

WEST BAY INDIAN RESERVE # 22

BY-LAW # 2

Made under Section 80 s.s.(q) and Section 81 s.s.(1) & (2) of the Indian Act.

Being a By-Law to create the position of Band ADMINISTRATOR
(Title of Position)

WHEREAS it is necessary to appoint a Band ADMINISTRATOR
(Title of Position)
to interpret and promote the enforcement of all Band By-Laws and carry out
such other duties as may be assigned by Council

THEREFORE the Council of the WEST BAY Band

ENACTS AS FOLLOWS:

1. THAT the position of Band ADMINISTRATOR is hereby created for
(Title of Position)
the WEST BAY Band:
2. THAT the said position shall be filled by competition advertised in
accordance with the policy of the Band Council and expressed by
resolution:
3. THAT the incumbent of the said position shall hold office during the
pleasure of and subject to the By-Laws of the Band Council:
4. THAT the said incumbent shall upon appointment file with the Band Council
and indemnity bond in the sum of \$..... issued by a recognized
bonding company, subject to the premium of such bond being paid from the
revenue funds of the WEST BAY Band:
5. THAT the said incumbent shall be paid a salary of \$ 3600.00 per annum
with increases of \$..... per annum upon satisfactory service until
a maximum of \$..... is reached:

6. THAT the salary of the said incumbent shall be payment in full for all services required of him and all fees or emoluments of any kind accruing to him by virtue of any Act or Statute of the Federal or Provincial Government or of any By-Laws of the Band shall be paid to the
..W.E.S.T. B.A./..... Band and credited to the funds of the Band:

7. THAT the duties of the said Band ADMINISTRATOR..... shall be as follows:
(Title of Position)

- (a) To attend all regular and special meetings of Council and to truly record, in a book authorized for this purpose, without note or comment, all resolutions, decisions and other proceedings of the Band Council; unless this responsibility is delegated to another:
- (b) To record the names of all Council members present and the name and vote of every member of Council voting on any matter or question:
- (c) To keep in his office or in the place appointed for this purpose, the originals of all By-Laws and of all minutes of the proceedings of the Band Council:
- (d) To maintain or cause to be maintained, an adequate bookkeeping system showing all receipts and expenditures during each fiscal year of all monies transacted in connection with the business of the Band:
- (e) To keep and ensure that all records, accounts and correspondence, acted upon by the Band Council, are preserved and filed:
- (f) To have an audit of the books carried out within sixty days after the close of each fiscal year by an audit firm appointed by the Band Council and to have copies of such audit reports made available for the Band Council and Indian Affairs Branch as required:
- (g) To acquaint himself with all By-Laws of the Band and ensure they are carried out and to bring to the attention of Council, any case where a By-Law is inadequate or being improperly enforced:
- (h) To acquaint himself with all provisions of the Indian Act and any other Act of the Federal and Provincial Governments that bear upon the well-being of the
..W.E.S.T. B.A./..... Band or any member thereof:

- (i) To perform such other duties as may be necessary for the conduct of Band Affairs or as assigned to him by resolution of the Band Council:
- (j) To file, before taking over his duties as Band ADMINISTRATOR..... a Declaration of Office (Title of Position) on Form 200.

Approved and dated at WEST BAY..... this 20th day of OCTOBER. 1946 by the undersigned members of the WEST BAY..... Band Council.

Chief

Gus Dilawjo

Councillors

Ernest E. Debassige

George Lebaroff

John M. Debassige

David Debassige

Sam Arthur

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REGULATIONS RELATING TO
FINANCIAL ADMINISTRATION
OF THE

West Bay
BAND.

1. These Regulations shall be referred to as the WEST BAY
BAND COUNCIL FINANCIAL ADMINISTRATION REGULATIONS and shall come into force upon the passing of a Resolution of the Council of the Band at a regular or special meeting;
2. In these Regulations,
 - (a) "Receipts" means all monies received by virtue of the Band's operations under Section 68 of the Indian Act, By-laws of the Band and from such other sources as may be authorized from time to time;
 - (b) "Disbursements" means all monies paid out by a person authorized by the WEST BAY Band Council to pay out monies on behalf of the Band or any member thereof;
 - (c) "Band" or "Member of a Band" or "Council of the Band" shall have the same meaning as in the Indian Act;
 - (d) "Fiscal Year" means the twelve month period in which the Council of the Band carries out projects for which it has prepared a Budget. For the purposes of these Regulations the Fiscal Year shall be from April First to March Thirty-first following;
 - (e) "Revenue" means funds which the Council of the Band expects to receive within a given Fiscal Year whether such funds are actually received or not;
 - (f) "Expenditures" means funds which the Council of the Band expects to pay out during a given Fiscal Year whether or not such funds are actually paid out;
 - (g) "Band ADMINISTRATOR" shall have the same meaning as in Band By-law No. _____ passed the 20th day of October;
 - (h) "Contract" is an agreement between parties for the construction or repair of any work; the purchase of any item, commodity, equipment, goods, materials or supplies; the performance of a service of any kind; and for the purposes of these regulations one for which a tender has been called;
 - (i) "Tender" means a signed offer - for the performance of any work, purchase of any item, commodity, equipment, goods, materials or supplies or the performance of a service of any kind - in reply to public advertisement in a newspaper or notices posted in a conspicuous place;
 - (j) "Progress Payment" means a payment made by or on behalf of the Band under the terms of a contract in respect of a portion of the work done under the contract prior to the completion of the whole work to be done under the contract;
 - (k) "Contracting authority" means the Council of the Band.
 - (l) "Department" has the same meaning as in the Indian Act.

3. Except as hereunder provided, these Regulations shall apply to all financial transactions of the Band by virtue of the authority granted under Section 68 of the Indian Act; By-laws of the Band and such other authorities as may be granted by the Department to the Band Council from time to time.
4. There shall be maintained an adequate bookkeeping system showing all receipts and expenditures transacted during each fiscal year.
5. These Regulations shall not apply to any Contracts entered into on behalf of or by the Council of the Band from public funds provided by the Parliament of Canada and for which Regulations of the Government of Canada apply.

6. (Monies received)

Monies received shall be kept in a safe place and deposited to the proper account of the Band in a chartered bank designated by the Council of the Band for that purpose. Deposits of money received shall be made frequently and not less than twice weekly.

7. (Receipt to be given)

A receipt on approved form shall be issued to every Band Member or other person upon payment of monies for the credit of the Band or any individual member thereof.

8. (Receiver General Returns)

Any transfer of funds to the Receiver General of Canada shall be made through the local Indian Agency for designation to the proper account.

9. (Money transactions)

All transactions for monies received and paid out shall be promptly entered in the records of the Band provided for this purpose.

No monies shall be paid out unless by cheque.

10. The Band ADMINISTRATOR shall be the responsible official to see that these Regulations are carried out.

11. (Petty Cash)

Upon approval of Council the Band ADMINISTRATOR may be provided with an accountable advance in the form of a petty cash fund not in excess of to be decided later by Band Council for the purpose of purchasing postage stamps and meeting other miscellaneous administrative expenses.

12. (Issue of Band Cheques)

All cheques issued against the Band's bank account(s) shall be on the form prescribed by the Council of the Band and shall be pre-numbered consecutively.

(Signing Authority)

All cheques issued must bear the signatures of properly authorized signing officer(s).

(Lost Cheque)

Where a payee reports a cheque has not been received or where subsequent to its delivery the paid cheque was lost, destroyed or stolen, the matter should be immediately referred to the appropriate Bank without delay and a request made to stop payment of the said cheque.

(Duplicate Cheque)

A duplicate cheque may not be issued unless the payee enters into an agreement with the Band ADMINISTRATOR on a form prescribed by the Council of the Band whereby the payee agrees to return the original cheque uncashed to the office of the Band ADMINISTRATOR should it later be received by or delivered to the payee.

(No Post Dating)

Band cheques shall not be post dated.

(Blank Cheques)

Band cheques shall not be signed in blank. A cheque shall show the proper amount as well as description of payment before being presented to the authorized signing officer(s).

A record of the receipt of all blank cheques received by the Band ADMINISTRATOR shall be kept on file.

(Unclaimed Cheques)

Cheques issued against the Band's local bank account and which are unclaimed or undelivered two months after the date of issue shall be cancelled and re-issued only upon identification and demand of the proper payee.

(Goods and Services rendered)

No cheque shall be issued in payment of any account unless goods have first been received or services have been rendered.

Salaries of elected Band officers and salaried Band employees shall be paid either weekly, monthly or quarterly as prescribed by Council Resolution.

13. Payment of Accounts

(a) Except as hereinafter provided, all accounts shall be approved by Council Resolution prior to payment.

- (b) With the approval of Council, the Band ADMINISTRATOR may be authorized to approve for payment accounts not in excess of to be decided later by Band Council and for which funds have been provided in the Band Budget. All such payments shall be brought to the attention of Council at the next regular meeting.

14. Tenders

- (a) Before any tender for a contract is let, the contracting authority shall invite tenders for at least five full days (Sundays and holidays excluded). The closing date and time of the tender shall be clearly shown on the advertisement or poster along with sufficient details from which comparable bids can be made. The invitation to tender shall also show the date, hour and place tenders will be opened.
- (b) All tenders must be returned in a sealed envelope, addressed to the Band ADMINISTRATOR at WEST BAY RESERVE, EXCELSIOR P.O., ONTARIO clearly marked "Tender" on the lower left-hand corner.
- (c) Upon receipt of sealed tenders the Band ADMINISTRATOR shall deposit same in a safe place until the time for opening bids. At the appointed time the Band ADMINISTRATOR shall open all tenders received, in the presence of the Chief, and an appointed member of the Council. In the absence of the Chief, another Councillor may be appointed.
- (d) When all tenders are opened it shall be the duty of the Band ADMINISTRATOR to read aloud all tenders, giving the name of the tenderer and the amount of his bid. The name of the tenderer, project, date of bid and amount shown must be recorded in a book provided for this purpose and marked "Record of Tenders".
- (e) At the next regular or special meeting of the Council of the Band, the Band ADMINISTRATOR shall place before the Council all tenders received. It shall then be the responsibility of the Council of the Band to review the tenders and award the contract.
- (f) The contracting authority shall approve acceptance of tender only by resolution of the Council of the Band.
- (g) The lowest tender received shall always be accepted unless the contracting authority deems it in the best interest of the Indian community to do otherwise. Where the lowest tender is not accepted a two-thirds majority vote of the Council of the Band is required before awarding the contract.

15. Progress Payments

Where progress payments are made in connection with any contract the Band ADMINISTRATOR shall hold back an amount equivalent to 10% of the contract price until the job has been completed to the satisfaction of the contracting authority or their engineer.

16. Contracts

- (a) Where a contract for the purchase of any articles, commodities, equipment or supplies, or for the construction of a work or for the furnishing or performance of a service of any kind does not, in total, exceed to be decided later by Band Council the contracting authority may enter into such a contract by calling for tenders by phone if it is in the interests of the Band to do so. Splitting of contracts to stay within the amount specified under this clause is prohibited.
- (b) Regulations governing a Contract or Tender do not apply in the case of wages paid at prevailing hourly rates for normal municipal works.

17. Provincial Acts

Nothing in these Regulations shall relieve the contracting authority from obligations imposed by virtue of the Band's operation under any Act of the Government of Ontario.

18. Audit

A yearly audit of the Band's records shall be carried out as provided for by Order in Council under Section 68 and any By-law made under the Indian Act.

The Auditor shall have the right of access at all reasonable hours to all books, records, documents, accounts and vouchers in the office of the Band ADMINISTRATOR and is entitled to require from the Band Staff and Members of the Council and any committee thereof such information and explanation as in his opinion is necessary to enable him to carry out an audit.

19. These Regulations may be amended by a two-thirds majority vote of the Council of the Band.