



BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds

NOTA: Les mots "des fonds de notre bande "Capital" ou revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

Table with columns for Council details (Agency, District, Province, Place, Date) and Financials (Current Capital Balance, Committed, Current Revenue balance, Committed).

DO HEREBY RESOLVE;
DÉCIDE, PAR LES PRÉSENTES:

AND AGREE that there is a definite need for a by-law to establish Administration and Management procedures of the Band.

BE IT THEREFORE known that the Council of the Kamloops Band of Indians hereby adopts, as of this date, the attached by-law being appendix A for such purposes in accordance with Section 81 of the Indian Act sub-section (c), (q) and (r) being chapters 1 - 6 and section 102 of the Revised Statutes of Canada.

A quorum for this Band
Pour cette bande le quorum est
consists of
fixé à
Council Members
Membres du Conseil

Signatures of Mary Leonard (Chief), Clarence T. Jules, and Joseph Camille, each followed by their title in both English and French.

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE. Table with 5 columns: Band Fund Code, Computer Balances (Capital/Revenue), Expenditure, Authority, Source of Funds, and Recommended/Approved status with Date and Officer.

Chronological No. - Numéro consécutif
79-083
File Reference - N° de réf. du dossier

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "From our Band Funds" "Capital" or "Revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds
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THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	KAMLOOPS INDIAN BAND	Current Capital Balance Solde de capital	\$ _____
AGENCY DISTRICT	THOMPSON RIVER	Committed - Engagé	\$ _____
PROVINCE	BRITISH COLUMBIA	Current Revenue balance Solde de revenu	\$ _____
PLACE L'ENDROIT	KAMLOOPS	Committed - Engagé	\$ _____
DATE	28th November AD 19 79 DAY - JOUR MONTH - MOIS YEAR - ANNÉE		

DO HEREBY RESOLVE:
 DÉCIDE, PAR LES PRÉSENTES:

AND AGREE that there is a definite need for a by-law to establish Administration and Management procedures of the Band.

BE IT THEREFORE known that the Council of the Kamloops Band of Indians hereby adopts, as of this date, the attached by-law being appendix A for such purposes in accordance with Section 81 of the Indian Act sub-section (c), (q) and (r) being chapters 1 - 6 and section 102 of the Revised Statutes of Canada.

Original sent Region to B.C. Region June 12, 1990. CBS

This is Exhibit "A" to the Affidavit of Gerald J. Hutchinson sworn before me this 30 day of November, 1979.
D.G. Smith
 A Commissioner for taking Affidavits for British Columbia

A quorum for this Bande
 Pour cette bande le quorum est

consists of 3
 fixé à

Council Members
 Membres du Conseil

Mary Leonard Jones
 (Chief - Chef)
Gerald J. Hutchinson
 (Councillor - conseiller)
[Signature]
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE

Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditure Dépenses	4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue <input type="checkbox"/> Revenu
	A. Capital \$ _____	B. Revenue - Revenu \$ _____			
Recommended - Recommandable			Approved - Approuvable		
Date	Recommending Officer - Recommandé par		Date	Approving Officer - Approuvé par	

THE KAMLOOPS BAND OF INDIANS

BY-LAW 1979 - 2

Being a by-law for the maintenance of law and order respecting the Administration and Management of the affairs of the Kamloops Band of Indians.

WHEREAS the Council of the Kamloops Band of Indians is empowered to make by-laws respecting the maintenance of law and order, the imposing of fines for violations thereof and to regulate matters incidental to the administration of the affairs of the Kamloops Band of Indians pursuant to subsection (c), (q), and (r) of Section 81 of the Indian Act being Chapter 1 - 6 of the Revised Statutes of Canada.

NOW THEREFORE, the Council of the Kamloops Band of Indians enacts as a by-law thereof the following:

1. This by-law shall be known as the "Administration and Management By-Law 1979 - 2".

2. In this by-law

ACT

Means the Indian Act R.S.C. 1970 Chapters 1 - 6 as amended from time to time and any Regulation promulgated therefrom.

AUDITOR

Normally means an accredited member of a recognized accounting association.

AUDIT COMMITTEE

Means the Audit Committee appointed pursuant to the Council Procedures By-law of the Kamloops Band of Indians.

BAND

Means the Kamloops Band of Indians.

BAND ADMINISTRATOR

Means the employee appointed pursuant to the Band Administrator By-law of the Kamloops Band of Indians.

BAND COUNCIL, COUNCIL OF THE BAND

Means the duly constituted Council of the Kamloops Band of Indians

and may be referred to as "Council" in this by-law.

BAND COUNCIL RESOLUTION

Means a motion passed and recorded at a Band Council Meeting held in accordance with the Council Procedures By-law and includes a written instrument containing any such motion which shall be duly signed by the Chief and a quorum of Council present at such a meeting.

BAND COUNCIL MEETING

Means a meeting of the elected Council of the Kamloops Band of Indians held pursuant to the Council Procedures By-law of the Kamloops Band of Indians.

FINANCE COMMITTEE

Means the Finance Committee appointed pursuant to the Council Procedures By-law of the Kamloops Band of Indians.

MINUTES

Means the official record of proceedings of regular and special Band Council Meetings.

PROCEDURES BY-LAW

Means the Council Procedures By-law 1979 - _____ of the Kamloops Band of Indians.

3. BAND COUNCIL RESPONSIBILITIES

The general responsibilities of the Band Council with respect to the administration of local services and capital work shall be as follows:

- 3.1 planning, estimating and budgeting for the funds and resources required for local services and capital works;
- 3.2 ensuring sound financial management, including accountability to Band members and to funding agencies;
- 3.3 ensuring that all Band staff and Committee members are adequately trained and qualified for the duties to which they are assigned;
- 3.4 overseeing the work of all Band Council employees through the Band Administrator;
- 3.5 initiating and conducting investigations and taking such necessary disciplinary action as may be required where an employee does not comply with these or other applicable regulations;
- 3.6 permitting access by Band members, at reasonable times, to the

minutes of all Band and Band Council meetings, by-laws and resolutions of the Band, the budget, monthly financial statements and audit reports;

3.7 appointing, by resolution, an Administrator who is not a member of Council and who will:

- (a) record all resolutions, decisions, and other proceedings of the Band Council in a manner prescribed by Council by resolution.
- (b) keep the books, records and accounts of the Band Council in accordance with established procedures;
- (c) maintain an orderly filing system in which is kept all minutes of the Band Council meetings, all by-laws, and copies of all vouchers, band statements, cancelled cheques and correspondence relating to the business of the Band;
- (d) receive, record and deposit all monies received by the Band and pay out those monies in accordance with procedures as prescribed by Resolution of Council.
- (e) prepare a monthly financial statement to be presented at the next regular meeting of the Band Council and at least once a month to consist of a statement of receipts and disbursements and balance sheet to be prepared consistently on the same basis throughout the year.

3.8 appointing by Band Council Resolution a person to perform any of the duties noted in 3.7 above when a position is vacant or the employee is absent.

4. ACCOUNTING SYSTEMS

4.1 An adequate double entry bookkeeping system such as one-write accounting system shall be maintained daily to record all financial transactions by the person appointed under Section 3.7 (b) This system is to include the facility to record:

- (a) daily journal for receipts and disbursements;
- (b) accounts receivable journal;
- (c) accounts payable journal;
- (d) payroll records;
- (e) general ledger.

4.2 Bank reconciliation shall be prepared upon receipt of bank state-

ment and cancelled cheques each and every month.

4.3 Montly listings of Accounts Receivable and Accounts Payable shall be prepared, and balanced to General Ledger control accounts where applicable.

5. RECEIPTS AND DEPOSITS

5.1 A receipt, completed at least in duplicates, on prenumbered forms, shall be issued for all funds received. The original shall be given to the payee, and the duplicate shall be retained.

5.2 All funds received shall be deposited intact, and without undue delay, in the chartered bank or the trust company or the credit union, which has been designated by Resolution of the Band Council.

5.3 Funds received by the Band Council shall not be deposited to the credit of any individual.

5.4 Funds held in trust by the Band Council shall be deposited in a separate Band Trust Account designated for that purpose.

6. PURCHASES

6.1 Purchases can be approved by the Band Council providing that:

- (i) the necessary funds are identified in the budget or have been authorized by Band Council Resolution by a commitment of funds under the control of the band or funds that may be reasonably anticipated to be received within the fiscal years;
- (ii) they are required for a local service or capital works by the Band Council;
- (iii) they are made in accordance with the established regulations and procedures of the Band Council;
- (iv) the decision is recorded in the minutes of a Band Council meeting.

6.2 The Band Council, without diminishing its responsibility for the control of purchases, may designate an employee to sign purchase orders for approved purposes up to the limit of \$1,000.00

6.3 All purchases of supplies and services are to be authorized in writing, either through the issuance of purchase orders or by contract as referred in 8 below.

6.4 All disbursements are to be summarized on one sheet and authorized for payment by a motion of Council prior to payment being made on a monthly basis.

7. PAYEMENTS

7.1 Accounts shall be approved for payment on or before the date by the Audit Committee approving them prior to being submitted to Council under 6.4.

7.2 All decisions of the Band Council relevant to the payment of accounts shall be recorded in the minutes of a meeting held pursuant to the Procedures By-law.

7.3 Where payments are made in connection with any contract for construction or future delivery of goods, the Band Council shall hold back a pre determined amount, until the contract has been completed to the satisfaction of the Band Council.

7.4 Salary and wage advances shall not exceed an amount equal to earned salary and wages plus earned holiday pay at the time of the advance is made.

8. DISBURSEMENTS

8.1 Disbursements or payments shall be made by pre-numbered cheques on the basis of certified supporting documentation. All cheques shall be accounted for.

8.2 The Band Council shall authorized four persons, all of whom shall be bonded to a minimum of \$50,000.00 and two of whom shall be members of the Council, and two Band employees, to sign cheques drawn on its accounts. All cheques shall be signed by at least two of these authorized persons but in no case will a cheque be signed by both Councillors or both employees. In the case of agreements which designate specific signing authorities, such signing authority must be authorized by Resolution of the Band Council.

8.3 Band cheques drawn upon any bank account of the Band shall not be postdated and must not be signed in blank.

8.4 Where a cheque is reported lost, destroyed, stolen or has not been presented for payment within seventy-five days of the date of issue, it shall be cancelled and a stop payment notice registered with the bank. A duplicate cheque may then be issued.

8.5 PETTY CASH FUNDS

- (a) The Band Council may establish the amount of the fund and designate the employee responsible for it;
- (b) The employee shall complete a voucher for each disbursement made, and ensure that the total of such vouchers and the cash on hand equals the amount of the fund;
- (c) Reimbursement of the fund supported by vouchers shall be made as required and individual expenses must be charged to appropriate activity accounts.

9. CONTRACTS AND TENDERS

- 9.1 Except in an emergency, where the contract is expected to exceed \$1,000.00, tenders shall be invited.
- 9.2 Where the contract is not expected to exceed \$1,000.00, the Band Council by resolution can authorize the Band administrator to call for tenders or to negotiate a contract by telephone or by other personal contact, provided that, within a time specified by Council, such a tender call or negotiated contract is documented for presentation to the Council.
- 9.3 The invitation to tender should indicate:
 - (a) the hour and date of closing;
 - (b) sufficient details from which comparable bids can be made;
 - (c) the date, hour and place tenders are to be opened; and,
 - (d) the amount of security deposit required, if any.
- 9.4 Tenders shall be returned in a sealed envelope, addressed to the Band Administrator for this purpose. Tenders should be clearly marked "Tenders for _____" on the envelope. The date and time of receipt of tenders shall be recorded on the unopened envelope and the sealed tenders deposited in a safe place until the appointed time for the opening of bids.
- 9.5 At the appointed time, the Band Administrator shall open all tenders in the presence of at least two members of the Band Council.

- 9.5 Tenderers may at their discretion be present.
- 9.6 The Band Administrator shall read aloud all tenders, giving the name of the tender and the amount of the bid.
- 9.7 The project, name of tenderer, date and amount of bid shall be recorded in a book provided for this purpose.
- 9.8 The Band Administrator shall present all tenders received to the next meeting of the Band Council. The Band Council may award a contract.
- 9.9 The lowest tender received shall be normally accepted. Where the Band Council considers it in the best interest of the Band to do otherwise, the reasons shall be recorded in the minutes of the meeting as part of the minute awarding the contract to another tender.
- 9.10 Awarding of a contract shall be by a recorded vote of Council members. In the event that a member of Council has a personal interest in the contract, he shall signify his interest, and thereafter refrain from taking part in the discussion or voting on the motion to award the contract, and, if the Council by resolution so directs, leave the meeting until after the contract has been awarded.
- 9.11 After acceptance of a tenderer, a contract shall be developed and signed by both the contractor and the Band Council as represented by those officers appointed by resolution for that purpose.
- 9.12 The Band Council shall appoint a qualified person to act on its behalf to inspect the work performed, services rendered, or goods supplied by the contractor.
- 9.13 Federal or Provincial labour regulations should be adhered to in all labour contracts.

10. TRAVEL

- 10.1 All travel of which reimbursement of expenses is to be made, shall be approved in advance by the Band Council.
- 10.2 Rates of travel shall be established by the Band Council by resolution.

- J. 10.3 Where the duties of an employee require a day-to-day travel, the Band Council by resolution may approved such travel within pre-determined limits, and an accountable travel advance may be issued.

11. INVENTORIES

- 11.1 Inventories shall be maintained for all equipment, buildings, vehicles and other real assets.
- 11.2 The write-off of items shall be authorized by the Band Council and recorded in the minutes.

12. BUDGETS

- 12.1 The Band Administrator acting by and with the advice of the Finance Committee shall prepare an annual budget for review by the Band Council.
- 12.2 Departmental funds provided to the Band Council are to be expended for the purposes for which they are provided.

13. AUDIT

- 13.1 The Band Administrator shall cause to be prepared annually, detailed financial statements or, as required by the Band Council, or the funding agencies (who should state what information is to be included in the statement).
- 13.2 The Band Council shall appoint an Auditor to audit the financial records of the Band. The audit shall be completed and submitted to the Band Council before June 30th of the fiscal year ending the preceding March 31st.
- 13.3 The Band Council may set terms of reference for its Auditor including:
- (a) the examination must be in accordance with accepted auditing practices, and is to include a general review of accounting procedures, and such tests of accounting records as the auditor considers necessary in the circumstances.
- 13.4 The auditor shall have the right of access at all reasonable hours to the accounting records, supporting vouchers and documents, in-

3. 13.4 cluding minutes of Band Council meetings related thereto.
- 13.5 Financial statements should be prepared on an accrual basis.
The Financial statements are to report all Band financial activities under Band Council control and consist of;
 - (a) (i) Statement of Revenue and Expenditures for each local service, program or activity.
 - (ii) Details of surpluses or deficits for each local service, program or activity.
 - (iii) A consolidated Balance Sheet and Statement of Revenue and Expenses.
- (b) The auditor shall express an opinion on the financial statements as a reflection of the financial position of the Band in accordance with generally accepted accounting principles. He may also state recommendations which the Band Council may consider.
- 13.6 The audited financial statement shall be signed by the Chief and a quorum of the Band Council, and by the Band Administrator and included in the records of the Band Council.
14. Any person who does not comply with the provisions of this by-law or interferes with the carrying out of the provisions of this by-law shall be deemed to have committed an offense pursuant to this by-law and, upon summary conviction, shall be liable to a fine not exceeding \$100.00 or imprisonment for a term not exceeding thirty days, or both.
15. If any provision of this by-law is found invalid, such provision is severable.

APPROVED AND PASSED at a duly convened meeting of the Council of the Kamloops Band of Indians, held at Kamloops, _____ on the 28th day of November 19 79.

Mary Leonard
CHIEF

COUNCILLOR

Clarence T. Jules
COUNCILLOR

COUNCILLOR

Joseph Camille
COUNCILLOR

RECONSIDERED AND FINALLY ADOPTED, signed by the Chief and Band Administrator the 28th day of November, 19 79

Mary Leonard
CHIEF

G. J. Hutchison
BAND ADMINISTRATOR

I, MARY LOENARD, Chief of the Kamloops Band, do hereby certify that a true copy of the foregoing by-law No. 1979-2__ was forwarded to the Minister of Indian Affairs Pursuant to Section 82 of the Indian Act, this 28th day of November, 19 79.

Mary Leonard
CHIEF

APPROVED AND PASSED at a duly convened meeting of the Council of the Kamloops Band of Indians, held at Kamloops, on the 28th day of ~~XX~~ NOVEMBER 19 79
8th

Mary Leonard
CHIEF

COUNCILLOR

Clarence Tjeln
COUNCILLOR

COUNCILLOR

[Signature]
COUNCILLOR

RECONSIDERED AND FINALLY ADOPTED, signed by the Chief and Band Administrator the 28th day of November, 19 79.

Mary Leonard
CHIEF

[Signature]
BAND ADMINISTRATOR

I, MARY LEONARD, Chief of the Kamloops Band, do hereby certify that a true copy of the foregoing by-law No. 1979 - 2 was forwarded to the Minister of Indian Affairs Pursuant to Section 82 of the Indian Act, this 28th day of NOVEMBER, 19 79.

Mary Leonard
CHIEF