution under subsection (1), the Council must verify the following:

(a) if the relevant amount is less than \$3 (three) million, the responsible Haisla Nation officers have followed the procedures under section 49;

(b) if the relevant amount is equal to or greater than \$3 (three) million and less than \$15 (fifteen) million, the responsible Haisla Nation officers have followed the procedures under section 50; and

(c) if the relevant amount is equal to or greater than \$15 (fifteen) million, the responsible Haisla Nation officers have followed the procedures under section 51.

Amounts Under \$3 Million

49.(1) For proposed borrowing of less than \$3 (three) million, the director of finance must do the following:

(a) contact appropriate financial institutions from which the Haisla Nation may borrow funds;

(b) identify the most appropriate terms and conditions;

(c) analyze how the terms and conditions of the proposed debt are likely to impact the annual budget and the Haisla Nation's existing financial obligations and short and long-term financial planning;

(d) confirm that the Haisla Nation has the ability to satisfy the proposed repayment terms; and

- (e) identify any financial reporting implications in connection with the Haisla Nation incurring the proposed debt.

(2) Once the director of finance has completed the requirements in subsection (1), the director of finance must prepare a report which includes the following:

- (a) the amount to be borrowed;
- (b) the basis for the proposed amount to be borrowed, including the purpose and intended use of the funds;
- (c) any alternatives to paragraph (b) that the director of finance has considered or investigated;
- (d) an evaluation of relevant available lending, credit or financing options, including the following information for each:
 - (e) the date or dates all or any part of the principal amount would be repaid;
 - (f) the date or dates when interest on the debt would be paid; and
 - (g) the estimated cost of borrowing including interest payments and service or other charges;
 - (h) the director of finance's recommended option based on the evaluation undertaken under paragraph (d);
 - (i) a description of re-payment terms or schedules that considers the Haisla Nation's actual revenues and expenditures and anticipated revenues and expenditures;
 - (j) a description of how the proposed debt relates to, or may impact, the annual budget and Haisla Nation's relevant long and short-term financial planning;
 - (k) an assessment or identification of the risk involved;
 - (l) a discussion of any issues that may provide a basis not to proceed with borrowing the proposed amount or reason to impose certain requirements or conditions that the Haisla Nation should first satisfy before incurring the proposed debt; and
- (m) an identification of any other relevant matter that the director of finance has been instructed to consider by Council, the Executive Committee, or the chief administrative officer.

(3) If satisfied with the content of the report, the director of finance must submit the report to the chief administrative officer.

(4) The chief administrative officer will review the director of finance's report and if satisfied with the report must provide the report to the Executive Committee for the Committee's review and consideration, including any revisions and recommendations of the chief administrative officer.

(5) After reviewed the director of finance's report prepared under subsection (2), or a revised report prepared under subsection (4), the Executive Committee may do one of the following:

- (a) provide its recommendation concerning the proposed amount to be borrowed to the Council for the Council's decision under section 47;
- (b) direct the chief administrative officer to revisit, perform, or cause to be performed any requirement set out in subsections (1) and (2) and report back to the Executive Committee; or
- (c) direct that the matter be subject to the procedures under section 50 respecting proposed borrowing of amounts equal to or greater than \$3 (three) million and less than \$15 (fifteen) million.

(6) The Council must review any recommendation from the Executive Committee under paragraph (5)(a), and if the Council is satisfied that the procedures in section 47 have been met, the Council may approve the proposal to borrow funds of less than \$3 (three) million.

Amounts between \$3 Million and \$15 Million

50.(1) For proposed borrowing of funds equal to or greater than \$3 (three) million and less than \$15 (fifteen) million, the Haisla Nation must retain a qualified financial analyst to advise the Executive Committee concerning the Haisla Nation's finances for the purpose of providing an independent professional opinion regarding the advisability of borrowing funds equal to or greater than \$3 (three) million and less than \$15 (fifteen) million.

(2) The director of finance is responsible for appointing and overseeing the work of the financial analyst and must direct the financial analyst to address the lists of requirements and considerations in subsections 49(1) and (2) when preparing an opinion.

(3) The director of finance must provide the financial analyst with all relevant information the financial analyst requires to provide the opinion under subsection (1).

(4) On receipt of the financial analyst's advisory opinion, the director of finance must present the opinion or report on the results of the opinion to the chief administrative officer.

(5) On receipt of the information under subsection (5), the chief administrative officer must do one of the following:

- (a) if the chief administrative officer is satisfied that the requested advisory opinion is complete, arrange for the financial analyst to present the opinion to the Executive Committee and answer any questions; or
- (b) if the chief administrative officer is not satisfied that the requested advisory opinion is complete either
 - (i) direct the director of finance to undertake any step in relation to the matters listed in subsections 49(1) and (2) and report back to the chief administrative officer, or

(ii) present the chief administrative officer's views to the Executive Committee, provide options to address any concerns (such as obtaining a second opinion from a different qualified financial analyst), and seek directions from the Executive Committee on how to proceed.

(6) After the Executive Committee has considered the results of the financial analyst's advisory opinion and advice given under subsection (5), the Executive Committee must make a recommendation to the Council concerning the advisability of borrowing funds equal to or greater than \$3 (three) million and less than \$15 (fifteen) million.

(7) The Council must consider the Executive Committee's recommendation under subsection (7), and if the Council is satisfied that the procedures in section 49 have been met, the Council may decide whether to borrow funds equal to or greater than \$3 (three) million and less than \$15 (fifteen) million.

(8) The Council must include the following in a resolution to borrow funds equal to or greater than \$3 (three) million and less than \$15 (fifteen) million:

- (a) a statement that the requirements in section 49 have been fully satisfied;
- (b) the recommendation of the Executive Committee; and
- (c) whether the Council has agreed or disagreed with the recommendation of the Executive Committee, and the reasons for that agreement or disagreement.

Amounts of \$15 Million or Greater

51.(1) For proposed borrowing of funds equal to or greater than \$15 (fifteen) million, the Haisla Nation must follow the process described in subsections 50(1) to (7) and the supplementary process set out in this section.

(2) The Council must review the Executive Committee's recommendation and if the Council is satisfied that the procedures in section 49(1) to (6) have been met, and wishes to proceed with the contemplated borrowing, the Council must call for a community ratification vote.

(3) The Council may only proceed with a loan under this section if the loan has been authorized by a vote of Haisla Nation members approving the loan in accordance with the Haisla Nation Ratification Policy, as amended from time to time.

(4) Before the date for the community ratification vote referred to in subsection (2), the Council must ensure that an information package is provided to membership containing at least the following information:

- (a) the proposed amount to be borrowed, including the purpose and intended use of the funds;
- (b) the security, if any, to be provided in relation to the loan;
- (c) the costs of borrowing; and
- (d) the repayment conditions.

(5) Following receipt of the results of the community ratification vote, the Council must decide that the conducted vote met the requirements of the Haisla Nation Ratification Policy before accepting its results.

(6) A community ratification vote will be determined to have approved the proposal to borrow funds equal to or greater than \$15 (fifteen) million if the majority of the votes cast are in the affirmative.

(7) If, subsequent to the community ratification vote, the Council decides to proceed with the community ratified borrowing, the Council must pass a resolution authorizing the borrowing which must include

- (a) a statement that the requirements of section 49 have been fully satisfied; and
- (b) the results of the community ratification vote.

Borrowing for Repayment of Debts

52. Subject to this law, Haisla Nation may borrow money that is required for the repayment or refinancing of any debt of the Haisla Nation.

Use of Borrowed Money

53.(1) Subject to subsection (2), money borrowed by the Haisla Nation for a specific purpose must not be used for any other purpose.

(2) All or some of the money borrowed for a specific purpose by the Haisla Nation, and not required to be used immediately for that purpose, may be temporarily invested under subsection 59(1) until required for that purpose.

(3) If some of the money borrowed for a specific purpose is no longer required for that purpose, that money must be applied to repay the debt from the borrowing.

Borrowing Member Requirements

54.(1) This section applies if Haisla Nation is a borrowing member.

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

(3) Haisla Nation 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 Haisla Nation 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

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

Execution of Security Documents

56.(1) Subject to subsection (2), a security granted by Haisla Nation must be signed by a councillor designated by the Council and by either the chief administrative officer or the director of finance.

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

Operational Controls

57. The 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 the Haisla Nation's operations.

DIVISION 5 - Risk Management

Limitations on Business Activity

58.(1) The Council must establish policies and procedures respecting establishment and implementation of an effective system to limit or manage risks associated with Haisla Nation carrying on for-profit activities.

(2) Without limiting the generality of the forgoing, the risk management policies and procedures must address:

- (a) the ways in which the Haisla Nation must structure business arrangements;
- (b) the ways in which Haisla Nation must protect and expand Haisla Nation financial assets;
- (c) the circumstances under which the Haisla Nation will provide guarantees and indemnities;
- (d) the ways in which risk must be managed if and when guarantees or indemnities are provided; and
- (e) the investment of Haisla Nation's financial assets.

Guarantees and Indemnities

59.(1) Haisla Nation must not give a guarantee unless the Council has considered the report of the finance manager under subsection (2).

(2) Before the 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 Haisla Nation to honour the guarantee should it be required to do so.

(3) Haisla Nation must not give an indemnity unless it is

- (a) authorized under section 111,
- (b) necessary and incidental to and included in another agreement to which Haisla Nation is a party, or
- (c) in relation to a security granted by Haisla Nation that is authorized under this Law or another Haisla Nation law.

(4) Subject to a resolution described in section 111, the Council must make policies and procedures respecting guarantees and indemnities as follows:

- (a) specifying circumstances, if any, under which an indemnity may be given without Council approval;
- (b) designating the persons who may give an indemnity on behalf of Haisla Nation and specifying the maximum amount, if any, 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 Haisla Nation.

Authority to Invest

60.(1) The Haisla Nation is authorized in this law to invest the Haisla Nation's financial assets:

- (a) as specifically approved by the Council; or
- (b) in accordance with the investment policy made by the Council pursuant to section 62;
- (c) as set out in this law.

(2) Despite any other provision in this Law, Haisla Nation may only invest the tax funds and government transfer funds in investments specified in subsection 82(3)(a), (b), (c) or (d) of the *First Nations Fiscal Management Act* and in investments in securities issued by the First Nations Finance Authority or a municipal finance authority established by a province.

(3) Haisla Nation may invest its financial assets, other than tax funds and government transfer funds, in one or more of the following:

- (a) securities issued or guaranteed by Canada or a province;

- (b) fixed deposits, notes, certificates and other short-term paper of, or guaranteed by, a financial institution, including swaps in American currency;
- (c) securities issued by the First Nations Finance Authority or by a local, municipal or regional government in Canada;
- (d) commercial paper issued by a Canadian company that is rated in the highest category by at least two (2) recognized security-rating institutions;
- (e) any investments a trustee may make under an enactment of a province relating to trustees; or
- (f) any other investments or class of investments prescribed by a regulation under the Act.

General Requirements

61. The Council may approve investment policies for the management of Haisla Nation investments for the purpose of advancing the Haisla Nation's economic development for the benefit of Haisla Nation members.

Investment Policies

62.(1) The Council may approve investment policies which set out the policy, objectives and framework for the investment of Haisla Nation financial assets.

(2) The Executive Committee is responsible for overseeing the preparation and presentation of investment policies to the Council for approval.

(3) The Executive Committee may assign the preparation of investment policies to the chief administrative officer.

(4) With the prior approval of the Council, the Executive Committee or the chief administrative officer may engage the services of a professional who is qualified to act as an investment manager to assist with development of the investment policies.

(5) The Executive Committee must make reasonable best efforts to ensure that the following considerations are addressed during the development of an investment policy:

- (a) the purpose of the investments and Haisla Nation's short and long-term investment goals;
- (b) the allowable uses of Haisla Nation financial assets for investing and whether there should be excluded types or categories of investments;
- (c) whether an investment account or designated fund should be established for the receipt of multiple deposits of Haisla Nation financial assets from various revenue sources;
- (d) when an investment account or designated fund is established under paragraph (c), whether the same investment policy should apply and the same investment

manager should continue to manage the investments from that investment account or designated fund;

- (e) Haisla Nation officer, employee or committee assigned to monitor investment performance or to oversee the work of an investment manager and to monitor the investment manager's compliance with the investment policy on the Haisla Nation's behalf; and
- (f) the reporting obligations of the Haisla Nation officer, employee or committee referred to in paragraph (e) including to whom and how often they must report.

Investment Manager Selection

63.(1) The director of finance is responsible for preparing a list of potential investment managers and present the candidates to the chief administrative officer.

(2) The chief administrative officer must recommend an investment manager to the Executive Committee after considering the list of potential investment managers prepared by the director of finance.

(3) An investment manager retained by the Haisla Nation must be a firm or individual that is a member in good standing with the Investment Industry Regulatory Organization of Canada, or an equivalent body and the Canadian Investor Protection Fund, or equivalent body, and is registered with the British Columbia Securities Commission as an advisor in the category of "portfolio manager" according to National Instrument 31-103 7.2(1)(a), as amended from time to time.

(4) The Council is responsible for engaging an investment manager after considering the recommendations of the Executive Committee.

(5) The terms of engagement of any investment manager must permit the Council to terminate an investment manager for any reason and at any time and may permit the investment manager to resign at any time after giving thirty (30) days written notice to the Council.

Investments

64. (1) The chief administrative officer is responsible for directing the investment manager to comply with the applicable investment policy, approved by the Council, and for working with the investment manager to develop a specific set of investment guidelines, rules and objectives that take into account the following:

- (a) the general economic conditions;
- (b) the allowable risk tolerance for the investment of funds;
- (c) the possible effect of inflation or deflation;
- (d) the expected tax consequences for the Haisla Nation or related entities of investment decisions or strategies;

- (e) the role that each investment or course of action plays within the overall portfolio of the investment fund;
- (f) the expected total return from income and the appreciation of capital;
- (g) the resources of the class of Haisla Nation members that are the intended beneficiaries of the investments according to the applicable Haisla Nation Investment Policy;
- (h) the need for liquidity, regularity of income and preservation or appreciation of capital;
- (i) an asset's special relationship, if any, to the purposes of the investment fund or to the class of Haisla Nation members that are the intended beneficiaries of the investments according to the applicable investment policy; and
- (j) the appropriate level of diversification of the investment of capital, income, revenue or property designated for investment, having regard to the general economic and market conditions.

(2) Despite any other provision in this section, the First Nation may only invest the following funds in investments specified in paragraph 82(3)(a), (b), (c) or (d) of the Act and in investments in securities issued by the First Nations Finance Authority or a municipal finance authority established by a province:

- (a) government transfer funds;
- (b) local revenues.

Permitted Loans to Haisla Nation Members

65.(1) Haisla Nation may only make a loan to a member of Haisla Nation or to an entity in which a member of the Haisla Nation has an interest if the loan is made from a program of the Haisla Nation that has been approved by the Council and that meets the requirements of this section.

(2) Before the Council establishes a program under this section, the director of finance must prepare a report for Council identifying any risks associated with the program and the costs of administering the program.

- (3) A program referred to in subsection (1) must satisfy the following criteria:
 - (a) the program must be universally available to all members of the Haisla Nation;
 - (b) the terms and conditions of the program must be published and accessible to all members of the Haisla Nation;
 - (c) all loans made from the program and all payments received from those loans must be set out in an annual report that includes details about
 - (i) the amounts loaned,

- (ii) the purposes of the loans,
 - (iii) subject to applicable privacy laws, the names of those receiving a loan, and
 - (iv) repayments of principal and interest on the loans; and
- (d) all loans must be recorded in a written agreement that sets out the terms for repayment of principal and interest and, if applicable, provisions concerning security for repayment.

(4) The Council must make policies and procedures for the operation of the program referred to in this section.

Loans

66.(1) Subject to section 65, the Council may authorize a loan from Haisla Nation financial assets held in a general account and direct, by resolution, the director of finance to negotiate the terms and conditions of each loan including the written agreement specifying those terms and conditions.

(2) If the director of finance negotiates a loan agreement, the loan agreement must first be approved by the Council before it may be executed.

(3) No loan agreement with the Haisla Nation is valid and binding on the Haisla Nation unless it has been approved by the Council and executed after such approval.

Definition

67. In sections 68 to 71, "arrears" means unpaid and overdue loans or debts, or unfulfilled financial obligations under written agreements.

Payment

68. The director of finance must make reasonable efforts to ensure the timely repayment of loans and debts owing to the Haisla Nation and to negotiate payment plan agreements for the repayment of all arrears to the Haisla Nation, in accordance with section 69.

Payment Plans

69. Unless otherwise approved by resolution of the Council, the director of finance must ensure that any written payment plan agreement setting out the terms for repayment of arrears for a loan or debt for an amount

- (a) less than \$1,000.00 (one thousand dollars) is for a term no longer than twelve (12) months, and
- (b) equal to or greater than \$1,000.00 (one thousand dollars) is for a term no longer than twenty-four (24) months.

Collections

70.(1) This section applies if the arrears are greater than \$1,000.00 (one thousand dollars) and more than 90 days overdue.

(2) The director of finance may use a debt collection agency or, if approved by a resolution of the Council, an action in the court, to collect arrears for which the debtor has either failed to enter into a payment plan according to section 69 or has failed to satisfy the terms of the payment plan.

(3) Before initiating any collection action under this section, the director of finance must make reasonable efforts to enter into a payment plan agreement with the debtor in accordance with section 68.

Set off

71. The Council may set off any debt amount owing to the Haisla Nation against any amount owed to the debtor from the Haisla Nation if, following the director of finance's reasonable efforts to collect the debt's arrears, the debtor has failed to enter into a payment plan agreement under section 69 or has failed to satisfy the terms of the payment plan agreement.

Statement of Account

72. The director of finance must render a statement of account to all debtors of the Haisla Nation on a monthly basis.

Risk Assessment and Management

73.(1) Annually, and more often if necessary, the chief administrative officer must identify and assess any significant risks to Haisla Nation's financial assets, Haisla Nation's tangible capital assets as defined in section 96 and the operations of Haisla Nation.

(2) Annually, and more often if necessary, the chief administrative officer must report to the Executive Committee on proposed plans to mitigate the risks identified in subsection (1) or, where appropriate, to manage or transfer those risks by agreement with others or by purchasing insurance.

Insurance

74.(1) On recommendation of the Executive Committee, the Council must procure and maintain in force all insurance coverage that is appropriate and commensurate with the risks identified in section 73 and any other risks associated with any assets, property or resources under the care or control of Haisla Nation.

(2) The 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.

Fraud Risks

75.(1) In this section:

“fraudulent financial reporting” means an intentional act in financial reporting that is designed to deceive users of financial reports and that may result in a material omission from or misstatement of financial reports;

“fraudulent non-financial reporting” means an intentional act in non-financial reporting that is designed to deceive users of non-financial reports; and

“misappropriation of assets” means the theft of Haisla Nation assets in circumstances where the theft may result in a material omission or misstatement in financial reports.

(2) The Council must establish policies and procedures for the identification and assessment of the following types of potential fraud in Haisla Nation:

- (a) fraudulent financial reporting;
- (b) fraudulent non-financial reporting;
- (c) misappropriation of assets; and
- (d) corruption and illegal acts.

DIVISION 6 - Financial Reporting

GAAP

76. All accounting practices of Haisla Nation must comply with GAAP.

Separate Accounting

77.(1) The finance manager must account for local revenues of Haisla Nation separately from other moneys of Haisla Nation.

(2) If Haisla Nation 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 Haisla Nation separately from other moneys of Haisla Nation, and
- (b) provide the First Nations Finance Authority or the FMB, on its request, with accounting information respecting the other revenues.

Monthly Financial Information

78.(1) At The end of each month, the director of finance must prepare financial information respecting the financial affairs of Haisla Nation in the form and with the content approved by the Council on the recommendation of the Executive Committee.

(2) The director of finance must provide the financial information in subsection (1) to the Council and the Executive Committee not more than forty-five (45) days following the end of the month for which the information was prepared.

Quarterly Financial Statements

79.(1) At the end of each quarter of the fiscal year, the director of finance must prepare financial statements for Haisla Nation for that quarter in the form and with the content approved by the Council on the recommendation of the Executive Committee.

(2) The quarterly financial statements in subsection (1) must include the following information from the previous quarter:

- (a) summary of revenues and expenditures for the previous quarter;
- (b) a cumulative summary of year-to-date revenues and expenditures;
- (c) financial institution account balances for all general accounts and the tax account; and
- (d) other financial information considered important by the finance manager.

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

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

- (a) reviewed by the Executive Committee and recommended to Council for approval; and
- (b) reviewed and approved by the Council.

Annual Financial Statements

80.(1) This section does not apply to the annual financial statements respecting local revenues referred to in section 82.

(2) At the end of each fiscal year the director of finance must prepare the annual financial statements of Haisla Nation for that fiscal year in accordance with GAAP and to a standard that is at least comparable to that generally accepted for governments in Canada.

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

(4) The annual financial statements must include the following information:

- (a) financial information of Haisla Nation for the fiscal year; and
- (b) the revenue categories for the Haisla Nation's lands referred to in subsection 27(2).

(5) The director of finance must provide draft annual financial statements to the Executive Committee for review within forty-five (45) days following the end of the fiscal year for which they were prepared.

(6) The Executive Committee must present draft annual financial statements to the Council for review within sixty (60) days following the end of the fiscal year for which they were prepared.

Local Revenues Annual Financial Statements

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

(2) The 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 the First Nation 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 the First Nation chooses to report on its local revenues in that manner.

Special Purpose Reports

82.(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 10(2);
- (c) a report setting out all debts or obligations forgiven by Haisla Nation;
- (d) a report setting out the information required in paragraph 65(3)(c);
- (e) if the Haisla Nation has a land code in force, a report setting out moneys of the Haisla Nation derived from Haisla Nation lands, categorized and shown separately from other revenues and that includes a sub-category respecting revenues from natural resources obtained from Haisla Nation lands; and
- (f) 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 Haisla Nation has under an agreement.

Appointment of Auditor

83.(1) The Council, on behalf of Haisla Nation, must point an auditor for each fiscal year to hold office until the later of

- (a) the end of the 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 recommended by the Executive Committee and must include the content required by the Canadian generally accepted auditing standards. The letter must also include the auditor's obligation:

- (a) to confirm in writing that the annual financial statements and the audit of them comply with this law, or
- (b) to identify in writing consequential non-compliance matters.

(3) To be eligible for appointment as the auditor of Haisla Nation, an auditor must

- (a) be independent of Haisla Nation, 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, the Canadian Institute of Chartered Accountants, the Certified General Accountants Association of Canada or the Society of Management Accountants of Canada and their respective counterparts 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 Haisla Nation 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 Haisla Nation in writing of the circumstances, and
- (b) eliminate the circumstances that resulted in loss of independence or resign as the auditor.

(5) For greater certainty, the fact that an auditor provides services to related bodies does not indicate that the auditor is not independent within the meaning of subsections 83(3) and 83(4).

Auditor's Authority

84.(1) To conduct an audit of the annual financial statements of Haisla Nation, the auditor must be given access to

- (a) all records of Haisla Nation for examination or inspection and given copies of these records on request, and

- (b) any councillor, officer, employee, contractor or agent of Haisla Nation 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 Haisla Nation as necessary for the performance of the auditor's duties.
- (3) The auditor must be given notice of
- (a) every meeting of the Executive Committee, and
 - (b) the 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 he or she 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 Haisla Nation.
- (5) The auditor may communicate with the Executive 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 Executive Committee or the Council by a recorded vote if the subject matter relates to the retaining or dismissal of the auditor.

Audit Requirements

- 85.(1) Subject to subsection (2), the annual financial statements of the Haisla Nation must be audited not more than one hundred and twenty (120) days after the fiscal-year end.
- (2) The separate annual financial statements respecting local revenues must be audited by the auditor at least once every calendar year.
- (3) The auditor must conduct the audit of the annual financial statements in accordance with generally accepted auditing standards established by the Chartered Professional Accountants of Canada and any applicable requirements of Crown and Indigenous Relations and Northern Affairs Canada or Indigenous Services Canada.
- (4) When conducting the audit, the auditor must
- (a) provide an audit report of the annual financial statements,
 - (b) provide an audit report or a review engagement report on the special purpose reports referred to in section 82, and

- (c) include a general review of the adequacy of the accounting procedures and systems of control employed to preserve and protect the assets of the Haisla Nation.

Review of Audited Annual Financial Statements

86.(1) The audited annual financial statements must be provided to the Executive Committee for its review and consideration not more than one hundred and five (105) days after the fiscal year-end for which the statements were prepared.

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

Access to Annual Financial Statements

87.(1) Before the annual financial statements may be published or distributed, they must

- (a) be approved by the Council,
- (b) be signed by
 - (i) the Chief Councillor of Haisla Nation or the Council chair,
 - (ii) the chair of the Executive 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 must be available for inspection by members of Haisla Nation at the principal administrative offices of Haisla Nation 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 Haisla Nation during normal business hours:

- (a) the audited annual financial statements respecting local revenues referred to in section 80; or
- (b) the audited annual financial statements referred to in section 82 if those statements include a report on local revenues as a distinct segment of the activities that appear in those statements.

Annual Report

88.(1) Not later than one hundred and eighty (180) days after the end of each fiscal year, the Council must prepare and publish an annual report on the operations and financial performance of Haisla Nation for the previous fiscal year.

(2) The annual report referred to in subsection (1) must include the following:

- (a) a description of the services and operations of Haisla Nation;
- (b) a progress report on any established objectives and performance measures of Haisla Nation;
- (c) the audited annual financial statements for the previous fiscal year, and
- (d) any special purpose reports referred to in section 82, including the auditor's report or review engagement report, as applicable.

(3) The chief administrative officer must provide the annual report referred to in subsection (1) to a member of Haisla Nation as soon as practicable after a request is made by the member and to the First Nations Finance Authority as soon as practicable after the report's publication, if Haisla Nation is a borrowing member.

(4) The Council must establish policies and procedures respecting an accessible process and remedy available to Haisla Nation members who have requested but have not been provided with the annual report of Haisla Nation including requiring

- (a) the maintenance of a register for the annual report that identifies all members who have requested a copy of the annual report, the date each request was received and the date the annual report was provided to the member; and
- (b) the chief administrative officer to report quarterly to the Executive Committee on the steps taken to ensure compliance with subsection (3) and council policy made under this subsection.

Financial Reporting by Department Managers

89. Department managers who oversee programs with financial reporting obligations to federal government departments, agencies or ministries must first submit financial reports and records to the Finance Manager for approval before complying with federal reporting obligations.

DIVISION 7 - Information and Information Technology

Ownership of Records

90.(1) All records that are produced by or on behalf of Haisla Nation or kept, used or received by any person on behalf of Haisla Nation are the property of Haisla Nation.

(2) The Council must establish policies and procedures to ensure that the records referred to in subsection (1) remain the property of Haisla Nation.

Operations Manual

91.(1) The chief administrative officer must prepare and maintain a current operations manual respecting every element of the Haisla Nation's administrative systems, including any financial administration systems referred to in this law.

(2) The operations manual under subsection (1) must be made available to councillors, members of the Executive Committee and all other Council committees and officers and employees of the Haisla Nation.

(3) If any part of the operations manual under subsection (1) is relevant to the services being provided by a contractor or agent of the Haisla Nation, that part of the operations manual must be made available to the contractor or agent.

Record Keeping and Maintenance

92.(1) The chief administrative officer must ensure that the Haisla Nation prepares, maintains, stores, and keeps secure all of Haisla Nation's records, regardless of media, that are required under this law or any other applicable law.

(2) The Haisla Nation's records may not be destroyed or disposed of except as permitted by, and in accordance with, the policies and procedures approved by Council or their delegates.

(3) All financial records of the Haisla Nation must be stored for at least seven (7) years after they were created.

(4) The Council must establish policies and procedures respecting access of any persons to Haisla Nation's records.

Confidentiality of Information

93.(1) No person may be given access to the Haisla Nation's records containing confidential information except as permitted by, and in accordance with, the policies and procedures of the Council.

(2) All persons who have access to the Haisla Nation's records must comply with all policies and procedures of the Council respecting the safeguarding, privacy protection, confidentiality, control, use, copying or release of that record or information contained in those records.

Account Records

94.(1) The tax administrator must prepare, maintain, store and retain a complete set of all records respecting the local revenue system of Haisla Nation, including, but not limited to all records referred to in section 5 of the *Revenue Management Implementation Regulations*.

(2) If Haisla Nation 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 Haisla Nation, 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

95. The Council must establish policies and procedures respecting information technology used by Haisla Nation in its operations to ensure the integrity and authenticity of Haisla Nation's financial administration system and its database.

PART V - Capital Projects and Procurement

Definitions

96. In this Part,

"capital project" means:

- (a) a project involving the construction, rehabilitation or replacement of Haisla Nation's tangible capital assets, and
- (b) any other major capital works projects funded by tax funds;

"Haisla Nation's tangible capital assets" means all non-financial assets of Haisla Nation having physical substance that has a value of over \$10,000

- (c) 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,
- (d) have useful economic lives extending beyond an accounting period,
- (e) are to be used on a continuing basis, and
- (f) are not for sale in the ordinary course of operations;

"life-cycle management program" means the program of inspection, review, planning, maintenance, replacement and oversight for management of Haisla Nation's tangible capital assets as described in section 100; and

"rehabilitation" includes alteration, extension and renovation but does not include routine maintenance.

Council General Duties

97. The Council must take reasonable steps to ensure that Haisla Nation's tangible capital assets are recorded in an assets register,

- (a) adequately safeguarded,
- (b) maintained in a good and safe condition and to the same standard as a prudent owner of those assets;
- (c) the rehabilitation or replacement of the Haisla Nation's tangible capital assets is in accordance with the life-cycle management program described in this Part; and
- (d) to the extent reasonably practicable, Haisla Nation's tangible capital assets are financed, planned, managed and constructed in accordance with standards that generally apply for communities in the region in which the majority of the Haisla Nation's lands are located.

Tangible Capital Assets Reserve Fund

98. The Council must establish and manage a tangible capital assets reserve fund for the purpose of funding expenditures for capital projects carried out under this Part.

Reports on Capital Projects

99. At each Executive Committee meeting, the chief administrative officer must, when requested to do so in advance by the Executive Committee, report on the following subjects:

- (a) year to date borrowings, loans and payments in respect of each capital project;
- (b) the status of a capital project, including
 - (i) a comparison of expenditures to date with the project budget,
 - (ii) a detailed description of any identified legal, financial, technical, scheduling or other problems, and
 - (iii) the manner in which a problem identified in subparagraph (ii) has been or will be addressed; and
- (c) steps taken to ensure compliance with section 102 for every capital project.

Life-cycle Management Program

100.(1) The chief administrative officer must establish a life-cycle management program for Haisla Nation's tangible capital assets which includes the following:

- (a) location and purpose of the asset;
- (b) ownership and restrictions over ownership of the asset;
- (c) year of acquisition;
- (d) last inspection date of the asset;
- (e) expected life of the asset at the time of acquisition;
- (f) assessment of condition of the asset and its remaining useful life;
- (g) estimated residual value of the asset;
- (h) insurance coverage for the asset; and
- (i) any other information required by the Council.

(2) On or before November 30 of each year, the chief administrative officer must arrange for the inspection and review of the state of each of the Haisla Nation's tangible capital assets with a value exceeding \$10,000 (ten thousand dollars) to establish or update information respecting the following matters:

- (a) its present use;
- (b) its condition and state of repair;
- (c) its suitability for its present use;
- (d) its estimated remaining life;
- (e) its estimated replacement cost;
- (f) estimated dates and costs of its required future rehabilitation;
- (g) a comparison of annual operating and maintenance costs, other than rehabilitation costs, for the last five (5) fiscal years;
- (h) maintenance records for all periods up to the date of inspection; and
- (i) property and liability insurance covering the capital asset and its use or operation.

(3) On or before December 31 of each year, the director of finance must prepare the following:

- (a) a schedule of annual routine maintenance, other than rehabilitation, for each of the Haisla Nation's tangible capital assets for the next fiscal year;
- (b) five (5), ten (10) and thirty (30) year forecasts of the estimated cost for rehabilitation or replacement of the Haisla Nation's tangible capital assets;
- (c) the proposed budget for rehabilitation of the Haisla Nation's tangible capital assets for the next fiscal year, setting out
 - (i) each proposed rehabilitation project and its schedule,
 - (ii) the estimated cost, including contingencies, of each proposed rehabilitation project, and
 - (iii) the estimated amounts and timing of money that is required to carry out each proposed rehabilitation project; and
- (d) the proposed budget for replacement of the Haisla Nation's tangible capital assets for the next fiscal year setting out
 - (i) each proposed replacement project and its schedule,
 - (ii) the description of each asset to be replaced,
 - (iii) the estimated cost, including contingencies, of each proposed replacement project, and
 - (iv) the reasons why each proposed acquisition should be regarded as a replacement for the capital asset to be replaced.

Review by Executive Committee

101.(1) On or before January 15 of each year, the Executive Committee must review the information, schedules and budget prepared under section 99 for the following purposes:

- (a) To identify any means to reduce the costs of each rehabilitation or replacement project included in the proposed budgets;
- (b) to know the effect that each rehabilitation or replacement project included in the proposed budgets will have on the annual operating costs and routine maintenance costs in future years; and
- (c) to determine whether any significant savings might be affected by coordinating the scheduling of projects, deferring any projects or carrying out rehabilitation projects rather than replacement projects.

(2) On or before January 15 of each year, the Executive Committee must review any plans for new construction of the Haisla Nation's tangible capital assets, including the proposed schedule, budget and impact on annual operating costs and routine maintenance costs in future years.

Capital Projects Contracts and Tenders

102.(1) The Council must establish policies and procedures respecting the management of capital projects, including the following:

- (a) project planning, design, engineering, safety and environmental requirements;
- (b) project costing, budgeting, financing and approval;
- (c) project and contractor bidding requirements;
- (d) tender, contract form and contract acceptance;
- (e) course of construction insurance;
- (f) project performance guarantees and bonding;
- (g) project control, including contract management; and
- (h) holdbacks, work approvals, payment and audit procedures.

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

Capital Project Consultants

103. The chief administrative officer may retain the services of a professional engineer or other consultant to assist the chief administrative officer, Executive Committee and Council to carry out their obligations under this Part.

Policy for Information or Involvement of Members

104. The Council must establish policies and procedures for

- (a) the provision of information to members of the Haisla Nation respecting capital projects; or
- (b) the involvement of members of the Haisla Nation in consideration of capital projects.

Awarding of Contracts

105.(1) The Council may, by resolution, approve any contracts on behalf of the Haisla Nation if the following conditions are met:

- (a) any expenditure required of the Haisla Nation in the contract meets the requirements under section 37;
- (b) the chief administrative officer is made responsible for managing the contract; and
- (c) the director of finance confirms to the Council that the funds are available to pay the expenditure.

(2) The Council may, by resolution, designate the following employees, officers or committee to approve contracts with amounts up to the specified limits:

Title	Limit
a. department manager	\$25,000.00
b. director of finance	\$75,000.00
c. chief administrative officer	\$100,000.00
d. Executive Committee	\$125,000.00

(3) Before a person or committee referenced in subsection (2) and designated by resolution of the Council may exercise the authority to approve a contract, the following conditions must be met:

- (a) there must be an appropriation in the annual budget for required expenditures under the contract;
- (b) the expenditures required under the contract are consistent with prudent cash management practices;
- (c) the chief administrative officer is responsible for managing the contract; and
- (d) the director of finance confirms there are available Haisla Nation financial assets for the expenditures required in the contract.

(4) A person who executes a contract on behalf of the Haisla Nation must provide an original signed copy of that contract to the director of finance.

Tendering Process

106.(1) The Council must establish policies and procedures describing the circumstances when a public tender is required for a capital project and setting out the tendering process applicable to a public tender including the following:

- (a) form and content of invitations to tender;
- (b) minimum tendering period;
- (c) procedure for receiving tenders;
- (d) location and manner in which tenders are opened, including how tenders are recorded;
- (e) approval requirements and evaluation criteria;
- (f) process that applies in emergency situations; and
- (g) any further policy and procedure that the Council considers necessary.

(2) Upon acceptance of a tender for the performance of work, goods, or services, the Executive Committee must ensure that

- (a) a written contract is signed by both the party accepting the contract and an authorized representative of the Haisla Nation; and
- (b) a copy of the written contract is maintained as a financial record of the Haisla Nation.

(3) No person may make payments on any contract without supporting documentation as required by any Council policy, procedure or direction.

PART VI - Reporting Breaches

Reports of Breaches and Financial Irregularities, etc.

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

- (a) an expenditure, liability or other transaction of Haisla Nation is not authorized by or under this Law or another Haisla Nation law,
- (b) there has been a theft, misappropriation or other misuse or irregularity in the funds, accounts, assets, liabilities and financial obligations of Haisla Nation,
- (c) a provision of this Law has been contravened, or
- (d) a person has failed to comply with the Schedule that forms part of this law,

the person may disclose the circumstances to the chair of the Executive Committee.

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

(3) If an officer, employee, contractor or agent of Haisla Nation becomes aware of any circumstances described under subsection (1), the officer, employee, contractor or agent, as the case may be, must report them to the chief administrative officer or the chair of the Executive Committee.

Inquiry into Report

108.(1) If a report is made to the chief administrative officer under subsection 106, the chief administrative officer must inquire into the circumstances reported and report the findings to the Executive Committee as soon as practicable.

(2) If a report is made to the chair of the Executive Committee under section 106, the chair must inquire into the circumstances reported and report the findings to the Executive Committee as soon as practicable.

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

Protection of Parties

109.(1) All reasonable steps must be taken by the chief administrative officer, the members of the Executive Committee and the councillors to ensure that the identity of the person who makes a report under section 107 is kept confidential to the extent practicable in all the circumstances.

(2) A person who makes a report in good faith under section 106 must not be subjected to any form of reprisal by Haisla Nation or by a councillor, officer, employee, contractor or agent of Haisla Nation as a result of making that report.

(3) The chief administrative officer and the chair of the Executive Committee must take all necessary steps to ensure that subsection (2) is not contravened and must report any contravention or suspected contravention to the Council.

(4) The Council must establish policies and procedures

- (a) for the recording and safeguarding of reports made under section 107 and any records prepared during the inquiry or investigation into those reports;
- (b) for the inquiry or investigation into reports made under section 107; and
- (c) concerning the fair treatment of a person against whom a report has been made under section 107.

Liability for Improper Use of Money

110.(1) A councillor who votes for a resolution authorizing an amount to be expended, invested or used in a way that he or she knows to be contrary to this law or another Haisla Nation law is personally liable to the Haisla Nation for the amount of any loss caused by resulting expenditure, investment or use.

(2) An amount owed to the Haisla Nation under subsection (1) may be recovered for the Haisla Nation by an action initiated by Haisla Nation Council.

Indemnification against Proceedings

111.(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);

“Haisla Nation official” means a current or former councillor, officer or employee of Haisla Nation.

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

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

PART VII - Miscellaneous

FMB Standards

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

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

Delegated Authority for Local Revenues

113.(1) This section applies to Haisla Nation 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 Haisla Nation under section 53 of the Act that third-party management of Haisla Nation's local revenues is required, the Council of Haisla Nation delegates to the FMB

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

Delegated Authority for Other Revenues

114.(1) This section applies to Haisla Nation 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 Haisla Nation under section 53 of the Act that third-party management of Haisla Nation's other revenues is required, the Council of Haisla Nation 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 the Council's powers required to give effect to third-party management of Haisla Nation's other revenues under the Act.

Periodic Review and Changes of Law

115.(1) On a regular, periodic basis established by a policy of the Council, the Executive Committee must conduct a review of this Law

- (a) to determine if it facilitates effective and sound financial administration of Haisla Nation; and
 - (b) to identify any amendments to this Law that may better serve this objective.
- (2) The Council must establish policies and procedures for
- (a) the members of Haisla Nation proposed amendments of this Law; or
 - (b) the involvement of members of the Haisla Nation in consideration of an amendment to this Law.

(3) The Council must post a public notice of each Council meeting when a proposed amendment to this Law is presented for approval.

(4) Members of the Haisla Nation may attend that part of the Council meeting when the matter referred to in subsection (3) is being considered.

(5) Subject to subsections (1) to (4) this Law may be amended or repealed by resolution of Council.

(6) If Haisla Nation 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.

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

Repeal of Financial Administration By-law, 2020

116. The *Haisla Nation Financial Administration By-Law, 2020* is repealed.

Coming into Force

117.(1) This section and the operative portions of sections 1-6, 24, 27, 30, 31, 76-81, 83-87, 90, 94 and 112-116 come into force on the day after this Law is approved by the FMB under section 9 of the Act.

(2) The operative portions of sections 8, 11, 12(1), 18(1), 19(1), 21(1), 22, 23, 25, 26, 32, 88, and 107-110 come into force on January 1, 2024.

(3) The remaining provisions of this Law come into force

- (a) on the day that is 36 months after the date when Haisla Nation becomes a borrowing member of the First Nations Finance Authority, or
- (b) on such earlier date or dates established by resolution of the Council.

THIS LAW IS HEREBY DULY ENACTED by Council on the 16 day of November 2022, at Haisla, in the Province of British Columbia at a duly called and conducted Council meeting at which the required quorum of SIX (6) members of Council was present throughout.



Chief Councillor Crystal Smith



Councillor Arthur Renwick



Councillor Dayna Grant

Councillor Brenda Duncan


Councillor Kevin Stewart



Councillor Alexander (Joe) Grant Jr.



Councillor Taylor Cross



Councillor Jonah (Keith) Nyce

Councillor Harold Stewart

SCHEDULE – Avoiding and Mitigating Conflicts of Interest

Interpretation

1.(1) In this Schedule,

"conflict of interest" means any situation in which an individual exercises a power or performs a duty or function and at the same time knows or ought reasonably to have known that the exercise of the power or performance of the duty or function would provide an opportunity for personal gain or personal gain for his or her family member;

"family member" means a spouse, including a common law spouse, child, parent, brother, sister, father-in-law, mother-in-law, uncle, aunt, grandparent, son-in-law, daughter-in-law, and includes any relative permanently residing in the person's household; and

"personal gain" means any financial benefit to an individual's personal or business interests.

(2) An individual's opportunity for personal gain or for personal gain of his or her family member does not give rise to a conflict of interest if the opportunity

(a) is the same for a broad class of Haisla Nation members, or

(b) is so remote or insignificant that it could not be reasonably regarded as likely to influence the individual in the exercise of a power or performance of a duty or function.

(3) Except as otherwise expressly provided in this Schedule, words and expressions used in this Schedule have the same meanings as in this law.

(4) Sections 3 and 5 of this law apply to this Schedule.

(5) If there is a conflict between a provision of this Schedule and this law, the provision of this law applies.

General Conflict of Interest Rule

2. A person who is councillor or a member of the Executive Committee, or is otherwise employed by the Haisla Nation or one of its departments must not use that office or employment for his or her personal gain, for personal gain of his or her family members or to the detriment of the interests of the Haisla Nation. Any person who has a conflict of interest is prohibited 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.

General Obligations of Members of Council and the Executive Committee

3.(1) Councillors and members of the Executive Committee must avoid circumstances that could result in the member having a conflict of interest.

(2) Councillors and members of the Executive Committee must not use confidential information received in the course of exercising their powers or performing their duties or functions for personal gain or for personal gain of their family members.

Disclosure of Interests

4.(1) In paragraph (2)(c) "real property" includes an interest in a reserve held under

- (a) a certificate of possession under the *Indian Act*; or
- (b) an interest in land created pursuant to the Haisla Nation Land Code.

(2) A councillor must file a written disclosure of the following information with the chief administrative officer:

- (a) the names of the councillor's spouse and any family members;
- (b) the employer of the councillor and the councillor's spouse;
- (c) any real property owned by the councillor or the councillor's spouse that may be relevant to the councillor's decision making; and
- (d) any business interests and material investments of the councillor or the councillor's spouse that may be relevant to the Councillor's decision making.

(3) A councillor must file a written disclosure under subsection (2) on the following occasions:

- (a) within thirty (30) days of being elected to the Council; and
- (b) as soon as practical after a material change in the information previously disclosed;
- (c) on an annual basis.

(4) The chief administrative officer must establish and maintain a register of all disclosures and declarations made relating to actual or potential conflicts of interest made by a councillor under this section and section 5.

(5) On request of a member of the First Nation or any person engaged in any aspect of the financial administration of the First Nation, the chief administrative officer must permit that member or person to view the register referred to in subsection (4).

Gifts and Benefits: Councillor

5.(1) A councillor or a family member of that councillor must not accept a gift or benefit that might reasonably be seen to have been given to influence the councillor in the exercise of the councillor's powers or performance of the councillor's duties or functions.

(2) Despite subsection (1), a gift or benefit may be accepted if the gift or benefit

- (a) would be considered within
 - (i) normal protocol exchanges or social obligations associated with the councillor's office,
 - (ii) normal exchanges common to business relationships, or

- (iii) normal exchanges common at public cultural events of the Haisla Nation;
- (b) is of nominal value;
- (c) is given by a close friend or relative as an element of that relationship; or
- (d) is of a type that the policies and procedures of the Council have determined would be acceptable if offered by the Haisla Nation to another person.

(3) Where a gift with a value greater than \$100 (one hundred dollars) is given to a councillor or a person referred to in subsection (1), the councillor must make a written disclosure of the gift to the chief administrative officer under section 5, and the gift must be treated as the property of the Haisla Nation.

(4) Subsection (2) does not apply to a gift received during a public cultural event of the Haisla Nation.

Disclosures by Councillors and Members of the Executive Committee

6.(1) In this section and section 7, "member" means a councillor or a member of the Executive Committee as the case may be.

(2) As soon as a member becomes aware that a proposed decision by the Council or the Executive Committee may result in that member having a conflict of interest, he or she must disclose the circumstances to the Council or the Executive Committee, as the case may be, at the earliest opportunity.

(3) A member must leave any part of a meeting of the Council or the Executive Committee when the circumstances in which the member has a conflict of interest are being discussed or voted on.

(4) A member must not take part in any discussions or vote on any decisions respecting the circumstances in which the member has a conflict of interest.

(5) The minutes of a meeting of the Council or the Executive Committee must record the member's disclosure under subsection (2) and note the member's absence from the meeting when the circumstances in which he or she has a conflict of interest were discussed or voted on.

(6) A member who leaves a meeting room may still be counted for the purpose of calculating any quorum requirement.

(7) Despite any provision of this section, if a member has made a disclosure under subsection (2) and subsequently determines that he or she does not have a conflict of interest, the member may withdraw his or her disclosure if a majority of the Council members or Executive Committee, as the case may be, are satisfied that

- (a) the member does not have a conflict of interest; and
- (b) it is in the best interests of the Haisla Nation for the member to participate in the meeting or vote on the matter.

(8) The minutes of the meeting of the Council or the Executive Committee must record the findings of a majority of the Council members or Executive Committee members under subsection (7).

(9) If the requirements of subsections (7) and (8) are satisfied, the member in question may:

- (a) return to the meeting or attend another meeting of the same body;
- (b) withdraw the original disclosure by stating in general terms the basis upon which the member has determined that he or she does not have a conflict of interest and is entitled to participate; and
- (c) participate and vote in relation to the matter in question.

Procedure for Councillor and Executive Committee Member Contravention

7.(1) If a member has reason to believe that a councillor or a member of the Executive Committee may have contravened this Schedule or the law, the Council must, in a timely manner, give the member accused of the contravention an opportunity to speak to the Council and explain any relevant or mitigating circumstances.

(2) If a majority of the Council determines that an individual who is a councillor or a member of the Executive Committee has contravened this Schedule or the law, whether admitted or not, and that contravention was not inadvertent or because of an error in judgment made in good faith, the Council

- (a) if the individual is the chief administrative officer or the director of finance, must make a determination under section 11;
- (b) if the individual is not a councillor, must direct the chief administrative officer to make a determination under section 9; and
- (c) if the individual is a councillor, must initiate, by resolution, disciplinary action against the councillor
 - (i) as set out in the Election Code, or
 - (ii) seeking to remove the councillor from office under the Election Code.

(3) If a majority of the Council determines that a councillor should be removed from office under subparagraph (2)(c)(ii), the Council must, by resolution, submit a petition to the Complaints and Appeals Board in accordance with the Election Code setting out the following:

- (a) the grounds on which removal of the councillor is sought under the Election Code;
- (b) the evidence in support of the resolution and petition; and
- (c) the signatures of all councillors who voted for the removal.

Disclosure by Employees

8. If an employee of the Haisla Nation or the employee's family member may receive personal gain from a contract proposed to be entered into by the Haisla Nation, the employee must disclose that interest, in writing, to the Executive Committee and refrain from taking part in any discussion or decision about the awarding of the contract.

Procedure for Contravention by Employees and Others

9.(1) If the chief administrative officer has good reason to believe that any person – other than a councillor – may have contravened this Schedule or the law, the chief administrative officer must in a timely manner give the person an opportunity to explain any relevant or mitigating circumstances.

(2) Subject to any personnel policy of the Haisla Nation, if the chief administrative officer determines that a person has contravened this Schedule or the law and that contravention was not inadvertent or because of an error in judgment made in good faith, the chief administrative officer must suspend or dismiss the person.

(3) Subject to any applicable personnel policy of the Haisla Nation, any employee who is suspended or dismissed under subsection (2) has a right to appeal the dismissal or suspension to the Council.

Disclosure by Officers

10.(1) As soon as an officer becomes aware that a potential decision by the Council or the Executive Committee or a potential contract entered into by the Haisla Nation may result in them having a conflict of interest, the officer must disclose the circumstances of the conflict of interest, in writing, to the Executive Committee.

(2) The officer making a disclosure under subsection (1) must abstain from participating in any discussions or decision-making respecting the circumstances in which the officer has a conflict of interest.

Procedure for Contravention by Officers

11.(1) If the Council has reason to believe that an officer has contravened this Schedule or the law, the Council must, in a timely manner, give the officer an opportunity to speak to the Council and explain any relevant or mitigating circumstances.

(2) Subject to any personnel policy of the Haisla Nation that applies to officers, if the Council determines that an officer has contravened this Schedule or the Law, and that contravention was not inadvertent or because of an error in judgment made in good faith, the Council must

- (a) suspend the officer from all privileges and benefits of office, or
- (b) dismiss the officer from employment.

Gifts or Benefits: Officers or employees

12.(1) An officer or employee or a member of their family must not accept a gift or benefit that might reasonably be seen to have been given to influence the officer or employee in the exercise of their powers or performance of their duties or functions.

- (2) Despite subsection (1), a gift or benefit may be accepted if the gift or benefit
- (a) would be considered within
 - (b) normal exchanges common to business relationships, or
 - (c) normal exchanges common at public cultural events of the Haisla Nation;
 - (d) is of nominal value;
 - (e) is given by a close friend or relative as an element of that relationship; or
 - (f) is of a type that the policies and procedures of the Council have determined would be acceptable if offered by the Haisla Nation to another person.

Liability to Account

13.(1) The Council may hold any individual who contravenes this Schedule or the Law responsible for reimbursing the Haisla Nation for any personal gain that the individual received or any personal gain that the individual's family member received as a result of the contravention.

- (2) To enforce subsection (1), the Council may use all reasonable legal means to recover amounts expended or forfeited due to the individual's contravention of this Schedule or the Law.